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State of Florida

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State of Florida

CONTINUATION OF

FORTY-THIRD REGULAR SESSION

UNDER THE CONSTITUTION AS REVISED IN 1968

MARCH 8 THROUGH MAY 7, 2011

Journal of the Senate

Number 22—Regular Session **Thursday, May 5, 2011**

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CALL TO ORDER

The Senate was called to order by President Haridopolos at 10:00 a.m. A quorum present—37:

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Joyner	Smith
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Thrasher
Dockery	Margolis	Wise
Evers	Montford	
Fasano	Negron	

Excused: Senator Bullard; Senator Garcia at 1:30 p.m.

PRAYER

The following prayer was offered by Father Robert Garrity, Director of Campus Ministry, Ave Maria University, Ave Maria:

Almighty and Eternal God, source of all true justice and of all good laws, we pause this morning to thank you for this day and to ask your blessing on the opportunities it presents to us. Help us to do well the work entrusted to us by the people of the State of Florida. For this is indeed a great state—from Tallahassee to Tampa; from Miami to Orlando; from Jacksonville to Pensacola; and from the Everglades to the Panhandle—we joyfully acknowledge, O God, that you have made all things good.

The great State of Florida is unsurpassed in sunshine, in opportunity, in resources, and above all, in good and talented people from all walks of life who hope to live decent lives, provide for their families, and leave this world a little better than when we found it.

We ask you, O gracious God, to help us to be all that you made us to be. Assist with your guidance the President of the United States, the U.S. Congress, the Governor of Florida, the members and leaders of this legislative body—especially of this Senate—our judges, elected civil officials, and all who are entrusted to guard our political welfare. May all our leaders be enabled by your powerful protection to discharge their duties with honesty and ability so as to promote peace, happiness, and security for all.

Especially today, Lord, we pray for a beloved and esteemed member, my own State Senator from eastern Collier County, Larcenia Bullard, who is ill and in need of healing. Bless her, grace her, grant your strength to Larcenia and to all her loved ones.

We likewise, commend your mercy to all citizens of the United States. We thank you for the service of our men and women in uniform, and especially for our recent victory over terrorism. Protect all who serve the public good in the armed forces and in many other ways.

Florida is a state where fiscal restraint and compassion for the needy can go hand in hand. As we complete this legislative season, help us, Lord, to accomplish with your grace the common good, and not just our selfish desires. Let all the citizens of this state be blessed in the knowledge and sanctified in the observance of your holy law. May we be preserved in union and in that peace which the world cannot give, and after enjoying the blessings of this life may we be admitted to those which are eternal. We pray, O God, in your holy name. Amen.

PLEDGE

Senate Pages Tiffani–Michelle Schmidt of Carrabelle; Ricardo Toussaint and Lauren Claude of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Mel Hartsfield of Tallahassee, sponsored by Senator Montford, as doctor of the day. Dr. Hartsfield specializes in Emergency Medicine.

ADOPTION OF RESOLUTIONS

On motion by Senator Gaetz—

By Senators Gaetz, Thrasher, Haridopolos, Alexander, Altman, Benacquisto, Bennett, Bogdanoff, Braynon, Dean, Detert, Diaz de la Portilla, Dockery, Evers, Fasano, Flores, Garcia, Gardiner, Hays, Hill, Jones, Joyner, Latvala, Lynn, Margolis, Montford, Negron, Norman, Oelrich, Rich, Richter, Sachs, Simmons, Siplin, Sobel, and Wise—

SR 2216—A resolution recognizing the visionary leadership of Education Commissioner Eric Smith.

WHEREAS, Eric Smith began his career in Florida as a classroom teacher more than 30 years ago, and

WHEREAS, Eric Smith's commitment to positive change in the field of education led him to several administrative positions in Florida school districts and, eventually, to 16 years of serving as a district superintendent in Virginia, North Carolina, and Maryland, and

WHEREAS, as the commissioner of one of the largest state agencies in Florida, Eric Smith has managed an operating budget of more than $17 billion to provide supports and services that have increased the proficiency of all students, including those who are blind, visually impaired, or disabled, and

WHEREAS, Eric Smith's goals of increasing the academic achievement of all students and reducing the disparity in achievement among student subgroups have remained constant throughout his career, and

WHEREAS, Eric Smith's success in consistently meeting these goals in individual districts bears testimony to his own passion to change students' lives, to the urgency he brings to the challenges involved, and to his leadership in ensuring the involvement of all stakeholders, and

WHEREAS, Eric Smith is the author of the Florida Education Next Generation Strategic Plan, a visionary blueprint that focuses on strategic targets and benchmarks in order to assist students in achieving success in the 21st Century, NOW, THEREFORE,

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

That the members of the Senate recognize the visionary leadership of Education Commissioner Eric Smith and express deep appreciation for his outstanding service to the people of this state.

—was introduced out of order and read by title. On motion by Senator Gaetz, **SR 2216** was read the second time in full and adopted.

MOTION

On motion by Senator Thrasher, the rules were waived and time of recess was extended until 12:30 p.m.

BILLS ON THIRD READING

Consideration of **CS for CS for SB 818**, **CS for CS for HB 1255**, **SB 788**, **CS for CS for HB 965**, and **CS for CS for HB 1355** was deferred.

HB 1247—A bill to be entitled An act relating to parental notice of abortion; amending s. 390.01114, F.S.; revising the definition of the term "constructive notice"; revising notice requirements relating to the termination of a pregnancy of a minor; providing exceptions to the notice requirements; revising procedure for judicial waiver of notice; providing for the minor to petition for a hearing within a specified time; providing that in a hearing relating to waiving the requirement for parental notice, the court consider certain additional factors, including whether the minor's decision to terminate her pregnancy was due to undue influence; providing a procedure for appeal if judicial waiver of notice is not granted; requiring that the court order contain factual findings and legal conclusions; requiring Supreme Court reports to the Governor and Legislature to include additional information; providing for severability; providing an effective date.

—was read the third time by title.

On motion by Senator Hays, **HB 1247** was passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Dockery	Norman
Alexander	Evers	Oelrich
Altman	Fasano	Richter
Benacquisto	Flores	Simmons
Bennett	Gaetz	Siplin
Bogdanoff	Garcia	Storms
Dean	Gardiner	Thrasher
Detert	Hays	Wise
Diaz de la Portilla	Negron	

Nays—12

Braynon	Hill	Jones
Joyner	Montford	Sachs
Lynn	Rich	Smith
Margolis	Ring	Sobel

CS for HB 1127—A bill to be entitled An act relating to abortions; amending s. 390.0111, F.S.; requiring that an ultrasound be performed on a woman obtaining an abortion; specifying who must perform an ultrasound; requiring that the ultrasound be reviewed with the patient before the woman gives informed consent for the abortion procedure; specifying who must review the ultrasound with the patient; requiring that the woman certify in writing that she declined to review the ultrasound and did so of her own free will and without undue influence; providing an exemption from the requirement to view the ultrasound for women who are the victims of rape, incest, domestic violence, or human trafficking or for women who have a serious medical condition necessitating the abortion; revising requirements for written materials; providing that failure to comply with the requirements of the section constitutes grounds for disciplinary action; requiring rulemaking; amending s. 390.012, F.S.; requiring an ultrasound for all patients regardless of when the abortion is performed; requiring the agency to adopt rules requiring clinics to comply with s. 390.0111, F.S.; deleting provisions relating to reviewing ultrasound evaluation results, to conform to changes made by the act; providing for severability; providing an effective date.

—was read the third time by title.

On motion by Senator Storms, **CS for HB 1127** was passed and certified to the House. The vote on passage was:

Yeas—24

Mr. President	Fasano	Norman
Alexander	Flores	Oelrich
Altman	Gaetz	Richter
Benacquisto	Garcia	Simmons
Bogdanoff	Gardiner	Siplin
Dean	Hays	Storms
Diaz de la Portilla	Latvala	Thrasher
Evers	Negron	Wise

Nays—15

Bennett	Jones	Rich
Braynon	Joyner	Ring
Detert	Lynn	Sachs
Dockery	Margolis	Smith
Hill	Montford	Sobel

CS for CS for HB 965—A bill to be entitled An act relating to the Florida Tax Credit Scholarship Program; amending ss. 220.1875 and 624.51055, F.S.; revising provisions relating to the amount of a tax credit allowed for a contribution made to an eligible nonprofit scholarship-funding organization; amending s. 1002.395, F.S.; revising provisions relating to the carryforward of an unused amount of a tax credit and the rescindment of all or part of a tax credit under the Florida Tax Credit Scholarship Program; providing an effective date.

—was read the third time by title.

On motion by Senator Flores, **CS for CS for HB 965** was passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Detert	Gardiner
Alexander	Diaz de la Portilla	Hays
Altman	Dockery	Jones
Benacquisto	Evers	Latvala
Bennett	Fasano	Lynn
Bogdanoff	Flores	Margolis
Braynon	Gaetz	Negron
Dean	Garcia	Norman

Oelrich	Simmons	Thrasher
Richter	Siplin	Wise
Ring	Smith	
Sachs	Storms	

Nays—5

Hill	Montford	Sobel
Joyner	Rich	

Vote after roll call:

Yea to Nay—Braynon

Consideration of **CS for CS for CS for HB 353**, **HB 7101** and **CS for SB 1246** was deferred.

CS for SB 584—A bill to be entitled An act relating to massage therapy; amending s. 480.041, F.S.; requiring applicants to apply for a temporary permit upon forms prepared and furnished by the Department of Health in accordance with the Board of Massage Therapy's rules; authorizing the Board of Massage Therapy to issue temporary permits to applicants who meet certain qualifications to practice massage therapy; providing for the expiration of temporary permits; providing limitations; amending s. 480.044, F.S.; providing for a temporary permit fee; providing an effective date.

—was read the third time by title.

On motion by Senator Flores, **CS for SB 584** was passed and certified to the House. The vote on passage was:

Yeas—19

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Benacquisto	Garcia	Simmons
Bogdanoff	Gardiner	Siplin
Dean	Hill	Thrasher
Diaz de la Portilla	Latvala	
Fasano	Negron	

Nays—18

Altman	Hays	Richter
Bennett	Jones	Ring
Braynon	Joyner	Sachs
Detert	Lynn	Smith
Dockery	Montford	Sobel
Evers	Rich	Wise

HB 7101—A bill to be entitled An act relating to judicial nominating commissions; repealing s. 43.291, F.S., relating to judicial nominating commissions; creating s. 43.292, F.S.; providing for judicial nominating commissions; specifying membership and composition; providing for appointment of members by the Governor; providing for terms; requiring the Governor to consider racial, ethnic, gender, and geographic diversity in making appointments; providing for suspension of a member of a judicial nominating commission; establishing a quorum; providing for administrative support; abolishing prior offices; permitting reappointment of former officeholders; providing an effective date.

—as amended May 4 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Bogdanoff, the Senate reconsidered the vote by which **Amendment 1 (866924)** was adopted.

On motion by Senator Bogdanoff, further consideration of **HB 7101** with pending **Amendment 1 (866924)** was deferred.

CS for CS for CS for CS for HB 353—A bill to be entitled An act relating to drug screening of potential and existing beneficiaries of Temporary Assistance for Needy Families; creating s. 414.0652, F.S.; requiring the Department of Children and Family Services to perform a drug test on an applicant for Temporary Assistance for Needy Families benefits; requiring such individual to bear the cost of the drug test; requiring the department to provide, and the applicant to acknowledge receipt of, notice of the drug-screening policy; requiring the department to increase the amount of the initial TANF benefit by the amount paid by the individual for the drug testing; providing procedures for testing and retesting; requiring the department to provide information concerning local substance abuse treatment programs to an individual who tests positive; providing conditions for an individual to reapply for Temporary Assistance for Needy Families benefits; providing that, if a parent is ineligible as a result of failing a drug test, the eligibility of the children is not affected; providing conditions for designating another protective payee; providing rulemaking authority to the department; providing an effective date.

—was read the third time by title.

On motion by Senator Oelrich, **CS for CS for CS for CS for HB 353** was passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Dockery	Negron
Alexander	Evers	Norman
Altman	Fasano	Oelrich
Benacquisto	Gaetz	Richter
Bennett	Gardiner	Simmons
Bogdanoff	Hays	Storms
Dean	Jones	Thrasher
Detert	Latvala	Wise
Diaz de la Portilla	Lynn	

Nays—11

Braynon	Montford	Siplin
Hill	Rich	Smith
Joyner	Ring	Sobel
Margolis	Sachs	

The Senate resumed consideration of—

HB 7101—A bill to be entitled An act relating to judicial nominating commissions; repealing s. 43.291, F.S., relating to judicial nominating commissions; creating s. 43.292, F.S.; providing for judicial nominating commissions; specifying membership and composition; providing for appointment of members by the Governor; providing for terms; requiring the Governor to consider racial, ethnic, gender, and geographic diversity in making appointments; providing for suspension of a member of a judicial nominating commission; establishing a quorum; providing for administrative support; abolishing prior offices; permitting reappointment of former officeholders; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (866924)** by Senator Bogdanoff was withdrawn.

MOTION

On motion by Senator Bogdanoff, by the required two-thirds vote, consideration of the following amendment was allowed:

Senators Bogdanoff and Thrasher offered the following amendment which was moved by Senator Bogdanoff:

Amendment 2 (453086) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (3) of section 43.291, Florida Statutes, is amended to read:

43.291 Judicial nominating commissions.—

(3)*(a)* ~~Notwithstanding any other provision of this section, each current member of a judicial nominating commission appointed directly by the Board of Governors of The Florida Bar shall serve the remainder of his or her term, unless removed for cause.~~ The terms of all *current* ~~other~~ members of a judicial nominating commission are hereby terminated, and the Governor shall appoint ~~new members to each judicial nominating commission in the following manner:~~

~~(a)~~ *Nine* ~~Two~~ appointments for terms ending *January 15, 2015* ~~July 1, 2002~~, *four* ~~one~~ of which shall be an appointment selected from nominations submitted by the Board of Governors of The Florida Bar pursuant to paragraph (1)(a).~~;~~

~~(b) Two appointments for terms ending July 1, 2003; and~~

~~(c) Two appointments for terms ending July 1, 2004.~~

(b) Every subsequent appointment, except an appointment to fill a vacant, unexpired term, shall be for 4 years. Each expired term or vacancy shall be filled by appointment in the same manner as the member whose position is being filled.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to judicial nominating commissions; amending s. 43.291, F.S.; providing for the appointment of members of judicial nominating commissions; providing an effective date.

On motion by Senator Bogdanoff, further consideration of **HB 7101** with pending **Amendment 2 (453086)** was deferred.

SPECIAL ORDER CALENDAR

On motion by Senator Bennett, by unanimous consent—

CS for CS for SB 1122—A bill to be entitled An act relating to growth management; amending s. 163.3161, F.S.; redesignating the "Local Government Comprehensive Planning and Land Development Regulation Act" as the "Community Planning Act"; revising and providing intent and purpose of act; amending 163.3162, F.S.; revising provisions related to agricultural enclaves; amending s. 163.3164, F.S.; revising definitions; amending s. 163.3167, F.S.; revising the scope of the act; revising and providing duties of local governments and municipalities relating to comprehensive plans; removing regional planning agencies from the responsibility of preparing comprehensive plans; prohibiting initiative or referendum processes in regard to development orders, local comprehensive plan amendments, and map amendments; prohibiting local governments from requiring a super majority vote on comprehensive plan amendments; deleting retroactive effect; creating s. 163.3168, F.S.; encouraging local governments to apply for certain innovative planning tools; authorizing the state land planning agency and other appropriate state and regional agencies to use direct and indirect technical assistance; amending s. 163.3171, F.S.; providing legislative intent; amending s. 163.3174, F.S.; deleting certain notice requirements relating to the establishment of local planning agencies by a governing body; amending s. 163.3175, F.S.; providing additional factors for local government consideration in impacts to military installations; clarifying requirements for adopting criteria to address compatibility of lands relating to military installations; amending s. 163.3177, F.S.; revising and providing duties of local governments; revising and providing required and optional elements of comprehensive plans; revising requirements of schedules of capital improvements; revising and providing provisions relating to capital improvements elements; revising and providing required sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge elements; revising and providing required conservation elements; revising and providing required housing elements; revising and providing required coastal management elements; revising major objectives of, and procedures relating to, the local comprehensive planning process; revising and providing required and optional elements of future land use plans; providing required transportation elements; revising and providing required conservation elements; revising and providing required housing elements; revising and providing required coastal management elements; revising and providing required intergovernmental coordination elements; amending s. 163.31777, F.S.; revising requirements relating to public schools' interlocal agreements; deleting duties of the Office of Educational Facilities, the state land planning agency, and local governments relating to such agreements; deleting an exemption; amending s. 163.3178, F.S.; deleting a deadline for local governments to amend coastal management elements and future land use maps; amending s. 163.3180, F.S.; revising and providing provisions relating to concurrency; revising concurrency requirements; revising application and findings; revising local government requirements; revising and providing requirements relating to transportation concurrency, transportation concurrency exception areas, urban infill, urban redevelopment, urban service, downtown revitalization areas, transportation concurrency management areas, long-term transportation and school concurrency management systems, development of regional impact, school concurrency, service areas, financial feasibility, interlocal agreements, and multimodal transportation districts; revising duties of the Office of Program Policy Analysis and Government Accountability and the state land planning agency; providing requirements for local plans; providing for the limiting the liability of local governments under certain conditions; reenacting s. 163.31801(5), F.S., and amending s. 163.31801, F.S.; prohibiting new impact fees by local governments for a specified period of time; amending s. 163.3182, F.S.; revising definitions; revising provisions relating to transportation sufficiency plans and projects; amending s. 163.3184, F.S.; providing a definition for "reviewing agencies"; amending the definition of "in compliance"; removing references to procedural rules established by the state land planning agency; deleting provisions relating to community vision and urban boundary plan amendments, urban infill and redevelopment plan amendments, and housing incentive strategy plan amendments; amending s. 163.3187, F.S.; deleting provisions relating to the amendment of adopted comprehensive plan and providing the process for adoption of small-scale comprehensive plan amendments; amending s. 163.3191, F.S., relating to the evaluation and appraisal of comprehensive plans; providing and revising local government requirements including notice, amendments, compliance, mediation, reports, and scoping meetings; amending s. 163.3194, F.S.; regulating development orders for signs authorized by s. 479.07, F.S.; providing definitions; amending s. 163.3235, F.S.; revising requirements for periodic reviews of a development agreements; amending s. 163.3239, F.S.; revising recording requirements; amending s. 163.3243, F.S.; revising parties who may file an action for injunctive relief; amending s. 163.3245, F.S.; revising provisions relating to optional sector plans; authorizing the adoption of sector plans under certain circumstances; amending s. 163.3247, F.S.; revising provisions relating to the Century Commission for a Sustainable Florida; revising the findings and intent to include the necessity for a specific strategic plan addressing the state's growth management system; revising the planning timeframes to include a 10-year horizon; revising membership of the commission; deleting obsolete provisions regarding initial appointments; providing for the election of a chair and excluding certain members from serving as chair during a specified period; requiring that the commission meet at least six times per fiscal year; deleting a provision that requires the commission to meet in different regions in the state; requiring that the executive director establish a meeting calendar with the commission's approval; authorizing the commission to form subcommittees by vote; providing for a majority vote of members on commission actions; providing for reimbursement for per diem and travel expenses; revising provisions relating to the commission's powers and duties; requiring that the commission, in cooperation with interested state agencies, local governments, and nongovernmental stakeholders, develop a strategic plan and submit the plan to the Governor and the Legislature by a specified date; requiring that the commission also submit progress reports by specified dates; requiring that the commission make presentations to the Governor and the Legislature; providing that an executive director be appointed by the Secretary of Community Affairs and ratified by the commission; requiring that the Department of Community Affairs provide a specific line item in its annual legislative budget request to fund the commission during a specified period; authorizing the department to obtain additional funding through external grants; requiring that the department provide sufficient funding and staff support to assist the commission in its duties; providing for future expiration and the abolishment of the commission; creating s. 163.3248, F.S.; providing for the designation of rural land stewardship areas; providing purposes and requirements for the establishment of such areas; providing for the creation of rural land stewardship overlay zoning district and transferable rural land use credits; providing certain limitations relating to such credits; providing for incentives; providing legislative intent; amending s. 163.32465, F.S.; revising legislative findings related to local government comprehensive planning; revising the process for amending a comprehensive plan;

making the expedited review process applicable statewide and removing its status as a pilot program; revising the process and requirements for expedited review of plan amendments; amending s. 186.504, F.S.; revising membership requirements of regional planning councils; amending s. 367.021, F.S.; providing definitions for the terms "large landowner" and "need"; amending s. 380.06, F.S.; revising exemptions; revising provisions to conform to changes made by this act; repealing rules 9J-5 and 9J-11.023, Florida Administrative Code, relating to minimum criteria for review of local government comprehensive plans and plan amendments, evaluation and appraisal reports, land development regulations, and determinations of compliance; amending s. 380.0685, F.S.; revising the uses of the park admission surcharge; amending ss. 70.51, 163.06, 163.2517, 163.3217, 163.3220, 163.3221, 163.3229, 163.360, 163.516, 171.203, 186.513, 186.515, 189.415, 190.004, 190.005, 193.501, 287.042, 288.063, 288.975, 290.0475, 311.07, 331.319, 339.155, 339.2819, 369.303, 369.321, 378.021, 380.031, 380.061, 380.065, 380.115, 403.50665, 420.9071, 403.973, 420.5095, 420.615, 420.9071, 420.9076, 720.403, 1013.30, and 1013.33, F.S.; making conforming changes; repealing administrative rules; expanding a permit extension; providing a finding of important state interest; requiring the state land planning agency to review certain administrative and judicial proceedings; providing procedures for such review; affirming statutory construction with respect to other legislation passed at the same session; providing a directive of the Division of Statutory Revision; providing effective dates.

—was taken up out of order and read the second time by title.

Senator Bennett moved the following amendments which were adopted:

Amendment 1 (701516) (with title amendment)—Delete lines 349-946 and insert: intensities of use of the industrial, commercial, or residential areas that surround the parcel. This presumption may be rebutted by clear and convincing evidence. Each application for a comprehensive plan amendment under this subsection for a parcel larger than 640 acres must include appropriate new urbanism concepts such as clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights in order to discourage urban sprawl while protecting landowner rights.

(a) The local government and the owner of a parcel of land that is the subject of an application for an amendment shall have 180 days following the date that the local government receives a complete application to negotiate in good faith to reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. Within 30 days after the local government's receipt of such an application, the local government and owner must agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment, which schedule may thereafter be altered only with the written consent of the local government and the owner. Compliance with the schedule in the written agreement constitutes good faith negotiations for purposes of paragraph (c).

(b) Upon conclusion of good faith negotiations under paragraph (a), regardless of whether the local government and owner reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel, the amendment must be transmitted to the state land planning agency for review pursuant to s. 163.3184. If the local government fails to transmit the amendment within 180 days after receipt of a complete application, the amendment must be immediately transferred to the state land planning agency for such review ~~at the first available transmittal cycle~~. A plan amendment transmitted to the state land planning agency submitted under this subsection is presumed *not* to be *urban sprawl as defined in s. 163.3164* ~~consistent with rule 9J-5.006(5), Florida Administrative Code~~. This presumption may be rebutted by clear and convincing evidence.

(c) If the owner fails to negotiate in good faith, a plan amendment submitted under this subsection is not entitled to the rebuttable presumption under this subsection in the negotiation and amendment process.

(d) Nothing within this subsection relating to agricultural enclaves shall preempt or replace any protection currently existing for any property located within the boundaries of the following areas:

1. The Wekiva Study Area, as described in s. 369.316; or

2. The Everglades Protection Area, as defined in s. 373.4592(2).

Section 6. Section 163.3164, Florida Statutes, is amended to read:

163.3164 *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act; definitions.—As used in this act:

(1) "Administration Commission" means the Governor and the Cabinet, and for purposes of this chapter the commission shall act on a simple majority vote, except that for purposes of imposing the sanctions provided in s. 163.3184*(8)*~~(11)~~, affirmative action shall require the approval of the Governor and at least three other members of the commission.

(2) "Affordable housing" has the same meaning as in s. 420.0004(3).

(3)~~(33)~~ "Agricultural enclave" means an unincorporated, undeveloped parcel that:

(a) Is owned by a single person or entity;

(b) Has been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years prior to the date of any comprehensive plan amendment application;

(c) Is surrounded on at least 75 percent of its perimeter by:

1. Property that has existing industrial, commercial, or residential development; or

2. Property that the local government has designated, in the local government's comprehensive plan, zoning map, and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such property is existing industrial, commercial, or residential development;

(d) Has public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180; and

(e) Does not exceed 1,280 acres; however, if the property is surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, then the area shall be determined to be urban and the parcel may not exceed 4,480 acres.

(4) "Antiquated subdivision" means a subdivision that was recorded or approved more than 20 years ago and that has substantially failed to be built and the continued buildout of the subdivision in accordance with the subdivision's zoning and land use purposes would cause an imbalance of land uses and would be detrimental to the local and regional economies and environment, hinder current planning practices, and lead to inefficient and fiscally irresponsible development patterns as determined by the respective jurisdiction in which the subdivision is located.

(5)~~(2)~~ "Area" or "area of jurisdiction" means the total area qualifying under ~~the provisions of~~ this act, whether this be all of the lands lying within the limits of an incorporated municipality, lands in and adjacent to incorporated municipalities, all unincorporated lands within a county, or areas comprising combinations of the lands in incorporated municipalities and unincorporated areas of counties.

(6) "Capital improvement" means physical assets constructed or purchased to provide, improve, or replace a public facility and which are typically large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multiyear financing. For the purposes of this part, physical assets that have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements.

(7)~~(3)~~ "Coastal area" means the 35 coastal counties and all coastal municipalities within their boundaries ~~designated coastal by the state land planning agency~~.

(8) "Compatibility" means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

(9)~~(4)~~ "Comprehensive plan" means a plan that meets the requirements of ss. 163.3177 and 163.3178.

(10) "Deepwater ports" means the ports identified in s. 403.021(9).

(11) "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.

(12)~~(5)~~ "Developer" means any person, including a governmental agency, undertaking any development as defined in this act.

(13)~~(6)~~ "Development" has the *same* meaning *as* ~~given it~~ in s. 380.04.

(14)~~(7)~~ "Development order" means any order granting, denying, or granting with conditions an application for a development permit.

(15)~~(8)~~ "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

(16)~~(25)~~ "Downtown revitalization" means the physical and economic renewal of a central business district of a community as designated by local government, and includes both downtown development and redevelopment.

(17) "Floodprone areas" means areas inundated during a 100-year flood event or areas identified by the National Flood Insurance Program as an A Zone on flood insurance rate maps or flood hazard boundary maps.

(18) "Goal" means the long-term end toward which programs or activities are ultimately directed.

(19)~~(9)~~ "Governing body" means the board of county commissioners of a county, the commission or council of an incorporated municipality, or any other chief governing body of a unit of local government, however designated, or the combination of such bodies where joint utilization of ~~the provisions of~~ this act is accomplished as provided herein.

(20)~~(10)~~ "Governmental agency" means:

(a) The United States or any department, commission, agency, or other instrumentality thereof.

(b) This state or any department, commission, agency, or other instrumentality thereof.

(c) Any local government, as defined in this section, or any department, commission, agency, or other instrumentality thereof.

(d) Any school board or other special district, authority, or governmental entity.

(21) "Intensity" means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services.

(22) "Internal trip capture" means trips generated by a mixed-use project that travel from one on-site land use to another on-site land use without using the external road network.

(23)~~(11)~~ "Land" means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

(24)~~(22)~~ "Land development regulation commission" means a commission designated by a local government to develop and recommend, to the local governing body, land development regulations which implement the adopted comprehensive plan and to review land development regulations, or amendments thereto, for consistency with the adopted plan and report to the governing body regarding its findings. The responsibilities of the land development regulation commission may be performed by the local planning agency.

(25)~~(23)~~ "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition *does* ~~shall~~ not apply in s. 163.3213.

(26)~~(12)~~ "Land use" means the development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.

(27) "Level of service" means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

(28)~~(13)~~ "Local government" means any county or municipality.

(29)~~(14)~~ "Local planning agency" means the agency designated to prepare the comprehensive plan or plan amendments required by this act.

(30)~~(15)~~ ~~A~~ "Newspaper of general circulation" means a newspaper published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

(31) "New town" means an urban activity center and community designated on the future land use map of sufficient size, population and land use composition to support a variety of economic and social activities consistent with an urban area designation. New towns shall include basic economic activities; all major land use categories, with the possible exception of agricultural and industrial; and a centrally provided full range of public facilities and services that demonstrate internal trip capture. A new town shall be based on a master development plan.

(32) "Objective" means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.

(33)~~(16)~~ "Parcel of land" means any quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to be used, or developed as, a unit or which has been used or developed as a unit.

(34)~~(17)~~ "Person" means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

(35) "Policy" means the way in which programs and activities are conducted to achieve an identified goal.

(36)~~(28)~~ "Projects that promote public transportation" means projects that directly affect the provisions of public transit, including transit terminals, transit lines and routes, separate lanes for the exclusive use of public transit services, transit stops (shelters and stations), office buildings or projects that include fixed-rail or transit terminals as part of the building, and projects which are transit oriented and designed to complement reasonably proximate planned or existing public facilities.

(37)~~(24)~~ "Public facilities" means major capital improvements, including~~, but not limited to,~~ transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational~~, and health systems and~~ facilities~~, and spoil disposal sites for maintenance dredging located in the intracoastal waterways, except for spoil disposal sites owned or used by ports listed in s. 403.021(9)(b)~~.

(38)~~(18)~~ "Public notice" means notice as required by s. 125.66(2) for a county or by s. 166.041(3)(a) for a municipality. The public notice pro-

cedures required in this part are established as minimum public notice procedures.

(39)~~(19)~~ "Regional planning agency" means the *council created pursuant to chapter 186* ~~agency designated by the state land planning agency to exercise responsibilities under law in a particular region of the state~~.

(40) "Seasonal population" means part-time inhabitants who use, or may be expected to use, public facilities or services, but are not residents and includes tourists, migrant farmworkers, and other short-term and long-term visitors.

(41)~~(31)~~ "~~Optional~~ Sector plan" means *the* ~~an optional~~ process authorized by s. 163.3245 in which one or more local governments *engage in long-term planning for a large area and* ~~by agreement with the state land planning agency are allowed to~~ address *regional* ~~development of regional impact~~ issues *through adoption of detailed specific area plans within the planning area* ~~within certain designated geographic areas identified in the local comprehensive plan~~ as a means of fostering innovative planning and development strategies ~~in s. 163.3177(11)(a) and (b)~~, furthering the purposes of this part and part I of chapter 380, reducing overlapping data and analysis requirements, protecting regionally significant resources and facilities, and addressing extrajurisdictional impacts. *The term includes an optional sector plan that was adopted before the effective date of this act.*

(42)~~(20)~~ "State land planning agency" means the Department of Community Affairs.

(43)~~(21)~~ "Structure" has the *same* meaning *as in* ~~given it by~~ s. 380.031(19).

(44) "Suitability" means the degree to which the existing characteristics and limitations of land and water are compatible with a proposed use or development.

(45) "Transit-oriented development" means a project or projects, in areas identified in a local government comprehensive plan, that is or will be served by existing or planned transit service. These designated areas shall be compact, moderate to high density developments, of mixed-use character, interconnected with other land uses, bicycle and pedestrian friendly, and designed to support frequent transit service operating through, collectively or separately, rail, fixed guideway, streetcar, or bus systems on dedicated facilities or available roadway connections.

(46)~~(30)~~ "Transportation corridor management" means the coordination of the planning of designated future transportation corridors with land use planning within and adjacent to the corridor to promote orderly growth, to meet the concurrency requirements of this chapter, and to maintain the integrity of the corridor for transportation purposes.

(47)~~(27)~~ "Urban infill" means the development of vacant parcels in otherwise built-up areas where public facilities such as sewer systems, roads, schools, and recreation areas are already in place and the average residential density is at least five dwelling units per acre, the average nonresidential intensity is at least a floor area ratio of 1.0 and vacant, developable land does not constitute more than 10 percent of the area.

(48)~~(26)~~ "Urban redevelopment" means demolition and reconstruction or substantial renovation of existing buildings or infrastructure within urban infill areas, existing urban service areas, or community redevelopment areas created pursuant to part III.

(49)~~(29)~~ "Urban service area" means ~~built-up~~ areas *identified in the comprehensive plan* where public facilities and services, including, but not limited to, central water and sewer capacity and roads, are already in place or are *identified in the capital improvements element. The term includes any areas identified in the comprehensive plan as urban service areas, regardless of local government limitation* ~~committed in the first 3 years of the capital improvement schedule~~. ~~In addition, for counties that qualify as dense urban land areas under subsection (34), the nonrural area of a county which has adopted into the county charter a rural area designation or areas identified in the comprehensive plan as urban service areas or urban growth boundaries on or before July 1, 2009, are also urban service areas under this definition.~~

(50) "Urban sprawl" means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

~~(32) "Financial feasibility" means that sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5-year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level-of-service standards are achieved and maintained within the period covered by the 5-year schedule of capital improvements. A comprehensive plan shall be deemed financially feasible for transportation and school facilities throughout the planning period addressed by the capital improvements schedule if it can be demonstrated that the level-of-service standards will be achieved and maintained by the end of the planning period even if in a particular year such improvements are not concurrent as required by s. 163.3180.~~

~~(34) "Dense urban land area" means:~~

~~(a) A municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;~~

~~(b) A county, including the municipalities located therein, which has an average of at least 1,000 people per square mile of land area; or~~

~~(c) A county, including the municipalities located therein, which has a population of at least 1 million.~~

~~The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.091. The Office of Economic and Demographic Research shall submit to the state land planning agency a list of jurisdictions that meet the total population and density criteria necessary for designation as a dense urban land area by July 1, 2009, and every year thereafter. The state land planning agency shall publish the list of jurisdictions on its Internet website within 7 days after the list is received. The designation of jurisdictions that qualify or do not qualify as a dense urban land area is effective upon publication on the state land planning agency's Internet website.~~

Section 7. Section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.—

(1) The several incorporated municipalities and counties shall have power and responsibility:

(a) To plan for their future development and growth.

(b) To adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth.

(c) To implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations or elements thereof.

(d) To establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of this act.

The powers and authority set out in this act may be employed by municipalities and counties individually or jointly by mutual agreement in accord with ~~the provisions of~~ this act and in such combinations as their common interests may dictate and require.

(2) Each local government shall *maintain* ~~prepare~~ a comprehensive plan of the type and in the manner set out in this part or prepare amendments to its existing comprehensive plan to conform it to the

requirements of this part and in the manner set out in this part. ~~In accordance with s. 163.3184, each local government shall submit to the state land planning agency its complete proposed comprehensive plan or its complete comprehensive plan as proposed to be amended.~~

~~(3) When a local government has not prepared all of the required elements or has not amended its plan as required by subsection (2), the regional planning agency having responsibility for the area in which the local government lies shall prepare and adopt by rule, pursuant to chapter 120, the missing elements or adopt by rule amendments to the existing plan in accordance with this act by July 1, 1989, or within 1 year after the dates specified or provided in subsection (2) and the state land planning agency review schedule, whichever is later. The regional planning agency shall provide at least 90 days' written notice to any local government whose plan it is required by this subsection to prepare, prior to initiating the planning process. At least 90 days before the adoption by the regional planning agency of a comprehensive plan, or element or portion thereof, pursuant to this subsection, the regional planning agency shall transmit a copy of the proposed comprehensive plan, or element or portion thereof, to the local government and the state land planning agency for written comment. The state land planning agency shall review and comment on such plan, or element or portion thereof, in accordance with s. 163.3184(6). Section 163.3184(6), (7), and (8) shall be applicable to the regional planning agency as if it were a governing body. Existing comprehensive plans shall remain in effect until they are amended pursuant to subsection (2), this subsection, s. 163.3187, or s. 163.3189.~~

(3)~~(4)~~ A municipality established after the effective date of this act shall, within 1 year after incorporation, establish a local planning agency, pursuant to s. 163.3174, and prepare and adopt a comprehensive plan of the type and in the manner set out in this act within 3 years after the date of such incorporation. A county comprehensive plan shall be deemed controlling until the municipality adopts a comprehensive plan in accord with ~~the provisions of~~ this act. ~~If, upon the expiration of the 3-year time limit, the municipality has not adopted a comprehensive plan, the regional planning agency shall prepare and adopt a comprehensive plan for such municipality.~~

(4)~~(5)~~ Any comprehensive plan, or element or portion thereof, adopted pursuant to ~~the provisions of~~ this act, which but for its adoption after the deadlines established pursuant to previous versions of this act would have been valid, shall be valid.

~~(6) When a regional planning agency is required to prepare or amend a comprehensive plan, or element or portion thereof, pursuant to subsections (3) and (4), the regional planning agency and the local government may agree to a method of compensating the regional planning agency for any verifiable, direct costs incurred. If an agreement is not reached within 6 months after the date the regional planning agency assumes planning responsibilities for the local government pursuant to subsections (3) and (4) or by the time the plan or element, or portion thereof, is completed, whichever is earlier, the regional planning agency shall file invoices for verifiable, direct costs involved with the governing body. Upon the failure of the local government to pay such invoices within 90 days, the regional planning agency may, upon filing proper vouchers with the Chief Financial Officer, request payment by the Chief Financial Officer from unencumbered revenue or other tax sharing funds due such local government from the state for work actually performed, and the Chief Financial Officer shall pay such vouchers; however, the amount of such payment shall not exceed 50 percent of such funds due such local government in any one year.~~

~~(7) A local government that is being requested to pay costs may seek an administrative hearing pursuant to ss. 120.569 and 120.57 to challenge the amount of costs and to determine if the statutory prerequisites for payment have been complied with. Final agency action shall be taken by the state land planning agency. Payment shall be withheld as to disputed amounts until proceedings under this subsection have been completed.~~

(5)~~(8)~~ Nothing in this act shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to chapter 380 or who has been issued a final local development order and development has commenced and is continuing in good faith.

(6)~~(9)~~ The Reedy Creek Improvement District shall exercise the authority of this part as it applies to municipalities, consistent with the legislative act under which it was established, for the total area under its jurisdiction.

(7)~~(10)~~ Nothing in this part shall supersede any provision of ss. 341.8201-341.842.

~~(11) Each local government is encouraged to articulate a vision of the future physical appearance and qualities of its community as a component of its local comprehensive plan. The vision should be developed through a collaborative planning process with meaningful public participation and shall be adopted by the governing body of the jurisdiction. Neighboring communities, especially those sharing natural resources or physical or economic infrastructure, are encouraged to create collective visions for greater than local areas. Such collective visions shall apply in each city or county only to the extent that each local government chooses to make them applicable. The state land planning agency shall serve as a clearinghouse for creating a community vision of the future and may utilize the Growth Management Trust Fund, created by s. 186.911, to provide grants to help pay the costs of local visioning programs. When a local vision of the future has been created, a local government should review its comprehensive plan, land development regulations, and capital improvement program to ensure that these instruments will help to move the community toward its vision in a manner consistent with this act and with the state comprehensive plan. A local or regional vision must be consistent with the state vision, when adopted, and be internally consistent with the local or regional plan of which it is a component. The state land planning agency shall not adopt minimum criteria for evaluating or judging the form or content of a local or regional vision.~~

(8)~~(12)~~ An initiative or referendum process in regard to any development order or in regard to any local comprehensive plan amendment or map amendment ~~that affects five or fewer parcels of land~~ is prohibited.

(9)~~(13)~~ Each local government shall address in its comprehensive plan, as enumerated in this chapter, the water supply sources necessary to meet and achieve the existing and projected water use demand for the established planning period, considering the applicable plan developed pursuant to s. 373.709.

(10)~~(14)~~(a) If a local government grants a development order pursuant to its adopted land development regulations and the order is not the subject of a pending appeal and the timeframe for filing an appeal has expired, the development order may not be invalidated by a subsequent judicial determination that such land development regulations, or any portion thereof that is relevant to the development order, are invalid because of a deficiency in the approval standards.

(b) This subsection does not preclude or affect the timely institution of any other remedy available at law or equity, including a common law writ of certiorari proceeding pursuant to Rule 9.190, Florida Rules of Appellate Procedure, or an original proceeding pursuant to s. 163.3215, as applicable.

~~(c) This subsection applies retroactively to any development order granted on or after January 1, 2002.~~

And the title is amended as follows:

Delete lines 17 and 18.

Amendment 2 (484990) (with title amendment)—Delete lines 1046-5746 and insert:

Section 11. Subsections (5), (6), and (9) of section 163.3175, Florida Statutes, are amended to read:

163.3175 Legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations.—

(5) The commanding officer or his or her designee may provide comments to the affected local government on the impact such proposed changes may have on the mission of the military installation. Such comments may include:

(a) If the installation has an airfield, whether such proposed changes will be incompatible with the safety and noise standards contained in the Air Installation Compatible Use Zone (AICUZ) adopted by the military installation for that airfield;

(b) Whether such changes are incompatible with the Installation Environmental Noise Management Program (IENMP) of the United States Army;

(c) Whether such changes are incompatible with the findings of a Joint Land Use Study (JLUS) for the area if one has been completed; and

(d) Whether the military installation's mission will be adversely affected by the proposed actions of the county or affected local government.

The commanding officer's comments, underlying studies, and reports are not binding on the local government.

(6) The affected local government shall take into consideration any comments provided by the commanding officer or his or her designee pursuant to subsection (4) *and must also be sensitive to private property rights and not be unduly restrictive on those rights*. The affected local government shall forward a copy of any comments regarding comprehensive plan amendments to the state land planning agency.

(9) If a local government, as required under s. 163.3177(6)(a), does not adopt criteria and address compatibility of lands adjacent to or closely proximate to existing military installations in its future land use plan element by June 30, 2012, the local government, the military installation, the state land planning agency, and other parties as identified by the regional planning council, including, but not limited to, private landowner representatives, shall enter into mediation conducted pursuant to s. 186.509. If the local government comprehensive plan does not contain criteria addressing compatibility by December 31, 2013, the agency may notify the Administration Commission. The Administration Commission may impose sanctions pursuant to s. 163.3184*(8)*~~(11)~~. *Any local government that amended its comprehensive plan to address military installation compatibility requirements after 2004 and was found to be in compliance is deemed to be in compliance with this subsection until the local government conducts its evaluation and appraisal review pursuant to s. 163.3191 and determines that amendments are necessary to meet updated general law requirements.*

Section 12. Section 163.3177, Florida Statutes, is amended to read:

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

(1) The comprehensive plan shall *provide the* ~~consist of materials in such descriptive form, written or graphic, as may be appropriate to the prescription of~~ principles, guidelines, ~~and~~ standards*, and strategies* for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area *that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.*

(a) The comprehensive plan shall consist of elements as described in this section, and may include optional elements.

(b) A local government may include, as part of its adopted plan, documents adopted by reference but not incorporated verbatim into the plan. The adoption by reference must identify the title and author of the document and indicate clearly what provisions and edition of the document is being adopted.

(c) The format of these principles and guidelines is at the discretion of the local government, but typically is expressed in goals, objectives, policies, and strategies.

(d) The comprehensive plan shall identify procedures for monitoring, evaluating, and appraising implementation of the plan.

(e) When a federal, state, or regional agency has implemented a regulatory program, a local government is not required to duplicate or exceed that regulatory program in its local comprehensive plan.

(f) All mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the comprehensive plan or plan amendment. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue.

1. Surveys, studies, and data utilized in the preparation of the comprehensive plan may not be deemed a part of the comprehensive plan unless adopted as a part of it. Copies of such studies, surveys, data, and supporting documents for proposed plans and plan amendments shall be made available for public inspection, and copies of such plans shall be made available to the public upon payment of reasonable charges for reproduction. Support data or summaries are not subject to the compliance review process, but the comprehensive plan must be clearly based on appropriate data. Support data or summaries may be used to aid in the determination of compliance and consistency.

2. Data must be taken from professionally accepted sources. The application of a methodology utilized in data collection or whether a particular methodology is professionally accepted may be evaluated. However, the evaluation may not include whether one accepted methodology is better than another. Original data collection by local governments is not required. However, local governments may use original data so long as methodologies are professionally accepted.

3. The comprehensive plan shall be based upon resident and seasonal population estimates and projections, which shall either be those provided by the University of Florida's Bureau of Economic and Business Research or generated by the local government based upon a professionally acceptable methodology. The plan must be based on at least the minimum amount of land required to accommodate the medium projections of the University of Florida's Bureau of Economic and Business Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission.

(2) Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent*. Where data is relevant to several elements, consistent data shall be used, including population estimates and projections unless alternative data can be justified for a plan amendment through new supporting data and analysis. Each map depicting future conditions must reflect the principles, guidelines, and standards within all elements and each such map must be contained within the comprehensive plan*~~, and the comprehensive plan shall be financially feasible. Financial feasibility shall be determined using professionally accepted methodologies and applies to the 5-year planning period, except in the case of a long-term transportation or school concurrency management system, in which case a 10-year or 15-year period applies~~.

(3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities and set forth:

1. A component that outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component that outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.

2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.

3. Standards to ensure the availability of public facilities and the adequacy of those facilities *to meet established* ~~including~~ acceptable levels of service.

~~4. Standards for the management of debt.~~

4.~~5.~~ A schedule of capital improvements which includes *any* publicly funded projects *of federal, state, or local government*, and which may include privately funded projects for which the local government has no fiscal responsibility. *Projects*~~,~~ necessary to ensure that *any* adopted level-of-service standards are achieved and maintained *for the 5-year period must be identified as either funded or unfunded and given a level of priority for funding*. ~~For capital improvements that will be funded by the developer, financial feasibility shall be demonstrated by being guaranteed in an enforceable development agreement or interlocal agreement pursuant to paragraph (10)(h), or other enforceable agreement. These development agreements and interlocal agreements shall be reflected in the schedule of capital improvements if the capital improvement is necessary to serve development within the 5-year schedule. If the local government uses planned revenue sources that require referenda or other actions to secure the revenue source, the plan must, in the event the referenda are not passed or actions do not secure the planned revenue source, identify other existing revenue sources that will be used to fund the capital projects or otherwise amend the plan to ensure financial feasibility.~~

5.~~6.~~ The schedule must include transportation improvements included in the applicable metropolitan planning organization's transportation improvement program adopted pursuant to s. 339.175(8) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must ~~also~~ be coordinated with the applicable metropolitan planning organization's long-range transportation plan adopted pursuant to s. 339.175(7).

(b)~~1.~~ The capital improvements element must be reviewed *by the local government* on an annual basis. *Modifications* ~~and modified as necessary in accordance with s. 163.3187 or s. 163.3189 in order~~ to *update the* ~~maintain a financially feasible~~ 5-year *capital improvement* schedule ~~of capital improvements. Corrections and modifications concerning costs; revenue sources; or acceptance of facilities pursuant to dedications which are consistent with the plan~~ may be accomplished by ordinance and *may* ~~shall~~ not be deemed to be amendments to the local comprehensive plan. ~~A copy of the ordinance shall be transmitted to the state land planning agency. An amendment to the comprehensive plan is required to update the schedule on an annual basis or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule. All public facilities must be consistent with the capital improvements element. The annual update to the capital improvements element of the comprehensive plan need not comply with the financial feasibility requirement until December 1, 2011. Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, 2011, and every year thereafter, unless and until the local government has adopted the annual update and it has been transmitted to the state land planning agency.~~

~~2. Capital improvements element amendments adopted after the effective date of this act shall require only a single public hearing before the governing board which shall be an adoption hearing as described in s. 163.3184(7). Such amendments are not subject to the requirements of s. 163.3184(3)-(6).~~

~~(c) If the local government does not adopt the required annual update to the schedule of capital improvements, the state land planning agency must notify the Administration Commission. A local government that has a demonstrated lack of commitment to meeting its obligations identified in the capital improvements element may be subject to sanctions by the Administration Commission pursuant to s. 163.3184(11).~~

~~(d) If a local government adopts a long-term concurrency management system pursuant to s. 163.3180(9), it must also adopt a long-term capital improvements schedule covering up to a 10-year or 15-year period, and must update the long-term schedule annually. The long-term schedule of capital improvements must be financially feasible.~~

~~(e) At the discretion of the local government and notwithstanding the requirements of this subsection, a comprehensive plan, as revised by an amendment to the plan's future land use map, shall be deemed to be financially feasible and to have achieved and maintained level of service standards as required by this section with respect to transportation facilities if the amendment to the future land use map is supported by a:~~

~~1. Condition in a development order for a development of regional impact or binding agreement that addresses proportionate-share mitigation consistent with s. 163.3180(12); or~~

~~2. Binding agreement addressing proportionate fair-share mitigation consistent with s. 163.3180(16)(f) and the property subject to the amendment to the future land use map is located within an area designated in a comprehensive plan for urban infill, urban redevelopment, downtown revitalization, urban infill and redevelopment, or an urban service area. The binding agreement must be based on the maximum amount of development identified by the future land use map amendment or as may be otherwise restricted through a special area plan policy or map notation in the comprehensive plan.~~

~~(f) A local government's comprehensive plan and plan amendments for land uses within all transportation concurrency exception areas that are designated and maintained in accordance with s. 163.3180(5) shall be deemed to meet the requirement to achieve and maintain level-of-service standards for transportation.~~

(4)(a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; with the appropriate water management district's regional water supply plans approved pursuant to s. 373.709; *and* with adopted rules pertaining to designated areas of critical state concern~~; and with the state comprehensive plan~~ shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region ~~and to the state comprehensive plan~~, as the case may require and as such adopted plans or plans in preparation may exist.

(b) When all or a portion of the land in a local government jurisdiction is or becomes part of a designated area of critical state concern, the local government shall clearly identify those portions of the local comprehensive plan that shall be applicable to the critical area and shall indicate the relationship of the proposed development of the area to the rules for the area of critical state concern.

(5)(a) Each local government comprehensive plan must include at least two planning periods, one covering at least the first 5-year period occurring after the plan's adoption and one covering at least a 10-year period. *Additional planning periods for specific components, elements, land use amendments, or projects shall be permissible and accepted as part of the planning process.*

(b) The comprehensive plan and its elements shall contain *guidelines or policies* ~~policy recommendations~~ for the implementation of the plan and its elements.

(6) In addition to the requirements of subsections (1)-(5) ~~and (12)~~, the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, ~~public buildings and grounds, other~~ public facilities, and other categories of the public and private uses of land. *The approximate acreage and the general range of density or intensity of use shall be provided for the gross land area included in each existing land use category. The element shall establish the long-term end toward which land use programs and activities are ultimately directed.* ~~Counties are encouraged to designate rural land stewardship areas, pursuant to paragraph (11)(d), as overlays on the future land use map.~~

1. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives.

2. The future land use plan *and plan amendments* shall be based upon surveys, studies, and data regarding the area, *as applicable,* including*:*

a. The amount of land required to accommodate anticipated growth.~~;~~

b. The projected *residential and seasonal* population of the area.~~;~~

c. The character of undeveloped land.~~;~~

d. The availability of water supplies, public facilities, and services.~~;~~

e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.~~;~~

f. The compatibility of uses on lands adjacent to or closely proximate to military installations.~~;~~

g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.~~;~~

h. The discouragement of urban sprawl.~~; energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems; greenhouse gas reduction strategies; and, in rural communities,~~

i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.

j. The need to modify land uses and development patterns within antiquated subdivisions. ~~The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act.~~

3. The future land use plan element shall include criteria to be used to*:*

a. Achieve the compatibility of lands adjacent or closely proximate to military installations, considering factors identified in s. 163.3175(5).~~; and~~

b. Achieve the compatibility of lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.

c. Encourage preservation of recreational and commercial working waterfronts for water dependent uses in coastal communities.

d. Encourage the location of schools proximate to urban residential areas to the extent possible.

e. Coordinate future land uses with the topography and soil conditions, and the availability of facilities and services.

f. Ensure the protection of natural and historic resources.

g. Provide for the compatibility of adjacent land uses.

h. Provide guidelines for the implementation of mixed use development including the types of uses allowed, the percentage distribution among the mix of uses, or other standards, and the density and intensity of each use.

4. ~~In addition, for rural communities,~~ The amount of land designated for future planned *uses* ~~industrial use~~ shall *provide a balance of uses that foster vibrant, viable communities and economic development opportunities and address outdated development patterns, such as antiquated subdivisions. The amount of land designated for future land uses should allow the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business and* ~~be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and~~ may not be limited solely by the projected population ~~of the rural community~~. *The element shall accommodate at least the minimum amount of land required to accommodate the medium projections of the University of Florida's Bureau of Economic and Business Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission.*

5. The future land use plan of a county may ~~also~~ designate areas for possible future municipal incorporation.

6. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. ~~For coastal counties, the future land use element must include, without limitation, regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in s. 342.07.~~

7. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. ~~The failure by a local government to comply with these school siting requirements will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category is eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria~~.

8. Future land use map amendments shall be based upon the following analyses:

a. An analysis of the availability of facilities and services.

b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.

c. An analysis of the minimum amount of land needed as determined by the local government.

9. The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.

a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

(I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

(II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

(III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

(IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

(V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

(VI) Fails to maximize use of existing public facilities and services.

(VII) Fails to maximize use of future public facilities and services.

(VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

(IX) Fails to provide a clear separation between rural and urban uses.

(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

(XI) Fails to encourage a functional mix of uses.

(XII) Results in poor accessibility among linked or related land uses.

(XIII) Results in the loss of significant amounts of functional open space.

b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

(I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

(II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

(III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

(IV) Promotes conservation of water and energy.

(V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

(VI) Preserves open space and natural lands and provides for public open space and recreation needs.

(VII) Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area.

(VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

10. The future land use element shall include a future land use map or map series.

a. The proposed distribution, extent, and location of the following uses shall be shown on the future land use map or map series:

(I) Residential.

(II) Commercial.

(III) Industrial.

(IV) Agricultural.

(V) Recreational.

(VI) Conservation.

(VII) Educational.

(VIII) Public.

b. The following areas shall also be shown on the future land use map or map series, if applicable:

(I) Historic district boundaries and designated historically significant properties.

(II) Transportation concurrency management area boundaries or transportation concurrency exception area boundaries.

(III) Multimodal transportation district boundaries.

(IV) Mixed use categories.

c. The following natural resources or conditions shall be shown on the future land use map or map series, if applicable:

(I) Existing and planned public potable waterwells, cones of influence, and wellhead protection areas.

(II) Beaches and shores, including estuarine systems.

(III) Rivers, bays, lakes, floodplains, and harbors.

(IV) Wetlands.

(V) Minerals and soils.

(VI) Coastal high hazard areas.

11. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of lands adjacent or closely proximate to existing military installations, or lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02, in their future land use plan element shall transmit the update or amendment to the state land planning agency by June 30, 2012.

(b) A transportation element addressing mobility issues in relationship to the size and character of the local government. The purpose of the transportation element shall be to plan for a multimodal transportation system that places emphasis on public transportation systems, where feasible. The element shall provide for a safe, convenient multimodal transportation system, coordinated with the future land use map or map series and designed to support all elements of the comprehensive plan. A local government that has all or part of its jurisdiction included within the metropolitan planning area of a metropolitan planning organization (M.P.O.) pursuant to s. 339.175 shall prepare and adopt a transportation element consistent with this subsection. Local governments that are not located within the metropolitan planning area of an M.P.O. shall address traffic circulation, mass transit, and ports, and aviation and related facilities consistent with this subsection, except that local governments with a population of 50,000 or less shall only be required to address transportation circulation. The element shall be coordinated with the plans and programs of any applicable metropolitan planning organization, transportation authority, Florida Transportation Plan, and Department of Transportation's adopted work program.

1. Each local government's transportation element shall address

~~(b) A~~ traffic circulation*, including* ~~element consisting of~~ the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways. Transportation corridors, as defined in s. 334.03, may be designated in the *transportation* ~~traffic circulation~~ element pursuant to s. 337.273. If the transportation corridors are designated, the local government may adopt a transportation corridor management ordinance. *The element shall include a map or map series showing the general location of the existing and*

proposed transportation system features and shall be coordinated with the future land use map or map series. The element shall reflect the data, analysis, and associated principles and strategies relating to:

a. The existing transportation system levels of service and system needs and the availability of transportation facilities and services.

b. The growth trends and travel patterns and interactions between land use and transportation.

c. Existing and projected intermodal deficiencies and needs.

d. The projected transportation system levels of service and system needs based upon the future land use map and the projected integrated transportation system.

e. How the local government will correct existing facility deficiencies, meet the identified needs of the projected transportation system, and advance the purpose of this paragraph and the other elements of the comprehensive plan.

2. Local governments within a metropolitan planning area designated as an M.P.O. pursuant to s. 339.175 shall also address:

a. All alternative modes of travel, such as public transportation, pedestrian, and bicycle travel.

b. Aviation, rail, seaport facilities, access to those facilities, and intermodal terminals.

c. The capability to evacuate the coastal population before an impending natural disaster.

d. Airports, projected airport and aviation development, and land use compatibility around airports, which includes areas defined in ss. 333.01 and 333.02.

e. An identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.

3. Municipalities having populations greater than 50,000, and counties having populations greater than 75,000, shall include mass-transit provisions showing proposed methods for the moving of people, rights-of-way, terminals, and related facilities and shall address:

a. The provision of efficient public transit services based upon existing and proposed major trip generators and attractors, safe and convenient public transit terminals, land uses, and accommodation of the special needs of the transportation disadvantaged.

b. Plans for port, aviation, and related facilities coordinated with the general circulation and transportation element.

c. Plans for the circulation of recreational traffic, including bicycle facilities, exercise trails, riding facilities, and such other matters as may be related to the improvement and safety of movement of all types of recreational traffic.

4. At the option of a local government, an airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under s. 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable M.P.O. long-range transportation plans; the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level-of-service standards for facilities subject to concurrency; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, do not constitute a development of regional impact. Notwithstanding any other general law, an airport that has received a development-of-regional-impact development order pursuant to s. 380.06, but which is no longer required to undergo development-of-regional-impact review pursuant to this subsection, may rescind its development-of-regional-impact order upon written notification to the applicable local government. Upon receipt by the local government, the development-of-regional-impact development order shall be deemed rescinded. ~~The traffic circulation element shall incorporate transportation strategies to address reduction in greenhouse gas emissions from the transportation sector.~~

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge.

1. Each local government shall address in the data and analyses required by this section those facilities that provide service within the local government's jurisdiction. Local governments that provide facilities to serve areas within other local government jurisdictions shall also address those facilities in the data and analyses required by this section, using data from the comprehensive plan for those areas for the purpose of projecting facility needs as required in this subsection. For shared facilities, each local government shall indicate the proportional capacity of the systems allocated to serve its jurisdiction.

2. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs*, including correcting existing facility deficiencies. The element shall address coordinating the extension of, or increase in the capacity of, facilities to meet future needs while maximizing the use of existing facilities and discouraging urban sprawl; conservation of potable water resources; and protecting the functions of natural groundwater recharge areas and natural drainage features*. ~~The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks.~~

3. Within 18 months after the governing board approves an updated regional water supply plan, the element must incorporate the alternative water supply project or projects selected by the local government from those identified in the regional water supply plan pursuant to s. 373.709(2)(a) or proposed by the local government under s. 373.709(8)(b). If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated regional water supply plan. The element must identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.709(2)(a) within the local government's jurisdiction and include a work plan, covering at least a 10-year planning period, for building public, private, and regional water supply facilities, including development of alternative water supplies, which are identified in the element as necessary to serve existing and new development. The work plan shall be updated, at a minimum, every 5 years within 18 months after the governing board of a water management district approves an updated regional water supply plan. ~~Amendments to incorporate the work plan do not count toward the limitation on the frequency of adoption of amendments to the comprehensive plan.~~ Local governments, public and private utilities, regional water supply authorities, special districts, and water management districts are encouraged to cooperatively plan for the development of multijurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of groundwater and surface water supplies.

(d) A conservation element for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores,

flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources, including factors that affect energy conservation.

1. The following natural resources, where present within the local government's boundaries, shall be identified and analyzed and existing recreational or conservation uses, known pollution problems, including hazardous wastes, and the potential for conservation, recreation, use, or protection shall also be identified:

a. Rivers, bays, lakes, wetlands including estuarine marshes, groundwaters, and springs, including information on quality of the resource available.

b. Floodplains.

c. Known sources of commercially valuable minerals.

d. Areas known to have experienced soil erosion problems.

e. Areas that are the location of recreationally and commercially important fish or shellfish, wildlife, marine habitats, and vegetative communities, including forests, indicating known dominant species present and species listed by federal, state, or local government agencies as endangered, threatened, or species of special concern.

2. The element must contain principles, guidelines, and standards for conservation that provide long-term goals and which:

a. Protects air quality.

b. Conserves, appropriately uses, and protects the quality and quantity of current and projected water sources and waters that flow into estuarine waters or oceanic waters and protect from activities and land uses known to affect adversely the quality and quantity of identified water sources, including natural groundwater recharge areas, wellhead protection areas, and surface waters used as a source of public water supply.

c. Provides for the emergency conservation of water sources in accordance with the plans of the regional water management district.

d. Conserves, appropriately uses, and protects minerals, soils, and native vegetative communities, including forests, from destruction by development activities.

e. Conserves, appropriately uses, and protects fisheries, wildlife, wildlife habitat, and marine habitat and restricts activities known to adversely affect the survival of endangered and threatened wildlife.

f. Protects existing natural reservations identified in the recreation and open space element.

g. Maintains cooperation with adjacent local governments to conserve, appropriately use, or protect unique vegetative communities located within more than one local jurisdiction.

h. Designates environmentally sensitive lands for protection based on locally determined criteria which further the goals and objectives of the conservation element.

i. Manages hazardous waste to protect natural resources.

j. Protects and conserves wetlands and the natural functions of wetlands.

k. Directs future land uses that are incompatible with the protection and conservation of wetlands and wetland functions away from wetlands. The type, intensity or density, extent, distribution, and location of allowable land uses and the types, values, functions, sizes, conditions, and locations of wetlands are land use factors that shall be considered when directing incompatible land uses away from wetlands. Land uses shall be distributed in a manner that minimizes the effect and impact on wetlands. The protection and conservation of wetlands by the direction of incompatible land uses away from wetlands shall occur in combination with other principles, guidelines, standards, and strategies in the comprehensive plan. Where incompatible land uses are allowed to occur, mitigation shall be considered as one means to compensate for loss of wetlands functions.

3. ~~Local governments shall assess their~~ Current *and*~~, as well as~~ projected~~, water~~ needs and sources for at least a 10-year period *based on the demands for industrial, agricultural, and potable water use and the quality and quantity of water available to meet these demands shall be analyzed. The analysis shall consider the existing levels of water conservation, use, and protection and applicable policies of the regional water management district and further must consider*~~, considering~~ the appropriate regional water supply plan approved pursuant to s. 373.709, or, in the absence of an approved regional water supply plan, the district water management plan approved pursuant to s. 373.036(2). This information shall be submitted to the appropriate agencies. ~~The land use map or map series contained in the future land use element shall generally identify and depict the following:~~

~~1. Existing and planned waterwells and cones of influence where applicable.~~

~~2. Beaches and shores, including estuarine systems.~~

~~3. Rivers, bays, lakes, flood plains, and harbors.~~

~~4. Wetlands.~~

~~5. Minerals and soils.~~

~~6. Energy conservation.~~

~~The land uses identified on such maps shall be consistent with applicable state law and rules.~~

(e) A recreation and open space element indicating a comprehensive system of public and private sites for recreation, including, but not limited to, natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, waterways, and other recreational facilities.

(f)1. A housing element consisting of ~~standards, plans,~~ ~~and~~ principles*, guidelines, standards, and strategies* to be followed in:

a. The provision of housing for all current and anticipated future residents of the jurisdiction.

b. The elimination of substandard dwelling conditions.

c. The structural and aesthetic improvement of existing housing.

d. The provision of adequate sites for future housing, including affordable workforce housing as defined in s. 380.0651(3)*(h)*~~(j)~~, housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities.

e. Provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation, or replacement.

f. The formulation of housing implementation programs.

g. The creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction.

~~h. Energy efficiency in the design and construction of new housing.~~

~~i. Use of renewable energy resources.~~

~~j. Each county in which the gap between the buying power of a family of four and the median county home sale price exceeds $170,000, as determined by the Florida Housing Finance Corporation, and which is not designated as an area of critical state concern shall adopt a plan for ensuring affordable workforce housing. At a minimum, the plan shall identify adequate sites for such housing. For purposes of this sub-subparagraph, the term "workforce housing" means housing that is affordable to natural persons or families whose total household income does not exceed 140 percent of the area median income, adjusted for household size.~~

~~k. As a precondition to receiving any state affordable housing funding or allocation for any project or program within the jurisdiction of a~~

~~county that is subject to sub-subparagraph j., a county must, by July 1 of each year, provide certification that the county has complied with the requirements of sub-subparagraph j.~~

2. The *principles, guidelines, standards, and strategies* ~~goals, objectives, and policies~~ of the housing element must be based on the data and analysis prepared on housing needs, including *an inventory taken from the latest decennial United States Census or more recent estimates, which shall include the number and distribution of dwelling units by type, tenure, age, rent, value, monthly cost of owner-occupied units, and rent or cost to income ratio, and shall show the number of dwelling units that are substandard. The inventory shall also include the methodology used to estimate the condition of housing, a projection of the anticipated number of households by size, income range, and age of residents derived from the population projections, and the minimum housing need of the current and anticipated future residents of the jurisdiction* ~~the affordable housing needs assessment~~.

3. The housing element must express principles, guidelines, standards, and strategies that reflect, as needed, the creation and preservation of affordable housing for all current and anticipated future residents of the jurisdiction, elimination of substandard housing conditions, adequate sites, and distribution of housing for a range of incomes and types, including mobile and manufactured homes. The element must provide for specific programs and actions to partner with private and nonprofit sectors to address housing needs in the jurisdiction, streamline the permitting process, and minimize costs and delays for affordable housing, establish standards to address the quality of housing, stabilization of neighborhoods, and identification and improvement of historically significant housing.

4. State and federal housing plans prepared on behalf of the local government must be consistent with the goals, objectives, and policies of the housing element. Local governments are encouraged to use job training, job creation, and economic solutions to address a portion of their affordable housing concerns.

~~2. To assist local governments in housing data collection and analysis and assure uniform and consistent information regarding the state's housing needs, the state land planning agency shall conduct an affordable housing needs assessment for all local jurisdictions on a schedule that coordinates the implementation of the needs assessment with the evaluation and appraisal reports required by s. 163.3191. Each local government shall utilize the data and analysis from the needs assessment as one basis for the housing element of its local comprehensive plan. The agency shall allow a local government the option to perform its own needs assessment, if it uses the methodology established by the agency by rule.~~

(g)~~1.~~ For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the *principles, guidelines, standards, and strategies* ~~policies~~ that shall guide the local government's decisions and program implementation with respect to the following objectives:

1.~~a.~~ *Maintain, restore, and enhance* ~~Maintenance, restoration, and enhancement of~~ the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.

2.~~b.~~ *Preserve the* continued existence of viable populations of all species of wildlife and marine life.

3.~~c.~~ *Protect* the orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.

4.~~d.~~ *Avoid* ~~Avoidance of~~ irreversible and irretrievable loss of coastal zone resources.

5.~~e.~~ *Use* ecological planning principles and assumptions ~~to be used~~ in the determination of *the* suitability ~~and extent~~ of permitted development.

~~f. Proposed management and regulatory techniques.~~

6.~~g.~~ *Limit* ~~Limitation of~~ public expenditures that subsidize development in ~~high hazard~~ coastal *high-hazard* areas.

7.~~h.~~ *Protect* ~~Protection of~~ human life against the effects of natural disasters.

8.~~i.~~ *Direct* the orderly development, maintenance, and use of ports identified in s. 403.021(9) to facilitate deepwater commercial navigation and other related activities.

9.~~j.~~ *Preserve historic and archaeological resources, which include the* ~~Preservation, including~~ sensitive adaptive use of *these* ~~historic and archaeological~~ resources.

~~2. As part of this element, a local government that has a coastal management element in its comprehensive plan is encouraged to adopt recreational surface water use policies that include applicable criteria for and consider such factors as natural resources, manatee protection needs, protection of working waterfronts and public access to the water, and recreation and economic demands. Criteria for manatee protection in the recreational surface water use policies should reflect applicable guidance outlined in the Boat Facility Siting Guide prepared by the Fish and Wildlife Conservation Commission. If the local government elects to adopt recreational surface water use policies by comprehensive plan amendment, such comprehensive plan amendment is exempt from the provisions of s. 163.3187(1). Local governments that wish to adopt recreational surface water use policies may be eligible for assistance with the development of such policies through the Florida Coastal Management Program. The Office of Program Policy Analysis and Government Accountability shall submit a report on the adoption of recreational surface water use policies under this subparagraph to the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and the House of Representatives no later than December 1, 2010.~~

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.709, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan must demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element must provide procedures for identifying and implementing joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. ~~The intergovernmental coordination element must provide for recognition of campus master plans prepared pursuant to s. 1013.30 and airport master plans under paragraph (k).~~

~~c.~~ The intergovernmental coordination element shall provide for a dispute resolution process, as established pursuant to s. 186.509, for bringing intergovernmental disputes to closure in a timely manner.

c.~~d.~~ The intergovernmental coordination element shall provide for interlocal agreements as established pursuant to s. 333.03(1)(b).

2. The intergovernmental coordination element shall also state principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element must describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement.

3. Within 1 year after adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers

in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements. *The element must:*

a. Ensure that the local government addresses through coordination mechanisms the impacts of development proposed in the local comprehensive plan upon development in adjacent municipalities, the county, adjacent counties, the region, and the state. The area of concern for municipalities shall include adjacent municipalities, the county, and counties adjacent to the municipality. The area of concern for counties shall include all municipalities within the county, adjacent counties, and adjacent municipalities.

b. Ensure coordination in establishing level of service standards for public facilities with any state, regional, or local entity having operational and maintenance responsibility for such facilities.

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

~~4. Local governments shall execute an interlocal agreement with the district school board, the county, and nonexempt municipalities pursuant to s. 163.31777. The local government shall amend the intergovernmental coordination element to ensure that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement. Plan amendments that comply with this subparagraph are exempt from the provisions of s. 163.3187(1).~~

~~5. By January 1, 2004, any county having a population greater than 100,000, and the municipalities and special districts within that county, shall submit a report to the Department of Community Affairs which identifies:~~

~~a. All existing or proposed interlocal service delivery agreements relating to education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.~~

~~b. Any deficits or duplication in the provision of services within its jurisdiction, whether capital or operational. Upon request, the Department of Community Affairs shall provide technical assistance to the local governments in identifying deficits or duplication.~~

~~6. Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate regional planning council, coordinate a meeting of all local governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.~~

~~7. Each local government shall update its intergovernmental coordination element based upon the findings in the report submitted pursuant to subparagraph 5. The report may be used as supporting data and analysis for the intergovernmental coordination element.~~

~~(i) The optional elements of the comprehensive plan in paragraphs (7)(a) and (b) are required elements for those municipalities having populations greater than 50,000, and those counties having populations greater than 75,000, as determined under s. 186.901.~~

~~(j) For each unit of local government within an urbanized area designated for purposes of s. 339.175, a transportation element, which must be prepared and adopted in lieu of the requirements of paragraph (b) and paragraphs (7)(a), (b), (c), and (d) and which shall address the following issues:~~

~~1. Traffic circulation, including major thoroughfares and other routes, including bicycle and pedestrian ways.~~

~~2. All alternative modes of travel, such as public transportation, pedestrian, and bicycle travel.~~

~~3. Parking facilities.~~

~~4. Aviation, rail, seaport facilities, access to those facilities, and intermodal terminals.~~

~~5. The availability of facilities and services to serve existing land uses and the compatibility between future land use and transportation elements.~~

~~6. The capability to evacuate the coastal population prior to an impending natural disaster.~~

~~7. Airports, projected airport and aviation development, and land use compatibility around airports, which includes areas defined in ss. 333.01 and 333.02.~~

~~8. An identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.~~

~~9. May include transportation corridors, as defined in s. 334.03, intended for future transportation facilities designated pursuant to s. 337.273. If transportation corridors are designated, the local government may adopt a transportation corridor management ordinance.~~

~~10. The incorporation of transportation strategies to address reduction in greenhouse gas emissions from the transportation sector.~~

~~(k) An airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under s. 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable metropolitan planning organization long-range transportation plans; and the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level-of-service standards for facilities subject to concurrency; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, shall not be a development of regional impact. Notwithstanding any other general law, an airport that has received a development of regional impact development order pursuant to s. 380.06, but which is no longer required to undergo development of regional impact review pursuant to this subsection, may abandon its development of regional impact order upon written notification to the applicable local government. Upon receipt by the local government, the development-of-regional-impact development order is void.~~

~~(7) The comprehensive plan may include the following additional elements, or portions or phases thereof:~~

~~(a) As a part of the circulation element of paragraph (6)(b) or as a separate element, a mass-transit element showing proposed methods for the moving of people, rights-of-way, terminals, related facilities, and fiscal considerations for the accomplishment of the element.~~

~~(b) As a part of the circulation element of paragraph (6)(b) or as a separate element, plans for port, aviation, and related facilities coordinated with the general circulation and transportation element.~~

~~(c) As a part of the circulation element of paragraph (6)(b) and in coordination with paragraph (6)(c), where applicable, a plan element for the circulation of recreational traffic, including bicycle facilities, exercise trails, riding facilities, and such other matters as may be related to the improvement and safety of movement of all types of recreational traffic.~~

~~(d) As a part of the circulation element of paragraph (6)(b) or as a separate element, a plan element for the development of offstreet parking facilities for motor vehicles and the fiscal considerations for the accomplishment of the element.~~

~~(e) A public buildings and related facilities element showing locations and arrangements of civic and community centers, public schools, hospitals, libraries, police and fire stations, and other public buildings. This plan element should show particularly how it is proposed to effect coordination with governmental units, such as school boards or hospital authorities, having public development and service responsibilities, capabilities, and potential but not having land development regulatory authority. This element may include plans for architecture and landscape treatment of their grounds.~~

~~(f) A recommended community design element which may consist of design recommendations for land subdivision, neighborhood development and redevelopment, design of open space locations, and similar matters to the end that such recommendations may be available as aids and guides to developers in the future planning and development of land in the area.~~

~~(g) A general area redevelopment element consisting of plans and programs for the redevelopment of slums and blighted locations in the area and for community redevelopment, including housing sites, business and industrial sites, public buildings sites, recreational facilities, and other purposes authorized by law.~~

~~(h) A safety element for the protection of residents and property of the area from fire, hurricane, or manmade or natural catastrophe, including such necessary features for protection as evacuation routes and their control in an emergency, water supply requirements, minimum road widths, clearances around and elevations of structures, and similar matters.~~

~~(i) An historical and scenic preservation element setting out plans and programs for those structures or lands in the area having historical, archaeological, architectural, scenic, or similar significance.~~

~~(j) An economic element setting forth principles and guidelines for the commercial and industrial development, if any, and the employment and personnel utilization within the area. The element may detail the type of commercial and industrial development sought, correlated to the present and projected employment needs of the area and to other elements of the plans, and may set forth methods by which a balanced and stable economic base will be pursued.~~

~~(k) Such other elements as may be peculiar to, and necessary for, the area concerned and as are added to the comprehensive plan by the governing body upon the recommendation of the local planning agency.~~

~~(l) Local governments that are not required to prepare coastal management elements under s. 163.3178 are encouraged to adopt hazard mitigation/postdisaster redevelopment plans. These plans should, at a minimum, establish long-term policies regarding redevelopment, infrastructure, densities, nonconforming uses, and future land use patterns. Grants to assist local governments in the preparation of these hazard mitigation/postdisaster redevelopment plans shall be available through the Emergency Management Preparedness and Assistance Account in the Grants and Donations Trust Fund administered by the department, if such account is created by law. The plans must be in compliance with the requirements of this act and chapter 252.~~

~~(8) All elements of the comprehensive plan, whether mandatory or optional, shall be based upon data appropriate to the element involved. Surveys and studies utilized in the preparation of the comprehensive plan shall not be deemed a part of the comprehensive plan unless adopted as a part of it. Copies of such studies, surveys, and supporting documents shall be made available to public inspection, and copies of such plans shall be made available to the public upon payment of reasonable charges for reproduction.~~

~~(9) The state land planning agency shall, by February 15, 1986, adopt by rule minimum criteria for the review and determination of compliance of the local government comprehensive plan elements required by this act. Such rules shall not be subject to rule challenges under s. 120.56(2) or to drawout proceedings under s. 120.54(3)(c)2. Such rules shall become effective only after they have been submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature no later than 30 days prior to the next regular session of the Legislature. In its review the Legislature may reject, modify, or take no action relative to the rules. The agency shall conform the rules to the changes made by the Legislature, or, if no action was taken, the agency rules shall become effective. The rule shall include criteria for determining whether:~~

~~(a) Proposed elements are in compliance with the requirements of part II, as amended by this act.~~

~~(b) Other elements of the comprehensive plan are related to and consistent with each other.~~

~~(c) The local government comprehensive plan elements are consistent with the state comprehensive plan and the appropriate regional policy plan pursuant to s. 186.508.~~

~~(d) Certain bays, estuaries, and harbors that fall under the jurisdiction of more than one local government are managed in a consistent and coordinated manner in the case of local governments required to include a coastal management element in their comprehensive plans pursuant to paragraph (6)(g).~~

~~(e) Proposed elements identify the mechanisms and procedures for monitoring, evaluating, and appraising implementation of the plan. Specific measurable objectives are included to provide a basis for evaluating effectiveness as required by s. 163.3191.~~

~~(f) Proposed elements contain policies to guide future decisions in a consistent manner.~~

~~(g) Proposed elements contain programs and activities to ensure that comprehensive plans are implemented.~~

~~(h) Proposed elements identify the need for and the processes and procedures to ensure coordination of all development activities and services with other units of local government, regional planning agencies, water management districts, and state and federal agencies as appropriate.~~

~~The state land planning agency may adopt procedural rules that are consistent with this section and chapter 120 for the review of local government comprehensive plan elements required under this section. The state land planning agency shall provide model plans and ordinances and, upon request, other assistance to local governments in the adoption and implementation of their revised local government comprehensive plans. The review and comment provisions applicable prior to October 1, 1985, shall continue in effect until the criteria for review and determination are adopted pursuant to this subsection and the comprehensive plans required by s. 163.3167(2) are due.~~

~~(10) The Legislature recognizes the importance and significance of chapter 9J-5, Florida Administrative Code, the Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance of the Department of Community Affairs that will be used to determine compliance of local comprehensive plans. The Legislature reserved unto itself the right to review chapter 9J-5, Florida Administrative Code, and to reject, modify, or take no action relative to this rule. Therefore, pursuant to subsection (9), the Legislature hereby has reviewed chapter 9J-5, Florida Administrative Code, and expresses the following legislative intent:~~

~~(a) The Legislature finds that in order for the department to review local comprehensive plans, it is necessary to define the term "consistency." Therefore, for the purpose of determining whether local comprehensive plans are consistent with the state comprehensive plan and the appropriate regional policy plan, a local plan shall be consistent with such plans if the local plan is "compatible with" and "furthers" such plans. The term "compatible with" means that the local plan is not in conflict with the state comprehensive plan or appropriate regional policy plan. The term "furthers" means to take action in the direction of realizing goals or policies of the state or regional plan. For the purposes of determining consistency of the local plan with the state comprehensive plan or the appropriate regional policy plan, the state or regional plan shall be construed as a whole and no specific goal and policy shall be construed or applied in isolation from the other goals and policies in the plans.~~

~~(b) Each local government shall review all the state comprehensive plan goals and policies and shall address in its comprehensive plan the goals and policies which are relevant to the circumstances or conditions in its jurisdiction. The decision regarding which particular state comprehensive plan goals and policies will be furthered by the expenditure~~

~~of a local government's financial resources in any given year is a decision which rests solely within the discretion of the local government. Intergovernmental coordination, as set forth in paragraph (6)(h), shall be utilized to the extent required to carry out the provisions of chapter 9J-5, Florida Administrative Code.~~

~~(c) The Legislature declares that if any portion of chapter 9J-5, Florida Administrative Code, is found to be in conflict with this part, the appropriate statutory provision shall prevail.~~

~~(d) Chapter 9J-5, Florida Administrative Code, does not mandate the creation, limitation, or elimination of regulatory authority, nor does it authorize the adoption or require the repeal of any rules, criteria, or standards of any local, regional, or state agency.~~

~~(e) It is the Legislature's intent that support data or summaries thereof shall not be subject to the compliance review process, but the Legislature intends that goals and policies be clearly based on appropriate data. The department may utilize support data or summaries thereof to aid in its determination of compliance and consistency. The Legislature intends that the department may evaluate the application of a methodology utilized in data collection or whether a particular methodology is professionally accepted. However, the department shall not evaluate whether one accepted methodology is better than another. Chapter 9J-5, Florida Administrative Code, shall not be construed to require original data collection by local governments; however, Local governments are not to be discouraged from utilizing original data so long as methodologies are professionally accepted.~~

~~(f) The Legislature recognizes that under this section, local governments are charged with setting levels of service for public facilities in their comprehensive plans in accordance with which development orders and permits will be issued pursuant to s. 163.3202(2)(g). Nothing herein shall supersede the authority of state, regional, or local agencies as otherwise provided by law.~~

~~(g) Definitions contained in chapter 9J-5, Florida Administrative Code, are not intended to modify or amend the definitions utilized for purposes of other programs or rules or to establish or limit regulatory authority. Local governments may establish alternative definitions in local comprehensive plans, as long as such definitions accomplish the intent of this chapter, and chapter 9J-5, Florida Administrative Code.~~

~~(h) It is the intent of the Legislature that public facilities and services needed to support development shall be available concurrent with the impacts of such development in accordance with s. 163.3180. In meeting this intent, public facility and service availability shall be deemed sufficient if the public facilities and services for a development are phased, or the development is phased, so that the public facilities and those related services which are deemed necessary by the local government to operate the facilities necessitated by that development are available concurrent with the impacts of the development. The public facilities and services, unless already available, are to be consistent with the capital improvements element of the local comprehensive plan as required by paragraph (3)(a) or guaranteed in an enforceable development agreement. This shall include development agreements pursuant to this chapter or in an agreement or a development order issued pursuant to chapter 380. Nothing herein shall be construed to require a local government to address services in its capital improvements plan or to limit a local government's ability to address any service in its capital improvements plan that it deems necessary.~~

~~(i) The department shall take into account the factors delineated in rule 9J-5.002(2), Florida Administrative Code, as it provides assistance to local governments and applies the rule in specific situations with regard to the detail of the data and analysis required.~~

~~(j) Chapter 9J-5, Florida Administrative Code, has become effective pursuant to subsection (9). The Legislature hereby directs the department to adopt amendments as necessary which conform chapter 9J-5, Florida Administrative Code, with the requirements of this legislative intent by October 1, 1986.~~

~~(k) In order for local governments to prepare and adopt comprehensive plans with knowledge of the rules that are applied to determine consistency of the plans with this part, there should be no doubt as to the legal standing of chapter 9J-5, Florida Administrative Code, at the close of the 1986 legislative session. Therefore, the Legislature declares that changes made to chapter 9J-5 before October 1, 1986, are not subject to rule challenges under s. 120.56(2), or to drawout proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5, Florida Administrative Code, as amended, is subject to rule challenges under s. 120.56(3), as nothing herein indicates approval or disapproval of any portion of chapter 9J-5 not specifically addressed herein. Any amendments to chapter 9J-5, Florida Administrative Code, exclusive of the amendments adopted prior to October 1, 1986, pursuant to this act, shall be subject to the full chapter 120 process. All amendments shall have effective dates as provided in chapter 120 and submission to the President of the Senate and Speaker of the House of Representatives shall not be required.~~

~~(l) The state land planning agency shall consider land use compatibility issues in the vicinity of all airports in coordination with the Department of Transportation and adjacent to or in close proximity to all military installations in coordination with the Department of Defense.~~

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

~~(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land use efficiencies within existing urban areas and which also allows for the conversion of rural lands to other uses, where appropriate and consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area based allocations, clustering and open space provisions, mixed use development, and sector planning.~~

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

~~(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, water management districts, and regional planning councils, shall provide assistance to local governments in the implementation of this paragraph and rule 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained herein and in rule 9J-5.006(5)(l), Florida Administrative Code. Assistance may include, but is not limited to:~~

~~a. Assistance from the Department of Environmental Protection and water management districts in creating the geographic information systems land cover database and aerial photogrammetry needed to prepare for a rural land stewardship area;~~

~~b. Support for local government implementation of rural land stewardship concepts by providing information and assistance to local governments regarding land acquisition programs that may be used by the local government or landowners to leverage the protection of greater acreage and maximize the effectiveness of rural land stewardship areas; and~~

~~c. Expansion of the role of the Department of Community Affairs as a resource agency to facilitate establishment of rural land stewardship~~

~~areas in smaller rural counties that do not have the staff or planning budgets to create a rural land stewardship area.~~

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

~~3. A local government, in conjunction with a regional planning council, a stakeholder organization of private land owners, or another local government, shall notify the department in writing of its intent to designate a rural land stewardship area. The written notification shall describe the basis for the designation, including the extent to which the rural land stewardship area enhances rural land values, controls urban sprawl, provides necessary open space for agriculture and protection of the natural environment, promotes rural economic activity, and maintains rural character and the economic viability of agriculture.~~

~~4. A rural land stewardship area shall be not less than 10,000 acres and shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184 and shall provide for the following:~~

~~a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.~~

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

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

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

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

~~5. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government. At the time of designation of a stewardship receiving area, a listed species survey will be performed. If listed species occur on the receiving area site, the developer shall coordinate with each appropriate local, state, or federal agency to determine if adequate provisions have been made to protect those species in accordance with applicable regulations. In determining the adequacy of provisions for the protection of listed species and their habitats, the rural land stewardship area shall be considered as a whole, and the impacts to areas to be developed as receiving areas shall be considered together with the environmental benefits of areas protected as sending areas in fulfilling this criteria.~~

~~6. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, establish the methodology for the creation, conveyance, and use of transferable rural land use credits, otherwise referred to as stewardship credits, the application of which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferable rural land use credits within the rural land stewardship area must enable the realization of the long term vision and goals for the 25 year or greater projected population of the rural land stewardship area, which may take into consideration the anticipated effect of the proposed receiving areas. Transferable rural land use credits are subject to the following limitations:~~

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

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

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

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

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

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

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

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

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

~~j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the natural resource or other beneficial use characteristics of the land and according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land or, in locations where the retention of open space and agricultural land is a priority, to such lands.~~

~~k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Pro-~~

~~tection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.~~

~~7. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:~~

~~a. Opportunity to accumulate transferable mitigation credits.~~

~~b. Extended permit agreements.~~

~~c. Opportunities for recreational leases and ecotourism.~~

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

~~e. Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of conservation objectives.~~

~~8. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph.~~

~~(c) The Legislature finds that mixed use, high density development is appropriate for urban infill and redevelopment areas. Mixed use projects accommodate a variety of uses, including residential and commercial, and usually at higher densities that promote pedestrian-friendly, sustainable communities. The Legislature recognizes that mixed use, high density development improves the quality of life for residents and businesses in urban areas. The Legislature finds that mixed use, high density redevelopment and infill benefits residents by creating a livable community with alternative modes of transportation. Furthermore, the Legislature finds that local zoning ordinances often discourage mixed use, high density development in areas that are appropriate for urban infill and redevelopment. The Legislature intends to discourage single-use zoning in urban areas which often leads to lower-density, land intensive development outside an urban service area. Therefore, the Department of Community Affairs shall provide technical assistance to local governments in order to encourage mixed use, high density urban infill and redevelopment projects.~~

~~(f) The Legislature finds that a program for the transfer of development rights is a useful tool to preserve historic buildings and create public open spaces in urban areas. A program for the transfer of development rights allows the transfer of density credits from historic properties and public open spaces to areas designated for high density development. The Legislature recognizes that high density development is integral to the success of many urban infill and redevelopment projects. The Legislature intends to encourage high density urban infill and redevelopment while preserving historic structures and open spaces. Therefore, the Department of Community Affairs shall provide technical assistance to local governments in order to promote the transfer of development rights within urban areas for high density infill and redevelopment projects.~~

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

~~(h) The department may adopt rules necessary to implement the provisions of this subsection.~~

~~(12) A public school facilities element adopted to implement a school concurrency program shall meet the requirements of this subsection. Each county and each municipality within the county, unless exempt or subject to a waiver, must adopt a public school facilities element that is consistent with those adopted by the other local governments within the county and enter the interlocal agreement pursuant to s. 163.31777.~~

~~(a) The state land planning agency may provide a waiver to a county and to the municipalities within the county if the capacity rate for all schools within the school district is no greater than 100 percent and the projected 5 year capital outlay full time equivalent student growth rate is less than 10 percent. The state land planning agency may allow for a projected 5 year capital outlay full time equivalent student growth rate to exceed 10 percent when the projected 10 year capital outlay full time equivalent student enrollment is less than 2,000 students and the capacity rate for all schools within the school district in the tenth year will not exceed the 100 percent limitation. The state land planning agency may allow for a single school to exceed the 100 percent limitation if it can be demonstrated that the capacity rate for that single school is not greater than 105 percent. In making this determination, the state land planning agency shall consider the following criteria:~~

~~1. Whether the exceedance is due to temporary circumstances;~~

~~2. Whether the projected 5 year capital outlay full time equivalent student growth rate for the school district is approaching the 10 percent threshold;~~

~~3. Whether one or more additional schools within the school district are at or approaching the 100 percent threshold; and~~

~~4. The adequacy of the data and analysis submitted to support the waiver request.~~

~~(b) A municipality in a nonexempt county is exempt if the municipality meets all of the following criteria for having no significant impact on school attendance:~~

~~1. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.~~

~~2. The municipality has not annexed new land during the preceding 5 years in land use categories that permit residential uses that will affect school attendance rates.~~

~~3. The municipality has no public schools located within its boundaries.~~

~~(c) A public school facilities element shall be based upon data and analyses that address, among other items, how level of service standards will be achieved and maintained. Such data and analyses must include, at a minimum, such items as: the interlocal agreement adopted pursuant to s. 163.31777 and the 5 year school district facilities work program adopted pursuant to s. 1013.35; the educational plant survey prepared pursuant to s. 1013.31 and an existing educational and ancillary plant map or map series; information on existing development and development anticipated for the next 5 years and the long term planning period; an analysis of problems and opportunities for existing schools and schools anticipated in the future; an analysis of opportunities to collocate future schools with other public facilities such as parks, libraries, and community centers; an analysis of the need for supporting public facilities for existing and future schools; an analysis of opportunities to locate schools to serve as community focal points; projected future population and associated demographics, including development patterns year by year for the upcoming 5-year and long-term planning periods; and anticipated educational and ancillary plants with land area requirements.~~

~~(d) The element shall contain one or more goals which establish the long term end toward which public school programs and activities are ultimately directed.~~

~~(e) The element shall contain one or more objectives for each goal, setting specific, measurable, intermediate ends that are achievable and mark progress toward the goal.~~

~~(f) The element shall contain one or more policies for each objective which establish the way in which programs and activities will be conducted to achieve an identified goal.~~

~~(g) The objectives and policies shall address items such as:~~

~~1. The procedure for an annual update process;~~

~~2. The procedure for school site selection;~~

~~3. The procedure for school permitting;~~

~~4. Provision for infrastructure necessary to support proposed schools, including potable water, wastewater, drainage, solid waste, transportation, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization;~~

~~5. Provision for colocation of other public facilities, such as parks, libraries, and community centers, in proximity to public schools;~~

~~6. Provision for location of schools proximate to residential areas and to complement patterns of development, including the location of future school sites so they serve as community focal points;~~

~~7. Measures to ensure compatibility of school sites and surrounding land uses;~~

~~8. Coordination with adjacent local governments and the school district on emergency preparedness issues, including the use of public schools to serve as emergency shelters; and~~

~~9. Coordination with the future land use element.~~

~~(h) The element shall include one or more future conditions maps which depict the anticipated location of educational and ancillary plants, including the general location of improvements to existing schools or new schools anticipated over the 5-year or long-term planning period. The maps will of necessity be general for the long-term planning period and more specific for the 5 year period. Maps indicating general locations of future schools or school improvements may not prescribe a land use on a particular parcel of land.~~

~~(i) The state land planning agency shall establish a phased schedule for adoption of the public school facilities element and the required updates to the public schools interlocal agreement pursuant to s. 163.31777. The schedule shall provide for each county and local government within the county to adopt the element and update to the agreement no later than December 1, 2008. Plan amendments to adopt a public school facilities element are exempt from the provisions of s. 163.3187(1).~~

~~(j) The state land planning agency may issue a notice to the school board and the local government to show cause why sanctions should not be enforced for failure to enter into an approved interlocal agreement as required by s. 163.31777 or for failure to implement provisions relating to public school concurrency. If the state land planning agency finds that insufficient cause exists for the school board's or local government's failure to enter into an approved interlocal agreement as required by s. 163.31777 or for the school board's or local government's failure to implement the provisions relating to public school concurrency, the state land planning agency shall submit its finding to the Administration Commission which may impose on the local government any of the sanctions set forth in s. 163.3184(11)(a) and (b) and may impose on the district school board any of the sanctions set forth in s. 1008.32(4).~~

~~(13) Local governments are encouraged to develop a community vision that provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources. At the request of a local government, the applicable regional planning council shall provide assistance in the development of a community vision.~~

~~(a) As part of the process of developing a community vision under this section, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.~~

~~(b) The local government must, at a minimum, discuss five of the following topics as part of the workshops and public meetings required under paragraph (a):~~

~~1. Future growth in the area using population forecasts from the Bureau of Economic and Business Research;~~

~~2. Priorities for economic development;~~

~~3. Preservation of open space, environmentally sensitive lands, and agricultural lands;~~

~~4. Appropriate areas and standards for mixed-use development;~~

~~5. Appropriate areas and standards for high density commercial and residential development;~~

~~6. Appropriate areas and standards for economic development opportunities and employment centers;~~

~~7. Provisions for adequate workforce housing;~~

~~8. An efficient, interconnected multimodal transportation system; and~~

~~9. Opportunities to create land use patterns that accommodate the issues listed in subparagraphs 1. 8.~~

~~(c) As part of the workshops and public meetings, the local government must discuss strategies for addressing the topics discussed under paragraph (b), including:~~

~~1. Strategies to preserve open space and environmentally sensitive lands, and to encourage a healthy agricultural economy, including innovative planning and development strategies, such as the transfer of development rights;~~

~~2. Incentives for mixed use development, including increased height and intensity standards for buildings that provide residential use in combination with office or commercial space;~~

~~3. Incentives for workforce housing;~~

~~4. Designation of an urban service boundary pursuant to subsection (2); and~~

~~5. Strategies to provide mobility within the community and to protect the Strategic Intermodal System, including the development of a transportation corridor management plan under s. 337.273.~~

~~(d) The community vision must reflect the community's shared concept for growth and development of the community, including visual representations depicting the desired land use patterns and character of the community during a 10-year planning timeframe. The community vision must also take into consideration economic viability of the vision and private property interests.~~

~~(e) After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the community vision as a component in the plan. This plan amendment must be transmitted and adopted pursuant to the procedures in ss. 163.3184 and 163.3189 at public hearings of the governing body other than those identified in paragraph (a).~~

~~(f) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.~~

~~(g) A local government that has developed a community vision or completed a visioning process after July 1, 2000, and before July 1, 2005, which substantially accomplishes the goals set forth in this subsection and the appropriate goals, policies, or objectives have been adopted as part of the comprehensive plan or reflected in subsequently adopted land development regulations and the plan amendment incorporating the community vision as a component has been found in compliance is eligible for the incentives in s. 163.3184(17).~~

~~(14) Local governments are also encouraged to designate an urban service boundary. This area must be appropriate for compact, contiguous urban development within a 10-year planning timeframe. The urban service area boundary must be identified on the future land use map or map series. The local government shall demonstrate that the land included within the urban service boundary is served or is planned to be served with adequate public facilities and services based on the local government's adopted level of service standards by adopting a 10 year facilities plan in the capital improvements element which is financially feasible. The local government shall demonstrate that the amount of land within the urban service boundary does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10 year planning timeframe.~~

~~(a) As part of the process of establishing an urban service boundary, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.~~

~~(b)1. After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the urban service boundary. This plan amendment must be transmitted and adopted pursuant to the procedures in ss. 163.3184 and 163.3189 at meetings of the governing body other than those required under paragraph (a).~~

~~2. This subsection does not prohibit new development outside an urban service boundary. However, a local government that establishes an urban service boundary under this subsection is encouraged to require a full cost accounting analysis for any new development outside the boundary and to consider the results of that analysis when adopting a plan amendment for property outside the established urban service boundary.~~

~~(c) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.~~

~~(d) A local government that has adopted an urban service boundary before July 1, 2005, which substantially accomplishes the goals set forth in this subsection is not required to comply with paragraph (a) or subparagraph 1. of paragraph (b) in order to be eligible for the incentives under s. 163.3184(17). In order to satisfy the provisions of this paragraph, the local government must secure a determination from the state land planning agency that the urban service boundary adopted before July 1, 2005, substantially complies with the criteria of this subsection, based on data and analysis submitted by the local government to support this determination. The determination by the state land planning agency is not subject to administrative challenge.~~

(7)~~(15)~~(a) The Legislature finds that:

1. There are a number of rural agricultural industrial centers in the state that process, produce, or aid in the production or distribution of a variety of agriculturally based products, including, but not limited to, fruits, vegetables, timber, and other crops, and juices, paper, and building materials. Rural agricultural industrial centers have a significant amount of existing associated infrastructure that is used for processing, producing, or distributing agricultural products.

2. Such rural agricultural industrial centers are often located within or near communities in which the economy is largely dependent upon agriculture and agriculturally based products. The centers significantly enhance the economy of such communities. However, these agriculturally based communities are often socioeconomically challenged and designated as rural areas of critical economic concern. If such rural agricultural industrial centers are lost and not replaced with other job-creating enterprises, the agriculturally based communities will lose a substantial amount of their economies.

3. The state has a compelling interest in preserving the viability of agriculture and protecting rural agricultural communities and the state from the economic upheaval that would result from short-term or long-term adverse changes in the agricultural economy. To protect these communities and promote viable agriculture for the long term, it is essential to encourage and permit diversification of existing rural agricultural industrial centers by providing for jobs that are not solely dependent upon, but are compatible with and complement, existing agricultural industrial operations and to encourage the creation and expansion of industries that use agricultural products in innovative ways. However, the expansion and diversification of these existing centers must be accomplished in a manner that does not promote urban sprawl into surrounding agricultural and rural areas.

(b) As used in this subsection, the term "rural agricultural industrial center" means a developed parcel of land in an unincorporated area on which there exists an operating agricultural industrial facility or facilities that employ at least 200 full-time employees in the aggregate and process and prepare for transport a farm product, as defined in s. 163.3162, or any biomass material that could be used, directly or indirectly, for the production of fuel, renewable energy, bioenergy, or alternative fuel as defined by law. The center may also include land contiguous to the facility site which is not used for the cultivation of crops, but on which other existing activities essential to the operation of such facility or facilities are located or conducted. The parcel of land must be located within, or within 10 miles of, a rural area of critical economic concern.

(c)1. A landowner whose land is located within a rural agricultural industrial center may apply for an amendment to the local government comprehensive plan for the purpose of designating and expanding the existing agricultural industrial uses of facilities located within the center or expanding the existing center to include industrial uses or facilities that are not dependent upon but are compatible with agriculture and the existing uses and facilities. A local government comprehensive plan amendment under this paragraph must:

a. Not increase the physical area of the existing rural agricultural industrial center by more than 50 percent or 320 acres, whichever is greater.

b. Propose a project that would, upon completion, create at least 50 new full-time jobs.

c. Demonstrate that sufficient infrastructure capacity exists or will be provided to support the expanded center at the level-of-service standards adopted in the local government comprehensive plan.

d. Contain goals, objectives, and policies that will ensure that any adverse environmental impacts of the expanded center will be adequately addressed and mitigation implemented or demonstrate that the local government comprehensive plan contains such provisions.

2. Within 6 months after receiving an application as provided in this paragraph, the local government shall transmit the application to the state land planning agency for review pursuant to this chapter together with any needed amendments to the applicable sections of its comprehensive plan to include goals, objectives, and policies that provide for the expansion of rural agricultural industrial centers and discourage urban sprawl in the surrounding areas. Such goals, objectives, and policies must promote and be consistent with the findings in this subsection. An amendment that meets the requirements of this subsection is presumed *not* to be *urban sprawl as defined in s. 163.3164* ~~consistent with rule 9J-5.006(5), Florida Administrative Code~~. This presumption may be rebutted by a preponderance of the evidence.

(d) This subsection does not apply to an optional sector plan adopted pursuant to s. 163.3245, a rural land stewardship area designated pursuant to *s. 163.3248* ~~subsection (11)~~, or any comprehensive plan amendment that includes an inland port terminal or affiliated port development.

(e) Nothing in this subsection shall be construed to confer the status of rural area of critical economic concern, or any of the rights or benefits derived from such status, on any land area not otherwise designated as such pursuant to s. 288.0656(7).

Section 13. Section 163.31777, Florida Statutes, is amended to read:

163.31777 Public schools interlocal agreement.—

(1)~~(a)~~ The county and municipalities located within the geographic area of a school district shall enter into an interlocal agreement with the district school board which jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. ~~The interlocal agreements shall be submitted to the state land planning agency and the Office of Educational Facilities in accordance with a schedule published by the state land planning agency.~~

~~(b) The schedule must establish staggered due dates for submission of interlocal agreements that are executed by both the local government and the district school board, commencing on March 1, 2003, and concluding by December 1, 2004, and must set the same date for all governmental entities within a school district. However, if the county where the school district is located contains more than 20 municipalities, the state land planning agency may establish staggered due dates for the submission of interlocal agreements by these municipalities. The schedule must begin with those areas where both the number of districtwide~~

~~capital outlay full-time-equivalent students equals 80 percent or more of the current year's school capacity and the projected 5-year student growth is 1,000 or greater, or where the projected 5-year student growth rate is 10 percent or greater.~~

~~(c) If the student population has declined over the 5-year period preceding the due date for submittal of an interlocal agreement by the local government and the district school board, the local government and the district school board may petition the state land planning agency for a waiver of one or more requirements of subsection (2). The waiver must be granted if the procedures called for in subsection (2) are unnecessary because of the school district's declining school age population, considering the district's 5-year facilities work program prepared pursuant to s. 1013.35. The state land planning agency may modify or revoke the waiver upon a finding that the conditions upon which the waiver was granted no longer exist. The district school board and local governments must submit an interlocal agreement within 1 year after notification by the state land planning agency that the conditions for a waiver no longer exist.~~

~~(d) Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177 before the effective date of this section must be updated and executed pursuant to the requirements of this section, if necessary. Amendments to interlocal agreements adopted pursuant to this section must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with this section.~~ Local governments and the district school board in each school district are encouraged to adopt a single interlocal agreement to which all join as parties. ~~The state land planning agency shall assemble and make available model interlocal agreements meeting the requirements of this section and notify local governments and, jointly with the Department of Education, the district school boards of the requirements of this section, the dates for compliance, and the sanctions for noncompliance. The state land planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the potential for sanctions.~~

(2) At a minimum, the interlocal agreement must address ~~interlocal agreement requirements in s. 163.3180(13)(g), except for exempt local governments as provided in s. 163.3177(12), and must address~~ the following issues:

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new, proposed expansion, or redevelopment of existing schools. The process must address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding the effect of comprehensive plan amendments on school capacity. The capacity reporting must be consistent with laws and rules relating to measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the district school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

~~(3)(a) The Office of Educational Facilities shall submit any comments or concerns regarding the executed interlocal agreement to the state land planning agency within 30 days after receipt of the executed interlocal agreement. The state land planning agency shall review the executed interlocal agreement to determine whether it is consistent with the requirements of subsection (2), the adopted local government comprehensive plan, and other requirements of law. Within 60 days after receipt of an executed interlocal agreement, the state land planning agency shall publish a notice of intent in the Florida Administrative Weekly and shall post a copy of the notice on the agency's Internet site. The notice of intent must state whether the interlocal agreement is consistent or inconsistent with the requirements of subsection (2) and this subsection, as appropriate.~~

~~(b) The state land planning agency's notice is subject to challenge under chapter 120; however, an affected person, as defined in s. 163.3184(1)(a), has standing to initiate the administrative proceeding, and this proceeding is the sole means available to challenge the consistency of an interlocal agreement required by this section with the criteria contained in subsection (2) and this subsection. In order to have standing, each person must have submitted oral or written comments, recommendations, or objections to the local government or the school board before the adoption of the interlocal agreement by the school board and local government. The district school board and local governments are parties to any such proceeding. In this proceeding, when the state land planning agency finds the interlocal agreement to be consistent with the criteria in subsection (2) and this subsection, the interlocal agreement shall be determined to be consistent with subsection (2) and this subsection if the local government's and school board's determination of consistency is fairly debatable. When the state planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (2) and this subsection, the local government's and school board's determination of consistency shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.~~

~~(c) If the state land planning agency enters a final order that finds that the interlocal agreement is inconsistent with the requirements of subsection (2) or this subsection, it shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to s. 163.3184(11) and may impose sanctions against the district school board by directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.~~

~~(4) If an executed interlocal agreement is not timely submitted to the state land planning agency for review, the state land planning agency shall, within 15 working days after the deadline for submittal, issue to the local government and the district school board a Notice to Show Cause why sanctions should not be imposed for failure to submit an executed interlocal agreement by the deadline established by the agency. The agency shall forward the notice and the responses to the Administration Commission, which may enter a final order citing the failure to comply and imposing sanctions against the local government and district school board by directing the appropriate agencies to withhold at least 5 percent of state funds pursuant to s. 163.3184(11) and by directing the Department of Education to withhold from the district school board at least 5 percent of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.~~

~~(5) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s.~~

~~163.3180 before the effective date of this section is not required to amend the element or any interlocal agreement to conform with the provisions of this section if the element is adopted prior to or within 1 year after the effective date of this section and remains in effect until the county conducts its evaluation and appraisal report and identifies changes necessary to more fully conform to the provisions of this section.~~

~~(6) Except as provided in subsection (7), municipalities meeting the exemption criteria in s. 163.3177(12) are exempt from the requirements of subsections (1), (2), and (3).~~

~~(7) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under s. 163.3177(12). If the municipality continues to meet these criteria, the municipality shall continue to be exempt from the interlocal agreement requirement. Each municipality exempt under s. 163.3177(12) must comply with the provisions of this section within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.~~

Section 14. Subsection (9) of section 163.3178, Florida Statutes, is amended to read:

163.3178 Coastal management.—

(9)(a) ~~Local governments may elect to comply with rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code, through the process provided in this section.~~ A proposed comprehensive plan amendment shall be found in compliance with state coastal high-hazard provisions ~~pursuant to rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code,~~ if:

1. The adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale; *or*

2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or

3. Appropriate mitigation is provided that will satisfy ~~the provisions of~~ subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation *may* ~~shall~~ not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.

(b) For those local governments that have not established a level of service for out-of-county hurricane evacuation by July 1, 2008, ~~but elect to comply with rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code,~~ by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.

(c) This subsection shall become effective immediately and shall apply to all local governments. No later than July 1, 2008, local governments shall amend their future land use map and coastal management element to include the new definition of coastal high-hazard area and to depict the coastal high-hazard area on the future land use map.

Section 15. Section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(1)~~(a)~~ Sanitary sewer, solid waste, drainage, *and* potable water~~, parks and recreation, schools, and transportation facilities, including mass transit, where applicable,~~ are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without ~~appropriate study and~~ approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

(a) If concurrency is applied to other public facilities, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service, to guide its application. In order for a local government to rescind any optional concurrency provisions, a comprehensive plan amendment is required. An amendment rescinding optional concurrency issues is not subject to state review.

(b) The local government comprehensive plan must demonstrate, for required or optional concurrency requirements, that the levels of service adopted can be reasonably met. Infrastructure needed to ensure that adopted level-of-service standards are achieved and maintained for the 5-year period of the capital improvement schedule must be identified pursuant to the requirements of s. 163.3177(3). The comprehensive plan must include principles, guidelines, standards, and strategies for the establishment of a concurrency management system.

~~(b) Local governments shall use professionally accepted techniques for measuring level of service for automobiles, bicycles, pedestrians, transit, and trucks. These techniques may be used to evaluate increased accessibility by multiple modes and reductions in vehicle miles of travel in an area or zone. The Department of Transportation shall develop methodologies to assist local governments in implementing this multimodal level-of-service analysis. The Department of Community Affairs and the Department of Transportation shall provide technical assistance to local governments in applying these methodologies.~~

(2)~~(a)~~ Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent. A local government may meet the concurrency requirement for sanitary sewer through the use of onsite sewage treatment and disposal systems approved by the Department of Health to serve new development.

~~(b) Consistent with the public welfare, and except as otherwise provided in this section, parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance by the local government of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities shall be dedicated or be acquired by the local government prior to issuance by the local government of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed no later than the local government's approval to commence construction.~~

~~(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation.~~

(3) Governmental entities that are not responsible for providing, financing, operating, or regulating public facilities needed to serve development may not establish binding level-of-service standards on governmental entities that do bear those responsibilities. ~~This subsection does not limit the authority of any agency to recommend or make objections, recommendations, comments, or determinations during reviews conducted under s. 163.3184.~~

(4)~~(a)~~ The concurrency requirement as implemented in local comprehensive plans applies to state and other public facilities and development to the same extent that it applies to all other facilities and development, as provided by law.

~~(b) The concurrency requirement as implemented in local comprehensive plans does not apply to public transit facilities. For the purposes of this paragraph, public transit facilities include transit stations and terminals; transit station parking; park and ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or~~

~~storage of aircraft. As used in this paragraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.~~

~~(c) The concurrency requirement, except as it relates to transportation facilities and public schools, as implemented in local government comprehensive plans, may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan. The waiver shall be adopted as a plan amendment pursuant to the process set forth in s. 163.3187(3)(a). A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within these urban infill and redevelopment areas.~~

(5)*(a) If concurrency is applied to transportation facilities, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service to guide its application.*

(b) Local governments shall use professionally accepted studies to evaluate the appropriate levels of service. Local governments should consider the number of facilities that will be necessary to meet level-of-service demands when determining the appropriate levels of service. The schedule of facilities that are necessary to meet the adopted level of service shall be reflected in the capital improvement element.

(c) Local governments shall use professionally accepted techniques for measuring levels of service when evaluating potential impacts of a proposed development.

(d) The premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level of service standard. A comprehensive plan that imposes transportation concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3). The capital improvements element shall identify facilities necessary to meet adopted levels of service during a 5-year period.

(e) If a local government applies transportation concurrency in its jurisdiction, it is encouraged to develop policy guidelines and techniques to address potential negative impacts on future development:

1. In urban infill and redevelopment, and urban service areas.

2. With special part-time demands on the transportation system.

3. With de minimis impacts.

4. On community desired types of development, such as redevelopment, or job creation projects.

(f) Local governments are encouraged to develop tools and techniques to complement the application of transportation concurrency such as:

1. Adoption of long-term strategies to facilitate development patterns that support multimodal solutions, including urban design, and appropriate land use mixes, including intensity and density.

2. Adoption of an areawide level of service not dependent on any single road segment function.

3. Exempting or discounting impacts of locally desired development, such as development in urban areas, redevelopment, job creation, and mixed use on the transportation system.

4. Assigning secondary priority to vehicle mobility and primary priority to ensuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit.

5. Establishing multimodal level of service standards that rely primarily on nonvehicular modes of transportation where existing or planned community design will provide adequate level of mobility.

6. Reducing impact fees or local access fees to promote development within urban areas, multimodal transportation districts, and a balance of mixed use development in certain areas or districts, or for affordable or workforce housing.

(g) Local governments are encouraged to coordinate with adjacent local governments for the purpose of using common methodologies for measuring impacts on transportation facilities.

(h) Local governments that implement transportation concurrency must:

1. Consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system.

2. Exempt public transit facilities from concurrency. For the purposes of this subparagraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this subparagraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.

3. Allow an applicant for a development-of-regional-impact development order, a rezoning, or other land use development permit to satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06, when applicable, if:

a. The applicant enters into a binding agreement to pay for or construct its proportionate share of required improvements.

b. The proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility.

c.(I) The local government has provided a means by which the landowner will be assessed a proportionate share of the cost of providing the transportation facilities necessary to serve the proposed development. An applicant shall not be held responsible for the additional cost of reducing or eliminating deficiencies.

(II) When an applicant contributes or constructs its proportionate share pursuant to this subparagraph, a local government may not require payment or construction of transportation facilities whose costs would be greater than a development's proportionate share of the improvements necessary to mitigate the development's impacts.

(A) The proportionate-share contribution shall be calculated based upon the number of trips from the proposed development expected to reach roadways during the peak hour from the stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain or achieve the adopted level of service, multiplied by the construction cost, at the time of development payment, of the improvement necessary to maintain or achieve the adopted level of service.

(B) In using the proportionate-share formula provided in this subparagraph, the applicant, in its traffic analysis, shall identify those roads or facilities that have a transportation deficiency in accordance with the transportation deficiency as defined in sub-subparagraph e. The proportionate-share formula provided in this subparagraph shall be applied only to those facilities that are determined to be significantly impacted by the project traffic under review. If any road is determined to be transportation deficient without the project traffic under review, the costs of correcting that deficiency shall be removed from the project's proportionate-share calculation and the necessary transportation improvements to correct that deficiency shall be considered to be in place for purposes of the proportionate-share calculation. The improvement necessary to correct the transportation deficiency is the funding responsibility of the entity that has maintenance responsibility for the facility. The development's proportionate share shall be calculated only for the needed transportation improvements that are greater than the identified deficiency.

(C) When the provisions of this subparagraph have been satisfied for a particular stage or phase of development, all transportation impacts from that stage or phase for which mitigation was required and provided shall be deemed fully mitigated in any transportation analysis for a subsequent stage or phase of development. Trips from a previous stage or phase that did not result in impacts for which mitigation was required or provided

may be cumulatively analyzed with trips from a subsequent stage or phase to determine whether an impact requires mitigation for the subsequent stage or phase.

(D) In projecting the number of trips to be generated by the development under review, any trips assigned to a toll-financed facility shall be eliminated from the analysis.

(E) The applicant shall receive a credit on a dollar-for-dollar basis for impact fees, mobility fees, and other transportation concurrency mitigation requirements paid or payable in the future for the project. The credit shall be reduced up to 20 percent by the percentage share that the project's traffic represents of the added capacity of the selected improvement, or by the amount specified by local ordinance, whichever yields the greater credit.

d. This subsection does not require a local government to approve a development that is not otherwise qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.

e. As used in this subsection, the term "transportation deficiency" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing, committed, and vested trips, plus additional projected background trips from any source other than the development project under review, and trips that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida's Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

~~(a) The Legislature finds that under limited circumstances, countervailing planning and public policy goals may come into conflict with the requirement that adequate public transportation facilities and services be available concurrent with the impacts of such development. The Legislature further finds that the unintended result of the concurrency requirement for transportation facilities is often the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. The Legislature also finds that in urban centers transportation cannot be effectively managed and mobility cannot be improved solely through the expansion of roadway capacity, that the expansion of roadway capacity is not always physically or financially possible, and that a range of transportation alternatives is essential to satisfy mobility needs, reduce congestion, and achieve healthy, vibrant centers.~~

~~(b)1. The following are transportation concurrency exception areas:~~

~~a. A municipality that qualifies as a dense urban land area under s. 163.3164;~~

~~b. An urban service area under s. 163.3164 that has been adopted into the local comprehensive plan and is located within a county that qualifies as a dense urban land area under s. 163.3164; and~~

~~c. A county, including the municipalities located therein, which has a population of at least 900,000 and qualifies as a dense urban land area under s. 163.3164, but does not have an urban service area designated in the local comprehensive plan.~~

~~2. A municipality that does not qualify as a dense urban land area pursuant to s. 163.3164 may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:~~

~~a. Urban infill as defined in s. 163.3164;~~

~~b. Community redevelopment areas as defined in s. 163.340;~~

~~c. Downtown revitalization areas as defined in s. 163.3164;~~

~~d. Urban infill and redevelopment under s. 163.2517; or~~

~~e. Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s. 163.3177(14).~~

~~3. A county that does not qualify as a dense urban land area pursuant to s. 163.3164 may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:~~

~~a. Urban infill as defined in s. 163.3164;~~

~~b. Urban infill and redevelopment under s. 163.2517; or~~

~~c. Urban service areas as defined in s. 163.3164.~~

~~4. A local government that has a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. shall, within 2 years after the designated area becomes exempt, adopt into its local comprehensive plan land use and transportation strategies to support and fund mobility within the exception area, including alternative modes of transportation. Local governments are encouraged to adopt complementary land use and transportation strategies that reflect the region's shared vision for its future. If the state land planning agency finds insufficient cause for the failure to adopt into its comprehensive plan land use and transportation strategies to support and fund mobility within the designated exception area after 2 years, it shall submit the finding to the Administration Commission, which may impose any of the sanctions set forth in s. 163.3184(11)(a) and (b) against the local government.~~

~~5. Transportation concurrency exception areas designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. do not apply to designated transportation concurrency districts located within a county that has a population of at least 1.5 million, has implemented and uses a transportation related concurrency assessment to support alternative modes of transportation, including, but not limited to, mass transit, and does not levy transportation impact fees within the concurrency district.~~

~~6. Transportation concurrency exception areas designated under subparagraph 1., subparagraph 2., or subparagraph 3. do not apply in any county that has exempted more than 40 percent of the area inside the urban service area from transportation concurrency for the purpose of urban infill.~~

~~7. A local government that does not have a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:~~

~~a. Urban infill development;~~

~~b. Urban redevelopment;~~

~~c. Downtown revitalization;~~

~~d. Urban infill and redevelopment under s. 163.2517; or~~

~~e. An urban service area specifically designated as a transportation concurrency exception area which includes lands appropriate for compact, contiguous urban development, which does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning period, and which is served or is planned to be served with public facilities and services as provided by the capital improvements element.~~

~~(c) The Legislature also finds that developments located within urban infill, urban redevelopment, urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517, which pose only special part-time demands on the transportation system, are exempt from the concurrency requirement for transportation facilities. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.~~

~~(d) Except for transportation concurrency exception areas designated pursuant to subparagraph (b)1., subparagraph (b)2., or subparagraph (b)3., the following requirements apply:~~

~~1. The local government shall both adopt into the comprehensive plan and implement long-term strategies to support and fund mobility within the designated exception area, including alternative modes of transportation. The plan amendment must also demonstrate how strategies will support the purpose of the exception and how mobility within the designated exception area will be provided.~~

2. The strategies must address urban design; appropriate land use mixes, including intensity and density; and network connectivity plans needed to promote urban infill, redevelopment, or downtown revitalization. The comprehensive plan amendment designating the concurrency exception area must be accompanied by data and analysis supporting the local government's determination of the boundaries of the transportation concurrency exception area.

(e) Before designating a concurrency exception area pursuant to subparagraph (b)7., the state land planning agency and the Department of Transportation shall be consulted by the local government to assess the impact that the proposed exception area is expected to have on the adopted level of service standards established for regional transportation facilities identified pursuant to s. 186.507, including the Strategic Intermodal System and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall provide a plan for the mitigation of impacts to the Strategic Intermodal System, including, if appropriate, access management, parallel reliever roads, transportation demand management, and other measures.

(f) The designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees. This subsection does not affect any contract or agreement entered into or development order rendered before the creation of the transportation concurrency exception area except as provided in s. 380.06(29)(e).

(g) The Office of Program Policy Analysis and Government Accountability shall submit to the President of the Senate and the Speaker of the House of Representatives by February 1, 2015, a report on transportation concurrency exception areas created pursuant to this subsection. At a minimum, the report shall address the methods that local governments have used to implement and fund transportation strategies to achieve the purposes of designated transportation concurrency exception areas, and the effects of the strategies on mobility, congestion, urban design, the density and intensity of land use mixes, and network connectivity plans used to promote urban infill, redevelopment, or downtown revitalization.

(6) The Legislature finds that a de minimis impact is consistent with this part. A de minimis impact is an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the local government. No impact will be de minimis if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility; provided however, that an impact of a single family home on an existing lot will constitute a de minimis impact on all roadways regardless of the level of the deficiency of the roadway. Further, no impact will be de minimis if it would exceed the adopted level-of-service standard of any affected designated hurricane evacuation routes. Each local government shall maintain sufficient records to ensure that the 110 percent criterion is not exceeded. Each local government shall submit annually, with its updated capital improvements element, a summary of the de minimis records. If the state land planning agency determines that the 110 percent criterion has been exceeded, the state land planning agency shall notify the local government of the exceedance and that no further de minimis exceptions for the applicable roadway may be granted until such time as the volume is reduced below the 110 percent. The local government shall provide proof of this reduction to the state land planning agency before issuing further de minimis exceptions.

(7) In order to promote infill development and redevelopment, one or more transportation concurrency management areas may be designated in a local government comprehensive plan. A transportation concurrency management area must be a compact geographic area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A local government may establish an areawide level of service standard for such a transportation concurrency management area based upon an analysis that provides for a justification for the areawide level of service, how urban infill development or redevelopment will be promoted, and how mobility will be accomplished within the transportation concurrency management area. Prior to the designation of a concurrency management area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed concurrency management area is expected to have on the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). Transportation concurrency management areas existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last. The state land planning agency shall amend chapter 9J-5, Florida Administrative Code, to be consistent with this subsection.

(8) When assessing the transportation impacts of proposed urban redevelopment within an established existing urban service area, 110 percent of the actual transportation impact caused by the previously existing development must be reserved for the redevelopment, even if the previously existing development has a lesser or nonexisting impact pursuant to the calculations of the local government. Redevelopment requiring less than 110 percent of the previously existing capacity shall not be prohibited due to the reduction of transportation levels of service below the adopted standards. This does not preclude the appropriate assessment of fees or accounting for the impacts within the concurrency management system and capital improvements program of the affected local government. This paragraph does not affect local government requirements for appropriate development permits.

(9)(a) Each local government may adopt as a part of its plan, long-term transportation and school concurrency management systems with a planning period of up to 10 years for specially designated districts or areas where significant backlogs exist. The plan may include interim level of service standards on certain facilities and shall rely on the local government's schedule of capital improvements for up to 10 years as a basis for issuing development orders that authorize commencement of construction in these designated districts or areas. The concurrency management system must be designed to correct existing deficiencies and set priorities for addressing backlogged facilities. The concurrency management system must be financially feasible and consistent with other portions of the adopted local plan, including the future land use map.

(b) If a local government has a transportation or school facility backlog for existing development which cannot be adequately addressed in a 10-year plan, the state land planning agency may allow it to develop a plan and long-term schedule of capital improvements covering up to 15 years for good and sufficient cause, based on a general comparison between that local government and all other similarly situated local jurisdictions, using the following factors:

1. The extent of the backlog.

2. For roads, whether the backlog is on local or state roads.

3. The cost of eliminating the backlog.

4. The local government's tax and other revenue-raising efforts.

(c) The local government may issue approvals to commence construction notwithstanding this section, consistent with and in areas that are subject to a long-term concurrency management system.

(d) If the local government adopts a long-term concurrency management system, it must evaluate the system periodically. At a minimum, the local government must assess its progress toward improving levels of service within the long-term concurrency management district or area in the evaluation and appraisal report and determine any changes that are necessary to accelerate progress in meeting acceptable levels of service.

(10) Except in transportation concurrency exception areas, with regard to roadway facilities on the Strategic Intermodal System designated in accordance with s. 339.63, local governments shall adopt the level of service standard established by the Department of Transportation by rule. However, if the Office of Tourism, Trade, and Economic Development concurs in writing with the local government that the proposed development is for a qualified job creation project under s. 288.0656 or s. 403.973, the affected local government, after consulting with the Department of Transportation, may provide for a waiver of

~~transportation concurrency for the project. For all other roads on the State Highway System, local governments shall establish an adequate level-of-service standard that need not be consistent with any level-of-service standard established by the Department of Transportation. In establishing adequate level-of-service standards for any arterial roads, or collector roads as appropriate, which traverse multiple jurisdictions, local governments shall consider compatibility with the roadway facility's adopted level-of-service standards in adjacent jurisdictions. Each local government within a county shall use a professionally accepted methodology for measuring impacts on transportation facilities for the purposes of implementing its concurrency management system. Counties are encouraged to coordinate with adjacent counties, and local governments within a county are encouraged to coordinate, for the purpose of using common methodologies for measuring impacts on transportation facilities for the purpose of implementing their concurrency management systems.~~

~~(11) In order to limit the liability of local governments, a local government may allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy transportation concurrency, when all the following factors are shown to exist:~~

~~(a) The local government with jurisdiction over the property has adopted a local comprehensive plan that is in compliance.~~

~~(b) The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the adopted local plan, as determined by the local government.~~

~~(c) The local plan includes a financially feasible capital improvements element that provides for transportation facilities adequate to serve the proposed development, and the local government has not implemented that element.~~

~~(d) The local government has provided a means by which the landowner will be assessed a fair share of the cost of providing the transportation facilities necessary to serve the proposed development.~~

~~(e) The landowner has made a binding commitment to the local government to pay the fair share of the cost of providing the transportation facilities to serve the proposed development.~~

~~(12)(a) A development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by payment of a proportionate share contribution for local and regionally significant traffic impacts, if:~~

~~1. The development of regional impact which, based on its location or mix of land uses, is designed to encourage pedestrian or other nonautomotive modes of transportation;~~

~~2. The proportionate share contribution for local and regionally significant traffic impacts is sufficient to pay for one or more required mobility improvements that will benefit a regionally significant transportation facility;~~

~~3. The owner and developer of the development of regional impact pays or assures payment of the proportionate share contribution; and~~

~~4. If the regionally significant transportation facility to be constructed or improved is under the maintenance authority of a governmental entity, as defined by s. 334.03(12), other than the local government with jurisdiction over the development of regional impact, the developer is required to enter into a binding and legally enforceable commitment to transfer funds to the governmental entity having maintenance authority or to otherwise assure construction or improvement of the facility.~~

~~The proportionate share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement. Proportionate share mitigation shall be limited to ensure that a development of regional impact meeting the requirements of this subsection mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs. This subsection also applies to Florida Quality Developments pursuant to s. 380.061 and to detailed specific area plans implementing optional sector plans pursuant to s. 163.3245.~~

~~(b) As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.~~

~~(13) School concurrency shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area unless exempt from the public school facilities element pursuant to s. 163.3177(12).~~

(6)(a) If concurrency is applied to public education facilities, ~~The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended.~~ all local governments within a county, except as provided in paragraph *(i)* ~~(f)~~, shall *include principles, guidelines, standards, and strategies, including adopted levels of service, in their comprehensive plans and* ~~adopt and transmit to the state land planning agency the necessary plan amendments, along with the~~ interlocal *agreements. If the county and one or more municipalities have adopted school concurrency into its comprehensive plan and interlocal agreement that represents at least 80 percent of the total countywide population, the failure of one or more municipalities to adopt the concurrency and enter into the interlocal agreement does not preclude implementation of school concurrency within jurisdictions of the school district that have opted to implement concurrency.* ~~agreement, for a compliance review pursuant to s. 163.3184(7) and (8). The minimum requirements for school concurrency are the following:~~

~~(a) Public school facilities element. A local government shall adopt and transmit to the state land planning agency a plan or plan amendment which includes a public school facilities element which is consistent with the requirements of s. 163.3177(12) and which is determined to be in compliance as defined in s. 163.3184(1)(b).~~ All local government *provisions included in comprehensive plans regarding school concurrency* ~~public school facilities plan elements~~ within a county must be consistent with each other as well as the requirements of this part.

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

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

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

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

(e)~~4. For the purpose of determining whether levels of service have been achieved, for the first 3 years of school concurrency implementation,~~ A school district that includes relocatable facilities in its inventory of student stations shall include the capacity of such relocatable facilities as provided in s. 1013.35(2)(b)2.f., provided the relocatable facilities were

purchased after 1998 and the relocatable facilities meet the standards for long-term use pursuant to s. 1013.20.

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

*(f)*1. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid disruption of existing educational and growth management processes, local governments are encouraged*, if they elect to adopt school concurrency,* to ~~initially~~ apply school concurrency to development ~~only~~ on a districtwide basis so that a concurrency determination for a specific development will be based upon the availability of school capacity districtwide. ~~To ensure that development is coordinated with schools having available capacity, within 5 years after adoption of school concurrency,~~

2. If a local *government elects to* ~~governments shall~~ apply school concurrency on a less than districtwide basis, *by* ~~such as~~ using school attendance zones or concurrency service areas~~;, as provided in subparagraph 2.~~

a.~~2.~~ ~~For local governments applying school concurrency on a less than districtwide basis, such as utilizing school attendance zones or larger school concurrency service areas,~~ Local governments and school boards shall have the burden to demonstrate that the utilization of school capacity is maximized to the greatest extent possible in the comprehensive plan and amendment, taking into account transportation costs and court-approved desegregation plans, as well as other factors. In addition, in order to achieve concurrency within the service area boundaries selected by local governments and school boards, the service area boundaries, together with the standards for establishing those boundaries, shall be identified and included as supporting data and analysis for the comprehensive plan.

b.~~3.~~ Where school capacity is available on a districtwide basis but school concurrency is applied on a less than districtwide basis in the form of concurrency service areas, if the adopted level-of-service standard cannot be met in a particular service area as applied to an application for a development permit and if the needed capacity for the particular service area is available in one or more contiguous service areas, as adopted by the local government, then the local government may not deny an application for site plan or final subdivision approval or the functional equivalent for a development or phase of a development on the basis of school concurrency, and if issued, development impacts shall be *subtracted from the* ~~shifted to~~ contiguous service *area's* ~~areas with schools having available~~ capacity *totals. Students from the development may not be required to go to the adjacent service area unless the school board rezones the area in which the development occurs.*

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

~~1.~~ A comprehensive plan *that imposes* ~~amendment seeking to impose~~ school concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3) ~~and rule 9J-5.016, Florida Administrative Code~~. The capital improvements element shall *identify facilities necessary to meet adopted levels of service during a 5-year period consistent with the school board's educational* ~~set forth a financially feasible public school capital~~ facilities *plan* ~~program, established in conjunction with the school board, that demonstrates that the adopted level-of-service standards will be achieved and maintained~~.

(h)1. In order to limit the liability of local governments, a local government may allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy school concurrency, if all the following factors are shown to exist:

a. The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the adopted local plan, as determined by the local government.

b. The local government's capital improvements element and the school board's educational facilities plan provide for school facilities adequate to serve the proposed development, and the local government or school board has not implemented that element or the project includes a plan that demonstrates that the capital facilities needed as a result of the project can be reasonably provided.

c. The local government and school board have provided a means by which the landowner will be assessed a proportionate share of the cost of providing the school facilities necessary to serve the proposed development.

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

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

2.~~(e) Availability standard.—Consistent with the public welfare,~~ *If* a local government *applies school concurrency, it* may not deny an application for site plan, final subdivision approval, or the functional equivalent for a development or phase of a development authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local school concurrency management system where adequate school facilities will be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval, or the functional equivalent. School concurrency is satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in *sub-subparagraph a.* ~~subparagraph 1.~~ Options for proportionate-share mitigation of impacts on public school facilities must be established in the *comprehensive plan* ~~public school facilities element~~ and the interlocal agreement pursuant to s. 163.31777.

a.~~1.~~ Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; the construction of a charter school that complies with the requirements of s. 1002.33(18); or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a development agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased the overall residential density. The district school board must be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

b.~~2.~~ If the *interlocal agreement* ~~education facilities plan~~ and the *local government comprehensive plan* ~~public educational facilities element~~ authorize a contribution of land; the construction, expansion, or payment for land acquisition; the construction or expansion of a public school facility, or a portion thereof; or the construction of a charter school that complies with the requirements of s. 1002.33(18), as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

c.~~3.~~ Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified in *the* ~~a~~

~~financially feasible~~ 5-year *school board's educational facilities* ~~district work~~ plan that satisfies the demands created by the development in accordance with a binding developer's agreement.

~~4. If a development is precluded from commencing because there is inadequate classroom capacity to mitigate the impacts of the development, the development may nevertheless commence if there are accelerated facilities in an approved capital improvement element scheduled for construction in year four or later of such plan which, when built, will mitigate the proposed development, or if such accelerated facilities will be in the next annual update of the capital facilities element, the developer enters into a binding, financially guaranteed agreement with the school district to construct an accelerated facility within the first 3 years of an approved capital improvement plan, and the cost of the school facility is equal to or greater than the development's proportionate share. When the completed school facility is conveyed to the school district, the developer shall receive impact fee credits usable within the zone where the facility is constructed or any attendance zone contiguous with or adjacent to the zone where the facility is constructed.~~

3.~~5.~~ This paragraph does not limit the authority of a local government to deny a development permit or its functional equivalent pursuant to its home rule regulatory powers, except as provided in this part.

(i)~~(f) Intergovernmental coordination.~~—

~~1. When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2., except that~~ A municipality is not required to be a signatory to the interlocal agreement required by *paragraph (j)* ~~ss. 163.3177(6)(h)2. and 163.31777(6)~~, as a prerequisite for imposition of school concurrency, and as a nonsignatory, *may* ~~shall~~ not participate in the adopted local school concurrency system, if the municipality meets all of the following criteria for having no significant impact on school attendance:

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

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

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

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

~~2. A municipality which qualifies as having no significant impact on school attendance pursuant to the criteria of subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria pursuant to s. 163.31777(6). If the municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777, in order to fully participate in the school concurrency system. If such a municipality fails to do so, it will be subject to the enforcement provisions of s. 163.3191.~~

(j)~~(g) Interlocal agreement for school concurrency.~~—When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement that satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and 163.31777 and the requirements of this subsection. The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. ~~The interlocal agreement shall be submitted to the state land planning agency by the local government as a part of the compliance review, along with the other necessary amendments to the comprehensive plan required by this part. In addition to the requirements of ss. 163.3177(6)(h) and 163.31777,~~ The interlocal agreement shall meet the following requirements:

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

~~2. Establish a process for the development of siting criteria which encourages the location of public schools proximate to urban residential areas to the extent possible and seeks to collocate schools with other public facilities such as parks, libraries, and community centers to the extent possible.~~

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

~~4. Establish a process for the preparation, amendment, and joint approval by each local government and the school board of a public school capital facilities program which is financially feasible, and a process and schedule for incorporation of the public school capital facilities program into the local government comprehensive plans on an annual basis.~~

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

4.~~6.~~ Establish a uniform districtwide procedure for implementing school concurrency which provides for:

a. The evaluation of development applications for compliance with school concurrency requirements, including information provided by the school board on affected schools, impact on levels of service, and programmed improvements for affected schools and any options to provide sufficient capacity;

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

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

~~7. Include provisions relating to amendment of the agreement.~~

5.~~8.~~ A process and uniform methodology for determining proportionate-share mitigation pursuant to *paragraph (h)* ~~subparagraph (e)1~~.

(k)~~(h) Local government authority.~~—This subsection does not limit the authority of a local government to grant or deny a development permit or its functional equivalent prior to the implementation of school concurrency.

~~(14) The state land planning agency shall, by October 1, 1998, adopt by rule minimum criteria for the review and determination of compliance of a public school facilities element adopted by a local government for purposes of imposition of school concurrency.~~

~~(15)(a) Multimodal transportation districts may be established under a local government comprehensive plan in areas delineated on the future land use map for which the local comprehensive plan assigns secondary priority to vehicle mobility and primary priority to assuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit. Such districts must incorporate community design features that will reduce the number of automobile trips or vehicle miles of travel and will support an integrated, multimodal transportation system. Prior to the designation of multimodal transportation districts, the Department of Transportation shall be~~

~~consulted by the local government to assess the impact that the proposed multimodal district area is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). Multimodal transportation districts existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.~~

~~(b) Community design elements of such a district include: a complementary mix and range of land uses, including educational, recreational, and cultural uses; interconnected networks of streets designed to encourage walking and bicycling, with traffic-calming where desirable; appropriate densities and intensities of use within walking distance of transit stops; daily activities within walking distance of residences, allowing independence to persons who do not drive; public uses, streets, and squares that are safe, comfortable, and attractive for the pedestrian, with adjoining buildings open to the street and with parking not interfering with pedestrian, transit, automobile, and truck travel modes.~~

~~(c) Local governments may establish multimodal level of service standards that rely primarily on nonvehicular modes of transportation within the district, when justified by an analysis demonstrating that the existing and planned community design will provide an adequate level of mobility within the district based upon professionally accepted multimodal level-of-service methodologies. The analysis must also demonstrate that the capital improvements required to promote community design are financially feasible over the development or redevelopment timeframe for the district and that community design features within the district provide convenient interconnection for a multimodal transportation system. Local governments may issue development permits in reliance upon all planned community design capital improvements that are financially feasible over the development or redevelopment timeframe for the district, without regard to the period of time between development or redevelopment and the scheduled construction of the capital improvements. A determination of financial feasibility shall be based upon currently available funding or funding sources that could reasonably be expected to become available over the planning period.~~

~~(d) Local governments may reduce impact fees or local access fees for development within multimodal transportation districts based on the reduction of vehicle trips per household or vehicle miles of travel expected from the development pattern planned for the district.~~

~~(16) It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. The methodology used to calculate proportionate fair-share mitigation under this section shall be as provided for in subsection (12).~~

~~(a) By December 1, 2006, each local government shall adopt by ordinance a methodology for assessing proportionate fair share mitigation options. By December 1, 2005, the Department of Transportation shall develop a model transportation concurrency management ordinance with methodologies for assessing proportionate fair-share mitigation options.~~

~~(b)1. In its transportation concurrency management system, a local government shall, by December 1, 2006, include methodologies that will be applied to calculate proportionate fair share mitigation. A developer may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate fair-share mitigation if transportation facilities or facility segments identified as mitigation for traffic impacts are specifically identified for funding in the 5 year schedule of capital improvements in the capital improvements element of the local plan or the long term concurrency management system or if such contributions or payments to such facilities or segments are reflected in the 5 year schedule of capital improvements in the next regularly scheduled update of the capital improvements element. Updates to the 5 year capital improvements element which reflect proportionate fair-share contributions may not be found not in compliance based on ss. 163.3164(32) and 163.3177(3) if additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.~~

~~2. Proportionate fair-share mitigation shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair share mitigation is used to address the same capital infrastructure improvements contemplated by the local government's impact fee ordinance.~~

~~(c) Proportionate fair-share mitigation includes, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities and may include public funds as determined by the local government. Proportionate fair-share mitigation may be directed toward one or more specific transportation improvements reasonably related to the mobility demands created by the development and such improvements may address one or more modes of travel. The fair market value of the proportionate fair share mitigation shall not differ based on the form of mitigation. A local government may not require a development to pay more than its proportionate fair share contribution regardless of the method of mitigation. Proportionate fair-share mitigation shall be limited to ensure that a development meeting the requirements of this section mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs.~~

~~(d) This subsection does not require a local government to approve a development that is not otherwise qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.~~

~~(e) Mitigation for development impacts to facilities on the Strategic Intermodal System made pursuant to this subsection requires the concurrence of the Department of Transportation.~~

~~(f) If the funds in an adopted 5 year capital improvements element are insufficient to fully fund construction of a transportation improvement required by the local government's concurrency management system, a local government and a developer may still enter into a binding proportionate share agreement authorizing the developer to construct that amount of development on which the proportionate share is calculated if the proportionate share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvements funded by the proportionate share component must be adopted into the 5 year capital improvements schedule of the comprehensive plan at the next annual capital improvements element update. The funding of any improvements that significantly benefit the impacted transportation system satisfies concurrency requirements as a mitigation of the development's impact upon the overall transportation system even if there remains a failure of concurrency on other impacted facilities.~~

~~(g) Except as provided in subparagraph (b)1., this section may not prohibit the Department of Community Affairs from finding other portions of the capital improvements element amendments not in compliance as provided in this chapter.~~

~~(h) The provisions of this subsection do not apply to a development of regional impact satisfying the requirements of subsection (12).~~

~~(i) As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level of service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.~~

~~(17) A local government and the developer of affordable workforce housing units developed in accordance with s. 380.06(19) or s. 380.0651(3) may identify an employment center or centers in close proximity to the affordable workforce housing units. If at least 50 percent of the units are occupied by an employee or employees of an identified employment center or centers, all of the affordable workforce housing units are exempt from transportation concurrency requirements, and the local government may not reduce any transportation trip-generation entitlements of an approved development of regional-impact development order. As used in this subsection, the term "close proximity" means 5 miles from the nearest point of the development of~~

~~regional impact to the nearest point of the employment center, and the term "employment center" means a place of employment that employs at least 25 or more full-time employees.~~

Section 16. Section 163.3182, Florida Statutes, is amended to read:

163.3182 Transportation *deficiencies* ~~concurrency backlogs~~.—

(1) DEFINITIONS.—For purposes of this section, the term:

(a) "Transportation *deficiency* ~~concurrency backlog~~ area" means the geographic area within the unincorporated portion of a county or within the municipal boundary of a municipality designated in a local government comprehensive plan for which a transportation *development* ~~concurrency backlog~~ authority is created pursuant to this section. A transportation *deficiency* ~~concurrency backlog~~ area created within the corporate boundary of a municipality shall be made pursuant to an interlocal agreement between a county, a municipality or municipalities, and any affected taxing authority or authorities.

(b) "Authority" or "transportation *development* ~~concurrency backlog~~ authority" means the governing body of a county or municipality within which an authority is created.

(c) "Governing body" means the council, commission, or other legislative body charged with governing the county or municipality within which *an* ~~a transportation concurrency backlog~~ authority is created pursuant to this section.

(d) "Transportation *deficiency* ~~concurrency backlog~~" means an identified *need* ~~deficiency~~ where the existing *and projected* extent of traffic volume exceeds the level of service standard adopted in a local government comprehensive plan for a transportation facility.

(e) "Transportation *sufficiency* ~~concurrency backlog~~ plan" means the plan adopted as part of a local government comprehensive plan by the governing body of a county or municipality acting as a transportation *development* ~~concurrency backlog~~ authority.

(f) "Transportation ~~concurrency backlog~~ project" means any designated transportation project identified for construction within the jurisdiction of a transportation *development* ~~concurrency backlog~~ authority.

(g) "Debt service millage" means any millage levied pursuant to s. 12, Art. VII of the State Constitution.

(h) "Increment revenue" means the amount calculated pursuant to subsection (5).

(i) "Taxing authority" means a public body that levies or is authorized to levy an ad valorem tax on real property located within a transportation *deficiency* ~~concurrency backlog~~ area, except a school district.

(2) CREATION OF TRANSPORTATION *DEVELOPMENT* ~~CONCURRENCY BACKLOG~~ AUTHORITIES.—

(a) A county or municipality may create a transportation *development* ~~concurrency backlog~~ authority if it has an identified transportation *deficiency* ~~concurrency backlog~~.

(b) Acting as the transportation *development* ~~concurrency backlog~~ authority within the authority's jurisdictional boundary, the governing body of a county or municipality shall adopt and implement a plan to eliminate all identified transportation *deficiencies* ~~concurrency backlogs~~ within the authority's jurisdiction using funds provided pursuant to subsection (5) and as otherwise provided pursuant to this section.

(c) The Legislature finds and declares that there exist in many counties and municipalities areas that have significant transportation deficiencies and inadequate transportation facilities; that many insufficiencies and inadequacies severely limit or prohibit the satisfaction of transportation *level of service* ~~concurrency~~ standards; that the transportation insufficiencies and inadequacies affect the health, safety, and welfare of the residents of these counties and municipalities; that the transportation insufficiencies and inadequacies adversely affect economic development and growth of the tax base for the areas in which these insufficiencies and inadequacies exist; and that the elimination of transportation deficiencies and inadequacies and the satisfaction of transportation concurrency standards are paramount public purposes for the state and its counties and municipalities.

(3) POWERS OF A TRANSPORTATION *DEVELOPMENT* ~~CONCURRENCY BACKLOG~~ AUTHORITY.—Each transportation *development* ~~concurrency backlog~~ authority *created pursuant to this section* has the powers necessary or convenient to carry out the purposes of this section, including the following powers in addition to others granted in this section:

(a) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this section.

(b) To undertake and carry out transportation ~~concurrency backlog~~ projects for transportation facilities *designed to relieve transportation deficiencies* ~~that have a concurrency backlog~~ within the authority's jurisdiction. *Transportation* ~~Concurrency backlog~~ projects may include transportation facilities that provide for alternative modes of travel including sidewalks, bikeways, and mass transit which are related to a *deficient* ~~backlogged~~ transportation facility.

(c) To invest any transportation ~~concurrency backlog~~ funds held in reserve, sinking funds, or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to the control of the authority and to redeem such bonds as have been issued pursuant to this section at the redemption price established therein, or to purchase such bonds at less than redemption price. All such bonds redeemed or purchased shall be canceled.

(d) To borrow money, including, but not limited to, issuing debt obligations such as, but not limited to, bonds, notes, certificates, and similar debt instruments; to apply for and accept advances, loans, grants, contributions, and any other forms of financial assistance from the Federal Government or the state, county, or any other public body or from any sources, public or private, for the purposes of this part; to give such security as may be required; to enter into and carry out contracts or agreements; and to include in any contracts for financial assistance with the Federal Government for or with respect to a transportation ~~concurrency backlog~~ project and related activities such conditions imposed under federal laws as the transportation *development* ~~concurrency backlog~~ authority considers reasonable and appropriate and which are not inconsistent with the purposes of this section.

(e) To make or have made all surveys and plans necessary to the carrying out of the purposes of this section; to contract with any persons, public or private, in making and carrying out such plans; and to adopt, approve, modify, or amend such transportation *sufficiency* ~~concurrency backlog~~ plans.

(f) To appropriate such funds and make such expenditures as are necessary to carry out the purposes of this section, and to enter into agreements with other public bodies, which agreements may extend over any period notwithstanding any provision or rule of law to the contrary.

(4) TRANSPORTATION *SUFFICIENCY* ~~CONCURRENCY BACKLOG~~ PLANS.—

~~(a)~~ Each transportation *development* ~~concurrency backlog~~ authority shall adopt a transportation *sufficiency* ~~concurrency backlog~~ plan as a part of the local government comprehensive plan within 6 months after the creation of the authority. The plan must:

(a)~~1.~~ Identify all transportation facilities that have been designated as deficient and require the expenditure of moneys to upgrade, modify, or mitigate the deficiency.

(b)~~2.~~ Include a priority listing of all transportation facilities that have been designated as deficient and do not satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and the applicable local government comprehensive plan.

(c)~~3.~~ Establish a schedule for financing and construction of transportation ~~concurrency backlog~~ projects that will eliminate transportation *deficiencies* ~~concurrency backlogs~~ within the jurisdiction of the authority within 10 years after the transportation *sufficiency* ~~concurrency backlog~~ plan adoption. The schedule shall be adopted as part of the local government comprehensive plan.

~~(b) The adoption of the transportation concurrency backlog plan shall be exempt from the provisions of s. 163.3187(1).~~

Notwithstanding such schedule requirements, as long as the schedule provides for the elimination of all transportation *deficiencies* ~~concurrency backlogs~~ within 10 years after the adoption of the *transportation sufficiency* ~~concurrency backlog~~ plan, the final maturity date of any debt incurred to finance or refinance the related projects may be no later than 40 years after the date the debt is incurred and the authority may continue operations and administer the trust fund established as provided in subsection (5) for as long as the debt remains outstanding.

(5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation *development* ~~concurrency backlog~~ authority shall establish a local transportation ~~concurrency backlog~~ trust fund upon creation of the authority. Each local trust fund shall be administered by the transportation *development* ~~concurrency backlog~~ authority within which ~~a~~ transportation *deficiencies have* ~~concurrency backlog has~~ been identified. Each local trust fund must continue to be funded under this section for as long as the projects set forth in the related transportation *sufficiency* ~~concurrency backlog~~ plan remain to be completed or until any debt incurred to finance or refinance the related projects is no longer outstanding, whichever occurs later. Beginning in the first fiscal year after the creation of the authority, each local trust fund shall be funded by the proceeds of an ad valorem tax increment collected within each transportation *deficiency* ~~concurrency backlog~~ area to be determined annually and shall be a minimum of 25 percent of the difference between the amounts set forth in paragraphs (a) and (b), except that if all of the affected taxing authorities agree under an interlocal agreement, a particular local trust fund may be funded by the proceeds of an ad valorem tax increment greater than 25 percent of the difference between the amounts set forth in paragraphs (a) and (b):

(a) The amount of ad valorem tax levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the jurisdiction of the transportation *development* ~~concurrency backlog~~ authority and within the transportation *deficiency* ~~backlog~~ area; and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property within the transportation *deficiency* ~~concurrency backlog~~ area as shown on the most recent assessment roll used in connection with the taxation of such property of each taxing authority prior to the effective date of the ordinance funding the trust fund.

(6) EXEMPTIONS.—

(a) The following public bodies or taxing authorities are exempt from ~~the provisions of~~ this section:

1. A special district that levies ad valorem taxes on taxable real property in more than one county.

2. A special district for which the sole available source of revenue is the authority to levy ad valorem taxes at the time an ordinance is adopted under this section. However, revenues or aid that may be dispensed or appropriated to a district as defined in s. 388.011 at the discretion of an entity other than such district *are* ~~shall~~ not ~~be~~ deemed available.

3. A library district.

4. A neighborhood improvement district created under the Safe Neighborhoods Act.

5. A metropolitan transportation authority.

6. A water management district created under s. 373.069.

7. A community redevelopment agency.

(b) A transportation *development* ~~concurrency exemption~~ authority may also exempt from this section a special district that levies ad valorem taxes within the transportation *deficiency* ~~concurrency backlog~~ area pursuant to s. 163.387(2)(d).

(7) TRANSPORTATION CONCURRENCY SATISFACTION.—Upon adoption of a transportation *sufficiency* ~~concurrency backlog~~ plan as a part of the local government comprehensive plan, and the plan going into effect, the area subject to the plan shall be deemed to have achieved and maintained transportation level-of-service standards~~, and to have met requirements for financial feasibility for transportation facilities, and for the purpose of proposed development transportation concurrency has been satisfied~~. Proportionate fair-share mitigation shall be limited to ensure that a development inside a transportation *deficiency* ~~concurrency backlog~~ area is not responsible for the additional costs of eliminating *deficiencies* ~~backlogs~~.

(8) DISSOLUTION.—Upon completion of all transportation ~~concurrency backlog~~ projects *identified in the transportation sufficiency plan* and repayment or defeasance of all debt issued to finance or refinance such projects, a transportation *development* ~~concurrency backlog~~ authority shall be dissolved, and its assets and liabilities transferred to the county or municipality within which the authority is located. All remaining assets of the authority must be used for implementation of transportation projects within the jurisdiction of the authority. The local government comprehensive plan shall be amended to remove the transportation concurrency backlog plan.

Section 17. Section 163.3184, Florida Statutes, is amended to read:

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

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

(a) "Affected person" includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; owners of real property abutting real property that is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

(b) "In compliance" means consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, ~~and~~ 163.3245, *and 163.3248* ~~with the state comprehensive plan~~, with the appropriate strategic regional policy plan, ~~and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part~~ and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

(c) "Reviewing agencies" means:

1. The state land planning agency;

2. The appropriate regional planning council;

3. The appropriate water management district;

4. The Department of Environmental Protection;

5. The Department of State;

6. The Department of Transportation;

7. In the case of plan amendments relating to public schools, the Department of Education;

8. In the case of plans or plan amendments that affect a military installation listed in s. 163.3175, the commanding officer of the affected military installation;

9. In the case of county plans and plan amendments, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; and

10. In the case of municipal plans and plan amendments, the county in which the municipality is located.

(2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

(a) Plan amendments adopted by local governments shall follow the expedited state review process in subsection (3), except as set forth in paragraphs (b) and (c).

(b) Plan amendments that qualify as small-scale development amendments may follow the small-scale review process in s. 163.3187.

(c) Plan amendments that are in an area of critical state concern designated pursuant to s. 380.05; propose a rural land stewardship area pursuant to s. 163.3248; propose a sector plan pursuant to s. 163.3245; update a comprehensive plan based on an evaluation and appraisal pursuant to s. 163.3191; or are new plans for newly incorporated municipalities adopted pursuant to s. 163.3167 shall follow the state coordinated review process in subsection (4).

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—

(a) The process for amending a comprehensive plan described in this subsection shall apply to all amendments except as provided in paragraphs (2)(b) and (c) and shall be applicable statewide.

(b)1. The local government, after the initial public hearing held pursuant to subsection (11), shall transmit within 10 days the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.

2. The reviewing agencies and any other local government or governmental agency specified in subparagraph 1. may provide comments regarding the amendment or amendments to the local government. State agencies shall only comment on important state resources and facilities that will be adversely impacted by the amendment if adopted. Comments provided by state agencies shall state with specificity how the plan amendment will adversely impact an important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. Such comments, if not resolved, may result in a challenge by the state land planning agency to the plan amendment. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later than 30 days from the date on which the agency or government received the amendment or amendments. Reviewing agencies shall also send a copy of their comments to the state land planning agency.

3. Comments to the local government from a regional planning council, county, or municipality shall be limited as follows:

a. The regional planning council review and comments shall be limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A regional planning council may not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council.

b. County comments shall be in the context of the relationship and effect of the proposed plan amendments on the county plan.

c. Municipal comments shall be in the context of the relationship and effect of the proposed plan amendments on the municipal plan.

d. Military installation comments shall be provided in accordance with s. 163.3175.

4. Comments to the local government from state agencies shall be limited to the following subjects as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted:

a. The Department of Environmental Protection shall limit its comments to the subjects of air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration.

b. The Department of State shall limit its comments to the subjects of historic and archeological resources.

c. The Department of Transportation shall limit its comments to the subject of the strategic intermodal system.

d. The Fish and Wildlife Conservation Commission shall limit its comments to subjects relating to fish and wildlife habitat and listed species and their habitat.

e. The Department of Agriculture and Consumer Services shall limit its comments to the subjects of agriculture, forestry, and aquaculture issues.

f. The Department of Education shall limit its comments to the subject of public school facilities.

g. The appropriate water management district shall limit its comments to flood protection and floodplain management, wetlands and other surface waters, and regional water supply.

h. The state land planning agency shall limit its comments to important state resources and facilities outside the jurisdiction of other commenting state agencies and may include comments on countervailing planning policies and objectives served by the plan amendment that should be balanced against potential adverse impacts to important state resources and facilities.

(c)1. The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, the amendments shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 days after the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under subparagraph (b)2.

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.

4. An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

(4) STATE COORDINATED REVIEW PROCESS.—

(a)~~(2)~~ Coordination.*—The state land planning agency shall only use the state coordinated review process described in this subsection for review of comprehensive plans and plan amendments described in paragraph (2)(c).* Each comprehensive plan or plan amendment proposed to be adopted pursuant to this *subsection* ~~part~~ shall be transmitted, adopted, and reviewed in the manner prescribed in this *subsection* ~~section~~. The state land planning agency shall have responsibility for plan review,

coordination, and the preparation and transmission of comments, pursuant to this *subsection* ~~section~~, to the local governing body responsible for the comprehensive plan *or plan amendment*. ~~The state land planning agency shall maintain a single file concerning any proposed or adopted plan amendment submitted by a local government for any review under this section. Copies of all correspondence, papers, notes, memoranda, and other documents received or generated by the state land planning agency must be placed in the appropriate file. Paper copies of all electronic mail correspondence must be placed in the file. The file and its contents must be available for public inspection and copying as provided in chapter 119.~~

(b)~~(3)~~ Local government transmittal of proposed plan or amendment.—

~~(a)~~ Each local governing body *proposing a plan or plan amendment specified in paragraph (2)(c)* shall transmit the complete proposed comprehensive plan or plan amendment to the *reviewing agencies* ~~state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, the Department of State, and the Department of Transportation, and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services,~~ immediately following *the first* ~~a~~ public hearing pursuant to subsection *(11). The transmitted document shall clearly indicate on the cover sheet that this plan amendment is subject to the state coordinated review process of s. 163.3184(4)*~~(15) as specified in the state land planning agency's procedural rules~~. The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for the plan or plan amendment. ~~The local government may request a review by the state land planning agency pursuant to subsection (6) at the time of the transmittal of an amendment.~~

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

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

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

~~(e) At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact the provisions of any proposed plan amendment transmitted pursuant to this subsection. Zoning changes approved by the local government are contingent upon the comprehensive plan or plan amendment transmitted becoming effective.~~

(c)~~(4)~~ *Reviewing agency comments* ~~INTERGOVERNMENTAL REVIEW~~.—The ~~governmental~~ agencies specified in *paragraph (b) may* ~~paragraph (3)(a) shall~~ provide comments *regarding the plan or plan amendments in accordance with subparagraphs (3)(b)2.-4. However, comments on plans or plan amendments required to be reviewed under the state coordinated review process shall be sent* to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan *or plan* amendment *from the local government. If the state land planning agency comments on a plan or plan amendment adopted under the state coordinated review process, it shall provide comments according to paragraph (d). Any other unit of local government or government agency specified in paragraph (b) may provide comments to the state land planning agency in accordance with subparagraphs (3)(b)2.-4. within 30 days after receipt by the state land planning agency of the complete proposed plan or plan amendment.* ~~If the plan or plan amendment includes or relates to the public school facilities element pursuant to s. 163.3177(12), the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of Education for review and comment. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment.~~ Written comments submitted by the public *shall be sent directly to the local government* ~~within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).~~

~~(5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW.—The review of the regional planning council pursuant to subsection (4) shall be limited to effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government. However, any inconsistency between a local plan or plan amendment and a strategic regional policy plan must not be the sole basis for a notice of intent to find a local plan or plan amendment not in compliance with this act. A regional planning council shall not review and comment on a proposed comprehensive plan it prepared itself unless the plan has been changed by the local government subsequent to the preparation of the plan by the regional planning agency. The review of the county land planning agency pursuant to subsection (4) shall be primarily in the context of the relationship and effect of the proposed plan amendment on any county comprehensive plan element. Any review by municipalities will be primarily in the context of the relationship and effect on the municipal plan.~~

(d)~~(6)~~ State land planning agency review.—

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

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

1.~~(c) The state land planning agency shall establish by rule a schedule for receipt of comments from the various government agencies, as well as written public comments, pursuant to subsection (4).~~ If the state land planning agency elects to review *a plan or plan* ~~the~~ amendment ~~or the agency is required to review the amendment as~~ specified in paragraph *(2)(c)*~~(a)~~, the agency shall issue a report giving its objections, recommendations, and comments regarding the proposed *plan or plan* amendment within 60 days after receipt of the ~~complete~~ proposed *plan or plan* amendment ~~by the state land planning agency~~. *Notwithstanding the limitation on comments in sub-subparagraph (3)(b)4.g., the state land planning agency may make objections, recommendations, and comments*

in its report regarding whether the plan or plan amendment is in compliance and whether the plan or plan amendment will adversely impact important state resources and facilities. Any objection regarding an important state resource or facility that will be adversely impacted by the adopted plan or plan amendment shall also state with specificity how the plan or plan amendment will adversely impact the important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. When a federal, state, or regional agency has implemented a permitting program, ~~the state land planning agency shall not require~~ a local government *is not required* to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. *This subparagraph does not* ~~Nothing contained herein shall~~ prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections, recommendations, and comments ~~or making compliance determinations~~ regarding densities and intensities consistent with ~~the provisions of~~ this part. In preparing its comments, the state land planning agency shall only base its considerations on written, and not oral, comments~~, from any source~~.

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

(e)~~(7)~~ Local government review of comments; adoption of plan or amendments and transmittal.—

1.~~(a)~~ The local government shall review the *report* ~~written comments~~ submitted to it by the state land planning agency, *if any,* and *written comments submitted to it by* any other person, agency, or government. ~~Any comments, recommendations, or objections and any reply to them shall be public documents, a part of the permanent record in the matter, and admissible in any proceeding in which the comprehensive plan or plan amendment may be at issue.~~ The local government, upon receipt of *the report* ~~written comments~~ from the state land planning agency, shall *hold its second public hearing, which shall be a hearing to determine whether to adopt the comprehensive plan or one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails to hold the second hearing within 180 days after receipt of the state land planning agency's report, the amendments shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.*

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 days after the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under paragraph (c).

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of a plan or plan amendment package. For purposes of completeness, a plan or plan amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.

4. After the state land planning agency makes a determination of completeness regarding the adopted plan or plan amendment, the state land planning agency shall have 45 days to determine if the plan or plan amendment is in compliance with this act. Unless the plan or plan amendment is substantially changed from the one commented on, the state land planning agency's compliance determination shall be limited to objections raised in the objections, recommendations, and comments report. During the period provided for in this subparagraph, the state land planning agency shall issue, through a senior administrator or the secretary, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. Publication by the state land planning agency of the notice of intent on the state land planning agency's Internet site shall be prima facie evidence of compliance with the publication requirements of this subparagraph.

5. A plan or plan amendment adopted under the state coordinated review process shall go into effect pursuant to the state land planning agency's notice of intent. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

(5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN AMENDMENTS.—

(a) Any affected person as defined in paragraph (1)(a) may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendments are in compliance as defined in paragraph (1)(b). This petition must be filed with the division within 30 days after the local government adopts the amendment. The state land planning agency may not intervene in a proceeding initiated by an affected person.

(b) The state land planning agency may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendment is in compliance as defined in paragraph (1)(b). The state land planning agency's petition must clearly state the reasons for the challenge. This petition must be filed with the division within 30 days after the state land planning agency notifies the local government that the plan amendment package is complete according to subparagraph (3)(c)3.

1. The state land planning agency's challenge to plan amendments adopted under the expedited state review process shall be limited to the comments provided by the reviewing agencies pursuant to subparagraphs (3)(b)2.-4., upon a determination by the state land planning agency that an important state resource or facility will be adversely impacted by the adopted plan amendment. The state land planning agency's petition shall state with specificity how the plan amendment will adversely impact the important state resource or facility. The state land planning agency may challenge a plan amendment that has substantially changed from the version on which the agencies provided comments but only upon a determination by the state land planning agency that an important state resource or facility will be adversely impacted.

2. If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of Management Services, which shall conduct a proceeding under ss. 120.569 and 120.57 in the county of and convenient to the affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government, and any affected person who intervenes. No new issue may be alleged as a reason to find a plan or plan amendment not in compliance in an administrative pleading filed more than 21 days after publication of notice unless the party seeking that issue establishes good cause for not alleging the issue within that time period. Good cause does not include excusable neglect.

(c) An administrative law judge shall hold a hearing in the affected local jurisdiction on whether the plan or plan amendment is in compliance.

1. In challenges filed by an affected person, the comprehensive plan or plan amendment shall be determined to be in compliance if the local government's determination of compliance is fairly debatable.

2.a. In challenges filed by the state land planning agency, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct, and the local government's determination shall be sustained unless it is shown by a

preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance.

b. In challenges filed by the state land planning agency, the local government's determination that elements of its plan are related to and consistent with each other shall be sustained if the determination is fairly debatable.

3. In challenges filed by the state land planning agency that require a determination by the agency that an important state resource or facility will be adversely impacted by the adopted plan or plan amendment, the local government may contest the agency's determination of an important state resource or facility. The state land planning agency shall prove its determination by clear and convincing evidence.

(d) If the administrative law judge recommends that the amendment be found not in compliance, the judge shall submit the recommended order to the Administration Commission for final agency action. The Administration Commission shall enter a final order within 45 days after its receipt of the recommended order.

(e) If the administrative law judge recommends that the amendment be found in compliance, the judge shall submit the recommended order to the state land planning agency.

1. If the state land planning agency determines that the plan amendment should be found not in compliance, the agency shall refer, within 30 days after receipt of the recommended order, the recommended order and its determination to the Administration Commission for final agency action.

2. If the state land planning agency determines that the plan amendment should be found in compliance, the agency shall enter its final order not later than 30 days after receipt of the recommended order.

(f) Parties to a proceeding under this subsection may enter into compliance agreements using the process in subsection (6).

(6) COMPLIANCE AGREEMENT.—

(a) At any time after the filing of a challenge, the state land planning agency and the local government may voluntarily enter into a compliance agreement to resolve one or more of the issues raised in the proceedings. Affected persons who have initiated a formal proceeding or have intervened in a formal proceeding may also enter into a compliance agreement with the local government. All parties granted intervenor status shall be provided reasonable notice of the commencement of a compliance agreement negotiation process and a reasonable opportunity to participate in such negotiation process. Negotiation meetings with local governments or intervenors shall be open to the public. The state land planning agency shall provide each party granted intervenor status with a copy of the compliance agreement within 10 days after the agreement is executed. The compliance agreement shall list each portion of the plan or plan amendment that has been challenged, and shall specify remedial actions that the local government has agreed to complete within a specified time in order to resolve the challenge, including adoption of all necessary plan amendments. The compliance agreement may also establish monitoring requirements and incentives to ensure that the conditions of the compliance agreement are met.

(b) Upon the filing of a compliance agreement executed by the parties to a challenge and the local government with the Division of Administrative Hearings, any administrative proceeding under ss. 120.569 and 120.57 regarding the plan or plan amendment covered by the compliance agreement shall be stayed.

(c) Before its execution of a compliance agreement, the local government must approve the compliance agreement at a public hearing advertised at least 10 days before the public hearing in a newspaper of general circulation in the area in accordance with the advertisement requirements of chapter 125 or chapter 166, as applicable.

(d) The local government shall hold a single public hearing for adopting remedial amendments.

(e) For challenges to amendments adopted under the expedited review process, if the local government adopts a comprehensive plan amendment pursuant to a compliance agreement, an affected person or the state land planning agency may file a revised challenge with the Division of Administrative Hearings within 15 days after the adoption of the remedial amendment.

(f) For challenges to amendments adopted under the state coordinated process, the state land planning agency, upon receipt of a plan or plan amendment adopted pursuant to a compliance agreement, shall issue a cumulative notice of intent addressing both the remedial amendment and the plan or plan amendment that was the subject of the agreement.

1. If the local government adopts a comprehensive plan or plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings and the administrative law judge shall realign the parties in the pending proceeding under ss. 120.569 and 120.57, which shall thereafter be governed by the process contained in paragraph (5)(a) and subparagraph (5)(c)1., including provisions relating to challenges by an affected person, burden of proof, and issues of a recommended order and a final order. Parties to the original proceeding at the time of realignment may continue as parties without being required to file additional pleadings to initiate a proceeding, but may timely amend their pleadings to raise any challenge to the amendment that is the subject of the cumulative notice of intent, and must otherwise conform to the rules of procedure of the Division of Administrative Hearings. Any affected person not a party to the realigned proceeding may challenge the plan amendment that is the subject of the cumulative notice of intent by filing a petition with the agency as provided in subsection (5). The agency shall forward the petition filed by the affected person not a party to the realigned proceeding to the Division of Administrative Hearings for consolidation with the realigned proceeding. If the cumulative notice of intent is not challenged, the state land planning agency shall request that the Division of Administrative Hearings relinquish jurisdiction to the state land planning agency for issuance of a final order.

2. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent is issued that finds the plan amendment not in compliance, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings, which shall consolidate the proceeding with the pending proceeding and immediately set a date for a hearing in the pending proceeding under ss. 120.569 and 120.57. Affected persons who are not a party to the underlying proceeding under ss. 120.569 and 120.57 may challenge the plan amendment adopted pursuant to the compliance agreement by filing a petition pursuant to paragraph (5)(a).

(g) This subsection does not prohibit a local government from amending portions of its comprehensive plan other than those that are the subject of a challenge. However, such amendments to the plan may not be inconsistent with the compliance agreement.

(h) This subsection does not require settlement by any party against its will or preclude the use of other informal dispute resolution methods in the course of or in addition to the method described in this subsection.

(7) MEDIATION AND EXPEDITIOUS RESOLUTION.-

(a) At any time after the matter has been forwarded to the Division of Administrative Hearings, the local government proposing the amendment may demand formal mediation or the local government proposing the amendment or an affected person who is a party to the proceeding may demand informal mediation or expeditious resolution of the amendment proceedings by serving written notice on the state land planning agency if a party to the proceeding, all other parties to the proceeding, and the administrative law judge.

(b) Upon receipt of a notice pursuant to paragraph (a), the administrative law judge shall set the matter for final hearing no more than 30 days after receipt of the notice. Once a final hearing has been set, no continuance in the hearing, and no additional time for post-hearing submittals, may be granted without the written agreement of the parties absent a finding by the administrative law judge of extraordinary circumstances. Extraordinary circumstances do not include matters relating to workload or need for additional time for preparation, negotiation, or mediation.

(c) Absent a showing of extraordinary circumstances, the administrative law judge shall issue a recommended order, in a case proceeding

under subsection (5), within 30 days after filing of the transcript, unless the parties agree in writing to a longer time.

(d) Absent a showing of extraordinary circumstances, the Administration Commission shall issue a final order, in a case proceeding under subsection (5), within 45 days after the issuance of the recommended order, unless the parties agree in writing to a longer time. ~~have 120 days to adopt or adopt with changes the proposed comprehensive plan or s. 163.3191 plan amendments. In the case of comprehensive plan amendments other than those proposed pursuant to s. 163.3191, the local government shall have 60 days to adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment. The adoption of the proposed plan or plan amendment or the determination not to adopt a plan amendment, other than a plan amendment proposed pursuant to s. 163.3191, shall be made in the course of a public hearing pursuant to subsection (15). The local government shall transmit the complete adopted comprehensive plan or plan amendment, including the names and addresses of persons compiled pursuant to paragraph (15)(c), to the state land planning agency as specified in the agency's procedural rules within 10 working days after adoption. The local governing body shall also transmit a copy of the adopted comprehensive plan or plan amendment to the regional planning agency and to any other unit of local government or governmental agency in the state that has filed a written request with the governing body for a copy of the plan or plan amendment.~~

~~(b) If the adopted plan amendment is unchanged from the proposed plan amendment transmitted pursuant to subsection (3) and an affected person as defined in paragraph (1)(a) did not raise any objection, the state land planning agency did not review the proposed plan amendment, and the state land planning agency did not raise any objections during its review pursuant to subsection (6), the local government may state in the transmittal letter that the plan amendment is unchanged and was not the subject of objections.~~

~~(8) NOTICE OF INTENT.~~

~~(a) If the transmittal letter correctly states that the plan amendment is unchanged and was not the subject of review or objections pursuant to paragraph (7)(b), the state land planning agency has 20 days after receipt of the transmittal letter within which to issue a notice of intent that the plan amendment is in compliance.~~

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

~~1. The state land planning agency's written comments to the local government pursuant to subsection (6); or~~

~~2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.~~

~~(c)1. During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government. The advertisement shall be placed in that portion of the newspaper where legal notices appear. The advertisement shall be published in a newspaper that meets the size and circulation requirements set forth in paragraph (15)(c) and that has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section. The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. The agency shall, no later than the date the notice of intent is transmitted to the newspaper, send by regular mail a courtesy informational statement to persons who provide their names and addresses to the local government at the transmittal hearing or at the adoption hearing where the local government has provided the names and addresses of such persons to the department at the time of transmittal of the adopted amendment. The informational statements shall include the name of the newspaper in which the notice of intent will appear, the approximate date of publication, the ordinance number of the plan or plan amendment, and a statement that affected persons have 21 days after the actual date of publication of the notice to file a petition.~~

~~2. A local government that has an Internet site shall post a copy of the state land planning agency's notice of intent on the site within 5 days after receipt of the mailed copy of the agency's notice of intent.~~

~~(9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.~~

~~(a) If the state land planning agency issues a notice of intent to find that the comprehensive plan or plan amendment transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189, or s. 163.3191 is in compliance with this act, any affected person may file a petition with the agency pursuant to ss. 120.569 and 120.57 within 21 days after the publication of notice. In this proceeding, the local plan or plan amendment shall be determined to be in compliance if the local government's determination of compliance is fairly debatable.~~

~~(b) The hearing shall be conducted by an administrative law judge of the Division of Administrative Hearings of the Department of Management Services, who shall hold the hearing in the county of and convenient to the affected local jurisdiction and submit a recommended order to the state land planning agency. The state land planning agency shall allow for the filing of exceptions to the recommended order and shall issue a final order after receipt of the recommended order if the state land planning agency determines that the plan or plan amendment is in compliance. If the state land planning agency determines that the plan or plan amendment is not in compliance, the agency shall submit the recommended order to the Administration Commission for final agency action.~~

~~(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN COMPLIANCE.~~

~~(a) If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of Management Services, which shall conduct a proceeding under ss. 120.569 and 120.57 in the county of and convenient to the affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government, and any affected person who intervenes. No new issue may be alleged as a reason to find a plan or plan amendment not in compliance in an administrative pleading filed more than 21 days after publication of notice unless the party seeking that issue establishes good cause for not alleging the issue within that time period. Good cause shall not include excusable neglect. In the proceeding, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct. The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance. The local government's determination that elements of its plans are related to and consistent with each other shall be sustained if the determination is fairly debatable.~~

~~(b) The administrative law judge assigned by the division shall submit a recommended order to the Administration Commission for final agency action.~~

~~(c) Prior to the hearing, the state land planning agency shall afford an opportunity to mediate or otherwise resolve the dispute. If a party to the proceeding requests mediation or other alternative dispute resolution, the hearing may not be held until the state land planning agency advises the administrative law judge in writing of the results of the mediation or other alternative dispute resolution. However, the hearing may not be delayed for longer than 90 days for mediation or other alternative dispute resolution unless a longer delay is agreed to by the parties to the proceeding. The costs of the mediation or other alternative~~

~~dispute resolution shall be borne equally by all of the parties to the proceeding.~~

(8)~~(11)~~ ADMINISTRATION COMMISSION.—

(a) If the Administration Commission, upon a hearing pursuant to subsection *(5)*~~(9) or subsection (10)~~, finds that the comprehensive plan or plan amendment is not in compliance with this act, the commission shall specify remedial actions *that* ~~which~~ would bring the comprehensive plan or plan amendment into compliance.

(b) The commission may specify the sanctions provided in subparagraphs 1. and 2. to which the local government will be subject if it elects to make the amendment effective notwithstanding the determination of noncompliance.

1. The commission may direct state agencies not to provide funds to increase the capacity of roads, bridges, or water and sewer systems within the boundaries of those local governmental entities which have comprehensive plans or plan elements that are determined not to be in compliance. The commission order may also specify that the local government *is* ~~shall~~ not ~~be~~ eligible for grants administered under the following programs:

a.~~1.~~ The Florida Small Cities Community Development Block Grant Program, as authorized by ss. 290.0401-290.049.

b.~~2.~~ The Florida Recreation Development Assistance Program, as authorized by chapter 375.

c.~~3.~~ Revenue sharing pursuant to ss. 206.60, 210.20, and 218.61 and chapter 212, to the extent not pledged to pay back bonds.

2.~~(b)~~ If the local government is one which is required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), the commission order may also specify that the local government is not eligible for funding pursuant to s. 161.091. The commission order may also specify that the fact that the coastal management element has been determined to be not in compliance shall be a consideration when the department considers permits under s. 161.053 and when the Board of Trustees of the Internal Improvement Trust Fund considers whether to sell, convey any interest in, or lease any sovereignty lands or submerged lands until the element is brought into compliance.

3.~~(c)~~ The sanctions provided by *subparagraphs 1. and 2. do* ~~paragraphs (a) and (b) shall~~ not apply to a local government regarding any plan amendment, except for plan amendments that amend plans that have not been finally determined to be in compliance with this part, and except as provided in *paragraph (b)* ~~s. 163.3189(2) or s. 163.3191(11)~~.

(9)~~(12)~~ GOOD FAITH FILING.—The signature of an attorney or party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay, or for economic advantage, competitive reasons, or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the administrative law judge, upon motion or his or her own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

(10)~~(13)~~ EXCLUSIVE PROCEEDINGS.—The proceedings under this section shall be the sole proceeding or action for a determination of whether a local government's plan, element, or amendment is in compliance with this act.

~~(14) AREAS OF CRITICAL STATE CONCERN. No proposed local government comprehensive plan or plan amendment which is applicable to a designated area of critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in this section.~~

(11)~~(15)~~ PUBLIC HEARINGS.—

(a) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment pursuant to *subparagraph* ~~subsection~~ (3)*(b)1. and paragraph (4)(b)* and for adoption of a comprehensive plan or plan amendment pursuant to *subparagraphs(3)(c)1. and (4)(e)1.* ~~subsection (7)~~ shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing. The adoption of a comprehensive plan or plan amendment shall be by ordinance. For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.

(b) The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment as follows:

1. The first public hearing shall be held at the transmittal stage ~~pursuant to subsection (3)~~. It shall be held on a weekday at least 7 days after the day that the first advertisement is published *pursuant to the requirements of chapter 125 or chapter 166*.

2. The second public hearing shall be held at the adoption stage ~~pursuant to subsection (7)~~. It shall be held on a weekday at least 5 days after the day that the second advertisement is published *pursuant to the requirements of chapter 125 or chapter 166*.

(c) Nothing in this part is intended to prohibit or limit the authority of local governments to require a person requesting an amendment to pay some or all of the cost of the public notice.

(12) CONCURRENT ZONING.—At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection. Zoning changes approved by the local government are contingent upon the comprehensive plan or plan amendment transmitted becoming effective.

(13) AREAS OF CRITICAL STATE CONCERN.—No proposed local government comprehensive plan or plan amendment that is applicable to a designated area of critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in paragraph (1)(b).

~~(c) The local government shall provide a sign in form at the transmittal hearing and at the adoption hearing for persons to provide their names and mailing addresses. The sign in form must advise that any person providing the requested information will receive a courtesy informational statement concerning publications of the state land planning agency's notice of intent. The local government shall add to the sign in form the name and address of any person who submits written comments concerning the proposed plan or plan amendment during the time period between the commencement of the transmittal hearing and the end of the adoption hearing. It is the responsibility of the person completing the form or providing written comments to accurately, completely, and legibly provide all information needed in order to receive the courtesy informational statement.~~

~~(d) The agency shall provide a model sign in form for providing the list to the agency which may be used by the local government to satisfy the requirements of this subsection.~~

~~(e) If the proposed comprehensive plan or plan amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category or changes the actual future land use map designation of a parcel or parcels of land, the required advertisements shall be in the format prescribed by s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a municipality.~~

~~(16) COMPLIANCE AGREEMENTS.~~

~~(a) At any time following the issuance of a notice of intent to find a comprehensive plan or plan amendment not in compliance with this part or after the initiation of a hearing pursuant to subsection (9), the state land planning agency and the local government may voluntarily enter into a compliance agreement to resolve one or more of the issues raised in the proceedings. Affected persons who have initiated a formal proceeding or have intervened in a formal proceeding may also enter into the compliance agreement. All parties granted intervenor status shall be provided reasonable notice of the commencement of a compliance~~

~~agreement negotiation process and a reasonable opportunity to participate in such negotiation process. Negotiation meetings with local governments or intervenors shall be open to the public. The state land planning agency shall provide each party granted intervenor status with a copy of the compliance agreement within 10 days after the agreement is executed. The compliance agreement shall list each portion of the plan or plan amendment which is not in compliance, and shall specify remedial actions which the local government must complete within a specified time in order to bring the plan or plan amendment into compliance, including adoption of all necessary plan amendments. The compliance agreement may also establish monitoring requirements and incentives to ensure that the conditions of the compliance agreement are met.~~

~~(b) Upon filing by the state land planning agency of a compliance agreement executed by the agency and the local government with the Division of Administrative Hearings, any administrative proceeding under ss. 120.569 and 120.57 regarding the plan or plan amendment covered by the compliance agreement shall be stayed.~~

~~(c) Prior to its execution of a compliance agreement, the local government must approve the compliance agreement at a public hearing advertised at least 10 days before the public hearing in a newspaper of general circulation in the area in accordance with the advertisement requirements of subsection (15).~~

~~(d) A local government may adopt a plan amendment pursuant to a compliance agreement in accordance with the requirements of paragraph (15)(a). The plan amendment shall be exempt from the requirements of subsections (2)-(7). The local government shall hold a single adoption public hearing pursuant to the requirements of subparagraph (15)(b)2. and paragraph (15)(c). Within 10 working days after adoption of a plan amendment, the local government shall transmit the amendment to the state land planning agency as specified in the agency's procedural rules, and shall submit one copy to the regional planning agency and to any other unit of local government or government agency in the state that has filed a written request with the governing body for a copy of the plan amendment, and one copy to any party to the proceeding under ss. 120.569 and 120.57 granted intervenor status.~~

~~(e) The state land planning agency, upon receipt of a plan amendment adopted pursuant to a compliance agreement, shall issue a cumulative notice of intent addressing both the compliance agreement amendment and the plan or plan amendment that was the subject of the agreement, in accordance with subsection (8).~~

~~(f)1. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings and the administrative law judge shall realign the parties in the pending proceeding under ss. 120.569 and 120.57, which shall thereafter be governed by the process contained in paragraphs (9)(a) and (b), including provisions relating to challenges by an affected person, burden of proof, and issues of a recommended order and a final order, except as provided in subparagraph 2. Parties to the original proceeding at the time of realignment may continue as parties without being required to file additional pleadings to initiate a proceeding, but may timely amend their pleadings to raise any challenge to the amendment which is the subject of the cumulative notice of intent, and must otherwise conform to the rules of procedure of the Division of Administrative Hearings. Any affected person not a party to the realigned proceeding may challenge the plan amendment which is the subject of the cumulative notice of intent by filing a petition with the agency as provided in subsection (9). The agency shall forward the petition filed by the affected person not a party to the realigned proceeding to the Division of Administrative Hearings for consolidation with the realigned proceeding.~~

~~2. If any of the issues raised by the state land planning agency in the original subsection (10) proceeding are not resolved by the compliance agreement amendments, any intervenor in the original subsection (10) proceeding may require those issues to be addressed in the pending consolidated realigned proceeding under ss. 120.569 and 120.57. As to those unresolved issues, the burden of proof shall be governed by subsection (10).~~

~~3. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment not in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings, which shall consolidate the proceeding with the pending proceeding and immediately set a date for hearing in the pending proceeding under ss. 120.569 and 120.57. Affected persons who are not a party to the underlying proceeding under ss. 120.569 and 120.57 may challenge the plan amendment adopted pursuant to the compliance agreement by filing a petition pursuant to subsection (10).~~

~~(g) If the local government fails to adopt a comprehensive plan amendment pursuant to a compliance agreement, the state land planning agency shall notify the Division of Administrative Hearings, which shall set the hearing in the pending proceeding under ss. 120.569 and 120.57 at the earliest convenient time.~~

~~(h) This subsection does not prohibit a local government from amending portions of its comprehensive plan other than those which are the subject of the compliance agreement. However, such amendments to the plan may not be inconsistent with the compliance agreement.~~

~~(i) Nothing in this subsection is intended to limit the parties from entering into a compliance agreement at any time before the final order in the proceeding is issued, provided that the provisions of paragraph (e) shall apply regardless of when the compliance agreement is reached.~~

~~(j) Nothing in this subsection is intended to force any party into settlement against its will or to preclude the use of other informal dispute resolution methods, such as the services offered by the Florida Growth Management Dispute Resolution Consortium, in the course of or in addition to the method described in this subsection.~~

~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.—A local government that has adopted a community vision and urban service boundary under s. 163.3177(13) and (14) may adopt a plan amendment related to map amendments solely to property within an urban service boundary in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high-hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.~~

~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.—A municipality that has a designated urban infill and redevelopment area under s. 163.2517 may adopt a plan amendment related to map amendments solely to property within a designated urban infill and redevelopment area in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high-hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.~~

~~(19) HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS.—Any local government that identifies in its comprehensive plan the types of housing developments and conditions for which it will consider plan amendments that are consistent with the local housing incentive strategies identified in s. 420.9076 and authorized by the local~~

~~government may expedite consideration of such plan amendments. At least 30 days prior to adopting a plan amendment pursuant to this subsection, the local government shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include the local government's evaluation of site suitability and availability of facilities and services. A plan amendment considered under this subsection shall require only a single public hearing before the local governing body, which shall be a plan amendment adoption hearing as described in subsection (7). The public notice of the hearing required under subparagraph (15)(b)2. must include a statement that the local government intends to use the expedited adoption process authorized under this subsection. The state land planning agency shall issue its notice of intent required under subsection (8) within 30 days after determining that the amendment package is complete. Any further proceedings shall be governed by subsections (9)-(16).~~

Section 18. Section 163.3187, Florida Statutes, is amended to read:

163.3187 *Process for adoption of small-scale comprehensive plan* amendment ~~of adopted comprehensive plan~~.—

~~(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:~~

~~(a) In the case of an emergency, comprehensive plan amendments may be made more often than twice during the calendar year if the additional plan amendment receives the approval of all of the members of the governing body. "Emergency" means any occurrence or threat thereof whether accidental or natural, caused by humankind, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or public funds.~~

~~(b) Any local government comprehensive plan amendments directly related to a proposed development of regional impact, including changes which have been determined to be substantial deviations and including Florida Quality Developments pursuant to s. 380.061, may be initiated by a local planning agency and considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in this section and applicable local ordinances.~~

(1)~~(c)~~ Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted ~~only~~ under the following conditions:

(a)~~1.~~ The proposed amendment involves a use of 10 acres or fewer and:

(b)~~a.~~ The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government *does* ~~shall~~ not exceed~~:~~

~~(I)~~ a maximum of 120 acres in a *calendar year.* ~~local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph. Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.~~

~~(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).~~

~~(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.~~

~~b. The proposed amendment does not involve the same property granted a change within the prior 12 months.~~

~~c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.~~

(c)~~d.~~ The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity. *However, text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible under this section.*

(d)~~e.~~ The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). ~~Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).~~

~~f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre or the proposed future land use category allows a maximum residential density of the same or less than the maximum residential density allowable under the existing future land use category, except that this limitation does not apply to small scale amendments involving the construction of affordable housing units meeting the criteria of s. 420.0004(3) on property which will be the subject of a land use restriction agreement, or small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).~~

~~2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.~~

~~b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high-hazard area as identified in the local comprehensive plan.~~

(2)~~3.~~ Small scale development amendments adopted pursuant to this *section* ~~paragraph~~ require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184*(11)*~~(7)~~, and are not subject to the requirements of s. 163.3184~~(3)-(6)~~ unless the local government elects to have them subject to those requirements.

(3)~~4.~~ If the small scale development amendment involves a site within ~~an area that is designated by the Governor as~~ a rural area of critical economic concern *as defined* under s. 288.0656*(2)(d)*~~(7)~~ for the duration of such designation, the 10-acre limit listed in *subsection (1)* ~~subparagraph 1.~~ shall be increased by 100 percent to 20 acres. The local government approving the small scale plan amendment shall certify to the Office of Tourism, Trade, and Economic Development that the plan amendment furthers the economic objectives set forth in the executive order issued under s. 288.0656(7), and the property subject to the plan amendment shall undergo public review to ensure that all concurrency requirements and federal, state, and local environmental permit requirements are met.

~~(d) Any comprehensive plan amendment required by a compliance agreement pursuant to s. 163.3184(16) may be approved without regard~~

~~to statutory limits on the frequency of adoption of amendments to the comprehensive plan.~~

~~(e) A comprehensive plan amendment for location of a state correctional facility. Such an amendment may be made at any time and does not count toward the limitation on the frequency of plan amendments.~~

~~(f) The capital improvements element annual update required in s. 163.3177(3)(b)1. and any amendments directly related to the schedule.~~

~~(g) Any local government comprehensive plan amendments directly related to proposed redevelopment of brownfield areas designated under s. 376.80 may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan.~~

~~(h) Any comprehensive plan amendments for port transportation facilities and projects that are eligible for funding by the Florida Seaport Transportation and Economic Development Council pursuant to s. 311.07.~~

~~(i) A comprehensive plan amendment for the purpose of designating an urban infill and redevelopment area under s. 163.2517 may be approved without regard to the statutory limits on the frequency of amendments to the comprehensive plan.~~

~~(j) Any comprehensive plan amendment to establish public school concurrency pursuant to s. 163.3180(13), including, but not limited to, adoption of a public school facilities element and adoption of amendments to the capital improvements element and intergovernmental coordination element. In order to ensure the consistency of local government public school facilities elements within a county, such elements shall be prepared and adopted on a similar time schedule.~~

~~(k) A local comprehensive plan amendment directly related to providing transportation improvements to enhance life safety on Controlled Access Major Arterial Highways identified in the Florida Intrastate Highway System, in counties as defined in s. 125.011, where such roadways have a high incidence of traffic accidents resulting in serious injury or death. Any such amendment shall not include any amendment modifying the designation on a comprehensive development plan land use map nor any amendment modifying the allowable densities or intensities of any land.~~

~~(l) A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. 163.3177(12) and future land use map amendments for school siting may be approved notwithstanding statutory limits on the frequency of adopting plan amendments.~~

~~(m) A comprehensive plan amendment that addresses criteria or compatibility of land uses adjacent to or in close proximity to military installations in a local government's future land use element does not count toward the limitation on the frequency of the plan amendments.~~

~~(n) Any local government comprehensive plan amendment establishing or implementing a rural land stewardship area pursuant to the provisions of s. 163.3177(11)(d).~~

~~(o) A comprehensive plan amendment that is submitted by an area designated by the Governor as a rural area of critical economic concern under s. 288.0656(7) and that meets the economic development objectives may be approved without regard to the statutory limits on the frequency of adoption of amendments to the comprehensive plan.~~

~~(p) Any local government comprehensive plan amendment that is consistent with the local housing incentive strategies identified in s. 420.9076 and authorized by the local government.~~

~~(q) Any local government plan amendment to designate an urban service area as a transportation concurrency exception area under s. 163.3180(5)(b)2. or 3. and an area exempt from the development of regional impact process under s. 380.06(29).~~

(4)~~(2)~~ Comprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to s. 163.3177~~(2)~~. Corrections, updates, or modifications of current costs which were set out as part of the comprehensive plan shall not, for the purposes of this act, be deemed to be amendments.

~~(3)(a) The state land planning agency shall not review or issue a notice of intent for small scale development amendments which satisfy the requirements of paragraph (1)(e).~~

(5)(a) Any affected person may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57 to request a hearing to challenge the compliance of a small scale development amendment with this act within 30 days following the local government's adoption of the amendment *and*~~,~~ shall serve a copy of the petition on the local government~~, and shall furnish a copy to the state land planning agency~~. An administrative law judge shall hold a hearing in the affected jurisdiction not less than 30 days nor more than 60 days following the filing of a petition and the assignment of an administrative law judge. The parties to a hearing held pursuant to this subsection shall be the petitioner, the local government, and any intervenor. In the proceeding, the *plan amendment shall be determined to be in compliance if the* local government's determination that the small scale development amendment is in compliance is *fairly debatable* ~~presumed to be correct~~. ~~The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the amendment is not in compliance with the requirements of this act. In any proceeding initiated pursuant to this subsection,~~ The state land planning agency may *not* intervene *in any proceeding initiated pursuant to this section*.

(b)1. If the administrative law judge recommends that the small scale development amendment be found not in compliance, the administrative law judge shall submit the recommended order to the Administration Commission for final agency action. If the administrative law judge recommends that the small scale development amendment be found in compliance, the administrative law judge shall submit the recommended order to the state land planning agency.

2. If the state land planning agency determines that the plan amendment is not in compliance, the agency shall submit, within 30 days following its receipt, the recommended order to the Administration Commission for final agency action. If the state land planning agency determines that the plan amendment is in compliance, the agency shall enter a final order within 30 days following its receipt of the recommended order.

(c) Small scale development amendments *may* ~~shall~~ not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments *may* ~~shall~~ not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining *that* the adopted small scale development amendment is in compliance.

(d) In all challenges under this subsection, when a determination of compliance as defined in s. 163.3184(1)(b) is made, consideration shall be given to the plan amendment as a whole and whether the plan amendment furthers the intent of this part.

~~(4) Each governing body shall transmit to the state land planning agency a current copy of its comprehensive plan not later than December 1, 1985. Each governing body shall also transmit copies of any amendments it adopts to its comprehensive plan so as to continually update the plans on file with the state land planning agency.~~

~~(5) Nothing in this part is intended to prohibit or limit the authority of local governments to require that a person requesting an amendment pay some or all of the cost of public notice.~~

~~(6)(a) No local government may amend its comprehensive plan after the date established by the state land planning agency for adoption of its evaluation and appraisal report unless it has submitted its report or addendum to the state land planning agency as prescribed by s. 163.3191, except for plan amendments described in paragraph (1)(b) or paragraph (1)(h).~~

~~(b) A local government may amend its comprehensive plan after it has submitted its adopted evaluation and appraisal report and for a period of 1 year after the initial determination of sufficiency regardless of whether the report has been determined to be insufficient.~~

~~(c) A local government may not amend its comprehensive plan, except for plan amendments described in paragraph (1)(b), if the 1 year period after the initial sufficiency determination of the report has expired and the report has not been determined to be sufficient.~~

~~(d) When the state land planning agency has determined that the report has sufficiently addressed all pertinent provisions of s. 163.3191, the local government may amend its comprehensive plan without the limitations imposed by paragraph (a) or paragraph (c).~~

~~(e) Any plan amendment which a local government attempts to adopt in violation of paragraph (a) or paragraph (c) is invalid, but such invalidity may be overcome if the local government readopts the amendment and transmits the amendment to the state land planning agency pursuant to s. 163.3184(7) after the report is determined to be sufficient.~~

Section 19. *Section 163.3189, Florida Statutes, is repealed.*

And the title is amended as follows:

Delete lines 29-97 and insert: that certain comments, underlying studies, and reports provided by a military installation's commanding officer are not binding on local governments; providing additional factors for local government consideration in impacts to military installations; clarifying requirements for adopting criteria to address compatibility of lands relating to military installations; amending s. 163.3177, F.S.; revising and providing duties of local governments; revising and providing required and optional elements of comprehensive plans; revising requirements of schedules of capital improvements; revising and providing provisions relating to capital improvements elements; revising major objectives of, and procedures relating to, the local comprehensive planning process; revising and providing required and optional elements of future land use plans; providing required transportation elements; revising and providing required conservation elements; revising and providing required housing elements; revising and providing required coastal management elements; revising and providing required intergovernmental coordination elements; amending s. 163.31777, F.S.; revising requirements relating to public schools' interlocal agreements; deleting duties of the Office of Educational Facilities, the state land planning agency, and local governments relating to such agreements; deleting an exemption; amending s. 163.3178, F.S.; deleting a deadline for local governments to amend coastal management elements and future land use maps; amending s. 163.3180, F.S.; revising and providing provisions relating to concurrency; revising concurrency requirements; revising application and findings; revising local government requirements; revising and providing requirements relating to transportation concurrency, transportation concurrency exception areas, urban infill, urban redevelopment, urban service, downtown revitalization areas, transportation concurrency management areas, long-term transportation and school concurrency management systems, development of regional impact, school concurrency, service areas, financial feasibility, interlocal agreements, and multimodal transportation districts; revising duties of the Office of Program Policy Analysis and the state land planning agency; providing requirements for local plans; providing for the limiting the liability of local governments under certain conditions; amending s. 163.3182, F.S.; revising definitions; revising provisions relating to transportation deficiency plans and projects; amending s. 163.3184, F.S.; providing a definition; providing requirements for comprehensive plans and plan amendments; providing a expedited state review process for adoption of comprehensive plan amendments; providing requirements for the adoption of comprehensive plan amendments; creating the state-coordinated review process; providing and revising provisions relating to the review process; revising requirements relating to local government transmittal of proposed plan or amendments; providing for comment by reviewing agencies; deleting provisions relating to regional, county, and municipal review; revising provisions relating to state land planning agency review; revising provisions relating to local government review of comments; deleting and revising provisions relating to notice of intent and processes for compliance and noncompliance; providing procedures for administrative challenges to plans and plan amendments; providing for compliance agreements; providing for mediation and expeditious resolution; revising powers and duties of the administration commission; revising provisions relating to areas of critical state concern; providing for concurrent zoning; amending s. 163.3187, F.S.; deleting provisions relating to the amendment of adopted comprehensive plan and providing the process for adoption of small-scale comprehensive plan amendments; repealing s. 163.3189, F.S., relating to process for amendment of adopted comprehensive plan; amending s. 163.3191, F.S., relating to

Amendment 3 (669180) (with title amendment)—Delete lines 6068-8439 and insert:

(5)~~(12)~~ The state land planning agency *may* ~~shall~~ not adopt rules to implement this section, other than procedural rules *or a schedule indicating when local governments must comply with the requirements of this section*.

~~(13) The state land planning agency shall regularly review the evaluation and appraisal report process and submit a report to the Governor, the Administration Commission, the Speaker of the House of Representatives, the President of the Senate, and the respective community affairs committees of the Senate and the House of Representatives. The first report shall be submitted by December 31, 2004, and subsequent reports shall be submitted every 5 years thereafter. At least 9 months before the due date of each report, the Secretary of Community Affairs shall appoint a technical committee of at least 15 members to assist in the preparation of the report. The membership of the technical committee shall consist of representatives of local governments, regional planning councils, the private sector, and environmental organizations. The report shall assess the effectiveness of the evaluation and appraisal report process.~~

~~(14) The requirement of subsection (10) prohibiting a local government from adopting amendments to the local comprehensive plan until the evaluation and appraisal report update amendments have been adopted and transmitted to the state land planning agency does not apply to a plan amendment proposed for adoption by the appropriate local government as defined in s. 163.3178(2)(k) in order to integrate a port comprehensive master plan with the coastal management element of the local comprehensive plan as required by s. 163.3178(2)(k) if the port comprehensive master plan or the proposed plan amendment does not cause or contribute to the failure of the local government to comply with the requirements of the evaluation and appraisal report.~~

Section 21. Paragraph (b) of subsection (2) of section 163.3217, Florida Statutes, is amended to read:

163.3217 Municipal overlay for municipal incorporation.—

(2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL OVERLAY.—

(b)~~1.~~ A municipal overlay shall be adopted as an amendment to the local government comprehensive plan as prescribed by s. 163.3184.

~~2. A county may consider the adoption of a municipal overlay without regard to the provisions of s. 163.3187(1) regarding the frequency of adoption of amendments to the local comprehensive plan.~~

Section 22. Subsection (3) of section 163.3220, Florida Statutes, is amended to read:

163.3220 Short title; legislative intent.—

(3) In conformity with, in furtherance of, and to implement the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act and the Florida State Comprehensive Planning Act of 1972, it is the intent of the Legislature to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.

Section 23. Subsections (2) and (11) of section 163.3221, Florida Statutes, are amended to read:

163.3221 Florida Local Government Development Agreement Act; definitions.—As used in ss. 163.3220-163.3243:

(2) "Comprehensive plan" means a plan adopted pursuant to the *Community* ~~"Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act.~~"~~

(11) "Local planning agency" means the agency designated to prepare a comprehensive plan or plan amendment pursuant to the *Community* ~~"Florida Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act.~~"~~

Section 24. Section 163.3229, Florida Statutes, is amended to read:

163.3229 Duration of a development agreement and relationship to local comprehensive plan.—The duration of a development agreement *may* ~~shall~~ not exceed *30* ~~20~~ years*, unless it is*~~. It may be~~ extended by mutual consent of the governing body and the developer, subject to a public hearing in accordance with s. 163.3225. No development agreement shall be effective or be implemented by a local government unless the local government's comprehensive plan and plan amendments implementing or related to the agreement are ~~found~~ in compliance ~~by the state land planning agency in accordance~~ with s. 163.3184~~, s. 163.3187, or s. 163.3189~~.

Section 25. Section 163.3235, Florida Statutes, is amended to read:

163.3235 Periodic review of a development agreement.—A local government shall review land subject to a development agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. ~~For each annual review conducted during years 6 through 10 of a development agreement, the review shall be incorporated into a written report which shall be submitted to the parties to the agreement and the state land planning agency. The state land planning agency shall adopt rules regarding the contents of the report, provided that the report shall be limited to the information sufficient to determine the extent to which the parties are proceeding in good faith to comply with the terms of the development agreement.~~ If the local government finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the agreement may be revoked or modified by the local government.

Section 26. Section 163.3239, Florida Statutes, is amended to read:

163.3239 Recording and effectiveness of a development agreement.—Within 14 days after a local government enters into a development agreement, the local government shall record the agreement with the clerk of the circuit court in the county where the local government is located. ~~A copy of the recorded development agreement shall be submitted to the state land planning agency within 14 days after the agreement is recorded.~~ A development agreement *is* ~~shall~~ not ~~be~~ effective until it is properly recorded in the public records of the county ~~and until 30 days after having been received by the state land planning agency pursuant to this section~~. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

Section 27. Section 163.3243, Florida Statutes, is amended to read:

163.3243 Enforcement.—Any party *or*~~, any~~ aggrieved or adversely affected person as defined in s. 163.3215(2)~~, or the state land planning agency~~ may file an action for injunctive relief in the circuit court where the local government is located to enforce the terms of a development agreement or to challenge compliance of the agreement with ~~the provisions of~~ ss. 163.3220-163.3243.

Section 28. Section 163.3245, Florida Statutes, is amended to read:

163.3245 ~~Optional~~ Sector plans.—

(1) In recognition of the benefits of ~~conceptual~~ long-range planning for ~~the buildout of an area, and detailed planning for~~ specific areas, ~~as a demonstration project, the requirements of s. 380.06 may be addressed as identified by this section for up to five~~ local governments or combinations of local governments *may* ~~which~~ adopt into *their* ~~the~~ comprehensive *plans a* ~~plan an optional~~ sector plan in accordance with this section. This section is intended to *promote and encourage long-term planning for conservation, development, and agriculture on a landscape scale; to* further the intent of s. 163.3177(11), which supports innovative and flexible planning and development strategies, and the purposes of this part~~,~~ and part I of chapter 380*; to facilitate protection of regionally significant resources, including, but not limited to, regionally significant water courses and wildlife corridors;*~~,~~ and to avoid duplication of effort in terms of the level of data and analysis required for a development of regional impact, while ensuring the adequate mitigation of impacts to applicable regional resources and facilities, including those within the jurisdiction of other local governments, as would otherwise be provided. ~~Optional~~ Sector plans are intended for substantial geographic areas *that include* ~~including~~ at least *15,000* ~~5,000~~ acres of one or more local governmental jurisdictions and are to emphasize urban form and protection of regionally significant resources and *public* facilities. *A* ~~The state land planning agency may approve optional sector plans of less than 5,000 acres based on local circumstances if it is determined that the plan would further the purposes of this part and part I of chapter 380. Preparation of an optional sector plan is authorized by agreement between the state land planning agency and the applicable local governments under s. 163.3171(4). An optional sector plan may be adopted through one or more comprehensive plan amendments under s. 163.3184. However, an optional~~ sector plan may not be *adopted* ~~authorized~~ in an area of critical state concern.

(2) *Upon the request of a local government having jurisdiction,* ~~The state land planning agency may enter into an agreement to authorize preparation of an optional sector plan upon the request of one or more local governments based on consideration of problems and opportunities presented by existing development trends; the effectiveness of current comprehensive plan provisions; the potential to further the state comprehensive plan, applicable strategic regional policy plans, this part, and part I of chapter 380; and those factors identified by s. 163.3177(10)(i).~~ the applicable regional planning council shall conduct a scoping meeting with affected local governments and those agencies identified in s. 163.3184*(1)(c)*~~(4)~~ before *preparation of the sector plan* ~~execution of the agreement authorized by this section~~. The purpose of this meeting is to assist the state land planning agency and the local government in the identification of the relevant planning issues to be addressed and the data and resources available to assist in the preparation of *the sector plan* ~~subsequent plan amendments~~. *If a scoping meeting is conducted,* the regional planning council shall make written recommendations to the state land planning agency and affected local governments *on the issues requested by the local government. The scoping meeting shall be noticed and open to the public. If the entire planning area proposed for the sector plan is within the jurisdiction of two or more local governments, some or all of them may enter into a joint planning agreement pursuant to s. 163.3171 with respect to*~~, including whether a sustainable sector plan would be appropriate. The agreement must define~~ the geographic area to be subject to the sector plan, the planning issues that will be emphasized, *procedures* ~~requirements~~ for intergovernmental coordination to address extrajurisdictional impacts, supporting application materials including data and analysis, ~~and~~ procedures for public participation*, or other issues*. ~~An agreement may address previously adopted sector plans that are consistent with the standards in this section. Before executing an agreement under this subsection, the local government shall hold a duly noticed public workshop to review and explain to the public the optional sector planning process and the terms and conditions of the proposed agreement. The local government shall hold a duly noticed public hearing to execute the agreement. All meetings between the department and the local government must be open to the public.~~

(3) ~~Optional~~ Sector planning encompasses two levels: adoption *pursuant to* ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term *master plan for the entire planning area as part of the comprehensive plan, and adoption by local development order of two or more* ~~buildout overlay to the comprehensive plan, having no immediate effect on the issuance of development orders or the applicability of s. 380.06, and adoption under s. 163.3184 of~~ detailed specific area plans that implement the ~~conceptual~~ long-term *master plan* ~~buildout overlay and authorize issuance of development orders,~~ and within which s. 380.06 is waived. ~~Until such time as a detailed specific area plan is adopted, the underlying future land use designations apply.~~

(a) In addition to the other requirements of this chapter, a *long-term master plan pursuant to this section* ~~conceptual long-term buildout overlay~~ must include *maps, illustrations, and text supported by data and analysis to address the following*:

1. A ~~long-range conceptual~~ framework map that*,* at a minimum*, generally depicts* ~~identifies anticipated~~ areas of urban, agricultural, rural, and conservation land use*, identifies allowed uses in various parts of the planning area, specifies maximum and minimum densities and intensities of use, and provides the general framework for the development pattern in developed areas with graphic illustrations based on a hierarchy of places and functional place-making components*.

2. A general identification of the water supplies needed and available sources of water, including water resource development and water supply development projects, and water conservation measures needed to meet the projected demand of the future land uses in the long-term master plan.

3. A general identification of the transportation facilities to serve the future land uses in the long-term master plan, including guidelines to be used to establish each modal component intended to optimize mobility.

4. ~~2.~~ *A general* identification of *other* regionally significant public facilities ~~consistent with chapter 9J-2, Florida Administrative Code, irrespective of local governmental jurisdiction~~ necessary to support ~~buildout of~~ the ~~anticipated~~ future land uses*, which may include central utilities provided onsite within the planning area, and policies setting forth the procedures to be used to mitigate the impacts of future land uses on public facilities*.

5. ~~3.~~ *A general* identification of regionally significant natural resources *within the planning area based on the best available data and policies setting forth the procedures for protection or conservation of specific resources consistent with the overall conservation and development strategy for the planning area* ~~consistent with chapter 9J-2, Florida Administrative Code~~.

6. ~~4.~~ *General* principles and guidelines *addressing* ~~that address~~ the urban form and *the* interrelationships of ~~anticipated~~ future land uses*; the protection and, as appropriate, restoration and management of lands identified for permanent preservation through recordation of conservation easements consistent with s. 704.06, which shall be phased or staged in coordination with detailed specific area plans to reflect phased or staged development within the planning area;* ~~and a discussion, at the applicant's option, of the extent, if any, to which the plan will address restoring key ecosystems,~~ achieving a more clean, healthy environment*;* ~~,~~ limiting urban sprawl*; providing a range of housing types;* ~~,~~ protecting wildlife and natural areas*;* ~~,~~ advancing the efficient use of land and other resources*;* ~~, and~~ creating quality communities *of a design that promotes travel by multiple transportation modes;* and *enhancing the prospects for the creation of* jobs.

7. ~~5.~~ Identification of general procedures *and policies* to *facilitate* ~~ensure~~ intergovernmental coordination to address extrajurisdictional impacts from the *future land uses* ~~long-range conceptual framework map~~.

A long-term master plan adopted pursuant to this section may be based upon a planning period longer than the generally applicable planning period of the local comprehensive plan, shall specify the projected population within the planning area during the chosen planning period, and may include a phasing or staging schedule that allocates a portion of the local government's future growth to the planning area through the planning period. A long-term master plan adopted pursuant to this section is not required to demonstrate need based upon projected population growth or on any other basis.

(b) In addition to the other requirements of this chapter, ~~including those in paragraph (a),~~ the detailed specific area plans *shall be consistent with the long-term master plan and* must include *conditions and commitments that provide for*:

1. *Development or conservation of* an area of ~~adequate size to accommodate a level of development which achieves a functional relationship between a full range of land uses within the area and to encompass~~ at least 1,000 acres *consistent with the long-term master plan*. The *local government* ~~state land planning agency~~ may approve detailed specific area plans of less than 1,000 acres based on local circumstances if it is determined that the *detailed specific area* plan furthers the purposes of this part and part I of chapter 380.

2. Detailed identification and analysis of the *maximum and minimum densities and intensities of use and the* distribution, extent, and location of future land uses.

3. Detailed identification of water resource development and water supply development projects and related infrastructure and water conservation measures to address water needs of development in the detailed specific area plan.

4. Detailed identification of the transportation facilities to serve the future land uses in the detailed specific area plan.

5. ~~3.~~ Detailed identification of *other* regionally significant public facilities, including public facilities outside the jurisdiction of the host local government, ~~anticipated~~ impacts of future land uses on those facilities, and required improvements consistent with *the long-term master plan* ~~chapter 9J-2, Florida Administrative Code~~.

6. ~~4.~~ Public facilities necessary *to serve development in the detailed specific area plan* ~~for the short term~~, including developer contributions in a ~~financially feasible~~ 5-year capital improvement schedule of the affected local government.

7. ~~5.~~ Detailed analysis and identification of specific measures to *ensure* ~~assure~~ the protection *and, as appropriate, restoration and management of lands within the boundary of the detailed specific area plan identified for permanent preservation through recordation of conservation easements consistent with s. 704.06, which easements shall be effective before or concurrent with the effective date of the detailed specific area plan* ~~of regionally significant natural resources~~ and other important resources both within and outside the host jurisdiction~~, including those regionally significant resources identified in chapter 9J-2, Florida Administrative Code~~.

8. ~~6.~~ *Detailed* principles and guidelines *addressing* ~~that address~~ the urban form and *the* interrelationships of ~~anticipated~~ future land uses*;* ~~and a discussion, at the applicant's option, of the extent, if any, to which the plan will address restoring key ecosystems,~~ achieving a more clean, healthy environment*;* ~~,~~ limiting urban sprawl*; providing a range of housing types;* ~~,~~ protecting wildlife and natural areas*;* ~~,~~ advancing the efficient use of land and other resources*;* ~~, and~~ creating quality communities *of a design that promotes travel by multiple transportation modes;* and *enhancing the prospects for the creation of* jobs.

9. ~~7.~~ Identification of specific procedures to *facilitate* ~~ensure~~ intergovernmental coordination to address extrajurisdictional impacts *from* ~~of~~ the detailed specific area plan.

A detailed specific area plan adopted by local development order pursuant to this section may be based upon a planning period longer than the generally applicable planning period of the local comprehensive plan and shall specify the projected population within the specific planning area during the chosen planning period. A detailed specific area plan adopted pursuant to this section is not required to demonstrate need based upon projected population growth or on any other basis. All lands identified in the long-term master plan for permanent preservation shall be subject to a recorded conservation easement consistent with s. 704.06 before or concurrent with the effective date of the final detailed specific area plan to be approved within the planning area.

(c) In its review of a long-term master plan, the state land planning agency shall consult with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and the applicable water management district regarding the design of areas for protection and conservation of regionally significant natural resources and for the protection and, as appropriate, restoration and management of lands identified for permanent preservation. (d) In its review of a long-term master plan, the state land planning agency shall consult with the Department of Transportation, the applicable metropolitan planning organization, and any urban transit agency regarding the location, capacity, design, and phasing or staging of major transportation facilities in the planning area.

(e) Whenever a local government issues a development order approving a detailed specific area plan, a copy of such order shall be rendered to the state land planning agency and the owner or developer of the property affected by such order, as prescribed by rules of the state land planning agency for a development order for a development of regional impact. Within 45 days after the order is rendered, the owner, the developer, or the state land planning agency may appeal the order to the Florida Land and Water Adjudicatory Commission by filing a petition alleging that the detailed specific area plan is not consistent with the comprehensive plan or with the long-term master plan adopted pursuant to this section. The appellant shall furnish a copy of the petition to the opposing party, as the case may be, and to the local government that issued the order. The filing of the petition stays the effectiveness of the order until after completion of the appeal process. However, if a development order approving a detailed specific area plan has been challenged by an aggrieved or adversely affected party in a judicial proceeding pursuant to s. 163.3215, and a party to such proceeding serves notice to the state land planning agency, the state land planning agency shall dismiss its appeal to the commission and shall have the right to intervene in the pending judicial proceeding pursuant to s. 163.3215. Proceedings for administrative review of an

order approving a detailed specific area plan shall be conducted consistent with s. 380.07(6). The commission shall issue a decision granting or denying permission to develop pursuant to the long-term master plan and the standards of this part and may attach conditions or restrictions to its decisions.

(f)~~(e)~~ This subsection *does* ~~may~~ not ~~be construed to~~ prevent preparation and approval of the ~~optional~~ sector plan and detailed specific area plan concurrently or in the same submission.

(4) *Upon the long-term master plan becoming legally effective:*

(a) Any long-range transportation plan developed by a metropolitan planning organization pursuant to s. 339.175(7) must be consistent, to the maximum extent feasible, with the long-term master plan, including, but not limited to, the projected population and the approved uses and densities and intensities of use and their distribution within the planning area. The transportation facilities identified in adopted plans pursuant to subparagraphs (3)(a)3. and (b)4. must be developed in coordination with the adopted M.P.O. long-range transportation plan.

(b) The water needs, sources and water resource development, and water supply development projects identified in adopted plans pursuant to subparagraphs (3)(a)2. and (b)3. shall be incorporated into the applicable district and regional water supply plans adopted in accordance with ss. 373.036 and 373.709. Accordingly, and notwithstanding the permit durations stated in s. 373.236, an applicant may request and the applicable district may issue consumptive use permits for durations commensurate with the long-term master plan or detailed specific area plan, considering the ability of the master plan area to contribute to regional water supply availability and the need to maximize reasonable-beneficial use of the water resource. The permitting criteria in s. 373.223 shall be applied based upon the projected population and the approved densities and intensities of use and their distribution in the long-term master plan; however, the allocation of the water may be phased over the permit duration to correspond to actual projected needs. This paragraph does not supersede the public interest test set forth in s. 373.223. ~~The host local government shall submit a monitoring report to the state land planning agency and applicable regional planning council on an annual basis after adoption of a detailed specific area plan. The annual monitoring report must provide summarized information on development orders issued, development that has occurred, public facility improvements made, and public facility improvements anticipated over the upcoming 5 years.~~

(5) When ~~a plan amendment adopting~~ a detailed specific area plan has become effective *for a portion of the planning area governed by a long-term master plan adopted pursuant to this section* ~~under ss. 163.3184 and 163.3189(2), the provisions of~~ s. 380.06 *does* ~~do~~ not apply to development within the geographic area of the detailed specific area plan. However, any development-of-regional-impact development order that is vested from the detailed specific area plan may be enforced *pursuant to* ~~under~~ s. 380.11.

(a) The local government adopting the detailed specific area plan is primarily responsible for monitoring and enforcing the detailed specific area plan. Local governments *may* ~~shall~~ not issue any permits or approvals or provide any extensions of services to development that are not consistent with the detailed *specific* ~~sector~~ area plan.

(b) If the state land planning agency has reason to believe that a violation of any detailed specific area plan~~, or of any agreement entered into under this section,~~ has occurred or is about to occur, it may institute an administrative or judicial proceeding to prevent, abate, or control the conditions or activity creating the violation, using the procedures in s. 380.11.

(c) In instituting an administrative or judicial proceeding involving *a* ~~an optional~~ sector plan or detailed specific area plan, including a proceeding pursuant to paragraph (b), the complaining party shall comply with the requirements of s. 163.3215(4), (5), (6), and (7)*, except as provided by paragraph (3)(e).*

(d) The detailed specific area plan shall establish a buildout date until which the approved development is not subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that implementation of the plan is not continuing in good faith based on standards established by plan policy, that substantial changes in the conditions underlying the approval of the detailed specific area plan have occurred, that the detailed specific area plan was based on substantially inaccurate information provided by the applicant, or that the change is clearly established to be essential to the public health, safety, or welfare.

(6) Concurrent with or subsequent to review and adoption of a long-term master plan pursuant to paragraph (3)(a), an applicant may apply for master development approval pursuant to s. 380.06(21) for the entire planning area in order to establish a buildout date until which the approved uses and densities and intensities of use of the master plan are not subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that implementation of the master plan is not continuing in good faith based on standards established by plan policy, that substantial changes in the conditions underlying the approval of the master plan have occurred, that the master plan was based on substantially inaccurate information provided by the applicant, or that change is clearly established to be essential to the public health, safety, or welfare. Review of the application for master development approval shall be at a level of detail appropriate for the long-term and conceptual nature of the long-term master plan and, to the maximum extent possible, may only consider information provided in the application for a long-term master plan. Notwithstanding s. 380.06, an increment of development in such an approved master development plan must be approved by a detailed specific area plan pursuant to paragraph (3)(b) and is exempt from review pursuant to s. 380.06.

~~(6) Beginning December 1, 1999, and each year thereafter, the department shall provide a status report to the Legislative Committee on Intergovernmental Relations regarding each optional sector plan authorized under this section.~~

(7) A developer within an area subject to a long-term master plan that meets the requirements of paragraph (3)(a) and subsection (6) or a detailed specific area plan that meets the requirements of paragraph (3)(b) may enter into a development agreement with a local government pursuant to ss. 163.3220-163.3243. The duration of such a development agreement may be through the planning period of the long-term master plan or the detailed specific area plan, as the case may be, notwithstanding the limit on the duration of a development agreement pursuant to s. 163.3229.

(8) Any owner of property within the planning area of a proposed long-term master plan may withdraw his consent to the master plan at any time prior to local government adoption, and the local government shall exclude such parcels from the adopted master plan. Thereafter, the long-term master plan, any detailed specific area plan, and the exemption from development-of-regional-impact review under this section do not apply to the subject parcels. After adoption of a long-term master plan, an owner may withdraw his or her property from the master plan only with the approval of the local government by plan amendment adopted and reviewed pursuant to s. 163.3184.

(9) The adoption of a long-term master plan or a detailed specific area plan pursuant to this section does not limit the right to continue existing agricultural or silvicultural uses or other natural resource-based operations or to establish similar new uses that are consistent with the plans approved pursuant to this section.

(10) The state land planning agency may enter into an agreement with a local government that, on or before July 1, 2011, adopted a large-area comprehensive plan amendment consisting of at least 15,000 acres that meets the requirements for a long-term master plan in paragraph (3)(a), after notice and public hearing by the local government, and thereafter, notwithstanding s. 380.06, this part, or any planning agreement or plan policy, the large-area plan shall be implemented through detailed specific area plans that meet the requirements of paragraph (3)(b) and shall otherwise be subject to this section.

(11) Notwithstanding this section, a detailed specific area plan to implement a conceptual long-term buildout overlay, adopted by a local government and found in compliance before July 1, 2011, shall be governed by this section.

(12) Notwithstanding s. 380.06, this part, or any planning agreement or plan policy, a landowner or developer who has received approval of a master development-of-regional-impact development order pursuant to s. 380.06(21) may apply to implement this order by filing one or more ap-

plications to approve a detailed specific area plan pursuant to paragraph (3)(b).

(13)~~(7)~~ This section may not be construed to abrogate the rights of any person under this chapter.

Section 29. Subsections (9), (12), and (14) of section 163.3246, Florida Statutes, are amended to read:

163.3246 Local government comprehensive planning certification program.—

(9)(a) Upon certification all comprehensive plan amendments associated with the area certified must be adopted and reviewed in the manner described in *s.* ~~ss.~~ 163.3184*(5)-(11)*~~(1), (2), (7), (14), (15), and (16) and 163.3187~~, such that state and regional agency review is eliminated. *Plan amendments that qualify as small scale development amendments may follow the small scale review process in s. 163.3187.* The department may not issue any objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by s. 163.3184(1)(a), may file a petition for administrative review pursuant to the requirements of s. *163.3184(5)* ~~163.3187(3)(a)~~ to challenge the compliance of an adopted plan amendment.

(b) Plan amendments that change the boundaries of the certification area; propose a rural land stewardship area pursuant to s. *163.3248* ~~163.3177(11)(d)~~; propose *a* ~~an optional~~ sector plan pursuant to s. 163.3245; ~~propose a school facilities element;~~ update a comprehensive plan based on an evaluation and appraisal *review* ~~report~~; impact lands outside the certification boundary; implement new statutory requirements that require specific comprehensive plan amendments; or increase hurricane evacuation times or the need for shelter capacity on lands within the coastal high-hazard area shall be reviewed pursuant to *s.* ~~ss.~~ 163.3184 ~~and 163.3187~~.

(12) A local government's certification shall be reviewed by the local government and the department as part of the evaluation and appraisal process pursuant to s. 163.3191. Within 1 year after the deadline for the local government to update its comprehensive plan based on the evaluation and appraisal report, the department shall renew or revoke the certification. The local government's ~~failure to adopt a timely evaluation and appraisal report, failure to adopt an evaluation and appraisal report found to be sufficient, or~~ failure to timely adopt *necessary* amendments *to update its comprehensive plan* based on an evaluation and appraisal*, which are* ~~report~~ found to be in compliance by the department*,* shall be cause for revoking the certification agreement. The department's decision to renew or revoke shall be considered agency action subject to challenge under s. 120.569.

~~(14) The Office of Program Policy Analysis and Government Accountability shall prepare a report evaluating the certification program, which shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2007.~~

Section 30. *Section 163.32465, Florida Statutes, is repealed.*

Section 31. Subsection (6) is added to section 163.3247, Florida Statutes, to read:

163.3247 Century Commission for a Sustainable Florida.—

(6) EXPIRATION.-This section is repealed and the commission is abolished June 30, 2013.

Section 32. Section 163.3248, Florida Statutes, is created to read:

163.3248 Rural land stewardship areas.—

(1) Rural land stewardship areas are designed to establish a long-term incentive based strategy to balance and guide the allocation of land so as to accommodate future land uses in a manner that protects the natural environment, stimulate economic growth and diversification, and encourage the retention of land for agriculture and other traditional rural land uses.

(2) Upon written request by one or more landowners of the subject lands to designate lands as a rural land stewardship area, or pursuant to a private-sector-initiated comprehensive plan amendment filed by, or with the consent of the owners of the subject lands, local governments may adopt a future land use overlay to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques to support a diverse economic and employment base. The future land use overlay may not require a demonstration of need based on population projections or any other factors.

(3) Rural land stewardship areas may be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion and diversification of economic activity and employment opportunities within the rural areas; maintenance of the viability of the state's agricultural economy; and protection of private property rights in rural areas of the state. Rural land stewardship areas may be multicounty in order to encourage coordinated regional stewardship planning.

(4) A local government or one or more property owners may request assistance and participation in the development of a plan for the rural land stewardship area from the state land planning agency, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the appropriate water management district, the Department of Transportation, the regional planning council, private land owners, and stakeholders.

(5) A rural land stewardship area shall be not less than 10,000 acres, shall be located outside of municipalities and established urban service areas, and shall be designated by plan amendment by each local government with jurisdiction over the rural land stewardship area. The plan amendment or amendments designating a rural land stewardship area are subject to review pursuant to s. 163.3184 and shall provide for the following:

(a) Criteria for the designation of receiving areas which shall, at a minimum, provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with significant environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; and the establishment of receiving area service boundaries that provide for a transition from receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services.

(b) Innovative planning and development strategies to be applied within rural land stewardship areas pursuant to this section.

(c) A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection, which provide for a functional mix of land uses through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

(d) A mix of densities and intensities that would not be characterized as urban sprawl through the use of innovative strategies and creative land use techniques.

(6) A receiving area may be designated only pursuant to procedures established in the local government's land development regulations. If receiving area designation requires the approval of the county board of county commissioners, such approval shall be by resolution with a simple majority vote. Before the commencement of development within a stewardship receiving area, a listed species survey must be performed for the area proposed for development. If listed species occur on the receiving area development site, the applicant must coordinate with each appropriate local, state, or federal agency to determine if adequate provisions have been made to protect those species in accordance with applicable regulations. In determining the adequacy of provisions for the protection of listed species and their habitats, the rural land stewardship area shall be considered as a whole, and the potential impacts and protective measures taken within areas to be developed as receiving areas shall be considered in conjunction with and compensated by lands set aside and protective measures taken within the designated sending areas.

(7) Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, establish a rural land stewardship overlay zoning district, which shall provide the methodology for the creation, conveyance, and use of transferable rural land use credits, hereinafter referred to as stewardship credits, the assignment and application of which does not constitute a right to develop land or increase the density of land, except as provided by this section. The total amount of stewardship credits within the rural land stewardship area must enable the realization of the long-term vision and goals for the rural land stewardship area, which may take into consideration the anticipated effect of the proposed receiving areas. The estimated amount of receiving area shall be projected based on available data, and the development potential represented by the stewardship credits created within the rural land stewardship area must correlate to that amount.

(8) Stewardship credits are subject to the following limitations:

(a) Stewardship credits may exist only within a rural land stewardship area.

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

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

(d) Neither the creation of the rural land stewardship area by plan amendment nor the adoption of the rural land stewardship zoning overlay district by the local government may displace the underlying permitted uses or the density or intensity of land uses assigned to a parcel of land within the rural land stewardship area that existed before adoption of the plan amendment or zoning overlay district; however, once stewardship credits have been transferred from a designated sending area for use within a designated receiving area, the underlying density assigned to the designated sending area ceases to exist.

(e) The underlying permitted uses, density, or intensity on each parcel of land located within a rural land stewardship area may not be increased or decreased by the local government, except as a result of the conveyance or stewardship credits, as long as the parcel remains within the rural land stewardship area.

(f) Stewardship credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is used.

(g) An increase in the density or intensity of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of stewardship credits and do not require a plan amendment. A change in the type of agricultural use on property within a rural land stewardship area is not considered a change in use or intensity of use and does not require any transfer of stewardship credits.

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

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

(j) Stewardship credits may be assigned at different ratios of credits per acre according to the natural resource or other beneficial use characteristics of the land and according to the land use remaining after the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land or, in locations where the retention of open space and agricultural land is a priority, to such lands.

(k) Stewardship credits may be transferred from a sending area only after a stewardship easement is placed on the sending area land with assigned stewardship credits. A stewardship easement is a covenant or restrictive easement running with the land which specifies the allowable uses and development restrictions for the portion of a sending area from which stewardship credits have been transferred. The stewardship easement must be jointly held by the county and the Department of Environmental Protection, the Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

(9) Owners of land within rural land stewardship sending areas should be provided other incentives, in addition to the use or conveyance of stewardship credits, to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, the Fish and Wildlife Conservation Commission, and local governments to achieve mutually agreed upon objectives. Such incentives may include, but are not limited to, the following:

(a) Opportunity to accumulate transferable wetland and species habitat mitigation credits for use or sale.

(b) Extended permit agreements.

(c) Opportunities for recreational leases and ecotourism.

(d) Compensation for the achievement of specified land management activities of public benefit, including, but not limited to, facility siting and corridors, recreational leases, water conservation and storage, water reuse, wastewater recycling, water supply and water resource development, nutrient reduction, environmental restoration and mitigation, public recreation, listed species protection and recovery, and wildlife corridor management and enhancement.

(e) Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of specified conservation objectives.

(10) This section constitutes an overlay of land use options that provide economic and regulatory incentives for landowners outside of established and planned urban service areas to conserve and manage vast areas of land for the benefit of the state's citizens and natural environment while maintaining and enhancing the asset value of their landholdings. It is the intent of the Legislature that this section be implemented pursuant to law and rulemaking is not authorized.

(11) It is the intent of the Legislature that the rural land stewardship area located in Collier County, which was established pursuant to the requirements of a final order by the Governor and Cabinet, duly adopted as a growth management plan amendment by Collier County, and found in compliance with this chapter, be recognized as a statutory rural land stewardship area and be afforded the incentives in this section.

Section 33. Paragraph (a) of subsection (2) of section 163.360, Florida Statutes, is amended to read:

163.360 Community redevelopment plans.—

(2) The community redevelopment plan shall:

(a) Conform to the comprehensive plan for the county or municipality as prepared by the local planning agency under the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act.

Section 34. Paragraph (a) of subsection (3) and subsection (8) of section 163.516, Florida Statutes, are amended to read:

163.516 Safe neighborhood improvement plans.—

(3) The safe neighborhood improvement plan shall:

(a) Be consistent with the adopted comprehensive plan for the county or municipality pursuant to the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act. No district plan shall be implemented unless the local governing body has determined said plan is consistent.

(8) Pursuant to *s.* ~~ss.~~ 163.3184~~, 163.3187, and 163.3189~~, the governing body of a municipality or county shall hold two public hearings to consider the board-adopted safe neighborhood improvement plan as an amendment or modification to the municipality's or county's adopted local comprehensive plan.

Section 35. Paragraph (f) of subsection (6), subsection (9), and paragraph (c) of subsection (11) of section 171.203, Florida Statutes, are amended to read:

171.203 Interlocal service boundary agreement.—The governing body of a county and one or more municipalities or independent special districts within the county may enter into an interlocal service boundary agreement under this part. The governing bodies of a county, a municipality, or an independent special district may develop a process for reaching an interlocal service boundary agreement which provides for public participation in a manner that meets or exceeds the requirements of subsection (13), or the governing bodies may use the process established in this section.

(6) An interlocal service boundary agreement may address any issue concerning service delivery, fiscal responsibilities, or boundary adjustment. The agreement may include, but need not be limited to, provisions that:

(f) Establish a process for land use decisions consistent with part II of chapter 163, including those made jointly by the governing bodies of the county and the municipality, or allow a municipality to adopt land use changes consistent with part II of chapter 163 for areas that are scheduled to be annexed within the term of the interlocal agreement; however, the county comprehensive plan and land development regulations shall control until the municipality annexes the property and amends its comprehensive plan accordingly. ~~Comprehensive plan amendments to incorporate the process established by this paragraph are exempt from the twice per year limitation under s. 163.3187.~~

(9) Each local government that is a party to the interlocal service boundary agreement shall amend the intergovernmental coordination element of its comprehensive plan, as described in s. 163.3177(6)(h)1., no later than 6 months following entry of the interlocal service boundary agreement consistent with s. 163.3177(6)(h)1. ~~Plan amendments required by this subsection are exempt from the twice per year limitation under s. 163.3187.~~

(11)

~~(c) Any amendment required by paragraph (a) is exempt from the twice per year limitation under s. 163.3187.~~

Section 36. Section 186.513, Florida Statutes, is amended to read:

186.513 Reports.—Each regional planning council shall prepare and furnish an annual report on its activities to the state land planning agency as defined in s. 163.3164~~(20)~~ and the local general-purpose governments within its boundaries and, upon payment as may be established by the council, to any interested person. The regional planning councils shall make a joint report and recommendations to appropriate legislative committees.

Section 37. Section 186.515, Florida Statutes, is amended to read:

186.515 Creation of regional planning councils under chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and 186.515 is intended to repeal or limit the provisions of chapter 163; however, the local general-purpose governments serving as voting members of the governing body of a regional planning council created pursuant to ss. 186.501-186.507, 186.513, and 186.515 are not authorized to create a regional planning council pursuant to chapter 163 unless an agency, other than a regional planning council created pursuant to ss. 186.501-186.507, 186.513, and 186.515, is designated to exercise the powers and duties in any one or more of ss. 163.3164~~(19)~~ and 380.031(15); in which case, such a regional planning council is also without authority to exercise the powers and duties in s. 163.3164~~(19)~~ or s. 380.031(15).

Section 38. Subsection (1) of section 189.415, Florida Statutes, is amended to read:

189.415 Special district public facilities report.—

(1) It is declared to be the policy of this state to foster coordination between special districts and local general-purpose governments as those local general-purpose governments develop comprehensive plans under the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act, pursuant to part II of chapter 163.

Section 39. Subsection (3) of section 190.004, Florida Statutes, is amended to read:

190.004 Preemption; sole authority.—

(3) The establishment of an independent community development district as provided in this act is not a development order within the meaning of chapter 380. All governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a community development district. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government.

Section 40. Paragraph (a) of subsection (1) of section 190.005, Florida Statutes, is amended to read:

190.005 Establishment of district.—

(1) The exclusive and uniform method for the establishment of a community development district with a size of 1,000 acres or more shall be pursuant to a rule, adopted under chapter 120 by the Florida Land and Water Adjudicatory Commission, granting a petition for the establishment of a community development district.

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the Florida Land and Water Adjudicatory Commission. The petition shall contain:

1. A metes and bounds description of the external boundaries of the district. Any real property within the external boundaries of the district which is to be excluded from the district shall be specifically described, and the last known address of all owners of such real property shall be listed. The petition shall also address the impact of the proposed district on any real property within the external boundaries of the district which is to be excluded from the district.

2. The written consent to the establishment of the district by all landowners whose real property is to be included in the district or documentation demonstrating that the petitioner has control by deed, trust agreement, contract, or option of 100 percent of the real property to be included in the district, and when real property to be included in the district is owned by a governmental entity and subject to a ground lease as described in s. 190.003(14), the written consent by such governmental entity.

3. A designation of five persons to be the initial members of the board of supervisors, who shall serve in that office until replaced by elected members as provided in s. 190.006.

4. The proposed name of the district.

5. A map of the proposed district showing current major trunk water mains and sewer interceptors and outfalls if in existence.

6. Based upon available data, the proposed timetable for construction of the district services and the estimated cost of constructing the proposed services. These estimates shall be submitted in good faith but *are* ~~shall~~ not ~~be~~ binding and may be subject to change.

7. A designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the district by the future land use plan element of the effective local government comprehensive plan of which all mandatory elements have been adopted by the applicable general-purpose local government in compliance with the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act.

8. A statement of estimated regulatory costs in accordance with the requirements of s. 120.541.

Section 41. Paragraph (i) of subsection (6) of section 193.501, Florida Statutes, is amended to read:

193.501 Assessment of lands subject to a conservation easement, environmentally endangered lands, or lands used for outdoor recreational or park purposes when land development rights have been conveyed or conservation restrictions have been covenanted.—

(6) The following terms whenever used as referred to in this section have the following meanings unless a different meaning is clearly indicated by the context:

(i) "Qualified as environmentally endangered" means land that has unique ecological characteristics, rare or limited combinations of geological formations, or features of a rare or limited nature constituting habitat suitable for fish, plants, or wildlife, and which, if subject to a development moratorium or one or more conservation easements or development restrictions appropriate to retaining such land or water areas predominantly in their natural state, would be consistent with the conservation, recreation and open space, and, if applicable, coastal protection elements of the comprehensive plan adopted by formal action of the local governing body pursuant to s. 163.3161, the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act; or surface waters and wetlands, as determined by the methodology ratified in s. 373.4211.

Section 42. Subsection (15) of section 287.042, Florida Statutes, is amended to read:

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

(15) To enter into joint agreements with governmental agencies, as defined in s. 163.3164~~(10)~~, for the purpose of pooling funds for the purchase of commodities or information technology that can be used by multiple agencies.

(a) Each agency that has been appropriated or has existing funds for such purchase, shall, upon contract award by the department, transfer their portion of the funds into the department's Operating Trust Fund for payment by the department. The funds shall be transferred by the Executive Office of the Governor pursuant to the agency budget amendment request provisions in chapter 216.

(b) Agencies that sign the joint agreements are financially obligated for their portion of the agreed-upon funds. If an agency becomes more than 90 days delinquent in paying the funds, the department shall certify to the Chief Financial Officer the amount due, and the Chief Financial Officer shall transfer the amount due to the Operating Trust Fund of the department from any of the agency's available funds. The Chief Financial Officer shall report these transfers and the reasons for the transfers to the Executive Office of the Governor and the legislative appropriations committees.

Section 43. Subsection (4) of section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(4) The Office of Tourism, Trade, and Economic Development may adopt criteria by which transportation projects are to be reviewed and certified in accordance with s. 288.061. In approving transportation projects for funding, the Office of Tourism, Trade, and Economic Development shall consider factors including, but not limited to, the cost per job created or retained considering the amount of transportation funds requested; the average hourly rate of wages for jobs created; the reliance on the program as an inducement for the project's location decision; the amount of capital investment to be made by the business; the demonstrated local commitment; the location of the project in an enterprise zone designated pursuant to s. 290.0055; the location of the project in a spaceport territory as defined in s. 331.304; the unemployment rate of the surrounding area; *and* the poverty rate of the community~~; and the adoption of an economic element as part of its local comprehensive plan in accordance with s. 163.3177(7)(j)~~. The Office of Tourism, Trade, and Economic Development may contact any agency it deems appropriate for additional input regarding the approval of projects.

Section 44. Paragraph (a) of subsection (2), subsection (10), and paragraph (d) of subsection (12) of section 288.975, Florida Statutes, are amended to read:

288.975 Military base reuse plans.—

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

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

(10) Within 60 days after receipt of a proposed military base reuse plan, these entities shall review and provide comments to the host local government. The commencement of this review period shall be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. No later than 180 days after receipt and consideration of all comments, and the holding of at least two public hearings, the host local government shall adopt the military base reuse plan. The host local government shall comply with the notice requirements set forth in s. 163.3184*(11)*~~(15)~~ to ensure full public participation in this planning process.

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

(d) Within 45 days after receiving the report from the state land planning agency, the Administration Commission shall take action to resolve the issues in dispute. In deciding upon a proper resolution, the Administration Commission shall consider the nature of the issues in dispute, any requests for a formal administrative hearing pursuant to chapter 120, the compliance of the parties with this section, the extent of the conflict between the parties, the comparative hardships and the public interest involved. If the Administration Commission incorporates in its final order a term or condition that requires any local government to amend its local government comprehensive plan, the local government shall amend its plan within 60 days after the issuance of the order. ~~Such amendment or amendments shall be exempt from the limitation of the frequency of plan amendments contained in s. 163.3187(1), and~~ A public hearing on such amendment or amendments pursuant to s. 163.3184*(11)*~~(15)~~(b)1. *is* ~~shall~~ not ~~be~~ required. The final order of the Administration Commission is subject to appeal pursuant to s. 120.68. If the order of the Administration Commission is appealed, the time for the local government to amend its plan shall be tolled during the pendency of any local, state, or federal administrative or judicial proceeding relating to the military base reuse plan.

Section 45. Subsection (4) of section 290.0475, Florida Statutes, is amended to read:

290.0475 Rejection of grant applications; penalties for failure to meet application conditions.—Applications received for funding under all program categories shall be rejected without scoring only in the event that any of the following circumstances arise:

(4) The application is not consistent with the local government's comprehensive plan adopted pursuant to s. 163.3184~~(7)~~.

Section 46. Paragraph (c) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)

(c) To be eligible for consideration by the council pursuant to this section, a project must be consistent with the port comprehensive master plan which is incorporated as part of the approved local government comprehensive plan as required by s. 163.3178(2)(k) or other provisions of the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act, part II of chapter 163.

Section 47. Subsection (1) of section 331.319, Florida Statutes, is amended to read:

331.319 Comprehensive planning; building and safety codes.—The board of directors may:

(1) Adopt, and from time to time review, amend, supplement, or repeal, a comprehensive general plan for the physical development of the area within the spaceport territory in accordance with the objectives and purposes of this act and consistent with the comprehensive plans of the applicable county or counties and municipality or municipalities adopted pursuant to the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act, part II of chapter 163.

Section 48. Paragraph (e) of subsection (5) of section 339.155, Florida Statutes, is amended to read:

339.155 Transportation planning.—

(5) ADDITIONAL TRANSPORTATION PLANS.—

(e) The regional transportation plan developed pursuant to this section must, at a minimum, identify regionally significant transportation facilities located within a regional transportation area and contain a prioritized list of regionally significant projects. ~~The level of service standards for facilities to be funded under this subsection shall be adopted by the appropriate local government in accordance with s. 163.3180(10).~~ The projects shall be adopted into the capital improvements schedule of the local government comprehensive plan pursuant to s. 163.3177(3).

Section 49. Paragraph (a) of subsection (4) of section 339.2819, Florida Statutes, is amended to read:

339.2819 Transportation Regional Incentive Program.—

(4)(a) Projects to be funded with Transportation Regional Incentive Program funds shall, at a minimum:

1. Support those transportation facilities that serve national, statewide, or regional functions and function as an integrated regional transportation system.

2. Be identified in the capital improvements element of a comprehensive plan that has been determined to be in compliance with part II of chapter 163, after July 1, 2005~~, or to implement a long-term concurrency management system adopted by a local government in accordance with s. 163.3180(9)~~. Further, the project shall be in compliance with local government comprehensive plan policies relative to corridor management.

3. Be consistent with the Strategic Intermodal System Plan developed under s. 339.64.

4. Have a commitment for local, regional, or private financial matching funds as a percentage of the overall project cost.

Section 50. Subsection (5) of section 369.303, Florida Statutes, is amended to read:

369.303 Definitions.—As used in this part:

(5) "Land development regulation" means a regulation covered by the definition in s. 163.3164~~(23)~~ and any of the types of regulations described in s. 163.3202.

Section 51. Subsections (5) and (7) of section 369.321, Florida Statutes, are amended to read:

369.321 Comprehensive plan amendments.—Except as otherwise expressly provided, by January 1, 2006, each local government within the Wekiva Study Area shall amend its local government comprehensive plan to include the following:

(5) Comprehensive plans and comprehensive plan amendments adopted by the local governments to implement this section shall be reviewed by the Department of Community Affairs pursuant to s. 163.3184~~, and shall be exempt from the provisions of s. 163.3187(1)~~.

(7) During the period prior to the adoption of the comprehensive plan amendments required by this act, any local comprehensive plan amendment adopted by a city or county that applies to land located within the Wekiva Study Area shall protect surface and groundwater resources and be reviewed by the Department of Community Affairs~~, pursuant to chapter 163 and chapter 9J-5, Florida Administrative Code,~~ using best available data, including the information presented to the Wekiva River Basin Coordinating Committee.

Section 52. Subsection (1) of section 378.021, Florida Statutes, is amended to read:

378.021 Master reclamation plan.—

(1) The Department of Environmental Protection shall amend the master reclamation plan that provides guidelines for the reclamation of lands mined or disturbed by the severance of phosphate rock prior to July 1, 1975, which lands are not subject to mandatory reclamation under part II of chapter 211. In amending the master reclamation plan, the Department of Environmental Protection shall continue to conduct an onsite evaluation of all lands mined or disturbed by the severance of phosphate rock prior to July 1, 1975, which lands are not subject to mandatory reclamation under part II of chapter 211. The master reclamation plan when amended by the Department of Environmental Protection shall be consistent with local government plans prepared pursuant to the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act.

Section 53. Subsection (10) of section 380.031, Florida Statutes, is amended to read:

380.031 Definitions.—As used in this chapter:

(10) "Local comprehensive plan" means any or all local comprehensive plans or elements or portions thereof prepared, adopted, or amended pursuant to the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act, as amended.

Section 54. Paragraph (d) of subsection (2), paragraph (b) of subsection (6), paragraphs (c) and (e) of subsection (19), subsection (24), paragraph (e) of subsection (28), and paragraphs (a), (d), and (e) of subsection (29) of section 380.06, Florida Statutes, are amended, and subsection (30) is added to that section, to read:

380.06 Developments of regional impact.—

(2) STATEWIDE GUIDELINES AND STANDARDS.—

(d) The guidelines and standards shall be applied as follows:

1. Fixed thresholds.—

a. A development that is below 100 percent of all numerical thresholds in the guidelines and standards shall not be required to undergo development-of-regional-impact review.

b. A development that is at or above 120 percent of any numerical threshold shall be required to undergo development-of-regional-impact review.

c. Projects certified under s. 403.973 which create at least 100 jobs and meet the criteria of the Office of Tourism, Trade, and Economic Development as to their impact on an area's economy, employment, and prevailing wage and skill levels that are at or below 100 percent of the numerical thresholds for industrial plants, industrial parks, distribution, warehousing or wholesaling facilities, office development or multiuse projects other than residential, as described in s. 380.0651(3)(c)~~, (d),~~ and *(f)*~~(h)~~, are not required to undergo development-of-regional-impact review.

2. Rebuttable presumption.—It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.

Section 55. Paragraph (b) of subsection (6), paragraph (g) of subsection (15), paragraphs (b), (c), and (e) of subsection (19), subsection (24), paragraph (e) of subsection (28), and paragraphs (a), (d), and (e) of subsection (29) of section 380.06, Florida Statutes, are amended, and subsection (30) is added to that section, to read:

(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT PLAN AMENDMENTS.—

(b) Any local government comprehensive plan amendments related to a proposed development of regional impact, including any changes proposed under subsection (19), may be initiated by a local planning agency or the developer and must be considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in s. 163.3187 ~~or s. 163.3189~~ and applicable local ordinances, without regard to ~~statutory or~~ local ~~ordinance~~ limits on the frequency of consideration of amendments to the local comprehensive plan. ~~Nothing in~~ This paragraph *does not* ~~shall be deemed to~~ require favorable consideration of a plan amendment solely because it is related to a development of regional impact. The procedure for processing such comprehensive plan amendments is as follows:

1. If a developer seeks a comprehensive plan amendment related to a development of regional impact, the developer must so notify in writing the regional planning agency, the applicable local government, and the state land planning agency no later than the date of preapplication conference or the submission of the proposed change under subsection (19).

2. When filing the application for development approval or the proposed change, the developer must include a written request for comprehensive plan amendments that would be necessitated by the development-of-regional-impact approvals sought. That request must include data and analysis upon which the applicable local government can determine whether to transmit the comprehensive plan amendment pursuant to s. 163.3184.

3. The local government must advertise a public hearing on the transmittal within 30 days after filing the application for development approval or the proposed change and must make a determination on the transmittal within 60 days after the initial filing unless that time is extended by the developer.

4. If the local government approves the transmittal, procedures set forth in s. 163.3184*(4)(b)-(d)*~~(3)-(6)~~ must be followed.

5. Notwithstanding subsection (11) or subsection (19), the local government may not hold a public hearing on the application for development approval or the proposed change or on the comprehensive plan amendments sooner than 30 days from receipt of the response from the state land planning agency pursuant to s. 163.3184*(4)(d)*~~(6)~~. ~~The 60-day time period for local governments to adopt, adopt with changes, or not adopt plan amendments pursuant to s. 163.3184(7) shall not apply to concurrent plan amendments provided for in this subsection.~~

6. The local government must hear both the application for development approval or the proposed change and the comprehensive plan amendments at the same hearing. However, the local government must take action separately on the application for development approval or the proposed change and on the comprehensive plan amendments.

7. Thereafter, the appeal process for the local government development order must follow the provisions of s. 380.07, and the compliance process for the comprehensive plan amendments must follow the provisions of s. 163.3184.

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(g) A local government shall not issue permits for development subsequent to the buildout date contained in the development order unless:

1. The proposed development has been evaluated cumulatively with existing development under the substantial deviation provisions of subsection (19) subsequent to the termination or expiration date;

2. The proposed development is consistent with an abandonment of development order that has been issued in accordance with the provisions of subsection (26);

3. The development of regional impact is essentially built out, in that all the mitigation requirements in the development order have been satisfied, all developers are in compliance with all applicable terms and conditions of the development order except the buildout date, and the amount of proposed development that remains to be built is less than *40* ~~20~~ percent of any applicable development-of-regional-impact threshold; or

4. The project has been determined to be an essentially built-out development of regional impact through an agreement executed by the developer, the state land planning agency, and the local government, in accordance with s. 380.032, which will establish the terms and conditions under which the development may be continued. If the project is determined to be essentially built out, development may proceed pursuant to the s. 380.032 agreement after the termination or expiration date contained in the development order without further development-of-regional-impact review subject to the local government comprehensive plan and land development regulations or subject to a modified development-of-regional-impact analysis. As used in this paragraph, an "essentially built-out" development of regional impact means:

a. The developers are in compliance with all applicable terms and conditions of the development order except the buildout date; and

b.(I) The amount of development that remains to be built is less than the substantial deviation threshold specified in paragraph (19)(b) for each individual land use category, or, for a multiuse development, the sum total of all unbuilt land uses as a percentage of the applicable substantial deviation threshold is equal to or less than 100 percent; or

(II) The state land planning agency and the local government have agreed in writing that the amount of development to be built does not create the likelihood of any additional regional impact not previously reviewed.

The single-family residential portions of a development may be considered "essentially built out" if all of the workforce housing obligations and all of the infrastructure and horizontal development have been completed, at least 50 percent of the dwelling units have been completed, and more than 80 percent of the lots have been conveyed to third-party individual lot owners or to individual builders who own no more than 40 lots at the time of the determination. The mobile home park portions of a development may be considered "essentially built out" if all the infrastructure and horizontal development has been completed, and at least 50 percent of the lots are leased to individual mobile home owners.

(19) SUBSTANTIAL DEVIATIONS.—

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by *15* ~~10~~ percent or *500* ~~330~~ spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by *15* ~~10~~ percent or *1,500* ~~1,100~~ spectators, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.

~~3. An increase in industrial development area by 10 percent or 35 acres, whichever is greater.~~

~~4. An increase in the average annual acreage mined by 10 percent or 11 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 10 percent or 330,000 gallons, whichever is greater. A net increase in the size of the mine by 10 percent or 825 acres, whichever is less. For purposes of calculating any net increases in size, only additions and deletions of lands that have not been mined shall be considered. An increase in the size of a heavy mineral mine as defined in s. 378.403(7) will only constitute a substantial deviation if the average annual acreage mined is more than 550 acres and consumes more than 3.3 million gallons of water per day.~~

3.~~5.~~ An increase in land area for office development by *15* ~~10~~ percent or an increase of gross floor area of office development by *15* ~~10~~ percent or *100,000* ~~66,000~~ gross square feet, whichever is greater.

4.~~6.~~ An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.

5.~~7.~~ An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

6.~~8.~~ An increase in commercial development by *60,000* ~~55,000~~ square feet of gross floor area or of parking spaces provided for customers for *425* ~~330~~ cars or a 10-percent increase ~~of either of these~~, whichever is greater.

~~9. An increase in hotel or motel rooms by 10 percent or 83 rooms, whichever is greater.~~

7.~~10.~~ An increase in a recreational vehicle park area by 10 percent or 110 vehicle spaces, whichever is less.

8.~~11.~~ A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

9.~~12.~~ A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded.

10.~~13.~~ A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

11.~~14.~~ Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The refinement of the boundaries and configuration of such areas shall be considered under sub-subparagraph (e)2.j.

The substantial deviation numerical standards in subparagraphs 3., *6., and* ~~5., 8.,~~ 9.~~, and 12.~~, excluding residential uses, and in subparagraph *10.* ~~13.~~, are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 3., *4.* 5., 6., ~~7., 8.,~~ 9., ~~12.,~~ and *10.* ~~13.~~ are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(c) An extension of the date of buildout of a development, or any phase thereof, by more than 7 years is presumed to create a substantial deviation subject to further development-of-regional-impact review.

1. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years is presumed not to create a substantial deviation. The extension of the date of buildout of an area-wide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation.

2. In recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, buildout, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension. Associated mitigation requirements are extended for the same period unless a governmental entity notifies the developer by December 1, 2011, that it has entered into a contract for construction of a facility with some or all of development's mitigation funds specified in the development order or a written agreement with the developer. The 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The developer must notify the local government in writing by December 31, 2011, in order to receive the 4-year extension.

For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time. ~~In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development of regional impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection.~~

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)*1.-10.*~~1. 13.~~ and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

j. Changes that modify boundaries and configuration of areas described in subparagraph (b)*11.*~~14.~~ due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.

k. Any other change which the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-j. and which does not create the likelihood of any additional regional impact.

This subsection does not require the filing of a notice of proposed change but shall require an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., or sub-subparagraph k., and it believes the change creates a reasonable likelihood of new or additional regional impacts.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), (e), and (f) and residential use.

6. If a local government agrees to a proposed change, a change in the transportation proportionate share calculation and mitigation plan in an adopted development order as a result of recalculation of the proportionate share contribution meeting the requirements of s. 163.3180(5)(h) in effect as of the date of such change shall be presumed not to create a substantial deviation. For purposes of this subsection, the proposed change in the proportionate share calculation or mitigation plan shall not be considered an additional regional transportation impact.

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-13. and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

j. Changes that modify boundaries and configuration of areas described in subparagraph (b)14. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.

k. Any other change which the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-j. and which does not create the likelihood of any additional regional impact.

This subsection does not require the filing of a notice of proposed change but shall require an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., or sub-subparagraph k., and it believes the change creates a reasonable likelihood of new or additional regional impacts.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial

deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), *and* (e)~~, and (f)~~ and residential use.

(24) STATUTORY EXEMPTIONS.—

(a) Any proposed hospital is exempt from ~~the provisions of~~ this section.

(b) Any proposed electrical transmission line or electrical power plant is exempt from ~~the provisions of~~ this section.

(c) Any proposed addition to an existing sports facility complex is exempt from ~~the provisions of~~ this section if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled hours of operation of the existing facility.

2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility.

3. The sports facility complex property is owned by a public body prior to July 1, 1983.

This exemption does not apply to any pari-mutuel facility.

(d) Any proposed addition or cumulative additions subsequent to July 1, 1988, to an existing sports facility complex owned by a state university is exempt if the increased seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.

(e) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body prior to July 1, 1973, is exempt from ~~the provisions of~~ this section if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year's capacity.

(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators is exempt from ~~the provisions of~~ this section, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and not to exceed a total of 10 percent in any 5-year period, and provided that the sports facility notifies the appropriate local government within which the facility is located of the increase at least 6 months prior to the initial use of the increased seating, in order to permit the appropriate local government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan shall be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.

(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility is exempt from ~~the provisions of~~ this section, if the following conditions exist:

1.a. The sports facility had a permanent seating capacity on January 1, 1991, of at least 41,000 spectator seats;

b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or

c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and

2. The local government having jurisdiction of the sports facility includes in the development order or development permit approving such expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer and stormwater drainage provisions of the approved local comprehensive plan and local land development regulations relating to those provisions.

Any owner or developer who intends to rely on this statutory exemption shall provide to the department a copy of the local government application for a development permit. Within 45 days of receipt of the application, the department shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the department's opinion, the prescribed conditions exist for an exemption under this paragraph. The local government shall render the development order approving each such expansion to the department. The owner, developer, or department may appeal the local government development order pursuant to s. 380.07, within 45 days after the order is rendered. The scope of review shall be limited to the determination of whether the conditions prescribed in this paragraph exist. If any sports facility expansion undergoes development-of-regional-impact review, all previous expansions which were exempt under this paragraph shall be included in the development-of-regional-impact review.

(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) are exempt from ~~the provisions of~~ this section when such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with ~~the provisions of~~ s. 163.3178.

(i) Any proposed facility for the storage of any petroleum product or any expansion of an existing facility is exempt from ~~the provisions of~~ this section.

(j) Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use.

(k) Waterport and marina development, including dry storage facilities, are exempt from ~~the provisions of~~ this section.

(l) Any proposed development within an urban service boundary established under s. 163.3177(14), which is not otherwise exempt pursuant to subsection (29), is exempt from ~~the provisions of~~ this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary, has entered into a binding agreement with jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities~~, and has adopted a proportionate share methodology pursuant to s. 163.3180(16)~~.

(m) Any proposed development within a rural land stewardship area created under s. *163.3248* ~~163.3177(11)(d) is exempt from the provisions of this section if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16)~~.

(n) The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, is exempt from this section.

(o) Any self-storage warehousing that does not allow retail or other services is exempt from this section.

(p) Any proposed nursing home or assisted living facility is exempt from this section.

(q) Any development identified in an airport master plan and adopted into the comprehensive plan pursuant to s. 163.3177(6)(k) is exempt from this section.

(r) Any development identified in a campus master plan and adopted pursuant to s. 1013.30 is exempt from this section.

(s) Any development in a *detailed* specific area plan which is prepared *and adopted* pursuant to s. 163.3245 ~~and adopted into the comprehensive plan~~ is exempt from this section.

(t) Any proposed solid mineral mine and any proposed addition to, expansion of, or change to an existing solid mineral mine is exempt from this section. Proposed changes to any previously approved solid mineral mine development-of-regional-impact development orders having vested rights is not subject to further review or approval as a development-of-regional-impact or notice-of-proposed-change review or approval pursuant to subsection (19), except for those applications pending as of July 1, 2011, which shall be governed by s. 380.115(2). Notwithstanding the foregoing, however, pursuant to s. 380.115(1), previously approved solid mineral mine development-of-regional-impact development orders shall continue to enjoy vested rights and continue to be effective unless rescinded by the developer. All local government regulations of proposed solid mineral mines shall be applicable to any new solid mineral mine or to any proposed addition to, expansion of, or change to an existing solid mineral mine.

(u) Notwithstanding any provisions in an agreement with or among a local government, regional agency, or the state land planning agency or in a local government's comprehensive plan to the contrary, a project no longer subject to development-of-regional-impact review under revised thresholds is not required to undergo such review.

(v)~~(t)~~ Any development within a county with a research and education authority created by special act and that is also within a research and development park that is operated or managed by a research and development authority pursuant to part V of chapter 159 is exempt from this section.

If a use is exempt from review as a development of regional impact under paragraphs *(a)-(u)* ~~(a)-(s)~~, but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development of regional impact that includes a landowner, tenant, or user that has entered into a funding agreement with the Office of Tourism, Trade, and Economic Development under the Innovation Incentive Program and the agreement contemplates a state award of at least $50 million.

(28) PARTIAL STATUTORY EXEMPTIONS.—

(e) The vesting provision of s. 163.3167*(5)*~~(8)~~ relating to an authorized development of regional impact *does* ~~shall~~ not apply to those projects partially exempt from the development-of-regional-impact review process under paragraphs (a)-(d).

(29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

(a) The following are exempt from this section:

1. Any proposed development in a municipality that *has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000* ~~qualifies as a dense urban land area as defined in s. 163.3164~~;

2. Any proposed development within a county*, including the municipalities located in the county,* that *has an average of at least 1,000 people per square mile of land area* ~~qualifies as a dense urban land area as defined in s. 163.3164~~ and ~~that~~ is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan; ~~or~~

3. Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, *that has an average of at least 1,000 people per square mile of land area* ~~which qualifies as a dense urban land area under s. 163.3164~~, but which does not have an urban service area designated in the comprehensive plan*; or*

4. Any proposed development within a county, including the municipalities located therein, which has a population of at least 1 million and is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan.

The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions meet the density criteria in subparagraphs 1.-4. by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.091. The Office of Economic and Demographic Research shall annually submit to the state land planning agency by July 1 a list of jurisdictions that meet the total population and density criteria. The state land planning agency shall publish the list of jurisdictions on its Internet website within 7 days after the list is received. The designation of jurisdictions that meet the criteria of subparagraphs 1.-4. is effective upon publication on the state land planning agency's Internet website. If a municipality that has previously met the criteria no longer meets the criteria, the state land planning agency shall maintain the municipality on the list and indicate the year the jurisdiction last met the criteria. However, any proposed development of regional impact not within the established boundaries of a municipality at the time the municipality last met the criteria must meet the requirements of this section until such time as the municipality as a whole meets the criteria. Any county that meets the criteria shall remain on the list in accordance with the provisions of this paragraph. Any jurisdiction that was placed on the dense urban land area list before the effective date of this act shall remain on the list in accordance with the provisions of this paragraph.

(d) A development that is located partially outside an area that is exempt from the development-of-regional-impact program must undergo development-of-regional-impact review pursuant to this section. *However, if the total acreage that is included within the area exempt from development-of-regional-impact review exceeds 85 percent of the total acreage and square footage of the approved development of regional impact, the development-of-regional-impact development order may be rescinded in both local governments pursuant to s. 380.115(1), unless the portion of the development outside the exempt area meets the threshold criteria of a development-of-regional-impact.*

(e) In an area that is exempt under paragraphs (a)-(c), any previously approved development-of-regional-impact development orders shall continue to be effective, but the developer has the option to be governed by s. 380.115(1). A pending application for development approval shall be governed by s. 380.115(2). ~~A development that has a pending application for a comprehensive plan amendment and that elects not to continue development of regional impact review is exempt from the limitation on plan amendments set forth in s. 163.3187(1) for the year following the effective date of the exemption.~~

Section 56. Subsection (3) and paragraph (a) of subsection (4) of section 380.0651, Florida Statutes, are amended to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(a) Airports.—

1. Any of the following airport construction projects shall be a development of regional impact:

a. A new commercial service or general aviation airport with paved runways.

b. A new commercial service or general aviation paved runway.

c. A new passenger terminal facility.

2. Lengthening of an existing runway by 25 percent or an increase in the number of gates by 25 percent or three gates, whichever is greater,

on a commercial service airport or a general aviation airport with regularly scheduled flights is a development of regional impact. However, expansion of existing terminal facilities at a nonhub or small hub commercial service airport shall not be a development of regional impact.

3. Any airport development project which is proposed for safety, repair, or maintenance reasons alone and would not have the potential to increase or change existing types of aircraft activity is not a development of regional impact. Notwithstanding subparagraphs 1. and 2., renovation, modernization, or replacement of airport airside or terminal facilities that may include increases in square footage of such facilities but does not increase the number of gates or change the existing types of aircraft activity is not a development of regional impact.

(b) Attractions and recreation facilities.—Any sports, entertainment, amusement, or recreation facility, including, but not limited to, a sports arena, stadium, racetrack, tourist attraction, amusement park, or parimutuel facility, the construction or expansion of which:

1. For single performance facilities:

a. Provides parking spaces for more than 2,500 cars; or

b. Provides more than 10,000 permanent seats for spectators.

2. For serial performance facilities:

a. Provides parking spaces for more than 1,000 cars; or

b. Provides more than 4,000 permanent seats for spectators.

For purposes of this subsection, "serial performance facilities" means those using their parking areas or permanent seating more than one time per day on a regular or continuous basis.

~~3. For multiscreen movie theaters of at least 8 screens and 2,500 seats:~~

~~a. Provides parking spaces for more than 1,500 cars; or~~

~~b. Provides more than 6,000 permanent seats for spectators.~~

~~(c) Industrial plants, industrial parks, and distribution, warehousing or wholesaling facilities. Any proposed industrial, manufacturing, or processing plant, or distribution, warehousing, or wholesaling facility, excluding wholesaling developments which deal primarily with the general public onsite, under common ownership, or any proposed industrial, manufacturing, or processing activity or distribution, warehousing, or wholesaling activity, excluding wholesaling activities which deal primarily with the general public onsite, which:~~

~~1. Provides parking for more than 2,500 motor vehicles; or~~

~~2. Occupies a site greater than 320 acres.~~

(c)~~(d)~~ Office development.—Any proposed office building or park operated under common ownership, development plan, or management that:

1. Encompasses 300,000 or more square feet of gross floor area; or

2. Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan.

(d)~~(e)~~ Retail and service development.—Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that:

1. Encompasses more than 400,000 square feet of gross area; or

2. Provides parking spaces for more than 2,500 cars.

~~(f) Hotel or motel development.~~

~~1. Any proposed hotel or motel development that is planned to create or accommodate 350 or more units; or~~

~~2. Any proposed hotel or motel development that is planned to create or accommodate 750 or more units, in a county with a population greater than 500,000.~~

(e)~~(g)~~ Recreational vehicle development.—Any proposed recreational vehicle development planned to create or accommodate 500 or more spaces.

(f)~~(h)~~ Multiuse development.—Any proposed development with two or more land uses where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 145 percent. Any proposed development with three or more land uses, one of which is residential and contains at least 100 dwelling units or 15 percent of the applicable residential threshold, whichever is greater, where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 160 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under any other threshold.

(g)~~(i)~~ Residential development.—No rule may be adopted concerning residential developments which treats a residential development in one county as being located in a less populated adjacent county unless more than 25 percent of the development is located within 2 or less miles of the less populated adjacent county. The residential thresholds of adjacent counties with less population and a lower threshold shall not be controlling on any development wholly located within areas designated as rural areas of critical economic concern.

(h)~~(j)~~ Workforce housing.—The applicable guidelines for residential development and the residential component for multiuse development shall be increased by 50 percent where the developer demonstrates that at least 15 percent of the total residential dwelling units authorized within the development of regional impact will be dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For the purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

(i)~~(k)~~ Schools.—

1. The proposed construction of any public, private, or proprietary postsecondary educational campus which provides for a design population of more than 5,000 full-time equivalent students, or the proposed physical expansion of any public, private, or proprietary postsecondary educational campus having such a design population that would increase the population by at least 20 percent of the design population.

2. As used in this paragraph, "full-time equivalent student" means enrollment for 15 or more quarter hours during a single academic semester. In career centers or other institutions which do not employ semester hours or quarter hours in accounting for student participation, enrollment for 18 contact hours shall be considered equivalent to one quarter hour, and enrollment for 27 contact hours shall be considered equivalent to one semester hour.

3. This paragraph does not apply to institutions which are the subject of a campus master plan adopted by the university board of trustees pursuant to s. 1013.30.

(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be

part of a unified plan of development and are physically proximate to one other.

(a) The criteria of *three* ~~two~~ of the following subparagraphs must be met in order for the state land planning agency to determine that there is a unified plan of development:

1.a. The same person has retained or shared control of the developments;

b. The same person has ownership or a significant legal or equitable interest in the developments; or

c. There is common management of the developments controlling the form of physical development or disposition of parcels of the development.

2. There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort.

3. A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to a local general-purpose government, water management district, the Florida Department of Environmental Protection, or the Division of Florida Condominiums, Timeshares, and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan.

~~4. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated, except that which was implemented because it was required by a local general purpose government; water management district; the Department of Environmental Protection; the Division of Florida Condominiums, Timeshares, and Mobile Homes; or the Public Service Commission.~~

4.~~5.~~ There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

Section 57. Subsection (17) of section 331.303, Florida Statutes, is amended to read:

331.303 Definitions.—

(17) "Spaceport launch facilities" means industrial facilities as described in s. 380.0651(3)(c)*, Florida Statutes 2010,* and include any launch pad, launch control center, and fixed launch-support equipment.

Section 58. Subsection (1) of section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction, changes in guidelines and standards.—

(1) A change in a development-of-regional-impact guideline and standard does not abridge or modify any vested or other right or any duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact. A development that has received a development-of-regional-impact development order pursuant to s. 380.06, but is no longer required to undergo development-of-regional-impact review by operation of a change in the guidelines and standards or has reduced its size below the thresholds in s. 380.0651, *or a development that is exempt pursuant to s. 380.06(29)* shall be governed by the following procedures:

(a) The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order unless the developer or landowner has followed the procedures for rescission in paragraph (b). Any proposed changes to those developments which continue to be governed by a development order shall be approved pursuant to s. 380.06(19) as it existed prior to a change in the development-of-regional-impact guidelines and standards, except that all percentage criteria shall be doubled and all other criteria shall be increased by 10 percent. The development-of-regional-impact development order may be enforced by the local government as provided by ss. 380.06(17) and 380.11.

(b) If requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed.

Section 59. Paragraph (a) of subsection (8) of section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

(8)(a) Any local government comprehensive plan amendments related to a Florida Quality Development may be initiated by a local planning agency and considered by the local governing body at the same time as the application for development approval~~, using the procedures provided for local plan amendment in s. 163.3187 or s. 163.3189 and applicable local ordinances, without regard to statutory or local ordinance limits on the frequency of consideration of amendments to the local comprehensive plan~~. Nothing in this subsection shall be construed to require favorable consideration of a Florida Quality Development solely because it is related to a development of regional impact.

Section 60. Paragraph (a) of subsection (2) and subsection (10) of section 380.065, Florida Statutes, are amended to read:

380.065 Certification of local government review of development.—

(2) When a petition is filed, the state land planning agency shall have no more than 90 days to prepare and submit to the Administration Commission a report and recommendations on the proposed certification. In deciding whether to grant certification, the Administration Commission shall determine whether the following criteria are being met:

(a) The petitioning local government has adopted and effectively implemented a local comprehensive plan and development regulations which comply with ss. 163.3161-163.3215, the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act.

~~(10) The department shall submit an annual progress report to the President of the Senate and the Speaker of the House of Representatives by March 1 on the certification of local governments, stating which local governments have been certified. For those local governments which have applied for certification but for which certification has been denied, the department shall specify the reasons certification was denied.~~

Section 61. Section 380.0685, Florida Statutes, is amended to read:

380.0685 State park in area of critical state concern in county which creates land authority; surcharge on admission and overnight occupancy.—The Department of Environmental Protection shall impose and collect a surcharge of 50 cents per person per day, or $5 per annual family auto entrance permit, on admission to all state parks in areas of critical state concern located in a county which creates a land authority pursuant to s. 380.0663(1), and a surcharge of $2.50 per night per campsite, cabin, or other overnight recreational occupancy unit in state parks in areas of critical state concern located in a county which creates a land authority pursuant to s. 380.0663(1); however, no surcharge shall be imposed or collected under this section for overnight use by nonprofit groups of organized group camps, primitive camping areas, or other facilities intended primarily for organized group use. Such surcharges shall be imposed within 90 days after any county creating a land authority notifies the Department of Environmental Protection that the land authority has been created. The proceeds from such surcharges, less a collection fee that shall be kept by the Department of Environmental Protection for the actual cost of collection, not to exceed 2 percent, shall be transmitted to the land authority of the county from which the revenue was generated. Such funds shall be used to purchase property in the area or areas of critical state concern in the county from which the revenue was generated. An amount not to exceed 10 percent may be used for administration and other costs incident to such purchases. However, the proceeds of the surcharges imposed and collected pursuant to this section in a state park or parks located wholly within a municipality, less the costs of collection as provided herein, shall be

transmitted to that municipality *for use by the municipality for land acquisition or for beach renourishment or restoration, including, but not limited to, costs associated with any design, permitting, monitoring, and mitigation of such work, as well as the work itself. However, these funds may not be included in any calculation used for providing state matching funds for local contributions for beach renourishment or restoration.* The surcharges levied under this section shall remain imposed as long as the land authority is in existence.

Section 62. Subsection (3) of section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction, changes in guidelines and standards.—

(3) A landowner that has filed an application for a development-of-regional-impact review prior to the adoption of *a* ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to have the application reviewed pursuant to s. 380.06, comprehensive plan provisions in force prior to adoption of the sector plan, and any requested comprehensive plan amendments that accompany the application.

Section 63. Subsection (1) of section 403.50665, Florida Statutes, is amended to read:

403.50665 Land use consistency.—

(1) The applicant shall include in the application a statement on the consistency of the site and any associated facilities that constitute a "development," as defined in s. 380.04, with existing land use plans and zoning ordinances that were in effect on the date the application was filed and a full description of such consistency. This information shall include an identification of those associated facilities that the applicant believes are exempt from the requirements of land use plans and zoning ordinances under ~~the provisions of~~ the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act provisions of chapter 163 and s. 380.04(3).

Section 64. Subsection (13) and paragraph (a) of subsection (14) of section 403.973, Florida Statutes, are amended to read:

403.973 Expedited permitting; amendments to comprehensive plans.—

(13) Notwithstanding any other provisions of law:

~~(a) Local comprehensive plan amendments for projects qualified under this section are exempt from the twice-a-year limits provision in s. 163.3187; and~~

~~(b)~~ Projects qualified under this section are not subject to interstate highway level-of-service standards adopted by the Department of Transportation for concurrency purposes. The memorandum of agreement specified in subsection (5) must include a process by which the applicant will be assessed a fair share of the cost of mitigating the project's significant traffic impacts, as defined in chapter 380 and related rules. The agreement must also specify whether the significant traffic impacts on the interstate system will be mitigated through the implementation of a project or payment of funds to the Department of Transportation. Where funds are paid, the Department of Transportation must include in the 5-year work program transportation projects or project phases, in an amount equal to the funds received, to mitigate the traffic impacts associated with the proposed project.

(14)(a) Challenges to state agency action in the expedited permitting process for projects processed under this section are subject to the summary hearing provisions of s. 120.574, except that the administrative law judge's decision, as provided in s. 120.574(2)(f), shall be in the form of a recommended order and *do* ~~shall~~ not constitute the final action of the state agency. In those proceedings where the action of only one agency of the state other than the Department of Environmental Protection is challenged, the agency of the state shall issue the final order within 45 working days after receipt of the administrative law judge's recommended order, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. In those proceedings where the actions of more than one agency of the state are challenged, the Governor shall issue the final order within 45 working days after receipt of the administrative law judge's recommended order, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. This paragraph does not apply to the issuance of department licenses required under any federally delegated or approved permit program. In such instances, the department shall enter the final order. The participating agencies of the state may opt at the preliminary hearing conference to allow the administrative law judge's decision to constitute the final agency action. ~~If a participating local government agrees to participate in the summary hearing provisions of s. 120.574 for purposes of review of local government comprehensive plan amendments, s. 163.3184(9) and (10) apply.~~

Section 65. Subsections (9) and (10) of section 420.5095, Florida Statutes, are amended to read:

420.5095 Community Workforce Housing Innovation Pilot Program.—

(9) Notwithstanding s. 163.3184*(4)(b)-(d)*~~(3)-(6)~~, any local government comprehensive plan amendment to implement a Community Workforce Housing Innovation Pilot Program project found consistent with ~~the provisions of~~ this section shall be expedited as provided in this subsection. At least 30 days prior to adopting a plan amendment under this subsection, the local government shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include its evaluation related to site suitability and availability of facilities and services. The public notice of the hearing required by s. 163.3184*(11)*~~(15)~~(b)2. shall include a statement that the local government intends to use the expedited adoption process authorized by this subsection. Such amendments shall require only a single public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184*(4)(e)*~~(7)~~. ~~The state land planning agency shall issue its notice of intent pursuant to s. 163.3184(8) within 30 days after determining that the amendment package is complete.~~ Any further proceedings shall be governed by *s.* ~~ss.~~ 163.3184*(5)-(13)*~~(9)-(16)~~. ~~Amendments proposed under this section are not subject to s. 163.3187(1), which limits the adoption of a comprehensive plan amendment to no more than two times during any calendar year.~~

(10) The processing of approvals of development orders or development permits, as defined in s. 163.3164~~(7) and (8)~~, for innovative community workforce housing projects shall be expedited.

Section 66. Subsection (5) of section 420.615, Florida Statutes, is amended to read:

420.615 Affordable housing land donation density bonus incentives.—

(5) The local government, as part of the approval process, shall adopt a comprehensive plan amendment, pursuant to part II of chapter 163, for the receiving land that incorporates the density bonus. Such amendment shall be adopted in the manner as required for small-scale amendments pursuant to s. 163.3187, is not subject to the requirements of s. 163.3184*(4)(b)-(d)*~~(3)-(6), and is exempt from the limitation on the frequency of plan amendments as provided in s. 163.3187~~.

Section 67. Subsection (16) of section 420.9071, Florida Statutes, is amended to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(16) "Local housing incentive strategies" means local regulatory reform or incentive programs to encourage or facilitate affordable housing production, which include at a minimum, assurance that permits as defined in s. 163.3164~~(7) and (8)~~ for affordable housing projects are expedited to a greater degree than other projects; an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption; and a schedule for implementing the incentive strategies. Local housing incentive strategies may also include other regulatory reforms, such as those enumerated in s. 420.9076 or those recommended by the affordable housing advisory committee in its triennial evaluation of the implementation of affordable housing incentives, and adopted by the local governing body.

Section 68. Paragraph (a) of subsection (4) of section 420.9076, Florida Statutes, is amended to read:

420.9076 Adoption of affordable housing incentive strategies; committees.—

(4) Triennially, the advisory committee shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, each advisory committee shall submit a report to the local governing body that includes recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives in the following areas:

(a) The processing of approvals of development orders or permits, as defined in s. 163.3164~~(7) and (8)~~, for affordable housing projects is expedited to a greater degree than other projects.

The advisory committee recommendations may also include other affordable housing incentives identified by the advisory committee. Local governments that receive the minimum allocation under the State Housing Initiatives Partnership Program shall perform the initial review but may elect to not perform the triennial review.

Section 69. Subsection (1) of section 720.403, Florida Statutes, is amended to read:

720.403 Preservation of residential communities; revival of declaration of covenants.—

(1) Consistent with required and optional elements of local comprehensive plans and other applicable provisions of the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act, homeowners are encouraged to preserve existing residential communities, promote available and affordable housing, protect structural and aesthetic elements of their residential community, and, as applicable, maintain roads and streets, easements, water and sewer systems, utilities, drainage improvements, conservation and open areas, recreational amenities, and other infrastructure and common areas that serve and support the residential community by the revival of a previous declaration of covenants and other governing documents that may have ceased to govern some or all parcels in the community.

Section 70. Subsection (6) of section 1013.30, Florida Statutes, is amended to read:

1013.30 University campus master plans and campus development agreements.—

(6) Before a campus master plan is adopted, a copy of the draft master plan must be sent for review or made available electronically to the host and any affected local governments, the state land planning agency, the Department of Environmental Protection, the Department of Transportation, the Department of State, the Fish and Wildlife Conservation Commission, and the applicable water management district and regional planning council. At the request of a governmental entity, a hard copy of the draft master plan shall be submitted within 7 business days of an electronic copy being made available. These agencies must be given 90 days after receipt of the campus master plans in which to conduct their review and provide comments to the university board of trustees. The commencement of this review period must be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. Following receipt and consideration of all comments and the holding of an informal information session and at least two public hearings within the host jurisdiction, the university board of trustees shall adopt the campus master plan. It is the intent of the Legislature that the university board of trustees comply with the notice requirements set forth in s. 163.3184*(11)*~~(15)~~ to ensure full public participation in this planning process. The informal public information session must be held before the first public hearing. The first public hearing shall be held before the draft master plan is sent to the agencies specified in this subsection. The second public hearing shall be held in conjunction with the adoption of the draft master plan by the university board of trustees. Campus master plans developed under this section are not rules and are not subject to chapter 120 except as otherwise provided in this section.

Section 71. Section 1013.33, Florida Statutes, are amended to read:

1013.33 Coordination of planning with local governing bodies.—

(1) It is the policy of this state to require the coordination of planning between boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. Such planning shall include the integration of the educational facilities plan and applicable policies and procedures of a board with the local comprehensive plan and land development regulations of local governments. The planning must include the consideration of allowing students to attend the school located nearest their homes when a new housing development is constructed near a county boundary and it is more feasible to transport the students a short distance to an existing facility in an adjacent county than to construct a new facility or transport students longer distances in their county of residence. The planning must also consider the effects of the location of public education facilities, including the feasibility of keeping central city facilities viable, in order to encourage central city redevelopment and the efficient use of infrastructure and to discourage uncontrolled urban sprawl. In addition, all parties to the planning process must consult with state and local road departments to assist in implementing the Safe Paths to Schools program administered by the Department of Transportation.

(2)(a) The school board, county, and nonexempt municipalities located within the geographic area of a school district shall enter into an interlocal agreement that jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. The interlocal agreements shall be submitted to the state land planning agency and the Office of Educational Facilities in accordance with a schedule published by the state land planning agency.

(b) The schedule must establish staggered due dates for submission of interlocal agreements that are executed by both the local government and district school board, commencing on March 1, 2003, and concluding by December 1, 2004, and must set the same date for all governmental entities within a school district. However, if the county where the school district is located contains more than 20 municipalities, the state land planning agency may establish staggered due dates for the submission of interlocal agreements by these municipalities. The schedule must begin with those areas where both the number of districtwide capital-outlay full-time-equivalent students equals 80 percent or more of the current year's school capacity and the projected 5-year student growth rate is 1,000 or greater, or where the projected 5-year student growth rate is 10 percent or greater.

(c) If the student population has declined over the 5-year period preceding the due date for submittal of an interlocal agreement by the local government and the district school board, the local government and district school board may petition the state land planning agency for a waiver of one or more of the requirements of subsection (3). The waiver must be granted if the procedures called for in subsection (3) are unnecessary because of the school district's declining school age population, considering the district's 5-year work program prepared pursuant to s. 1013.35. The state land planning agency may modify or revoke the waiver upon a finding that the conditions upon which the waiver was granted no longer exist. The district school board and local governments must submit an interlocal agreement within 1 year after notification by the state land planning agency that the conditions for a waiver no longer exist.

(d) Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177 before the effective date of subsections *(2)-(7)* ~~(2)-(9)~~ must be updated and executed pursuant to the requirements of subsections *(2)-(7)* ~~(2)-(9)~~, if necessary. Amendments to interlocal agreements adopted pursuant to subsections *(2)-(7)* ~~(2)-(9)~~ must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with subsections (3)

and (4). Local governments and the district school board in each school district are encouraged to adopt a single interlocal agreement in which all join as parties. The state land planning agency shall assemble and make available model interlocal agreements meeting the requirements of subsections *(2)-(7)* ~~(2)-(9)~~ and shall notify local governments and, jointly with the Department of Education, the district school boards of the requirements of subsections *(2)-(7)* ~~(2)-(9)~~, the dates for compliance, and the sanctions for noncompliance. The state land planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the potential for sanctions.

(3) At a minimum, the interlocal agreement must address interlocal agreement requirements in s. *163.31777 and, if applicable, s.* 163.3180*(6)*~~(13)(g), except for exempt local governments as provided in s. 163.3177(12)~~, and must address the following issues:

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new construction, proposed expansion, or redevelopment of existing schools. The process shall address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding the effect of comprehensive plan amendments on school capacity. The capacity reporting must be consistent with laws and rules regarding measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

(4)(a) The Office of Educational Facilities shall submit any comments or concerns regarding the executed interlocal agreement to the state land planning agency within 30 days after receipt of the executed interlocal agreement. The state land planning agency shall review the executed interlocal agreement to determine whether it is consistent with the requirements of subsection (3), the adopted local government comprehensive plan, and other requirements of law. Within 60 days after receipt of an executed interlocal agreement, the state land planning agency shall publish a notice of intent in the Florida Administrative Weekly and shall post a copy of the notice on the agency's Internet site. The notice of intent must state that the interlocal agreement is consistent or inconsistent with the requirements of subsection (3) and this subsection as appropriate.

(b) The state land planning agency's notice is subject to challenge under chapter 120; however, an affected person, as defined in s. 163.3184(1)(a), has standing to initiate the administrative proceeding, and this proceeding is the sole means available to challenge the consistency of an interlocal agreement required by this section with the criteria contained in subsection (3) and this subsection. In order to have standing, each person must have submitted oral or written comments, recommendations, or objections to the local government or the school board before the adoption of the interlocal agreement by the district school board and local government. The district school board and local governments are parties to any such proceeding. In this proceeding, when the state land planning agency finds the interlocal agreement to be consistent with the criteria in subsection (3) and this subsection, the interlocal agreement must be determined to be consistent with subsection (3) and this subsection if the local government's and school board's determination of consistency is fairly debatable. When the state land planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (3) and this subsection, the local government's and school board's determination of consistency shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.

(c) If the state land planning agency enters a final order that finds that the interlocal agreement is inconsistent with the requirements of subsection (3) or this subsection, the state land planning agency shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to s. 163.3184(11) and may impose sanctions against the district school board by directing the Department of Education to withhold an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(5) If an executed interlocal agreement is not timely submitted to the state land planning agency for review, the state land planning agency shall, within 15 working days after the deadline for submittal, issue to the local government and the district school board a notice to show cause why sanctions should not be imposed for failure to submit an executed interlocal agreement by the deadline established by the agency. The agency shall forward the notice and the responses to the Administration Commission, which may enter a final order citing the failure to comply and imposing sanctions against the local government and district school board by directing the appropriate agencies to withhold at least 5 percent of state funds pursuant to s. 163.3184(11) and by directing the Department of Education to withhold from the district school board at least 5 percent of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(6) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before the effective date of this section is not required to amend the element or any interlocal agreement to conform with the provisions of subsections *(2)-(6)* ~~(2)-(8)~~ if the element is adopted prior to or within 1 year after the effective date of subsections *(2)-(6)* ~~(2)-(8)~~ and remains in effect.

~~(7) Except as provided in subsection (8), municipalities meeting the exemption criteria in s. 163.3177(12) are exempt from the requirements of subsections (2), (3), and (4).~~

~~(8) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under s. 163.3177(12). If the municipality continues to meet these criteria, the municipality shall continue to be exempt from the interlocal agreement requirement. Each municipality exempt under s. 163.3177(12) must comply with the provisions of subsections (2)-(8) within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.~~

(7)~~(9)~~ A board and the local governing body must share and coordinate information related to existing and planned school facilities; proposals for development, redevelopment, or additional development; and infrastructure required to support the school facilities, concurrent with proposed development. A school board shall use information produced by the demographic, revenue, and education estimating con-

ferences pursuant to s. 216.136 when preparing the district educational facilities plan pursuant to s. 1013.35, as modified and agreed to by the local governments, when provided by interlocal agreement, and the Office of Educational Facilities, in consideration of local governments' population projections, to ensure that the district educational facilities plan not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. The projections must be apportioned geographically with assistance from the local governments using local government trend data and the school district student enrollment data. A school board is precluded from siting a new school in a jurisdiction where the school board has failed to provide the annual educational facilities plan for the prior year required pursuant to s. 1013.35 unless the failure is corrected.

(8)~~(10)~~ The location of educational facilities shall be consistent with the comprehensive plan of the appropriate local governing body developed under part II of chapter 163 and consistent with the plan's implementing land development regulations.

(9)~~(11)~~ To improve coordination relative to potential educational facility sites, a board shall provide written notice to the local government that has regulatory authority over the use of the land consistent with an interlocal agreement entered pursuant to subsections *(2)-(6)* ~~(2)-(8)~~ at least 60 days prior to acquiring or leasing property that may be used for a new public educational facility. The local government, upon receipt of this notice, shall notify the board within 45 days if the site proposed for acquisition or lease is consistent with the land use categories and policies of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to subsection *(10)* ~~(12)~~.

(10)~~(12)~~ As early in the design phase as feasible and consistent with an interlocal agreement entered pursuant to subsections *(2)-(6)* ~~(2)-(8)~~, but no later than 90 days before commencing construction, the district school board shall in writing request a determination of consistency with the local government's comprehensive plan. The local governing body that regulates the use of land shall determine, in writing within 45 days after receiving the necessary information and a school board's request for a determination, whether a proposed educational facility is consistent with the local comprehensive plan and consistent with local land development regulations. If the determination is affirmative, school construction may commence and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a district school board's request for a determination of consistency shall be considered an approval of the district school board's application. Campus master plans and development agreements must comply with the provisions of ss. 1013.30 and 1013.63.

(11)~~(13)~~ A local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the comprehensive plan's land use policies and categories in which public schools are identified as allowable uses, the local government may not deny the application but it may impose reasonable development standards and conditions in accordance with s. 1013.51(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established in this chapter or the Florida Building Code, unless mutually agreed and consistent with the interlocal agreement required by subsections *(2)-(6)* ~~(2)-(8)~~.

(12)~~(14)~~ This section does not prohibit a local governing body and district school board from agreeing and establishing an alternative process for reviewing a proposed educational facility and site plan, and offsite impacts, pursuant to an interlocal agreement adopted in accordance with subsections *(2)-(6)* ~~(2)-(8)~~.

(13)~~(15)~~ Existing schools shall be considered consistent with the applicable local government comprehensive plan adopted under part II of chapter 163. If a board submits an application to expand an existing school site, the local governing body may impose reasonable development standards and conditions on the expansion only, and in a manner consistent with s. 1013.51(1). Standards and conditions may not be imposed which conflict with those established in this chapter or the Florida Building Code, unless mutually agreed. Local government review or approval is not required for:

(a) The placement of temporary or portable classroom facilities; or

(b) Proposed renovation or construction on existing school sites, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity, or as mutually agreed upon, pursuant to an interlocal agreement adopted in accordance with subsections (2)-*(6)*~~(8)~~.

Section 72. Paragraph (b) of subsection (2) of section 1013.35, Florida Statutes, is amended to read:

1013.35 School district educational facilities plan; definitions; preparation, adoption, and amendment; long-term work programs.—

(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN.—

(b) The plan must also include a financially feasible district facilities work program for a 5-year period. The work program must include:

1. A schedule of major repair and renovation projects necessary to maintain the educational facilities and ancillary facilities of the district.

2. A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. This schedule shall consider:

a. The locations, capacities, and planned utilization rates of current educational facilities of the district. The capacity of existing satisfactory facilities, as reported in the Florida Inventory of School Houses must be compared to the capital outlay full-time-equivalent student enrollment as determined by the department, including all enrollment used in the calculation of the distribution formula in s. 1013.64.

b. The proposed locations of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. The provisions of ss. 1013.33*(10), (11), and* (12)~~, (13), and (14)~~ and 1013.36 must be addressed for new facilities planned within the first 3 years of the work plan, as appropriate.

c. Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.

d. Plans for multitrack scheduling, grade level organization, block scheduling, or other alternatives that reduce the need for additional permanent student stations.

e. Information concerning average class size and utilization rate by grade level within the district which will result if the tentative district facilities work program is fully implemented.

f. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program. For determining future needs, student capacity may not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the current year of the adopted district educational facilities plan and in the district facilities work program adopted under this section. Those relocatable classrooms clearly identified and scheduled for replacement in a school-board-adopted, financially feasible, 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed and the relocatable classrooms are not replaced as scheduled in the work program, the classrooms must be reentered into the system and be counted at actual capacity. Relocatable classrooms may not be perpetually added to the work program or continually extended for purposes of circumventing this section. All relocatable classrooms not identified and scheduled for replacement, including those owned, lease-purchased, or leased by the school district, must be counted at actual student capacity. The district educational facilities plan must identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement.

g. Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

h. Projects for which capital outlay and debt service funds accruing under s. 9(d), Art. XII of the State Constitution are to be used shall be identified separately in priority order on a project priority list within the district facilities work program.

3. The projected cost for each project identified in the district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.

4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the district facilities work program.

5. A schedule indicating which projects included in the district facilities work program will be funded from current revenues projected in subparagraph 4.

6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may include effort index grants, SIT Program awards, and Classrooms First funds.

Section 73. *Rules 9J-5 and 9J-11.023, Florida Administrative Code, are repealed, and the Department of State is directed to remove those rules from the Florida Administrative Code.*

Section 74. *(1) Any permit or any other authorization that was extended beyond January 1, 2012, under section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida, and was ineligible for the permit extension granted by section 46 of chapter 2010-147, Laws of Florida, solely because of its extended expiration date, is extended and renewed for an additional period of 2 years after its previously scheduled expiration date. This extension is in addition to the 2-year permit extension provided under section 14 of chapter 2009-96, Laws of Florida. This section does not prohibit conversion from the construction phase to the operation phase upon completion of construction.*

(2) The commencement and completion dates for any required mitigation associated with a phased construction project shall be extended such that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension shall notify the authorizing agency in writing by December 31, 2011, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided for in subsection (1) does not apply to:

(a) A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

(b) A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension, that would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by rules in effect at the time the permit was issued, except if it is demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This subsection applies to any modification of the plans, terms, and conditions of the permit that lessens the environmental impact, except that any such modification may not extend the time limit beyond 2 additional years.

(6) This section does not impair the authority of a county or municipality to require the owner of a property that has notified the county or municipality of the owner's intention to receive the extension of time granted pursuant to this section to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

Section 75. *(1) The state land planning agency, within 60 days after the effective date of this act, shall review any administrative or judicial proceeding filed by the agency and pending on the effective date of this act to determine whether the issues raised by the state land planning agency are consistent with the revised provisions of part II of chapter 163, Florida Statutes. For each proceeding, if the agency determines that issues have been raised that are not consistent with the revised provisions of part II of chapter 163, Florida Statutes, the agency shall dismiss the proceeding. If the state land planning agency determines that one or more issues have been raised that are consistent with the revised provisions of part II of chapter 163, Florida Statutes, the agency shall amend its petition within 30 days after the determination to plead with particularity as to the manner in which the plan or plan amendment fails to meet the revised provisions of part II of chapter 163, Florida Statutes. If the agency fails to timely file such amended petition, the proceeding shall be dismissed.*

(2) In all proceedings that were initiated by the state land planning agency before the effective date of this act, and continue after that date, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct, and the local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance.

Section 76. *All local governments shall be governed by the revised provisions of s. 163.3191, Florida Statutes, notwithstanding a local government's previous failure to timely adopt its evaluation and appraisal report or evaluation and appraisal report-based amendments by the due dates established in Rule 9J-42, Florida Administrative Code.*

Section 77. *The Division of Statutory Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.*

Section 78. This act shall take effect upon becoming a law

And the title is amended as follows:

Delete lines 98-194 and insert: the evaluation and appraisal of comprehensive plans; providing and revising local government requirements including notice, amendments, compliance, mediation, reports, and scoping meetings; amending s. 163.3229, F.S.; revising limitations on duration of development agreements; amending s. 163.3235, F.S.; revising requirements for periodic reviews of a development agreements; amending s. 163.3239, F.S.; revising recording requirements; amending s. 163.3243, F.S.; revising parties who may file an action for injunctive relief; amending s. 163.3245, F.S.; revising provisions relating to optional sector plans; authorizing the adoption of sector plans under certain circumstances; amending s. 163.3246, F.S.; revising provisions relating to the local government comprehensive planning certification program; conforming provisions to changes made by the act; deleting reporting requirements of the Office of Program Policy Analysis and Government Accountability; repealing s. 163.32465, F.S., relating to state review of local comprehensive plans in urban areas; amending s. 163.3247, F.S.; providing for future repeal and abolition of the Century Commission for a Sustainable Florida; creating s. 163.3248, F.S.; providing for the designation of rural land stewardship areas; providing purposes and requirements for the establishment of such areas; providing for the creation of rural land stewardship overlay zoning district and transferable rural land use credits; providing certain limitation relating to such credits; providing for incentives; providing eligibility for incentives; providing legislative intent; amending s. 380.06, F.S.; revising requirements relating to the issuance of permits for development by local governments; revising criteria for the determination of substantial deviation; providing for extension of certain expiration dates; revising exemptions governing developments of regional impact; revising provisions to conform to changes made by this act; amending s. 380.0651, F.S.; revising provisions relating to statewide guidelines and standards for certain multiscreen movie theaters, industrial plants, industrial parks, distribution, warehousing and wholesaling facilities, and hotels and motels; revising criteria for the determination of when to treat two or more developments as a single development; amending s. 331.303, F.S.; conforming a cross-reference; amending s. 380.115, F.S.; subjecting certain developments required to undergo development-of-regional-impact

review to certain procedures; amending s. 380.065, F.S.; deleting certain reporting requirements; conforming provisions to changes made by the act; amending s. 380.0685, F.S., relating to use of surcharges for beach renourishment and restoration; repealing Rules 9J-5 and 9J-11.023, Florida Administrative Code, relating to minimum criteria for review of local government comprehensive plans and plan amendments, evaluation and appraisal reports, land development regulations, and determinations of compliance; amending ss. 70.51, 163.06, 163.2517, 163.3162, 163.3217, 163.3220, 163.3221, 163.3229, 163.360, 163.516, 171.203, 186.513, 189.415, 190.004, 190.005, 193.501, 287.042, 288.063, 288.975, 290.0475, 311.07, 331.319, 339.155, 339.2819, 369.303, 369.321, 378.021, 380.115, 380.031, 380.061, 403.50665, 403.973, 420.5095, 420.615, 420.5095, 420.9071, 420.9076, 720.403, 1013.30, 1013.33, and 1013.35, F.S.; revising provisions to conform to changes made by this act; extending permits and other authorizations extended under s. 14, ch. 2009-96, Laws of Florida; extending certain previously granted buildout dates; requiring a permitholder to notify the authorizing agency of its intended use of the extension; exempting certain permits from eligibility for an extension; providing for applicability of rules governing permits; declaring that certain provisions do not impair the authority of counties and municipalities under certain circumstances; requiring the state land planning agency to review certain administrative and judicial proceedings; providing procedures for such review; providing that all local governments shall be governed by certain provisions of general law; providing a directive of the Division of Statutory Revision; providing an effective date.

On motion by Senator Bennett, by two-thirds vote **CS for CS for SB 1122** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President	Flores	Negron
Alexander	Gaetz	Norman
Benacquisto	Garcia	Oelrich
Bennett	Gardiner	Richter
Bogdanoff	Hays	Ring
Braynon	Hill	Simmons
Dean	Jones	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Thrasher
Evers	Margolis	Wise

Nays—9

Altman	Joyner	Sachs
Dockery	Montford	Sobel
Fasano	Rich	Storms

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

The Senate resumed consideration of—

HB 7101—A bill to be entitled An act relating to judicial nominating commissions; repealing s. 43.291, F.S., relating to judicial nominating commissions; creating s. 43.292, F.S.; providing for judicial nominating commissions; specifying membership and composition; providing for appointment of members by the Governor; providing for terms; requiring the Governor to consider racial, ethnic, gender, and geographic diversity in making appointments; providing for suspension of a member of a judicial nominating commission; establishing a quorum; providing for administrative support; abolishing prior offices; permitting reappointment of former officeholders; providing an effective date.

—which was previously considered this day with pending **Amendment 2 (453086)** by Senator Bogdanoff.

On motion by Senator Bogdanoff, further consideration of **HB 7101** with pending **Amendment 2 (453086)** was deferred.

RECESS

On motion by Senator Thrasher, the Senate recessed at 12:27 p.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by President Haridopolos at 1:49 p.m. A quorum present—38:

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Gardiner	Richter
Benacquisto	Hays	Ring
Bennett	Hill	Sachs
Bogdanoff	Jones	Simmons
Braynon	Joyner	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Dockery	Montford	Thrasher
Evers	Negron	Wise
Fasano	Norman	

RECONSIDERATION OF BILL

On motion by Senator Bennett, the Senate reconsidered the vote by which—

CS for CS for SB 1122—A bill to be entitled An act relating to growth management; amending s. 163.3161, F.S.; redesignating the "Local Government Comprehensive Planning and Land Development Regulation Act" as the "Community Planning Act"; revising and providing intent and purpose of act; amending 163.3162, F.S.; revising provisions related to agricultural enclaves; amending s. 163.3164, F.S.; revising definitions; amending s. 163.3167, F.S.; revising the scope of the act; revising and providing duties of local governments and municipalities relating to comprehensive plans; removing regional planning agencies from the responsibility of preparing comprehensive plans; prohibiting initiative or referendum processes in regard to development orders, local comprehensive plan amendments, and map amendments; prohibiting local governments from requiring a super majority vote on comprehensive plan amendments; deleting retroactive effect; creating s. 163.3168, F.S.; encouraging local governments to apply for certain innovative planning tools; authorizing the state land planning agency and other appropriate state and regional agencies to use direct and indirect technical assistance; amending s. 163.3171, F.S.; providing legislative intent; amending s. 163.3174, F.S.; deleting certain notice requirements relating to the establishment of local planning agencies by a governing body; amending s. 163.3175, F.S.; providing additional factors for local government consideration in impacts to military installations; clarifying requirements for adopting criteria to address compatibility of lands relating to military installations; amending s. 163.3177, F.S.; revising and providing duties of local governments; revising and providing required and optional elements of comprehensive plans; revising requirements of schedules of capital improvements; revising and providing provisions relating to capital improvements elements; revising and providing required sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge elements; revising and providing required conservation elements; revising and providing required housing elements; revising and providing required coastal management elements; revising major objectives of, and procedures relating to, the local comprehensive planning process; revising and providing required and optional elements of future land use plans; providing required transportation elements; revising and providing required conservation elements; revising and providing required housing elements; revising and providing required coastal management elements; revising and providing required intergovernmental coordination elements; amending s. 163.31777, F.S.; revising requirements relating to public schools' interlocal agreements; deleting duties of the Office of Educational Facilities, the state land planning agency, and local governments relating to such agreements; deleting an exemption; amending s. 163.3178, F.S.; deleting a deadline for local governments to amend coastal management elements and future land use maps; amending s. 163.3180, F.S.; revising

and providing provisions relating to concurrency; revising concurrency requirements; revising application and findings; revising local government requirements; revising and providing requirements relating to transportation concurrency, transportation concurrency exception areas, urban infill, urban redevelopment, urban service, downtown revitalization areas, transportation concurrency management areas, long-term transportation and school concurrency management systems, development of regional impact, school concurrency, service areas, financial feasibility, interlocal agreements, and multimodal transportation districts; revising duties of the Office of Program Policy Analysis and Government Accountability and the state land planning agency; providing requirements for local plans; providing for the limiting the liability of local governments under certain conditions; reenacting s. 163.31801(5), F.S., and amending s. 163.31801, F.S.; prohibiting new impact fees by local governments for a specified period of time; amending s. 163.3182, F.S.; revising definitions; revising provisions relating to transportation sufficiency plans and projects; amending s. 163.3184, F.S.; providing a definition for "reviewing agencies"; amending the definition of "in compliance"; removing references to procedural rules established by the state land planning agency; deleting provisions relating to community vision and urban boundary plan amendments, urban infill and redevelopment plan amendments, and housing incentive strategy plan amendments; amending s. 163.3187, F.S.; deleting provisions relating to the amendment of adopted comprehensive plan and providing the process for adoption of small-scale comprehensive plan amendments; amending s. 163.3191, F.S., relating to the evaluation and appraisal of comprehensive plans; providing and revising local government requirements including notice, amendments, compliance, mediation, reports, and scoping meetings; amending s. 163.3194, F.S.; regulating development orders for signs authorized by s. 479.07, F.S.; providing definitions; amending s. 163.3235, F.S.; revising requirements for periodic reviews of a development agreements; amending s. 163.3239, F.S.; revising recording requirements; amending s. 163.3243, F.S.; revising parties who may file an action for injunctive relief; amending s. 163.3245, F.S.; revising provisions relating to optional sector plans; authorizing the adoption of sector plans under certain circumstances; amending s. 163.3247, F.S.; revising provisions relating to the Century Commission for a Sustainable Florida; revising the findings and intent to include the necessity for a specific strategic plan addressing the state's growth management system; revising the planning timeframes to include a 10-year horizon; revising membership of the commission; deleting obsolete provisions regarding initial appointments; providing for the election of a chair and excluding certain members from serving as chair during a specified period; requiring that the commission meet at least six times per fiscal year; deleting a provision that requires the commission to meet in different regions in the state; requiring that the executive director establish a meeting calendar with the commission's approval; authorizing the commission to form subcommittees by vote; providing for a majority vote of members on commission actions; providing for reimbursement for per diem and travel expenses; revising provisions relating to the commission's powers and duties; requiring that the commission, in cooperation with interested state agencies, local governments, and nongovernmental stakeholders, develop a strategic plan and submit the plan to the Governor and the Legislature by a specified date; requiring that the commission also submit progress reports by specified dates; requiring that the commission make presentations to the Governor and the Legislature; providing that an executive director be appointed by the Secretary of Community Affairs and ratified by the commission; requiring that the Department of Community Affairs provide a specific line item in its annual legislative budget request to fund the commission during a specified period; authorizing the department to obtain additional funding through external grants; requiring that the department provide sufficient funding and staff support to assist the commission in its duties; providing for future expiration and the abolishment of the commission; creating s. 163.3248, F.S.; providing for the designation of rural land stewardship areas; providing purposes and requirements for the establishment of such areas; providing for the creation of rural land stewardship overlay zoning district and transferable rural land use credits; providing certain limitations relating to such credits; providing for incentives; providing legislative intent; amending s. 163.32465, F.S.; revising legislative findings related to local government comprehensive planning; revising the process for amending a comprehensive plan; making the expedited review process applicable statewide and removing its status as a pilot program; revising the process and requirements for expedited review of plan amendments; amending s. 186.504, F.S.; revising membership requirements of regional planning councils; amending s. 367.021, F.S.; providing definitions for the terms "large landowner" and "need"; amending s. 380.06, F.S.; revising exemptions; revising provisions to conform to changes made by this act; repealing rules 9J-5 and 9J-11.023, Florida Administrative Code, relating to minimum criteria for review of local government comprehensive plans and plan amendments, evaluation and appraisal reports, land development regulations, and determinations of compliance; amending s. 380.0685, F.S.; revising the uses of the park admission surcharge; amending ss. 70.51, 163.06, 163.2517, 163.3217, 163.3220, 163.3221, 163.3229, 163.360, 163.516, 171.203, 186.513, 186.515, 189.415, 190.004, 190.005, 193.501, 287.042, 288.063, 288.975, 290.0475, 311.07, 331.319, 339.155, 339.2819, 369.303, 369.321, 378.021, 380.031, 380.061, 380.065, 380.115, 403.50665, 420.9071, 403.973, 420.5095, 420.615, 420.9071, 420.9076, 720.403, 1013.30, and 1013.33, F.S.; making conforming changes; repealing administrative rules; expanding a permit extension; providing a finding of important state interest; requiring the state land planning agency to review certain administrative and judicial proceedings; providing procedures for such review; affirming statutory construction with respect to other legislation passed at the same session; providing a directive of the Division of Statutory Revision; providing effective dates.

—as amended passed this day.

On motion by Senator Bennett, by two-thirds vote the Senate reconsidered the vote by which **CS for CS for SB 1122** was read the third time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1122** as amended was placed on the calendar of Bills on Third Reading.

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

CS for CS for HB 1355—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; expanding the list of responsibilities of the Secretary of State when acting in his or her capacity as chief election officer; amending s. 97.021, F.S.; revising the definition of "minor political party"; amending s. 97.025, F.S.; revising methods of publication and distribution of the Florida Election Code pamphlet to candidates qualifying with the Department of State; amending s. 97.0575, F.S.; requiring that third-party voter registration organizations register with the Division of Elections and provide the division with certain information; requiring that the division or a supervisor of elections make voter registration forms available to third-party voter registration organizations; requiring that such forms contain certain information; requiring that the division maintain a database of certain information; requiring supervisors of elections to provide specified information to the division in a format and at times required by the division; requiring that such information be updated and made public daily at a specified time; requiring third-party voter registration organizations to deliver collected voter registration applications within a specified period; revising penalty provisions to conform; specifying grounds for an affirmative defense to a violation of timely submission requirements; providing for the referral of violations to the Attorney General; authorizing the Attorney General to initiate a civil action; providing that an action for relief may include a permanent or temporary injunction, a restraining order, or any other appropriate order; requiring that the division adopt rules for specified purposes; providing for retroactive effectiveness; amending s. 97.071, F.S.; requiring that voter information cards contain the address of the polling place of the registered voter; requiring a supervisor of elections to issue a new voter information card to a voter upon a change in a voter's address of legal residence or a change in a voter's polling place address; amending s. 97.073, F.S.; requiring a supervisor to notify an applicant within 5 business days regarding disposition of the voter registration applications; amending s. 97.1031, F.S.; requiring an elector to notify the supervisor of elections when he or she changes his or her residence address; providing a voter with various options for providing address updates; revising notice requirements for any change in party affiliation; amending s. 98.075, F.S.; requiring a supervisor of elections to remove a registered voter from the statewide voter registration system upon certain notice; providing bases for ineligibility; amending 98.093, F.S.; requiring the Florida Parole Commission and the Department of Corrections to provide specified data for the updating of the statewide voter registration system regarding convicted felons; amending s. 98.0981, F.S.; providing timeframes and

formats for voting history information to be sent by the supervisors of elections to the department; providing timeframes and formats for voting history information to be sent by the department to the President of the Senate, the Speaker of the House of Representatives, and the respective minority leaders; requiring submission of precinct-level information in a certain format by a time certain; amending s. 99.012, F.S., relating to restrictions on individuals qualifying for public office; providing that if a final court order determines that a person did not comply with specific provisions of the section the person is not qualified as a candidate and his or her name may not appear on ballot; providing for nonapplicability to presidential and vice presidential candidates; amending s. 99.021, F.S.; revising the candidate oath requirement for a person seeking to qualify for nomination or election or as a candidate of a political party; removing requirement for qualifying officer to give printed copy of candidate oath; removing requirement for taking public employee oath; providing exceptions for certain candidates taking other oaths; amending s. 99.061, F.S.; revising timeframe for candidate to pay qualifying fee under certain circumstances; requiring checks to be payable as prescribed by filing officer; requiring notarized signature on certain oaths; removing requirement for public employee oath; requiring filing of a notarized financial disclosure; clarifying time for qualifying papers to be received; providing that qualifying officer performs ministerial duty only; exempting qualifying officer decision from Administrative Procedures Act; amending s. 99.063, F.S.; removing the requirement that a candidate swear a public employee loyalty oath; amending s. 99.093, F.S.; remitting assessments directly to the Florida Elections Commissions rather than passing through the department; amending s. 99.095, F.S.; allowing certain individuals seeking county or district office in a year of apportionment to obtain signatures countywide; amending s. 99.097, F.S.; clarifying that the supervisor of elections checks more than signatures on petition forms; clarifying rulemaking authority of the department relating to petitions; prohibiting certain random sampling method of petition verification for constitutional amendments petitions; providing for invalidity of undue burden oaths under specified circumstances; providing for certain funds to be used to reimburse a supervisor of elections for signature verification fees not previously paid when an undue burden oath is held invalid; amending s. 100.061, F.S.; revising the primary election date; amending s. 100.111, F.S.; providing notification requirements and procedures for filling a vacancy in nomination for certain offices; deleting the definition of the term "district political party executive committee"; providing that a vacancy in nomination is not created if an order of a court that has become final determines the nominee did not properly qualify or does not meet the necessary qualifications to hold the office sought; amending s. 100.371, F.S.; providing that signatures on an initiative petition are valid for 2 years instead of 4 years; requiring that a petition signer must be a registered elector at time of signing for a supervisor to verify his or her signature as valid; requiring the supervisor of elections to notify petition sponsor of misfiled petition under certain circumstances; deleting certain petition revocation provisions; amending s. 101.001, F.S.; requiring the supervisors of elections to provide the department with precinct data including specified information; requiring the department to maintain a searchable database containing certain precinct and census block information; requiring supervisors of elections to notify the department of precinct changes within a specified time; deleting a waiver; amending s. 101.043, F.S.; providing that the address appearing on the photo identification used at polls cannot be used to confirm or challenge an elector's legal residence for address verification; amending s. 101.045, F.S.; permitting a change of residence at the polling place for a person changing residence within a county; providing that a person whose change of address is from outside the county may not change his or her legal residence at the polling place or vote a regular ballot but may vote a provisional ballot; amending s. 101.131, F.S.; revising procedures for the designation of poll watchers; requiring that the division prescribe a form for the designation of poll watchers; providing conditions under which poll watchers are authorized to enter polling areas and watch polls; requiring that a supervisor of elections provide identification to poll watchers by a specified period before early voting begins; requiring that poll watchers display such identification while in a polling place; amending s. 101.151, F.S.; providing changes in ballot appearance; reducing length and appearance of ballot and redundancy; expanding use of ballot on demand technology; amending s. 101.5605, F.S.; clarifying that testing of voting equipment be done in accordance with state-adopted voting system standards; amending s. 101.5606, F.S.; removing references to obsolete forms of voting; amending s. 101.56075, F.S.; providing that all voting systems utilized after a certain time shall permit placement on the ballot of the full text of a constitutional amendment; amending s. 101.5612, F.S.; revising the number or percentage of systems that must be tested; amending s. 101.5614, F.S.; conforming law to current technological practices in canvassing of certain returns; amending s. 101.591, F.S.; providing that a manual recount is not required under certain circumstances; amending s. 101.62, F.S.; extending absentee ballot request through the end of the calendar year of the next two regularly scheduled general elections; providing timeframes for absentee ballots to be sent to voters voting an absentee ballot; clarifying provisions relating to military and overseas voters; requiring the supervisors of elections to update absentee ballot information and make available by a time certain; revising reasons for voting absentee; amending s. 101.65, F.S.; expanding absentee ballot instructions to notify a voter that signatures on ballot and on record must match; informing voter when signature must be updated; amending s. 101.68, F.S.; allowing the county canvassing boards to begin canvassing of absentee ballots at a time certain; amending s. 101.6923, F.S.; expanding special absentee ballot instructions for certain first-time voters to notify voters that signatures on the ballot and on record must match; informing voter when signature must be updated; amending s. 101.75, F.S.; eliminating state mandate for a municipal election to have a 14-day candidate qualifying period when it moves its election to coincide with state or county election; amending s. 102.031, F.S.; prohibiting solicitation of voters who are entering or in line to enter any polling place, polling room, or early voting site; requiring the posting of a sign; expanding the definitions of the terms "solicit" and "solicitation"; amending s. 102.141, F.S.; requiring the canvassing board to report all early voting and all tabulated absentee results to the department by a time certain; requiring periodic updates; amending s. 102.168, F.S.; clarifying when canvassing boards are an indispensable party to an election contest; clarifying evidence a circuit court may consider in certain election contests; providing a standard of review; amending s. 103.021; F.S.; revising the definition of the term "national party"; revising requirements for a minor political party to have candidates for President and Vice President placed on the general election ballot; creating s. 103.095, F.S.; providing a procedure for the registration of a minor political party; requiring the Division of Elections to adopt rules to prescribe the manner in which political parties may have their filings canceled; amending s. 103.101, F.S.; creating a Presidential Preference Primary Date Selection Committee; providing membership; requiring for the committee to meet by a date certain and to set a date for the presidential preference primary; amending s. 103.141, F.S.; deleting language providing for the removal of certain county executive committee members pursuant to a separate provision of law; amending s. 104.29, F.S.; clarifying when it is an offense for an inspector or other election official to deny a person the opportunity to observe whether ballots are being correctly reconciled; amending s. 106.011, F.S.; revising the definitions of "candidate", "contribution," and "expenditure" to exclude funds received or spent for certain potential candidate polls; clarifying and conforming the definition of "independent expenditure" to the candidate's specific qualifying period; clarifying the qualifying period for the candidate; correcting a cross-reference; creating s. 106.012, F.S.; providing that funds spent or received are not contributions or expenditures if used solely for determining candidate viability; providing examples of permissible activities; providing for retention of records; providing that funds become contributions and expenditures upon the candidacy of a person; requiring reporting of funds regardless of date received or spent; providing examples of ineligible activities for fund use; delineating activities indicating intention to become a candidate; limiting the amount of funds that may be received; amending s. 106.021, F.S.; deleting a requirement that certain information be included in campaign reports for reimbursement; amending s. 106.022, F.S.; requiring a political committee, committee of continuous existence, or electioneering communications organization to file a statement of appointment with the filing officer rather than with the division; authorizing an entity to change its appointment of registered agent or registered office by filing a written statement with the filing officer; requiring a registered agent who resigns to execute a written statement of resignation and file it with the filing officer; amending s. 106.023, F.S.; revising the form of the statement of a candidate to require a candidate to acknowledge that he or she has been provided access to and understands the requirements of ch. 106, F.S.; amending s. 106.025, F.S.; exempting tickets or advertising for a campaign fundraiser from requirements of s. 106.143, F.S.; amending s. 106.03, F.S.; providing when a political committee must file a statement of organization; providing when a group must register as an electioneering communications organization; amending s. 106.04, F.S.; requiring a committee of continuous existence that makes a contribution or expenditure in connection with certain county or municipal elections to

file specified reports; subjecting a committee of continuous existence that fails to file a report or to timely file a report with the division or a county or municipal filing officer to a fine; requiring a committee of continuous existence to include transaction information from credit card purchases in a report filed with the division; requiring a committee of continuous existence to report changes in information previously reported to the division within 10 days after the change; requiring the division to revoke the certification of a committee of continuous existence under certain circumstances; requiring the division to adopt rules to prescribe the manner in which the certification is revoked; increasing the amount of a fine to be levied on a committee of continuous existence that fails to timely file certain reports; providing for the deposit of the proceeds of the fines; including the registered agent of a committee of continuous existence as an alternate person whom the filing officer shall notify that a report has not been filed; providing criteria for deeming delivery of a notice of fine complete; requiring a committee of continuous existence that appeals a fine to file a copy of the appeal with the commission; amending s. 106.07, F.S.; correcting a cross-reference; revising the dates that certain contribution and expenditure reports must be filed; revising reporting requirements for a statewide candidate who receives funding under the Florida Election Campaign Financing Act and candidates in a race with a candidate who has requested funding under that act; deleting a requirement for a committee of continuous existence to file a campaign treasurer's report relating to contributions or expenditures to influence the results of a special election; revising the methods by which a campaign treasurer may be notified of the determination that a report is incomplete to include certified mail and other methods using a common carrier that provides proof of delivery of the notice; extending the time the campaign treasurer has to file an addendum to the report after receipt of notice of why the report is incomplete; providing criteria for deeming delivery complete of a notice of incomplete report; deleting a provision allowing for notification by telephone of an incomplete report; requiring political committees that make a contribution or expenditure in connection with certain county or municipal elections to file campaign finance reports with the county or municipal filing officer and to include its contributions and expenditures in a report to the division; revising the information that must be included in a report to include transaction information for credit card purchases; deleting a requirement that a campaign depository to return checks drawn on the account to the campaign treasurer; specifying the amount of a fine for the failure to timely file reports after a special primary election or special election; specifying that the registered agent of a political committee is a person whom a filing officer may notify of the amount of the fine for filing a late report; providing criteria for deeming delivery of a notice of late report and resulting fine complete; amending s. 106.0703, F.S.; correcting a cross-reference; deleting a requirement for an electioneering communications organization to provide certain information to the department on activities occurring since the last general election; amending s. 106.0705, F.S.; requiring certain individuals to electronically file certain reports with the division; conforming a cross-reference to changes made by the act; deleting an obsolete provision; amending s. 106.071, F.S.; conforming provisions relating to expenditures in the aggregate; clarifying the independent expenditure disclaimer for paid political advertisement by an individual; amending s. 106.08, F.S.; deleting a requirement for the department to notify candidates as to whether an independent or minor party candidate has obtained the required number of petition signatures; deleting a requirement for certain unopposed candidates to return contributions; specifying the entities with which a political party's state executive committee, an affiliated party committee, and county executive committees must file a written acceptance of an in-kind contribution; amending s. 106.09, F.S.; specifying that the limitations on contributions by cash or cashier's check apply to the aggregate amount of contributions to a candidate or committee per election; clarifying that a violation of a certain subsection, and not a section, of the law is a misdemeanor of the first degree; amending s. 106.11, F.S.; revising the statement that must be contained on checks from a campaign account; deleting requirements relating to the use of debit cards; authorizing a campaign for a candidate to reimburse the candidate's loan to the campaign when the campaign account has sufficient funds; amending s. 106.141, F.S.; removing certain limitations on expenditure of surplus funds; requiring candidates receiving public financing to return all surplus funds to the General Revenue Fund after paying certain monetary obligations and expenses; amending s. 106.143, F.S.; revising disclosure requirements for certain political advertisements; specifying disclosure statements that must be included in political advertisements paid for by a write-in candidate; specifying disclosure requirements for political advertisements paid for by in-kind contributions; prohibiting the inclusion of a person's political affiliation in advertisements for a nonpartisan office; clarifying the type of political advertisements that must be approved in advance by a candidate; deleting a duplicative exemption from the requirement to obtain a candidate's approval for messages designed to be worn; providing that political advertisements paid for by a political party or an affiliated party committee may use certain registered names and abbreviations; clarifying that a political advertisement that is paid for by a candidate and complies with statutory disclosure requirements is not required to additionally state that it is approved by the candidate; amending s. 106.15, F.S.; prohibiting the making, soliciting, or accepting of any political contribution in a government-occupied room or building space; defining "government-occupied room or building space"; providing an exception; amending s. 106.17, F.S.; authorizing state and county executive committees and affiliated party committees to conduct political polls to determine viability of potential candidates; allowing sharing of results; providing that such expenditures are not contributions to the potential candidates; amending s. 106.19, F.S.; providing that a candidate's failure to comply with ch. 106, F.S., has no effect on whether the candidate has qualified for office; amending s. 106.25, F.S., relating to reports of alleged violations to Florida Elections Commission; providing a deadline for the filing of a response by a respondent; prohibiting the commission from defining willfulness by rule, or further defining the term as provided in ch. 106 or ch. 104, F.S.; providing for entering into a consent order under certain circumstances; allowing a respondent who is alleged by the commission to have violated the election code or campaign financing laws to elect as a matter of right a formal hearing before the Division of Administrative Hearings; authorizing an administrative law judge to assess civil penalties upon the finding of a violation; amending s. 106.26, F.S.; authorizing the commission to file a complaint in the circuit court where the witness resides; amending s. 106.265, F.S.; authorizing an administrative law judge to assess a civil penalty upon a finding of a violation of the election code or campaign financing laws; providing for civil penalties to be assessed against an electioneering communications organization; removing reference to the expired Election Campaign Financing Trust Fund; directing that moneys from penalties and fines be deposited into the General Revenue Fund; amending s. 106.29, F.S.; requiring specified committees that make contributions or expenditures to influence the results of a special election or special primary election to file campaign treasurer's reports by certain dates; providing for applicable campaign finance reporting dates, to conform; deleting a requirement that each state executive committee file the original and one copy of its reports with the division; revising provisions relating to penalties for late filing, to conform and to provide requirements for sufficiency of notice; amending s. 106.35, F.S.; deleting a requirement that the division adopt rules relating to the format and filing of certain printed campaign treasurer's reports under the Florida Election Campaign Financing Act; amending s. 106.355, F.S.; eliminating the duty of the department to provide funds from the Election Campaign Financing Trust Fund when certain expenditure limits are exceeded; amending s. 11.045, F.S.; excluding funds received or spent under s. 106.012, F.S., from the definition of "expenditure"; amending s. 112.312, F.S.; excluding funds received or spent under s. 106.012, F.S., or contributions or expenditures reported pursuant to federal election law from the definition of "gift"; amending s. 112.3215, F.S.; excluding funds received or spent under s. 106.012, F.S., or contributions or expenditures reported pursuant to federal election law from the definition of "expenditure"; amending s. 876.05, F.S.; deleting the requirement that candidates for public office take a public employee oath; amending s. 100.101, F.S.; to conform to changes made by the act; repealing s. 103.161, F.S., relating to the removal or suspension of officers or members of state executive committees or county executive committees; repealing s. 876.07, F.S., relating to the requirement that a candidate take a public employee oath as a prerequisite to qualifying for public office, to conform; amending s. 101.161, F.S.; revising terminology; transferring to a new subsection requirements applicable to joint resolutions; providing that a joint resolution may include a ballot summary and alternate ballot summaries; providing that a joint resolution may include a ballot summary or alternate ballot summaries, listed in order of preference, describing the chief purpose of the amendment or revision in clear and unambiguous language; requiring a joint resolution to specify placement on the ballot of a ballot title and either a ballot summary embodied in the joint resolution or the full text of the proposed amendment or revision; requiring placement on the ballot of the ballot title and ballot summary, or the ballot title and the full text of the proposed amendment or revision, as specified by a joint resolution; requiring placement on the ballot of the full text of an amendment or revision if the court determines that each ballot

summary embodied in a joint resolution is defective unless the Secretary of State certifies to the court that placement of the full text on the ballot is incompatible with voting systems that must be utilized during the election at which the proposed amendment will be presented to voters and that no other available accommodation will enable persons with disabilities to vote on the proposed amendment or revision; requiring the Attorney General to revise a ballot summary under certain circumstances; requiring the court to retain jurisdiction over challenges to any revised ballot summary submitted by the Attorney General; requiring challenges to revised ballot summaries to be filed within 10 days after the revised ballot summary is submitted to the court by the Attorney General; creating a presumption that the full text of an amendment or revision must be considered a clear and unambiguous statement of the substance and effect of an amendment or revision proposed by joint resolution and sufficient notice to electors under certain circumstances; establishing rules of construction for construing proposed ballot titles, ballot summaries, or the full text of proposed amendments or revisions; requiring legal challenges to ballot language to be filed within certain time periods; requiring complaints or petitions challenging ballot language to assert all grounds for such challenges; providing that any grounds not asserted are waived; requiring the courts to describe with specificity each deficiency in a ballot title, summary, or full text of a proposed amendment or revision; requiring the courts to accord actions challenging ballot language specified by a joint resolution priority over other pending cases and issue orders as expeditiously as possible; providing retroactive applicability to joint resolutions passed during the 2011 regular session; providing effective dates.

—as amended May 4 was read the third time by title.

On motion by Senator Diaz de la Portilla, **CS for CS for HB 1355** as amended was passed and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Evers	Norman
Alexander	Flores	Oelrich
Altman	Gaetz	Richter
Benacquisto	Gardiner	Simmons
Bennett	Hays	Storms
Bogdanoff	Jones	Thrasher
Dean	Latvala	Wise
Detert	Lynn	
Diaz de la Portilla	Negron	

Nays—13

Braynon	Margolis	Siplin
Dockery	Montford	Smith
Fasano	Rich	Sobel
Hill	Ring	
Joyner	Sachs	

SPECIAL ORDER CALENDAR

On motion by Senator Benacquisto, by unanimous consent—

SB 1822—A bill to be entitled An act relating to school choice; amending s. 1002.38, F.S.; revising legislative intent and eligibility requirements for participation in the Opportunity Scholarship Program; deleting provisions that authorize an opportunity scholarship for attendance at a private school; requiring that an opportunity scholarship remain in force until the student graduates from high school; revising school district obligations and deleting provisions relating to private schools to conform to changes made by the act; amending ss. 1001.42 and 1002.20, F.S.; conforming provisions to changes made by the act; deleting an obsolete provision relating to the John M. McKay Scholarships for Students with Disabilities Program; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **SB 1822**, on motion by Senator Benacquisto, by two-thirds vote **CS for HB 1331** was withdrawn from the Committees on Education Pre-K - 12; and Budget.

On motion by Senator Benacquisto—

CS for HB 1331—A bill to be entitled An act relating to school choice; amending s. 1002.38, F.S.; revising legislative intent and eligibility requirements for participation in the Opportunity Scholarship Program; deleting provisions that authorize an opportunity scholarship for attendance at a private school; requiring that an opportunity scholarship remain in force until the student graduates from high school; revising school district obligations and deleting provisions relating to private schools to conform to changes made by the act; amending ss. 1001.42 and 1002.20, F.S.; conforming provisions to changes made by the act; deleting an obsolete provision relating to the John M. McKay Scholarships for Students with Disabilities Program; providing an effective date.

—a companion measure, was substituted for **SB 1822** and read the second time by title.

On motion by Senator Benacquisto, by two-thirds vote **CS for HB 1331** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Evers	Oelrich
Alexander	Fasano	Rich
Altman	Flores	Richter
Benacquisto	Gaetz	Ring
Bennett	Gardiner	Simmons
Bogdanoff	Hays	Siplin
Braynon	Jones	Smith
Dean	Lynn	Storms
Detert	Margolis	Thrasher
Diaz de la Portilla	Negron	Wise
Dockery	Norman	

Nays—4

Hill	Joyner	Montford
Sobel		

On motion by Senator Siplin, by unanimous consent—

CS for CS for SB 2076—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 20.14, F.S.; deleting the Division of Dairy within the Department of Agriculture and Consumer Services; amending s. 193.461, F.S.; redefining the term "agricultural purposes" as it relates to agricultural lands; amending s. 215.981, F.S.; exempting certain direct-support organizations and citizen support organizations for the Department of Agriculture and Consumer Services from obtaining an independent audit; amending s. 253.02, F.S.; providing for the grantee of easements for electrical transmission to pay the lead manager of the state-owned lands or, when there is no lead manager, the Department of Environmental Protection, if suitable replacement uplands cannot be identified; amending s. 261.04, F.S.; deleting provisions related to per diem and travel expenses for members of the Off-Highway Vehicle Recreation Advisory Committee within the Division of Forestry; amending s. 482.051, F.S.; providing rule changes that allow operators to provide certain emergency notice to the Department of Agriculture and Consumer Services by facsimile or electronic means; amending s. 482.071, F.S.; increasing the minimum insurance coverage for bodily injury and property damage required for pest control businesses; creating s. 482.072, F.S.; providing for licensure by the department of pest control customer contact centers; providing application requirements; providing for fees, licensure renewal, penalties, licensure expiration, and transfer of licenses; requiring the department to adopt rules; providing for disciplinary action; creating s. 482.157, F.S.; providing for the certification of commercial wildlife trappers; providing requirements for certification, examination, and fees; limiting the scope of work permitted by certificate holders; clarifying that certificateholders who practice accepted pest control methods are immune from liability for violating laws prohibiting cruelty to animals; providing that the provisions of s. 482.157, F.S., do not exempt any person from the rules or orders of the Fish and Wildlife Conservation Commission; amending s. 482.226, F.S.; increasing the minimum financial responsibility requirements for licensees that perform wood-destroying organism inspections; amending s. 482.243, F.S.; deleting provisions relating to reimbursement for expenses for members of the Pest Control Enforcement Advisory

Council within the department; amending s. 487.041, F.S.; providing that registration, supplemental, and late fees related to the registration of pesticide brands with the department are nonrefundable; providing requirements for label revisions of pesticide brands; providing requirements for label revisions that must be reviewed by the United States Environmental Protection Agency; requiring payments of pesticide registration fees to be submitted electronically; amending s. 487.0615, F.S.; deleting references relating to per diem and travel for the Pesticide Review Council within the Department of Agriculture and Consumer Services; amending s. 500.70, F.S.; requiring certain persons that produce, harvest, pack, or repack tomatoes to register each location of a tomato farm, tomato greenhouse, tomato packinghouse, or tomato repacker by a specified date on a form prescribed by the department; requiring the department to set a registration fee; providing for funds collected to be deposited into the General Inspection Trust Fund; amending s. 527.22, F.S.; deleting provisions relating to per diem and travel expenses for members of the Florida Propane Gas Education, Safety, and Research Council within the department; amending s. 559.9221, F.S.; deleting provisions relating to per diem and travel expenses for members of the Motor Vehicle Repair Advisory Council within the department; amending s. 570.07, F.S.; revising the department's authority to enforce laws relating to commercial stock feeds and commercial fertilizer; providing a limited exemption to counties that have existing ordinances regulating the sale of urban turf fertilizers; revising the powers and duties of the department regarding pollution control and the prevention of wildfires; amending s. 570.0705, F.S.; deleting provisions relating to per diem and travel expenses for members of any advisory committee that the Commissioner of Agriculture may appoint; amending s. 570.074, F.S.; revising the name of the Office of Water Coordination to the Office of Energy and Water; amending s. 570.18, F.S.; conforming provisions to changes made by the act; amending s. 570.23, F.S.; deleting provisions relating to per diem and travel expenses for members of the State Agricultural Advisory Council within the department; repealing s. 570.29(6), F.S., relating to the Division of Dairy Industry within the department; amending s. 570.38, F.S.; deleting provisions relating to per diem and travel expenses for members of the Animal Industry Technical Council within the department; amending s. 570.382, F.S.; deleting provisions relating to per diem and travel expenses for members of the Arabian Horse Council within the department; repealing s. 570.40, F.S., relating to the powers and duties of the Division of Dairy within the department; repealing s. 570.41, F.S., relating to the qualifications and duties of the Director of the Division of Dairy within the department; amending s. 570.42, F.S.; deleting provisions relating to per diem and travel expenses for members of the Dairy Industry Technical Council within the department; amending s. 570.50, F.S.; requiring the Division of Food Safety within the department to inspect dairy farms and enforce the provisions of ch. 502, F.S.; requiring the Division of Food Safety to inspect milk plants, milk product plants, and plants engaged in the manufacture and distribution of frozen desserts and frozen dessert mixes; requiring the Division of Food Safety to analyze and test samples of milk, milk products, frozen desserts, and frozen dessert mixes; amending s. 570.543, F.S.; deleting provisions relating to per diem and travel expenses for members of the Florida Consumers' Council within the department; repealing s. 570.954(3), F.S., relating to the requirement that the Department of Agriculture and Consumer Services coordinate with and solicit the expertise of the state energy office when developing the farm-to-fuel initiative; amending s. 571.28, F.S.; deleting provisions relating to per diem and travel expenses for members of the Florida Agricultural Promotional Campaign Advisory Council within the department; amending s. 573.112, F.S.; deleting provisions relating to per diem and travel expenses for members of the advisory council that administers the marketing order that is issued to the department; amending s. 576.091, F.S.; deleting provisions relating to per diem and travel expenses for members of the Fertilizer Technical Council within the department; amending s. 580.151, F.S.; deleting provisions relating to per diem and travel expenses for members of the Commercial Feed Technical Council within the department; amending s. 581.186, F.S.; deleting provisions relating to per diem and travel expenses for members of the Endangered Plant Advisory Council within the department; amending s. 586.161, F.S.; deleting provisions relating to per diem and travel expenses for members of the Honeybee Technical Council within the department; amending s. 590.015, F.S.; defining the terms "department," "open burning," and "broadcast burning" as they relate to forest protection; redefining the term "fire management services"; amending s. 590.02, F.S.; authorizing forest-operations administrators to be certified as forestry firefighters; authorizing the Department of Agriculture and Consumer Services to have exclusive authority over the Florida Building Code as it pertains to wildfire and law enforcement facilities under the jurisdiction of the department; authorizing the department to retain, transfer, warehouse, bid, destroy, scrap, or dispose of surplus equipment and vehicles used for wildland firefighting; authorizing the department to retain any moneys received from the disposition of state-owned equipment and vehicles used for wildland firefighting; providing that moneys received may be used for the acquisition of exchange and surplus equipment used for wildland firefighting and all necessary operating expenditures related to the equipment; requiring the department to maintain records of the accounts into which the money is deposited; giving the Division of Forestry exclusive authority to require and issue authorizations for broadcast burning, agricultural pile burning, and silvicultural pile burning; preempting other governmental entities from adopting laws, rules, or policies pertaining to broadcast burning, agricultural pile burning, or silvicultural pile burning unless an emergency order has been declared; authorizing the department to delegate its authority to a county or municipality to issue authorizations for the burning of yard trash and debris from land clearing operations; amending s. 590.125, F.S.; defining and redefining terms relating to open-burning authorizations by the division; specifying purposes of certified prescribed burning; requiring the authorization of the division for certified pile burning; providing pile burning requirements; limiting the liability of property owners or agents engaged in pile burning; providing penalties for violations by certified pile burners; requiring the division to adopt rules to regulate certified pile burning; revising notice requirements for wildfire hazard reduction treatments; providing for approval of local governments' open-burning-authorization programs; providing program requirements; authorizing the division to resume administration of a local government's program under certain circumstances; providing penalties for violations of a local government's open-burning requirements; amending s. 590.14, F.S.; authorizing an employee of the division to issue a notice of violation for any rule adopted by the division; authorizing the department to impose an administrative fine for a violation of any rule adopted by the division; providing a criminal penalty; providing legislative intent; repealing s. 597.005(4), F.S., deleting provisions relating to per diem and travel expenses for members of the Aquaculture Review Council within the department; amending s. 599.002, F.S.; deleting provisions relating to per diem and travel expenses for members of the Viticulture Advisory Council within the department; amending s. 616.17, F.S.; providing immunity from liability for damages resulting from exhibits and concessions at public fairs; providing exceptions for immunity from liability; amending s. 616.252, F.S.; providing for the appointment of a youth member to serve on the Florida State Fair Authority as a nonvoting member; providing a term of service for the youth member of the Florida State Fair Authority; prohibiting reimbursement for travel expenses for members of the Florida State Fair Authority; excluding the youth member from compensation for special or full-time service performed on behalf of the authority; amending s. 812.014, F.S.; providing that it is a grand theft of the third degree and a felony of the third degree if bee colonies of a registered bee keeper are stolen; amending s. 812.015, F.S.; redefining the term "farmer" as it relates to a person who grows or produces honey; redefining the term "farm theft" to include the unlawful taking possession of equipment and associated materials used to grow or produce farm products; providing an effective date.

—was taken up out of order and read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 2076** to **CS for CS for HB 7215**.

Pending further consideration of **CS for CS for SB 2076** as amended, on motion by Senator Siplin, by two-thirds vote **CS for CS for HB 7215** was withdrawn from the Committees on Agriculture; Budget Subcommittee on General Government Appropriations; and Budget.

On motion by Senator Siplin—

CS for CS for HB 7215—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 20.14, F.S.; deleting a provision establishing the Division of Dairy within the department; amending s. 193.461, F.S.; redefining the term "agricultural purposes" as it relates to the assessment of land classified as agricultural by the property appraiser; amending s. 215.981, F.S.; exempting certain direct-support organizations and citizen support organizations for the department from obtaining an independent audit; requiring the department to establish accounting and financial management guidelines for such organizations and annually review the operations and finances of a selected number of such organizations; amending s. 253.02, F.S.; providing for the grantee of easements for electrical transmission to pay the lead manager of the state-owned lands or, when there is no lead manager, the Department of Environmental Protection if suitable replacement uplands cannot be identified; amending s. 261.04, F.S.; deleting provisions requiring the reimbursement of members of the Off-Highway Vehicle Recreation Advisory Committee for per diem and travel expenses; amending s. 381.0014, F.S., to conform to changes made by the act; amending s. 482.051, F.S.; providing additional methods for pest

control licensees to give certain emergency notice to the Department of Agriculture and Consumer Services before performing general fumigation; amending s. 482.071, F.S.; revising the minimum bodily injury and property damage insurance coverage required for pest control businesses; creating s. 482.072, F.S.; providing for licensure by the department of pest control customer contact centers; providing application requirements; providing for fees, licensure renewal, licensure expiration, transfer of licenses, and penalties; creating s. 482.157, F.S.; providing for limited certification of commercial wildlife trappers; providing requirements for certification, examination, and fees; limiting the scope of work permitted by certificateholders; amending s. 482.183, F.S.; providing that licensees and certificateholders who practice accepted pest control methods are immune from liability for violating laws prohibiting cruelty to animals; providing for applicability; amending s. 482.226, F.S.; revising the minimum financial responsibility requirements for licensees that perform wood-destroying organism inspections; amending s. 482.243, F.S.; deleting provisions relating to the reimbursement of members of the Pest Control Enforcement Advisory Council for expenses; amending s. 487.041, F.S.; providing that registration, supplemental, and late fees related to the registration of pesticide brands with the department are nonrefundable; providing requirements for label revisions of pesticide brands; providing requirements for label revisions that must be reviewed by the United States Environmental Protection Agency; requiring payments of pesticide registration fees to be submitted electronically by a date certain; amending s. 487.0615, F.S.; deleting provisions requiring the reimbursement of members of the Pesticide Review Council for per diem and travel expenses; amending s. 500.70, F.S.; requiring certain persons who produce, harvest, pack, or repack tomatoes to register each location of a tomato farm, tomato greenhouse, tomato packinghouse, or tomato repacker by a specified date; authorizing the department to set a registration fee; requiring that funds collected be deposited into the General Inspection Trust Fund; revising the title of chapter 502, F.S.; amending s. 502.012, F.S.; defining terms related to the department's regulation of frozen desserts; amending s. 502.013, F.S.; revising legislative purpose and intent, to conform; amending s. 502.014, F.S.; revising the department's powers and duties; authorizing the department to administer and enforce regulations of frozen desserts and frozen dessert mix; revising the federal publication upon which certain milk sanitation ratings are based; authorizing the department to adopt rules; repealing s. 502.032, F.S., relating to milkfat tester's permits and permit fees; amending s. 502.053, F.S.; providing permitting and licensing requirements and imposing permit and license fees for frozen dessert plants and milkfat testers; providing certain reporting requirements for frozen dessert plant permitholders; providing certain recordkeeping requirements for licensed milkfat testers; providing an exemption; amending s. 502.054, F.S.; requiring the department to inspect certain frozen desserts and frozen dessert plants; amending s. 502.091, F.S.; authorizing sales of certain ice cream and frozen desserts; amending s. 502.121, F.S.; restricting the construction or extensive alteration of frozen dessert plants; amending ss. 502.181 and 502.231, F.S.; prohibiting certain acts related to the regulation of frozen desserts; providing penalties; amending s. 502.232, F.S.; preempting to the state the local regulation of frozen desserts at wholesale; repealing chapter 503, F.S., relating to the state's regulation of frozen desserts, enforcement and penalties for violations of such regulations, licensure of frozen dessert plants, and preemption of municipal and county regulations of frozen desserts; amending ss. 527.22 and 559.9221, F.S.; deleting provisions authorizing the reimbursement of members of the Florida Propane Gas Education, Safety, and Research Council and the Motor Vehicle Repair Advisory Council for per diem and travel expenses; amending ss. 570.07 and 576.181, F.S.; requiring the department to regulate the sale, composition, packaging, labeling, wholesale and retail distribution, and formulation of fertilizer; preempting such regulation of fertilizer to the state; exempting certain ordinances adopted before a specified date from such preemption; authorizing county and municipal governments to enforce such ordinances exempt from preemption; revising the department's powers and duties relating to pollution control and the prevention of wildfires; conforming provisions; amending s. 570.0705, F.S.; deleting provisions requiring the reimbursement for per diem and travel expenses of members of certain ad hoc advisory committees appointed by the Commissioner of Agriculture; amending s. 570.074, F.S.; renaming the Office of Water Coordination and revising its policy jurisdiction; amending s. 570.18, F.S., to conform; amending s. 570.23, F.S.; deleting provisions requiring the reimbursement of members of the State Agricultural Advisory Council for per diem and travel expenses; amending s. 570.29, F.S.; deleting a provision establishing the Division of Dairy Industry within the department; amending ss. 570.38 and 570.382, F.S.; deleting provisions requiring the reimbursement of members of the Animal Industry Technical Council and the Arabian Horse Council for per diem and travel expenses; repealing ss. 570.40 and 570.41, F.S., relating to the powers and duties of the Division of Dairy within the department and the qualifications and duties of the division's director; amending s. 570.42, F.S.; deleting provisions requiring the reimbursement of members of the Dairy Industry Technical Council for per diem and travel expenses; amending s. 570.50, F.S.; conforming provisions; requiring the Division of Food Safety within the department to inspect certain dairy farms and plants, perform certain analyses and tests, and enforce certain rules and provisions of law; amending s. 570.51, F.S., to conform; amending s. 570.543, F.S.; deleting provisions requiring the reimbursement of members of the Florida Consumers' Council for per diem and travel expenses; amending s. 570.954, F.S.; removing the requirement that the department coordinate with and solicit the expertise of the state energy office when developing the farm-to-fuel initiative; amending ss. 571.28, 573.112, 576.091, 580.151, 581.186, and 586.161, F.S.; deleting provisions requiring the reimbursement of members of the Florida Agricultural Promotional Campaign Advisory Council, certain ad hoc advisory councils appointed to advise the department concerning the issuance of marketing orders, the Fertilizer Technical Council, the Commercial Feed Technical Council, the Endangered Plant Advisory Council, and the Honeybee Technical Council for per diem and travel expenses; amending s. 582.30, F.S.; authorizing the Commissioner of Agriculture to certify the dissolution or discontinuance of a soil and water conservation district without the review or recommendation of the Soil and Water Conservation Council under certain circumstances; amending s. 590.015, F.S.; revising and providing definitions for purposes of forest protection; amending s. 590.02, F.S.; authorizing forest operations administrators to be certified as forestry firefighters; granting the department certain exclusive authority over the Florida Building Code; authorizing the department to retain, transfer, warehouse, bid, destroy, scrap, or dispose of certain surplus equipment and vehicles; authorizing the department to retain any moneys received from the disposition of certain state-owned equipment and vehicles; providing that moneys received may be used for the acquisition of certain exchange and surplus equipment and all necessary operating expenditures related to the equipment; requiring the department to maintain records of the accounts into which the money is deposited; granting the department exclusive authority to require and issue authorizations for broadcast burning, agricultural pile burning, and silvicultural pile burning; preempting other governmental entities from adopting laws, regulations, rules, or policies pertaining to broadcast burning, agricultural pile burning, or silvicultural pile burning unless an emergency order has been declared; authorizing the department to delegate its authority to a county or municipality to issue authorizations for the burning of yard trash and debris from land-clearing operations; amending s. 590.125, F.S.; revising and providing definitions relating to open burning authorizations; specifying purposes of certified prescribed burning; requiring the division's authorization for certified pile burning; providing pile burning requirements; limiting the liability of property owners or agents engaged in pile burning; providing for the certification of pile burners; providing penalties for violations by certified pile burners; requiring the division to adopt rules to regulate certified pile burning; revising notice requirements for wildfire hazard reduction treatments; requiring division approval of local government open burning authorization programs; providing program requirements; authorizing the division to resume administration of a local government's program under certain circumstances; providing penalties for violations of local government open burning requirements; amending s. 590.14, F.S.; authorizing a division employee to issue a notice of violation for any division rule; authorizing the division to impose an administrative fine for a violation of any division rule; providing penalties for certain violations; providing legislative intent; amending ss. 597.005 and 599.002, F.S.; deleting provisions requiring the reimbursement of members of the Aquaculture Review Council and the Viticulture Advisory Council for per diem and travel expenses; amending s. 616.17, F.S.; providing certain authorities or fair associations with immunity from liability for damages resulting from exhibits and concessions at public fairs; providing exceptions; amending s. 616.252, F.S.; providing for the appointment and term of a nonvoting youth member of the Florida State Fair Authority; deleting provisions requiring staggered terms; prohibiting the reimbursement of members of the Florida State Fair Authority for per diem and travel expenses; excluding the youth member from compensation for special or full-time service performed on behalf of the authority; amending s. 812.014, F.S.; providing penalties for the theft of bee colonies of registered beekeepers; amending s. 812.015, F.S.; redefining the term "farmer" to include a person who grows or produces honey; redefining the term "farm theft" to include the unlawful taking possession of equipment and associated materials used to grow or produce certain farm products; renaming the department's Division of Forestry as the Florida Forest Service; providing for conforming legislation; providing for assistance to certain legislative substantive committees by the Division of Statutory Revision of the Office of Legislative Services for certain purposes; amending ss. 20.14, 261.03, 570.29,

570.548, 570.549, 570.903, and 590.015, F.S., to conform; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2076** as amended and read the second time by title.

On motion by Senator Siplin, by two-thirds vote **CS for CS for HB 7215** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Flores	Rich
Alexander	Gaetz	Richter
Altman	Gardiner	Ring
Benacquisto	Hays	Sachs
Bennett	Hill	Simmons
Bogdanoff	Jones	Siplin
Braynon	Latvala	Smith
Dean	Lynn	Sobel
Detert	Margolis	Storms
Diaz de la Portilla	Montford	Thrasher
Dockery	Negron	Wise
Evers	Norman	
Fasano	Oelrich	

Nays—1

Joyner

REPORTS OF COMMITTEE RELATING TO EXECUTIVE BUSINESS

The Honorable Mike Haridopolos May 5, 2011
President, The Florida Senate

Dear President Haridopolos:

The following executive appointment was referred to the Senate Committee on Regulated Industries and the Senate Rules Subcommittee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Regulated Industries was removed as a reference. The Senate Rules Subcommittee on Ethics and Elections considered and recommended the following executive appointment:

Office and Appointment		*For Term Ending*
Secretary of Business and Professional Regulation		
Appointee:	Lawson, Kenneth E., Esquire	Pleasure of Governor

The following executive appointment was referred to the Senate Committee on Criminal Justice and the Senate Rules Subcommittee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Criminal Justice was removed as a reference. The Senate Rules Subcommittee on Ethics and Elections considered and recommended the following executive appointment:

Office and Appointment		*For Term Ending*
Secretary of Corrections		
Appointee:	Buss, Edwin G.	Pleasure of Governor

The following executive appointments were referred to the Senate Rules Subcommittee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Rules Subcommittee on Ethics and Elections conducted an inquiry concerning the qualifications of the appointees; however, the Subcommittee on Ethics and Elections did not hold a public hearing for the following appointees during the 2011 Regular Session of the Florida Legislature.

Office and Appointment		*For Term Ending*
Board of Trustees of Daytona State College		
Appointees:	Brosemer, Donna	05/31/2013
	Frederick-Recascino, Christina	05/31/2014
	Holness, Betty Jean	05/31/2011
Board of Trustees of Gulf Coast Community College		
Appointees:	Norton, James P.	05/31/2014
	Patronis, Katie L.	05/31/2014
Board of Trustees, University of Central Florida		
Appointees:	Calvet, Olga M.	01/06/2016
	Crotty, Richard T.	01/06/2015
	Florez, Alan	01/06/2016
Board of Trustees, Florida Gulf Coast University		
Appointee:	Hart, Larry D.	01/06/2016

Except as specifically noted above, the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience and general suitability of the appointees. After due consideration of the findings of such inquiry and the evidence presented at the public hearing, the Subcommittee on Ethics and Elections respectfully advises and recommends pursuant to the authority granted in Article IV, Section 6 (a), Florida Constitution, and in accordance with Section 114.05(1), Florida Statutes.

(1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 2011 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Miguel Diaz de la Portilla, Chair

On motion by Senator Diaz de la Portilla, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee. The vote was:

Yeas—38

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Gardiner	Richter
Benacquisto	Hays	Ring
Bennett	Hill	Sachs
Bogdanoff	Jones	Simmons
Braynon	Joyner	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Dockery	Montford	Thrasher
Evers	Negron	Wise
Fasano	Norman	

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Negron, by unanimous consent—

CS for CS for CS for SB 1972—A bill to be entitled An act relating to health and human services; amending s. 163.387, F.S.; exempting hospital districts from the requirement to provide funding to a community redevelopment agency; creating s. 200.186, F.S.; requiring hospital district ad valorem revenues dispersed to other entities to be spent only on health care services; amending s. 393.0661, F.S.; conforming provisions to changes made by the act; amending s. 409.016, F.S.; conforming provisions to changes made by the act; creating s. 409.16713, F.S.; providing for medical assistance for children in out-of-home care and adopted children; specifying how those services will be funded under certain circumstances; providing legislative intent; providing a directive

to the Division of Statutory Revision; transferring, renumbering, and amending s. 624.91, F.S.; decreasing the administrative cost and raising the minimum loss ratio for health plans; increasing compensation to the insurer or provider for dental contracts; requiring the Florida Healthy Kids Corporation to include use of the school breakfast and lunch application form in the corporation's plan for publicizing the program; conforming provisions to changes made by the act; amending ss. 409.813, 409.8132, 409.815, 409.818, 154.503, and 408.915, F.S.; conforming provisions to changes made by the act; amending s. 1006.06, F.S.; requiring school districts to collaborate with the Florida Kidcare program to use the application form for the school breakfast and lunch programs to provide information about the Florida Kidcare program and to authorize data on the application form be shared with state agencies and the Florida Healthy Kids Corporation and its agents; authorizing each school district the option to share the data electronically; requiring interagency agreements to ensure that the data exchanged is protected from unauthorized disclosure and is used only for enrollment in the Florida Kidcare program; amending s. 409.901, F.S.; revising definitions relating to Medicaid; amending s. 409.902, F.S.; revising provisions relating to the designation of the Agency for Health Care Administration as the state Medicaid agency; specifying that eligibility and state funds for medical services apply only to citizens and certain noncitizens; providing exceptions; providing a limitation on persons transferring assets in order to become eligible for certain services; amending s. 409.9021, F.S.; revising provisions relating to conditions for Medicaid eligibility; increasing the number of years a Medicaid applicant forfeits entitlements to the Medicaid program if he or she has committed fraud; providing for the payment of monthly premiums by Medicaid recipients; providing exemptions to the premium requirement; requiring applicants to agree to participate in certain health programs; prohibiting a recipient who has access to employer-sponsored health care from obtaining services reimbursed through the Medicaid fee-for-service system; requiring the agency to develop a process to allow the Medicaid premium that would have been received to be used to pay employer premiums; requiring that the agency allow opt-out opportunities for certain recipients; creating s. 409.9022, F.S.; specifying procedures to be implemented by a state agency if the Medicaid expenditures exceed appropriations; amending s. 409.903, F.S.; conforming provisions to changes made by the act; deleting obsolete provisions; amending s. 409.904, F.S.; conforming provisions to changes made by the act; renaming the "medically needy" program as the "Medicaid nonpoverty medical subsidy"; narrowing the subsidy to cover only certain services for a family, persons age 65 or older, or blind or disabled persons; revising the criteria for the agency's assessment of need for private duty nursing services; amending s. 409.905, F.S.; conforming provisions to changes made by the act; requiring prior authorization for home health services; amending s. 409.906, F.S.; providing for a parental fee based on family income to be assessed against the parents of children with developmental disabilities served by home and community-based waivers; prohibiting the agency from paying for certain psychotropic medications prescribed for a child; conforming provisions to changes made by the act; amending ss. 409.9062 and 409.907, F.S.; conforming provisions to changes made by the act; amending s. 409.908, F.S.; modifying the nursing home patient care per diem rate to include dental care, vision care, hearing care, and podiatric care; directing the agency to seek a waiver to treat a portion of the nursing home per diem as capital for self-insurance purposes; requiring primary physicians to be paid the Medicare fee-for-service rate by a certain date; deleting the requirement that the agency contract for transportation services with the community transportation system; authorizing qualified plans to contract for transportation services; deleting obsolete provisions; conforming provisions to changes made by the act; amending s. 409.9081, F.S.; revising copayments for physician visits; requiring the agency to seek a waiver to allow the increase of copayments for nonemergency services furnished in a hospital emergency department; amending s. 409.912, F.S.; providing for alternatives to the statewide inpatient psychiatric program; requiring Medicaid-eligible children who have open child welfare cases and who reside in AHCA area 10 to be enrolled in specified capitated managed care plans; expanding the number of children eligible to receive behavioral health care services through a specialty prepaid plan; repealing provisions relating to a provider lock-in program; eliminating obsolete provisions and updating provisions; conforming cross-references; amending s. 409.915, F.S.; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 409.9301, F.S.; conforming provisions to changes made by the act; amending s. 409.9126, F.S.; conforming a cross-reference; providing a directive to the Division of Statutory Revision; creating s. 409.961, F.S.; providing for statutory construction of provisions relating to Medicaid managed care; creating s. 409.962, F.S.; providing definitions; creating s. 409.963, F.S.; establishing the Medicaid managed care program as the statewide, integrated managed care program for medical assistance and long-term care services; directing the agency to apply for and implement waivers; providing for public notice and comment; providing for a limited managed care program if waivers are not approved; creating s. 409.964, F.S.; requiring all Medicaid recipients to be enrolled in Medicaid managed care; providing exemptions; prohibiting a recipient who has access to employer-sponsored health care from enrolling in Medicaid managed care; requiring the agency to develop a process to allow the Medicaid premium that would have been received to be used to pay employer premiums; requiring that the agency allow opt-out opportunities for certain recipients; providing for voluntary enrollment; creating s. 409.965, F.S.; providing requirements for qualified plans that provide services in the Medicaid managed care program; requiring the agency to issue an invitation to negotiate; requiring the agency to compile and publish certain information; establishing regions for separate procurement of plans; establishing selection criteria for plan selection; limiting the number of plans in a region; authorizing the agency to conduct negotiations if funding is insufficient; specifying circumstances under which the agency may issue a new invitation to negotiate; providing that the Children's Medical Service Network is a qualified plan; directing the agency to assign Medicaid provider agreements for a limited time to a provider services network participating in the managed care program in a rural area; creating s. 409.966, F.S.; providing managed care plan contract requirements; establishing contract terms; providing for annual rate setting; providing for contract extension under certain circumstances; establishing access requirements; requiring the agency to establish performance standards for plans; requiring each plan to publish specified measures on the plan's website; providing for program integrity; requiring plans to provide encounter data; providing penalties for failure to submit data; requiring plans to accept electronic claims and electronic prior authorization requests for medication exceptions; requiring plans to provide the criteria for approval and reasons for denial of prior authorization requests; providing for prompt payment; providing for payments to noncontract emergency providers; requiring a qualified plan to post a surety bond or establish a letter of credit or a deposit in a trust account; requiring plans to establish a grievance resolution process; requiring plan solvency; requiring guaranteed savings; providing costs and penalties for early termination of contracts or reduction in enrollment levels; requiring the agency to terminate qualified plans for noncompliance under certain circumstances; requiring plans to adopt and publish a preferred drug list; requiring plans that contract for fiscal intermediary services to contract only with registered fiscal intermediary services organizations; creating s. 409.967, F.S.; providing for managed care plan accountability; requiring plans to use a uniform method of accounting for medical costs; establishing a medical loss ratio; requiring that a plan pay back to the agency a specified amount in specified circumstances; authorizing plans to limit providers in networks; mandating that certain providers be offered contracts during the first year; authorizing plans to exclude certain providers in certain circumstances; requiring plans to include certain providers; requiring plans to monitor the quality and performance history of providers; requiring plans to hold primary care physicians responsible for certain activities; requiring plans to offer certain programs and procedures; requiring plans to pay primary care providers the same rate as Medicare by a certain date; providing for conflict resolution between plans and providers; creating s. 409.968, F.S.; providing for managed care plan payments on a per-member, per-month basis; requiring the agency to establish a methodology to ensure the availability of certain types of payments to specified providers; requiring the development of rate cells; requiring that the amount paid to the plans for supplemental payments or enhanced rates be reconciled to the amount required to pay providers; requiring that plans make certain payments to providers within a certain time; requiring the agency to develop a methodology and request a state plan amendment to ensure the availability of certified public expenditures in the Medicaid managed care program to support certain noninstitutional teaching faculty providers; creating s. 409.969, F.S.; authorizing Medicaid recipients to select any plan within a region; providing for automatic enrollment of recipients by the agency in specified circumstances; providing criteria for automatic enrollment; authorizing disenrollment under certain circumstances; providing for a grievance process; defining the term "good cause" for purposes of disenrollment; requiring recipients to stay in plans for a specified time; providing for reenrollment of recipients who move out of a region; creating s. 409.970, F.S.; requiring the agency to maintain an encounter data system; pro-

viding requirements for prepaid plans to submit data in a certain format; requiring the agency to analyze the data; requiring the agency to test the data for certain purposes by a certain date; creating s. 409.971, F.S.; providing for managed care medical assistance; providing deadlines for beginning and finalizing implementation; creating s. 409.972, F.S.; establishing minimum services for the managed medical assistance; providing for optional services; authorizing plans to customize benefit packages; requiring the agency to provide certain services to hemophiliacs; creating s. 409.973, F.S.; providing for managed long-term care; providing deadlines for beginning and finalizing implementation; providing duties for the Department of Elderly Affairs relating to the program; creating s. 409.974, F.S.; providing recipient eligibility requirements for managed long-term care; listing programs for which certain recipients are eligible; specifying that an entitlement to home and community-based services is not created; creating s. 409.975, F.S.; establishing minimum services for managed long-term care; creating s. 409.976, F.S.; providing criteria for the selection of plans to provide managed long-term care; creating s. 409.977, F.S.; providing for managed long-term care plan accountability; requiring the agency to establish standards for specified providers; creating s. 409.978, F.S.; requiring that the agency operate the Comprehensive Assessment and Review for Long-Term Care Services program through an interagency agreement with the Department of Elderly Affairs; providing duties of the program; requiring the program to assign plan enrollees to a level of care; providing for the evaluation of dually eligible nursing home residents; creating s. 409.980, F.S.; providing minimum requirements for prescription drug benefits provided by a qualified plan; transferring, renumbering, and amending ss. 409.91207, 409.91211, and 409.9122, F.S.; conforming provisions to changes made by the act; updating provisions and deleting obsolete provisions; transferring and renumbering ss. 409.9123 and 409.9124, F.S.; amending s. 430.04, F.S.; eliminating outdated provisions; requiring the Department of Elderly Affairs to develop a transition plan for specified elders and disabled adults receiving long-term care Medicaid services if qualified plans become available; amending s. 430.2053, F.S.; eliminating outdated provisions; providing additional duties of aging resource centers; providing an additional exception to direct services that may not be provided by an aging resource center; providing for the cessation of specified payments by the department as qualified plans become available; eliminating provisions requiring reports; amending s. 641.316, F.S.; redefining the term "fiscal intermediary services organization" to include certain qualified plans that contract with health care professionals for fiscal intermediary services; amending s. 39.407, F.S.; requiring a motion by the Department of Children and Family Services to provide psychotropic medication to a child 10 years of age or younger to include a review by a child psychiatrist; providing that a court may not authorize the administration of such medication absent a finding of compelling state interest based on the review; amending s. 216.262, F.S.; providing that limitations on an agency's total number of positions does not apply to certain positions in the Department of Health; amending s. 381.06014, F.S.; redefining the term "blood establishment" and defining the term "volunteer donor"; requiring that blood establishments disclose specified information on their Internet website; providing an exception for certain hospitals; authorizing the Department of Legal Affairs to assess a civil penalty against a blood establishment that fails to disclose the information; providing that the civil penalty accrues to the state and requiring that it be deposited into the General Revenue Fund; prohibiting local governments from restricting access to public facilities or infrastructure for certain activities based on whether a blood establishment is operating as a for-profit or not-for-profit organization; prohibiting a blood establishment from considering whether certain customers are operating as for-profit or not-for-profit organizations when determining service fees for blood or blood components; amending s. 395.4025, F.S.; providing additional time extensions to hospital applicants seeking to become trauma centers under certain circumstances; amending s. 400.023, F.S.; requiring the trial judge to conduct an evidentiary hearing to determine the sufficiency of evidence for claims against certain persons relating to a nursing home; limiting noneconomic damages in a wrongful death action against the nursing home; amending s. 400.0237, F.S.; revising provisions relating to punitive damages against a nursing home; authorizing a defendant to proffer admissible evidence to refute a claimant's proffer of evidence for punitive damages; requiring the trial judge to conduct an evidentiary hearing and the plaintiff to demonstrate that a reasonable basis exists for the recovery of punitive damages; prohibiting discovery of the defendant's financial worth until the judge approves the pleading on punitive damages; revising definitions; amending s. 408.7057, F.S.; requiring that the dispute resolution program include a hearing in specified circumstances; providing that the dispute resolution program established to resolve claims disputes between providers and health plans does not provide an independent right of recovery; requiring that the conclusions of law in the written recommendation of the resolution organization identify certain information; amending s. 465.014, F.S.; providing that certain practitioners or anyone under the direct supervision of such practitioner may dispense drugs without being licensed as a medical technician; amending s. 456.0635, F.S.; revising the grounds under which the Department of Health or corresponding board is required to refuse to admit a candidate to an examination and to refuse to issue or renew a license, certificate, or registration of a health care practitioner; providing an exception; amending s. 456.036, F.S.; requiring a delinquent licensee whose license becomes delinquent before the final resolution of a case regarding Medicaid fraud to affirmatively apply by submitting a complete application for active or inactive status during the licensure cycle in which the case achieves final resolution by order of the court; providing that failure by a delinquent licensee to become active or inactive before the expiration of that licensure cycle renders the license null; requiring that any subsequent licensure be as a result of applying for and meeting all requirements imposed on an applicant for new licensure; creating ss. 458.3167 and 459.0078, F.S.; providing for an expert witness certificate for allopathic and osteopathic physicians licensed in other states or Canada which authorizes such physicians to provide expert medical opinions in this state; providing application requirements and timeframes for approval or denial by the Board of Medicine and Board of Osteopathic Medicine, respectively; requiring the boards to adopt rules and set fees; providing for expiration of a certificate; amending ss. 458.331 and 459.015, F.S.; providing grounds for disciplinary action for providing misleading, deceptive, or fraudulent expert witness testimony relating to the practice of medicine and of osteopathic medicine, respectively; providing for construction with respect to the doctrine of incorporation by reference; amending s. 499.003, F.S.; redefining the term "health care entity" to clarify that a blood establishment is a health care entity that may engage in certain activities; amending s. 499.005, F.S.; clarifying provisions that prohibit the unauthorized wholesale distribution of a prescription drug that was purchased by a hospital or other health care entity or donated or supplied at a reduced price to a charitable organization, to conform to changes made by the act; amending s. 499.01, F.S.; exempting certain blood establishments from the requirements to be permitted as a prescription drug manufacturer and register products; requiring that certain blood establishments obtain a restricted prescription drug distributor permit under specified conditions; limiting the prescription drugs that a blood establishment may distribute under a restricted prescription drug distributor permit; authorizing the Department of Health to adopt rules regarding the distribution of prescription drugs by blood establishments; amending s. 626.9541, F.S.; authorizing insurers to offer rewards or incentives to health benefit plan members to encourage or reward participation in wellness or health improvement programs; authorizing insurers to require plan members not participating in programs to provide verification that their medical condition warrants nonparticipation; providing application; amending s. 627.4147, F.S.; deleting a requirement that a medical malpractice insurance contract include a clause authorizing an insurer to admit liability and make a settlement offer if the offer is within policy limits without the insured's permission; amending s. 641.19, F.S.; defining the term "provider service network"; creating s. 641.2019, F.S.; providing that a provider service network that meets the requirements of ch. 641, F.S., may obtain a certificate of authority under that chapter; amending s. 641.47, F.S.; redefining the term "organization" to include a provider service network; amending s. 641.49, F.S.; providing that a provider service network may apply for a health care provider certificate; amending s. 430.705, F.S.; conforming a cross-reference; amending s. 766.102, F.S.; providing that a physician who is an expert witness in a medical malpractice presuit action must meet certain requirements; amending s. 766.104, F.S.; requiring a good faith demonstration in a medical malpractice case that there has been a breach of the standard of care; amending s. 766.106, F.S.; clarifying that a physician acting as an expert witness is subject to disciplinary actions; amending s. 766.1115, F.S.; conforming provisions to changes made by the act; creating s. 766.1183, F.S.; defining terms; providing for the recovery of civil damages by Medicaid recipients according to a modified standard of care; providing for recovery of certain excess judgments by act of the Legislature; requiring the Department of Children and Family Services to provide notice to program applicants; creating s. 766.1184, F.S.; defining terms; providing for the recovery of civil damages by certain recipients of primary care services at primary care clinics receiving specified low-income pool funds according to a modified standard of care;

providing for recovery of certain excess judgments by act of the Legislature; providing requirements of health care providers receiving such funds in order for the liability provisions to apply; requiring notice to low-income pool recipients; amending s. 766.202, F.S.; redefining the term "health care provider" to include persons licensed to provide orthotics, prosthetics, and pedorthics; amending s. 766.203, F.S.; requiring the presuit investigations conducted by the claimant and the prospective defendant in a medical malpractice action to provide grounds for a breach of the standard of care; amending s. 768.28, F.S.; revising a definition; providing that certain colleges and universities that own or operate an accredited medical school and their employees and agents providing patient services in a teaching hospital pursuant to an affiliation agreement or contract with the teaching hospital are considered agents of the hospital for the purposes of sovereign immunity; providing definitions; requiring patients of such hospitals to be provided with notice of their remedies under sovereign immunity; providing an exception; providing that providers and vendors providing services to certain persons with disabilities on behalf of the state are agents of the state for the purposes of sovereign immunity; providing legislative findings and intent with respect to including certain colleges and universities and their employees and agents under sovereign immunity; providing a statement of public necessity; amending s. 1004.41, F.S.; correcting the name of one of the health center's colleges; specifying that the University of Florida Board of Trustees shall lease Shands Teaching Hospital and Clinics on the Gainesville campus to Shands Teaching Hospital and Clinics, Inc.; specifying the primary purpose of Shands Teaching Hospital and Clinics, Inc.; providing requirements for the lease, contract, or agreement between the University of Florida Board of Trustees and Shands Teaching Hospital and Clinics, Inc.; authorizing the creation of corporate subsidiaries and affiliates; providing the right of control; providing for sovereign immunity; providing that Shands Jacksonville Medical Center, Inc., and its parent, Shands Jacksonville HealthCare, Inc., are private not-for-profit corporations organized primarily to support the health affairs mission of the University of Florida Board of Trustees; authorizing the creation of corporate subsidiaries and affiliates; providing requirements for the lease, contract, or agreement between the University of Florida Board of Trustees and the corporations; providing the right of control; providing for sovereign immunity; repealing s. 409.9121, F.S., relating to legislative intent concerning managed care; repealing s. 409.919, F.S., relating to rule authority; repealing s. 624.915, F.S., relating to the Florida Healthy Kids Corporation operating fund; renumbering and transferring ss. 409.942, 409.944, 409.945, 409.946, 409.953, and 409.9531, F.S., as ss. 414.29, 163.464, 163.465, 163.466, 402.81, and 402.82, F.S., respectively; amending s. 443.111, F.S.; conforming a cross-reference; directing the Agency for Health Care Administration to submit a reorganization plan to the Legislature; providing for the state's withdrawal from the Medicaid program under certain circumstances; providing for severability; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for CS for CS for SB 1972**, on motion by Senator Negron, by two-thirds vote **CS for HB 7107** was withdrawn from the Committees on Health Regulation; Budget Subcommittee on Health and Human Services Appropriations; and Budget.

On motion by Senator Negron, the rules were waived and—

CS for HB 7107—A bill to be entitled An act relating to Medicaid managed care; creating pt. IV of ch. 409, F.S., entitled "Medicaid Managed Care"; creating s. 409.961, F.S.; providing for statutory construction; providing applicability of specified provisions throughout the part; providing rulemaking authority for specified agencies; creating s. 409.962, F.S.; providing definitions; creating s. 409.963, F.S.; designating the Agency for Health Care Administration as the single state agency to administer the Medicaid program; providing for specified agency responsibilities; requiring client consent for release of medical records; creating s. 409.964, F.S.; establishing the Medicaid program as the statewide, integrated managed care program for all covered services; authorizing the agency to apply for and implement waivers; providing for public notice and comment; creating s. 409.965, F.S.; providing for mandatory enrollment; providing for exemptions; creating s. 409.966, F.S.; providing requirements for eligible plans that provide services in the Medicaid managed care program; establishing provider service network requirements for eligible plans; providing for eligible plan selection; requiring the agency to use an invitation to negotiate; requiring the agency to compile and publish certain information; establishing eight regions for separate procurement of plans; providing quality criteria for plan selection; providing limitations on serving recipients during the pendency of procurement litigation; creating s. 409.967, F.S.; providing for managed care plan accountability; establishing contract terms; providing for contract extension under certain circumstances; establishing payments to noncontract providers; establishing requirements for access; requiring plans to establish and maintain an electronic database; establishing requirements for the database; requiring plans to provide encounter data; requiring the agency to maintain an encounter data system; requiring the agency to establish performance standards for plans; providing program integrity requirements; establishing a grievance resolution process; providing penalties for early termination of contracts or reduction in enrollment levels; establishing prompt payment requirements; requiring plans to accept electronic claims; requiring fair payment to providers with a controlling interest in a provider service network by other plans; requiring the agency and prepaid plans to use a uniform method for certain financial reports; providing income-sharing ratios; providing a timeframe for a plan to pay an additional rebate under certain circumstances; requiring the agency to return prepaid plan overpayments; creating s. 409.968, F.S.; establishing managed care plan payments; providing payment requirements for provider service networks; requiring the agency to conduct annual cost reconciliations to determine certain cost savings and report the results of the reconciliations to the fee-for-service provider; providing a timeframe for the provider service to respond to the report; creating s. 409.969, F.S.; requiring enrollment in managed care plans by all nonexempt Medicaid recipients; creating requirements for plan selection by recipients; providing for choice counseling; establishing choice counseling vendor requirements; authorizing disenrollment under certain circumstances; defining the term "good cause" for purposes of disenrollment; providing time limits on an internal grievance process; providing requirements for agency determination regarding disenrollment; requiring recipients to stay in plans for a specified time; creating s. 409.97, F.S.; authorizing the agency to accept the transfer of certain revenues from local governments; requiring the agency to contract with a representative of certain entities participating in the low-income pool for the provision of enhanced access to care; providing for support of these activities by the low-income pool as authorized in the General Appropriations Act; establishing the Access to Care Partnership; requiring the agency to seek necessary waivers and plan amendments; providing requirements for prepaid plans to submit data; authorizing the agency to implement a tiered hospital rate system; creating s. 409.971, F.S.; creating the managed medical assistance program; providing deadlines to begin and finalize implementation of the program; creating s. 409.972, F.S.; providing eligibility requirements for mandatory and voluntary enrollment; creating s. 409.973, F.S.; establishing minimum benefits for managed care plans to cover; authorizing plans to customize benefit packages; requiring plans to establish a program to encourage healthy behaviors; requiring plans to establish a primary care initiative; providing requirements for primary care initiatives; requiring plans to report certain primary care data to the agency; creating s. 409.974, F.S.; establishing a deadline for issuing invitations to negotiate; establishing a specified number or range of eligible plans to be selected in each region; establishing quality selection criteria; establishing requirements for participation by specialty plans; establishing the Children's Medical Service Network as an eligible plan; creating s. 409.975, F.S.; providing for managed care plan accountability; authorizing plans to limit providers in networks; requiring plans to include essential Medicaid providers in their networks unless an alternative arrangement is approved by the agency; identifying statewide essential providers; specifying provider payments under certain circumstances; requiring plans to include certain statewide essential providers in their networks; requiring good faith negotiations; specifying provider payments under certain circumstances; allowing plans to exclude essential providers under certain circumstances; requiring plans to offer a contract to home medical equipment and supply providers under certain circumstances; establishing the Florida medical school quality network; requiring the agency to contract with a representative of certain entities to establish a clinical outcome improvement program in all plans; providing for support of these activities by certain expenditures and federal matching funds; requiring the agency to seek necessary waivers and plan amendments; providing for eligibility for the quality network; requiring plans to monitor the quality and performance history of providers; establishing the MomCare network; requiring the agency to contract with a representative of all Healthy Start Coalitions to provide certain services to recipients; providing for support of these activities by certain expenditures and federal matching funds; requiring plans to enter into agreements with local Healthy Start Coalitions for certain

purposes; requiring specified programs and procedures be established by plans; establishing a screening standard for the Early and Periodic Screening, Diagnosis, and Treatment Service; requiring managed care plans and hospitals to negotiate rates, methods, and terms of payment; providing a limit on payments to hospitals; establishing plan requirements for medically needy recipients; creating s. 409.976, F.S.; providing for managed care plan payment; requiring the agency to establish payment rates for statewide inpatient psychiatric programs; requiring payments to managed care plans to be reconciled to reimburse actual payments to statewide inpatient psychiatric programs; creating s. 409.977, F.S.; establishing choice counseling requirements; providing for automatic enrollment in a managed care plan for certain recipients; establishing opt-out opportunities for recipients; creating s. 409.978, F.S.; requiring the agency to be responsible for administering the long-term care managed care program; providing implementation dates for the long-term care managed care program; providing duties of the Department of Elderly Affairs relating to assisting the agency in implementing the program; creating s. 409.979, F.S.; providing eligibility requirements for the long-term care managed care program; creating s. 409.98, F.S.; establishing the benefits covered under a managed care plan participating in the long-term care managed care program; creating s. 409.981, F.S.; providing criteria for eligible plans; designating regions for plan implementation throughout the state; providing criteria for the selection of plans to participate in the long-term care managed care program; providing that participation by the Program of All-Inclusive Care for the Elderly is pursuant to an agency contract; creating s. 409.982, F.S.; requiring the agency to establish uniform accounting and reporting methods for plans; providing for mandatory participation in plans by certain service providers; authorizing the exclusion of certain providers from plans for failure to meet quality or performance criteria; requiring plans to monitor participating providers using specified criteria; requiring certain providers to be included in plan networks; providing provider payment specifications for nursing homes and hospices; creating s. 409.983, F.S.; providing for negotiation of rates between the agency and the plans participating in the long-term care managed care program; providing specific criteria for calculating and adjusting plan payments; allowing the CARES program to assign plan enrollees to a level of care; providing incentives for adjustments of payment rates; requiring the agency to establish nursing facility-specific and hospice services payment rates; creating s. 409.984, F.S.; providing that before contracting with another vendor, the agency shall offer to contract with the aging resource centers to provide choice counseling for the long-term care managed care program; providing criteria for automatic assignments of plan enrollees who fail to choose a plan; providing for hospice selection within a specified timeframe; providing for a choice of residential setting under certain circumstances; creating s. 409.9841, F.S.; creating the long-term care managed care technical advisory workgroup; providing duties; providing membership; providing for reimbursement for per diem and travel expenses; providing for repeal by a specified date; creating s. 409.985, F.S.; providing that the agency shall operate the Comprehensive Assessment and Review for Long-Term Care Services program through an interagency agreement with the Department of Elderly Affairs; providing duties of the program; defining the term "nursing facility care"; creating s. 409.986, F.S.; providing authority and agency duties regarding long-term care programs for persons with developmental disabilities; authorizing the agency to delegate specific duties to and collaborate with the Agency for Persons with Disabilities; requiring the agency to make payments for long-term care for persons with developmental disabilities under certain conditions; creating s. 409.987, F.S.; providing eligibility requirements for long-term care plans; creating s. 409.988, F.S.; specifying covered benefits for long-term care plans; creating s. 409.989, F.S.; establishing criteria for eligible plans; specifying minimum and maximum number of plans and selection criteria; authorizing participation by the Children's Medical Services Network in long-term care plans under certain conditions; creating s. 409.99, F.S.; providing requirements for managed care plan accountability; specifying limitations on providers in plan networks; providing for evaluation and payment of network providers; requiring managed care plans to establish family advisory committees and offer consumer-directed care services; creating s. 409.991, F.S.; providing for payment of managed care plans; providing duties for the Agency for Persons with Disabilities to assign plan enrollees into a payment-rate level of care; establishing level-of-care criteria; providing payment requirements for intensive behavior residential habilitation providers and intermediate care facilities for the developmentally disabled; creating s. 409.992, F.S.; providing requirements for enrollment and choice counseling; specifying enrollment exceptions for certain Medicaid recipients; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1972** and read the second time by title.

SENATOR FASANO PRESIDING

THE PRESIDENT PRESIDING

MOTION

On motion by Senator Negron, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Negron moved the following amendment:

Amendment 1 (491664) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Sections 409.961 through 409.985, Florida Statutes, are designated as part IV of chapter 409, Florida Statutes, entitled "Medicaid Managed Care."*

Section 2. Section 409.961, Florida Statutes, is created to read:

409.961 Statutory construction; applicability; rules.—It is the intent of the Legislature that if any conflict exists between the provisions contained in this part and in other parts of this chapter, the provisions in this part control. Sections 409.961–409.985 apply only to the Medicaid managed medical assistance program and long-term care managed care program, as provided in this part. The agency shall adopt any rules necessary to comply with or administer this part and all rules necessary to comply with federal requirements. In addition, the department shall adopt and accept the transfer of any rules necessary to carry out the department's responsibilities for receiving and processing Medicaid applications and determining Medicaid eligibility and for ensuring compliance with and administering this part, as those rules relate to the department's responsibilities, and any other provisions related to the department's responsibility for the determination of Medicaid eligibility.

Section 3. Section 409.962, Florida Statutes, is created to read:

409.962 Definitions.—As used in this part, except as otherwise specifically provided, the term:

(1) "Accountable care organization" means an entity qualified as an accountable care organization in accordance with federal regulations, and which meets the requirements of a provider service network as described in s. 409.912(4)(d).

(2) "Agency" means the Agency for Health Care Administration.

(3) "Aging network service provider" means a provider that participated in a home and community-based waiver administered by the Department of Elderly Affairs or the community care service system pursuant to s. 430.205 as of October 1, 2013.

(4) "Comprehensive long-term care plan" means a managed care plan that provides services described in s. 409.973 and also provides the services described in s. 409.98.

(5) "Department" means the Department of Children and Family Services.

(6) "Eligible plan" means a health insurer authorized under chapter 624, an exclusive provider organization authorized under chapter 627, a health maintenance organization authorized under chapter 641, or a provider service network authorized under s. 409.912(4)(d) or an accountable care organization authorized under federal law. For purposes of the managed medical assistance program, the term also includes the Children's Medical Services Network authorized under chapter 391. For purposes of the long-term care managed care program, the term also includes entities qualified under 42 C.F.R. part 422 as Medicare Advantage Preferred Provider Organizations, Medicare Advantage Provider-sponsored Organizations, and Medicare Advantage Special Needs Plans, and the Program of All-Inclusive Care for the Elderly.

(7) "Long-term care plan" means a managed care plan that provides the services described in s. 409.98 for the long-term care managed care program.

(8) "Long-term care provider service network" means a provider service network a controlling interest of which is owned by one or more licensed nursing homes, assisted living facilities with 17 or more beds, home health agencies, community care for the elderly lead agencies, or hospices.

(9) "Managed care plan" means an eligible plan under contract with the agency to provide services in the Medicaid program.

(10) "Medicaid" means the medical assistance program authorized by Title XIX of the Social Security Act, 42 U.S.C. ss. 1396 et seq., and regulations thereunder, as administered in this state by the agency.

(11) "Medicaid recipient" or "recipient" means an individual who the department or, for Supplemental Security Income, the Social Security Administration determines is eligible pursuant to federal and state law to receive medical assistance and related services for which the agency may make payments under the Medicaid program. For the purposes of determining third-party liability, the term includes an individual formerly determined to be eligible for Medicaid, an individual who has received medical assistance under the Medicaid program, or an individual on whose behalf Medicaid has become obligated.

(12) "Prepaid plan" means a managed care plan that is licensed or certified as a risk-bearing entity, or qualified pursuant to s. 409.912(4)(d), in the state and is paid a prospective per-member, per-month payment by the agency.

(13) "Provider service network" means an entity qualified pursuant to s. 409.912(4)(d) of which a controlling interest is owned by a health care provider, or group of affiliated providers, or a public agency or entity that delivers health services. Health care providers include Florida-licensed health care professionals or licensed health care facilities, federally qualified health care centers, and home health care agencies.

(15) "Specialty plan" means a managed care plan that serves Medicaid recipients who meet specified criteria based on age, medical condition, or diagnosis.

Section 4. Section 409.963, Florida Statutes, is created to read:

409.963 Single state agency.—The agency is designated as the single state agency authorized to manage, operate, and make payments for medical assistance and related services under Title XIX of the Social Security Act. Subject to any limitations or directions provided in the General Appropriations Act, these payments may be made only for services included in the program, only on behalf of eligible individuals, and only to qualified providers in accordance with federal requirements for Title XIX of the Social Security Act and state law. This program of medical assistance is designated as the "Medicaid program." The department is responsible for Medicaid eligibility determinations, including, but not limited to, policy, rules, and the agreement with the Social Security Administration for Medicaid eligibility determinations for Supplemental Security Income recipients, as well as the actual determination of eligibility. As a condition of Medicaid eligibility, subject to federal approval, the agency and the department shall ensure that each Medicaid recipient consents to the release of her or his medical records to the agency and the Medicaid Fraud Control Unit of the Department of Legal Affairs.

Section 5. Section 409.964, Florida Statutes is created to read:

409.964 Managed care program; state plan; waivers.—The Medicaid program is established as a statewide, integrated managed care program for all covered services, including long-term care services. The agency shall apply for and implement state plan amendments or waivers of applicable federal laws and regulations necessary to implement the program. Before seeking a waiver, the agency shall provide public notice and the opportunity for public comment and include public feedback in the waiver application. The agency shall hold one public meeting in each of the regions described in s. 409.966(2) and the time period for public comment for each region shall end no sooner than 30 days after the completion of the public meeting in that region. The agency shall submit any state plan amendments, new waiver requests, or requests for extensions or expansions for existing waivers, needed to implement the managed care program by August 1, 2011.

Section 6. Section 409.965, Florida Statutes, is created to read:

409.965 Mandatory enrollment.—All Medicaid recipients shall receive covered services through the statewide managed care program, except as provided by this part pursuant to an approved federal waiver. The following Medicaid recipients are exempt from participation in the statewide managed care program:

(1) Women who are eligible only for family planning services.

(2) Women who are eligible only for breast and cervical cancer services.

(3) Persons who are eligible for emergency Medicaid for aliens.

(4) Children receiving services in a prescribed pediatric extended care center.

Section 7. Section 409.966, Florida Statutes, is created to read:

409.966 Eligible plans; selection.—

(1) ELIGIBLE PLANS.—Services in the Medicaid managed care program shall be provided by eligible plans. A provider service network must be capable of providing all covered services to a mandatory Medicaid managed care enrollee or may limit the provision of services to a specific target population based on the age, chronic disease state, or medical condition of the enrollee to whom the network will provide services. A specialty provider service network must be capable of coordinating care and delivering or arranging for the delivery of all covered services to the target population. A provider service network may partner with an insurer licensed under chapter 627 or a health maintenance organization licensed under chapter 641 to meet the requirements of a Medicaid contract.

(2) ELIGIBLE PLAN SELECTION.—The agency shall select a limited number of eligible plans to participate in the Medicaid program using invitations to negotiate in accordance with s. 287.057(3)(a). At least 90 days before issuing an invitation to negotiate, the agency shall compile and publish a databook consisting of a comprehensive set of utilization and spending data for the 3 most recent contract years consistent with the rate-setting periods for all Medicaid recipients by region or county. The source of the data in the report must include both historic fee-for-service claims and validated data from the Medicaid Encounter Data System. The report must be available in electronic form and delineate utilization use by age, gender, eligibility group, geographic area, and aggregate clinical risk score. Separate and simultaneous procurements shall be conducted in each of the following regions:

(a) Region 1, which consists of Escambia, Okaloosa, Santa Rosa and Walton Counties.

(b) Region 2, which consists of Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla, and Washington Counties.

(c) Region 3, which consists of Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Marion, Putnam, Sumter, Suwannee, and Union Counties.

(d) Region 4, which consists of Baker, Clay, Duval, Flagler, Nassau, St. Johns, and Volusia Counties.

(e) Region 5, which consists of Pasco and Pinellas Counties.

(f) Region 6, which consists of Hardee, Highlands, Hillsborough, Manatee and Polk Counties.

(g) Region 7, which consists of Brevard, Orange, Osceola and Seminole Counties.

(h) Region 8, which consists of Charlotte, Collier, DeSoto, Glades, Hendry, Lee, and Sarasota Counties.

(i) Region 9, which consists of Indian River, Martin, Okeechobee, Palm Beach and St. Lucie Counties.

(j) Region 10, which consists of Broward County.

(k) Region 11, which consists of Miami-Dade and Monroe Counties.

(3) QUALITY SELECTION CRITERIA.—

(a) The invitation to negotiate must specify the criteria and the relative weight of the criteria that will be used for determining the acceptability of the reply and guiding the selection of the organizations with which the agency negotiates. In addition to criteria established by the agency, the agency shall consider the following factors in the selection of eligible plans:

1. Accreditation by the National Committee for Quality Assurance, the Joint Commission, or another nationally recognized accrediting body.

2. Experience serving similar populations, including the organization's record in achieving specific quality standards with similar populations.

3. Availability and accessibility of primary care and specialty physicians in the provider network.

4. Establishment of community partnerships with providers that create opportunities for reinvestment in community-based services.

5. Organization commitment to quality improvement and documentation of achievements in specific quality improvement projects, including active involvement by organization leadership.

6. Provision of additional benefits, particularly dental care and disease management, and other initiatives that improve health outcomes.

7. Evidence that a eligible plan has written agreements or signed contracts or has made substantial progress in establishing relationships with providers before the plan submitting a response.

8. Comments submitted in writing by any enrolled Medicaid provider relating to a specifically identified plan participating in the procurement in the same region as the submitting provider.

9. Documentation of policies and procedures for preventing fraud and abuse.

10. The business relationship an eligible plan has with any other eligible plan that responds to the invitation to negotiate.

(b) An eligible plan must disclose any business relationship it has with any other elgible plan that responds to the invitation to negotiate. The agency may not select plans in the same region for the same managed care program that have a business relationship with each other. Failure to disclose any business relationship shall result in disqualification from participation in any region for the first full contract period after the discovery of the business relationship by the agency. For the purpose of this section, "business relationship" means an ownership or controlling interest, an affiliate or subsidiary relationship, a common parent, or any mutual interest in any limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly or partially owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of such entities, business associations, or other enterprises, that exists for the purpose of making a profit.

(c) After negotiations are conducted, the agency shall select the eligible plans that are determined to be responsive and provide the best value to the state. Preference shall be given to plans that:

1. Have signed contracts with primary and specialty physicians in sufficient numbers to meet the specific standards established pursuant to s. 409.967(2)(b).

2. Have well-defined programs for recognizing patient-centered medical homes and providing for increased compensation for recognized medical homes, as defined by the plan.

3. Are organizations that are based in and perform operational functions in this state, in-house or through contractual arrangements, by staff located in this state. Using a tiered approach, the highest number of points shall be awarded to a plan that has all or substantially all of its operational functions performed in the state. The second highest number of points shall be awarded to a plan that has a majority of its operational functions performed in the state. The agency may establish a third tier; however, preference points may not be awarded to plans that perform only community outreach, medical director functions, and state administrative functions in the state. For purposes of this subparagraph, operational functions include claims processing, member services, provider relations, utilization and prior authorization, case management, disease and quality functions, and finance and administration. For purposes of this subparagraph, the term "based in this state" means that the entity's principal office is in this state and the plan is not a subsidiary, directly or indirectly through one or more subsidiaries of, or a joint venture with, any other entity whose principal office is not located in the state.

4. Have contracts or other arrangements for cancer disease management programs that have a proven record of clinical efficiencies and cost savings.

5. Have contracts or other arrangements for diabetes disease management programs that have a proven record of clinical efficiencies and cost savings.

6. Have a claims payment process that ensures that claims that are not contested or denied will be promptly paid pursuant to s. 641.3155.

(d) For the first year of the first contract term, the agency shall negotiate capitation rates or fee for service payments with each plan in order to guarantee aggregate savings of at least 5 percent.

1. For prepaid plans, determination of the amount of savings shall be calculated by comparison to the Medicaid rates that the agency paid managed care plans for similar populations in the same areas in the prior year. In regions containing no prepaid plans in the prior year, determination of the amount of savings shall be calculated by comparison to the Medicaid rates established and certified for those regions in the prior year.

2. For provider service networks operating on a fee-for-service basis, determination of the amount of savings shall be calculated by comparison to the Medicaid rates that the agency paid on a fee-for-service basis for the same services in the prior year.

(e) To ensure managed care plan participation in Regions 1 and 2, the agency shall award an additional contract to each plan with a contract award in Region 1 or Region 2. Such contract shall be in any other region in which the plan submitted a responsive bid and negotiates a rate acceptable to the agency. If a plan that is awarded an additional contract pursuant to this paragraph is subject to penalties pursuant to s. 409.967(2)(g) for activities in Region 1 or Region 2, the additional contract is automatically terminated 180 days after the imposition of the penalties. The plan must reimburse the agency for the cost of enrollment changes and other transition activities.

(f) The agency may not execute contracts with managed care plans at payment rates not supported by the General Appropriations Act.

(4) ADMINISTRATIVE CHALLENGE.—Any eligible plan that participates in an invitation to negotiate in more than one region and is selected in at least one region may not begin serving Medicaid recipients in any region for which it was selected until all administrative challenges to procurements required by this section to which the eligible plan is a party have been finalized. If the number of plans selected is less than the maximum amount of plans permitted in the region, the agency may contract with other selected plans in the region not participating in the administrative challenge before resolution of the administrative challenge. For purposes of this subsection, an administrative challenge is finalized if an order granting voluntary dismissal with prejudice has been entered by any court established under Article V of the State Constitution or by the Division of Administrative Hearings, a final order has been entered into by the agency and the deadline for appeal has expired, a final order has been entered by the First District Court of Appeal and the time to seek any available review by the Florida Supreme Court has expired, or a final order has been entered by the Florida Supreme Court and a warrant has been issued.

Section 8. Section 409.967, Florida Statutes, is created to read:

409.967 Managed care plan accountability.—

(1) The agency shall establish a 5-year contract with each managed care plan selected through the procurement process described in s. 409.966. A plan contract may not be renewed; however, the agency may extend the term of a plan contract to cover any delays during the transition to a new plan.

(2) The agency shall establish such contract requirements as are necessary for the operation of the statewide managed care program. In addition to any other provisions the agency may deem necessary, the contract must require:

(a) Physician compensation.—Managed care plans are expected to coordinate care, manage chronic disease, and prevent the need for more costly services. Effective care management should enable plans to redirect available resources and increase compensation for physicians. Plans achieve this performance standard when physician payment rates equal or exceed Medicare rates for similar services. The agency may impose fines or other sanctions on a plan that fails to meet this performance standard after 2 years of continuous operation.

(b) Emergency services.—Managed care plans shall pay for services required by ss. 395.1041 and 401.45 and rendered by a noncontracted provider. The plans must comply with s. 641.3155. Reimbursement for services under this paragraph is the lesser of:

1. The provider's charges;

2. The usual and customary provider charges for similar services in the community where the services were provided;

3. The charge mutually agreed to by the entity and the provider within 60 days after submittal of the claim; or

4. The rate the agency would have paid on the most recent October 1st.

(c) Access.—

1. The agency shall establish specific standards for the number, type, and regional distribution of providers in managed care plan networks to ensure access to care for both adults and children. Each plan must maintain a region-wide network of providers in sufficient numbers to meet the access standards for specific medical services for all recipients enrolled in the plan. The exclusive use of mail-order pharmacies may not be sufficient to meet network access standards. Consistent with the standards established by the agency, provider networks may include providers located outside the region. A plan may contract with a new hospital facility before the date the hospital becomes operational if the hospital has commenced construction, will be licensed and operational by January 1, 2013, and a final order has issued in any civil or administrative challenge. Each plan shall establish and maintain an accurate and complete electronic database of contracted providers, including information about licensure or registration, locations and hours of operation, specialty credentials and other certifications, specific performance indicators, and such other information as the agency deems necessary. The database must be available online to both the agency and the public and have the capability to compare the availability of providers to network adequacy standards and to accept and display feedback from each provider's patients. Each plan shall submit quarterly reports to the agency identifying the number of enrollees assigned to each primary care provider.

2. Each managed care plan must publish any prescribed drug formulary or preferred drug list on the plan's website in a manner that is accessible to and searchable by enrollees and providers. The plan must update the list within 24 hours after making a change. Each plan must ensure that the prior authorization process for prescribed drugs is readily accessible to health care providers, including posting appropriate contact information on its website and providing timely responses to providers. For Medicaid recipients diagnosed with hemophilia who have been prescribed anti-hemophilic-factor replacement products, the agency shall provide for those products and hemophilia overlay services through the agency's hemophilia disease management program.

3. Managed care plans, and their fiscal agents or intermediaries, must accept prior authorization requests for any service electronically.

(d) Encounter data.—The agency shall maintain and operate a Medicaid Encounter Data System to collect, process, store, and report on covered services provided to all Medicaid recipients enrolled in prepaid plans.

1. Each prepaid plan must comply with the agency's reporting requirements for the Medicaid Encounter Data System. Prepaid plans must submit encounter data electronically in a format that complies with the Health Insurance Portability and Accountability Act provisions for electronic claims and in accordance with deadlines established by the agency. Prepaid plans must certify that the data reported is accurate and complete.

2. The agency is responsible for validating the data submitted by the plans. The agency shall develop methods and protocols for ongoing analysis of the encounter data that adjusts for differences in characteristics of prepaid plan enrollees to allow comparison of service utilization among plans and against expected levels of use. The analysis shall be used to identify possible cases of systemic underutilization or denials of claims and inappropriate service utilization such as higher-than-expected emergency department encounters. The analysis shall provide periodic feedback to the plans and enable the agency to establish corrective action plans when necessary. One of the focus areas for the analysis shall be the use of prescription drugs.

3. The agency shall make encounter data available to those plans accepting enrollees who are assigned to them from other plans leaving a region.

(e) Continuous improvement.—The agency shall establish specific performance standards and expected milestones or timelines for improving performance over the term of the contract.

1. Each managed care plan shall establish an internal health care quality improvement system, including enrollee satisfaction and disenrollment surveys. The quality improvement system must include incentives and disincentives for network providers.

2. Each plan must collect and report the Health Plan Employer Data and Information Set (HEDIS) measures, as specified by the agency. These measures must be published on the plan's website in a manner that allows recipients to reliably compare the performance of plans. The agency shall use the HEDIS measures as a tool to monitor plan performance.

3. Each managed care plan must be accredited by the National Committee for Quality Assurance, the Joint Commission, or another nationally recognized accrediting body, or have initiated the accreditation process, within 1 year after the contract is executed. For any plan not accredited within 18 months after executing the contract, the agency shall suspend automatic assignment under s. 409.977 and 409.984.

4. By the end of the fourth year of the first contract term, the agency shall issue a request for information to determine whether cost savings could be achieved by contracting for plan oversight and monitoring, including analysis of encounter data, assessment of performance measures, and compliance with other contractual requirements.

(f) Program integrity.—Each managed care plan shall establish program integrity functions and activities to reduce the incidence of fraud and abuse, including, at a minimum:

1. A provider credentialing system and ongoing provider monitoring, including maintenance of written provider credentialing policies and procedures which comply with federal and agency guidelines;

2. An effective prepayment and postpayment review process including, but not limited to, data analysis, system editing, and auditing of network providers;

3. Procedures for reporting instances of fraud and abuse pursuant to chapter 641;

4. Administrative and management arrangements or procedures, including a mandatory compliance plan, designed to prevent fraud and abuse; and

5. Designation of a program integrity compliance officer.

(g) Grievance resolution.—Consistent with federal law, each managed care plan shall establish and the agency shall approve an internal process for reviewing and responding to grievances from enrollees. Each plan

shall submit quarterly reports on the number, description, and outcome of grievances filed by enrollees.

(h) Penalties.—

1. Withdrawal and enrollment reduction.—Managed care plans that reduce enrollment levels or leave a region before the end of the contract term must reimburse the agency for the cost of enrollment changes and other transition activities. If more than one plan leaves a region at the same time, costs must be shared by the departing plans proportionate to their enrollments. In addition to the payment of costs, departing provider services networks must pay a per enrollee penalty of up to 3 month's payment and continue to provide services to the enrollee for 90 days or until the enrollee is enrolled in another plan, whichever occurs first. In addition to payment of costs, all other plans must pay a penalty of 25 percent of the minimum surplus requirement pursuant to s. 641.225(1). Plans shall provide at least 180 days notice to the agency before withdrawing from a region. If a managed care plan leaves a region before the end of the contract term, the agency shall terminate all contracts with that plan in other regions, pursuant to the termination procedures in subparagraph 3.

2. Encounter data.—If a plan fails to comply with the encounter data reporting requirements of this section for 30 days, the agency must assess a fine of $5,000 per day for each day of noncompliance beginning on the 31st day. On the 31st day, the agency must notify the plan that the agency will initiate contract termination procedures on the 90th day unless the plan comes into compliance before that date.

3. Termination.—If the agency terminates more than one regional contract with the same managed care plan due to noncompliance with the requirements of this section, the agency shall terminate all the regional contracts held by that plan. When terminating multiple contracts, the agency must develop a plan to transition enrollees to other plans, and phase-in the terminations over a time period sufficient to ensure a smooth transition.

(i) Prompt payment.—Managed care plans shall comply with ss. 641.315, 641.3155, and 641.513.

(j) Electronic claims.—Managed care plans, and their fiscal agents or intermediaries, shall accept electronic claims in compliance with federal standards.

(k) Fair payment.—Provider service networks must ensure that no entity licensed under chapter 395 with a controlling interest in the network charges a Medicaid managed care plan more than the amount paid to that provider by the provider service network for the same service.

(l) Itemized payment.—Any claims payment to a provider by a managed care plan, or by a fiscal agent or intermediary of the plan, must be accompanied by an itemized accounting of the individual claims included in the payment including, but not limited to, the enrollee's name, the date of service, the procedure code, the amount of reimbursement, and the identification of the plan on whose behalf the payment is made.

(m) Provider dispute resolution.—Disputes between a plan and a provider may be resolved as described in s. 408.7057.

(3) ACHIEVED SAVINGS REBATE.—

(a) The agency is responsible for verifying the achieved savings rebate for all Medicaid prepaid plans. To assist the agency, a prepaid plan shall:

1. Submit an annual financial audit conducted by an independent certified public accountant in accordance with generally accepted auditing standards to the agency on or before June 1 for the preceding year; and

2. Submit an annual statement prepared in accordance with statutory accounting principles on or before March 1 pursuant to s. 624.424 if the plan is regulated by the Office of Insurance Regulation.

(b) The agency shall contract with independent certified public accountants to conduct compliance audits for the purpose of auditing financial information, including but not limited to: annual premium revenue, medical and administrative costs, and income or losses reported by each prepaid plan, in order to determine and validate the achieved savings rebate.

(c) Any audit required under this subsection must be conducted by an independent certified public accountant who meets criteria specified by rule. The rules must also provide that:

1. The entity selected by the agency to conduct the audit may not have a conflict of interest that might affect its ability to perform its responsibilities with respect to an examination.

2. The rates charged to the prepaid plan being audited are consistent with rates charged by other certified public accountants and are comparable with the rates charged for comparable examinations.

3. Each prepaid plan audited shall pay to the agency the expenses of the audit at the rates established by the agency by rule. Such expenses include actual travel expenses, reasonable living expense allowances, compensation of the certified public accountant, and necessary attendant administrative costs of the agency directly related to the examination. Travel expense and living expense allowances are limited to those expenses incurred on account of the audit and must be paid by the examined prepaid plan together with compensation upon presentation by the agency to the prepaid plan of a detailed account of the charges and expenses after a detailed statement has been filed by the auditor and approved by the agency.

4. All moneys collected from prepaid plans for such audits shall be deposited into the Grants and Donations Trust Fund and the agency may make deposits into such fund from moneys appropriated for the operation of the agency.

(d) At a location in this state, the prepaid plan shall make available to the agency and the agency's contracted certified public accountant all books, accounts, documents, files, information, that relate to the prepaid plan's Medicaid transactions. Records not in the prepaid plan's immediate possession must be made available to the agency or the certified public accountant in this state within 3 days after a request is made by the agency or certified public accountant engaged by the agency. A prepaid plan has an obligation to cooperate in good faith with the agency and the certified public accountant. Failure to comply to such record requests shall be deemed a breach of contract.

(e) Once the certified public accountant completes the audit, the certified public accountant shall submit an audit report to the agency attesting to the achieved savings of the plan. The results of the audit report are dispositive.

(f) Achieved savings rebates validated by the certified public accountant are due within 30 days after the report is submitted. Except as provided in paragraph (h), the achieved savings rebate is established by determining pretax income as a percentage of revenues and applying the following income sharing ratios:

1. One hundred percent of income up to and including 5 percent of revenue shall be retained by the plan.

2. Fifty percent of income above 5 percent and up to 10 percent shall be retained by the plan, and the other 50 percent refunded to the state.

3. One hundred percent of income above 10 percent of revenue shall be refunded to the state.

(g) A plan that exceeds agency-defined quality measures in the reporting period may retain an additional 1 percent of revenue. For the purpose of this paragraph, the quality measures must include plan performance for preventing or managing complex, chronic conditions that are associated with an elevated likelihood of requiring high-cost medical treatments.

(h) The following may not be included as allowable expenses in calculating income for determining the achieved savings rebate:

1. Payment of achieved savings rebates.

2. Any financial incentive payments made to the plan outside of the capitation rate.

3. Any financial disincentive payments levied by the state or federal governments.

4. Expenses associated with any lobbying or political activities.

5. The cash value or equivalent cash value of bonuses of any type paid or awarded to the plan's executive staff, other than base salary.

6. Reserves and reserve accounts.

7. Administrative costs, including, but not limited to, reinsurance expenses, interest payments, depreciation expenses, bad debt expenses, and outstanding claims expenses in excess of actuarially sound maximum amounts set by the agency.

The agency shall consider these and other factors in developing contracts that establish shared savings arrangements.

(i) Prepaid plans that incur a loss in the first contract year may apply the full amount of the loss as an offset to income in the second contract year.

(j) If, after an audit, the agency determines that a prepaid plan owes an additional rebate, the plan has 30 days after notification to make the payment. Upon failure to timely pay the rebate, the agency shall withhold future payments to the plan until the entire amount is recouped. If the agency determines that a prepaid plan has made an overpayment, the agency shall return the overpayment within 30 days.

Section 9. Section 409.968, Florida Statutes, is created to read:

409.968 Managed care plan payments.—

(1) Prepaid plans shall receive per-member, per-month payments negotiated pursuant to the procurements described in s. 409.966. Payments shall be risk-adjusted rates based on historical utilization and spending data, projected forward, and adjusted to reflect the eligibility category, geographic area, and clinical risk profile of the recipients. In negotiating rates with the plans, the agency shall consider any adjustments necessary to encourage plans to use the most cost effective modalities for treatment of chronic disease such as peritoneal dialysis.

(2) Provider service networks may be prepaid plans and receive per-member, per-month payments negotiated pursuant to the procurement process described in s. 409.966. Provider service networks that choose not to be prepaid plans shall receive fee-for-service rates with a shared savings settlement. The fee-for-service option shall be available to a provider service network only for the first 2 years of its operation. The agency shall annually conduct cost reconciliations to determine the amount of cost savings achieved by fee-for-service provider service networks for the dates of service within the period being reconciled. Only payments for covered services for dates of service within the reconciliation period and paid within 6 months after the last date of service in the reconciliation period must be included. The agency shall perform the necessary adjustments for the inclusion of claims incurred but not reported within the reconciliation period for claims that could be received and paid by the agency after the 6-month claims processing time lag. The agency shall provide the results of the reconciliations to the fee-for-service provider service networks within 45 days after the end of the reconciliation period. The fee-for-service provider service networks shall review and provide written comments or a letter of concurrence to the agency within 45 days after receipt of the reconciliation results. This reconciliation is considered final.

(3) The agency may not approve any plan request for a rate increase unless sufficient funds to support the increase have been authorized in the General Appropriations Act.

Section 10. Section 409.969, Florida Statutes, is created to read:

409.969 Enrollment; disenrollment.—

(1) ENROLLMENT.—All Medicaid recipients shall be enrolled in a managed care plan unless specifically exempted under this part. Each recipient shall have a choice of plans and may select any available plan unless that plan is restricted by contract to a specific population that does not include the recipient. Medicaid recipients shall have 30 days in which to make a choice of plans.

(2) DISENROLLMENT; GRIEVANCES.—After a recipient has enrolled in a managed care plan, the recipient shall have 90 days to voluntarily disenroll and select another plan. After 90 days, no further changes may be made except for good cause. For purposes of this section, the term "good cause" includes, but is not limited to, poor quality of care, lack of access to necessary specialty services, an unreasonable delay or denial of service, or fraudulent enrollment. The agency must make a determination as to whether good cause exists. The agency may require a recipient to use the plan's grievance process before the agency's determination of good cause, except in cases in which immediate risk of permanent damage to the recipient's health is alleged.

(a) The managed care plan internal grievance process, when used, must be completed in time to permit the recipient to disenroll by the first day of the second month after the month the disenrollment request was made. If the result of the grievance process is approval of an enrollee's request to disenroll, the agency is not required to make a determination in the case.

(b) The agency must make a determination and take final action on a recipient's request so that disenrollment occurs no later than the first day of the second month after the month the request was made. If the agency fails to act within the specified timeframe, the recipient's request to disenroll is deemed to be approved as of the date agency action was required. Recipients who disagree with the agency's finding that good cause does not exist for disenrollment shall be advised of their right to pursue a Medicaid fair hearing to dispute the agency's finding.

(c) Medicaid recipients enrolled in a managed care plan after the 90-day period shall remain in the plan for the remainder of the 12-month period. After 12 months, the recipient may select another plan. However, nothing shall prevent a Medicaid recipient from changing providers within the plan during that period.

(d) On the first day of the month after receiving notice from a recipient that the recipient has moved to another region, the agency shall automatically disenroll the recipient from the managed care plan the recipient is currently enrolled in and treat the recipient as if the recipient is a new Medicaid enrollee. At that time, the recipient may choose another plan pursuant to the enrollment process established in this section.

(e) The agency must monitor plan disenrollment throughout the contract term to identify any discriminatory practices.

Section 11. Section 409.97, Florida Statutes, is created to read:

409.97 State and local Medicaid partnerships.—

(1) INTERGOVERNMENTAL TRANSFERS.—In addition to the contributions required pursuant to s. 409.915, beginning in the 2014-2015 fiscal year, the agency may accept voluntary transfers of local taxes and other qualified revenue from counties, municipalities, and special taxing districts. Such transfers must be contributed to advance the general goals of the Florida Medicaid program without restriction and must be executed pursuant to a contract between the agency and the local funding source. Contracts executed before October 31 shall result in contributions to Medicaid for that same state fiscal year. Contracts executed between November 1 and June 30 shall result in contributions for the following state fiscal year. Based on the date of the signed contracts, the agency shall allocate to the low-income pool the first contributions received up to the limit established by subsection (2). No more than 40 percent of the low-income pool funding shall come from any single funding source. Contributions in excess of the low-income pool shall be allocated to the disproportionate share programs defined in ss. 409.911(3) and 409.9113 and to hospital rates pursuant to subsection (4). The local funding source shall designate in the contract which Medicaid providers ensure access to care for low-income and uninsured people within the applicable jurisdiction and are eligible for low-income pool funding. Eligible providers may include hospitals, primary care providers, and primary care access systems.

(2) LOW-INCOME POOL.—The agency shall establish and maintain a low-income pool in a manner authorized by federal waiver. The low-income pool is created to compensate a network of providers designated pursuant to subsection (1). Funding of the low-income pool shall be limited to the maximum amount permitted by federal waiver minus a percentage specified in the General Appropriations Act. The low-income pool must be used to support enhanced access to services by offsetting shortfalls in Medicaid reimbursement, paying for otherwise uncompensated care, and financing coverage for the uninsured. The low-income pool shall be distributed in periodic payments to the Access to Care Partnership throughout the fiscal year. Distribution of low-income pool funds by the Access to Care Partnership to participating providers may be made through capitated payments, fees for services, or contracts for specific deliverables. The agency shall include the distribution amount for each

provider in the contract with the Access to Care Partnership pursuant to subsection (3). Regardless of the method of distribution, providers participating in the Access to Care Partnership shall receive payments such that the aggregate benefit in the jurisdiction of each local funding source, as defined in subsection (1), equals the amount of the contribution plus a factor specified in the General Appropriations Act.

(3) ACCESS TO CARE PARTNERSHIP.—The agency shall contract with an administrative services organization that has operating agreements with all health care facilities, programs, and providers supported with local taxes or certified public expenditures and designated pursuant to subsection (1). The contract shall provide for enhanced access to care for Medicaid, low-income, and uninsured Floridians. The partnership shall be responsible for an ongoing program of activities that provides needed, but uncovered or undercompensated, health services to Medicaid enrollees and persons receiving charity care, as defined in s. 409.911. Accountability for services rendered under this contract must be based on the number of services provided to unduplicated qualified beneficiaries, the total units of service provided to these persons, and the effectiveness of services provided as measured by specific standards of care. The agency shall seek such plan amendments or waivers as may be necessary to authorize the implementation of the low-income pool as the Access to Care Partnership pursuant to this section.

(4) HOSPITAL RATE DISTRIBUTION.—

(a) The agency is authorized to implement a tiered hospital rate system to enhance Medicaid payments to all hospitals when resources for the tiered rates are available from general revenue and such contributions pursuant to subsection (1) as are authorized under the General Appropriations Act.

1. Tier 1 hospitals are statutory rural hospitals as defined in s. 395.602, statutory teaching hospitals as defined in s. 408.07(45), and specialty children's hospitals as defined in s. 395.002(28).

2. Tier 2 hospitals are community hospitals not included in Tier 1 that provided more than 9 percent of the hospital's total inpatient days to Medicaid patients and charity patients, as defined in s. 409.911, and are located in the jurisdiction of a local funding source pursuant to subsection (1).

3. Tier 3 hospitals include all community hospitals.

(b) When rates are increased pursuant to this section, the Total Tier Allocation (TTA) shall be distributed as follows:

1. Tier 1 (T1A) = 0.35 x TTA.

2. Tier 2 (T2A) = 0.35 x TTA.

3. Tier 3 (T3A) = 0.30 x TTA.

(c) The tier allocation shall be distributed as a percentage increase to the hospital specific base rate (HSBR) established pursuant to s. 409.905(5)(c). The increase in each tier shall be calculated according to the proportion of tier-specific allocation to the total estimated inpatient spending (TEIS) for all hospitals in each tier:

1. Tier 1 percent increase (T1PI) = T1A/Tier 1 total estimated inpatient spending (T1TEIS).

2. Tier 2 percent increase (T2PI) = T2A /Tier 2 total estimated inpatient spending (T2TEIS).

3. Tier 3 percent increase (T3PI) = T3A/ Tier 3 total estimated inpatient spending (T3TEIS).

(d) The hospital-specific tiered rate (HSTR) shall be calculated as follows:

1. For hospitals in Tier 3: HSTR = (1 + T3PI) x HSBR.

2. For hospitals in Tier 2: HSTR = (1 + T2PI) x HSBR.

3. For hospitals in Tier 1: HSTR = (1 + T1PI) x HSBR.

Section 12. Section 409.971, Florida Statutes, is created to read:

409.971 Managed medical assistance program.—The agency shall make payments for primary and acute medical assistance and related services using a managed care model. By January 1, 2013, the agency shall begin implementation of the statewide managed medical assistance program, with full implementation in all regions by October 1, 2014.

Section 13. Section 409.972, Florida Statutes, is created to read:

409.972 Mandatory and voluntary enrollment.—

(1) Persons eligible for the program known as "medically needy" pursuant to s. 409.904(2)(a) shall enroll in managed care plans. Medically needy recipients shall meet the share of the cost by paying the plan premium, up to the share of the cost amount, contingent upon federal approval.

(2) The following Medicaid-eligible persons are exempt from mandatory managed care enrollment required by s. 409.965, and may voluntarily choose to participate in the managed medical assistance program:

(a) Medicaid recipients who have other creditable health care coverage, excluding Medicare.

(b) Medicaid recipients residing in residential commitment facilities operated through the Department of Juvenile Justice or mental health treatment facilities as defined by s. 394.455(32).

(c) Persons eligible for refugee assistance.

(d) Medicaid recipients who are residents of a developmental disability center, including Sunland Center in Marianna and Tacachale in Gainesville.

(e) Medicaid recipients enrolled in the home and community based services waiver pursuant to chapter 393, and Medicaid recipients waiting for waiver services.

(3) Persons eligible for Medicaid but exempt from mandatory participation who do not choose to enroll in managed care shall be served in the Medicaid fee-for-service program as provided in part III of this chapter.

(4) The agency shall seek federal approval to require Medicaid recipients enrolled in managed care plans, as a condition of Medicaid eligibility, to pay the Medicaid program a share of the premium of $10 per month.

Section 14. Section 409.973, Florida Statutes, is created to read:

409.973 Benefits.—

(1) MINIMUM BENEFITS.—Managed care plans shall cover, at a minimum, the following services:

(a) Advanced registered nurse practitioner services.

(b) Ambulatory surgical treatment center services.

(c) Birthing center services.

(d) Chiropractic services.

(e) Dental services.

(f) Early periodic screening diagnosis and treatment services for recipients under age 21.

(g) Emergency services.

(h) Family planning services and supplies. Pursuant to 42 C.F.R. s. 438.102, plans may elect to not provide these services due to an objection on moral or religious grounds, and must notify the agency of that election when submitting a reply to an invitation to negotiate.

(i) Healthy start services, except as provided in s. 409.975(4).

(j) Hearing services.

(k) Home health agency services.

(l) Hospice services.

(m) Hospital inpatient services.

(n) Hospital outpatient services.

(o) Laboratory and imaging services.

(p) Medical supplies, equipment, prostheses, and orthoses.

(q) Mental health services.

(r) Nursing care.

(s) Optical services and supplies.

(t) Optometrist services.

(u) Physical, occupational, respiratory, and speech therapy services.

(v) Physician services, including physician assistant services.

(w) Podiatric services.

(x) Prescription drugs.

(y) Renal dialysis services.

(z) Respiratory equipment and supplies.

(aa) Rural health clinic services.

(bb) Substance abuse treatment services.

(cc) Transportation to access covered services.

(2) CUSTOMIZED BENEFITS.—Managed care plans may customize benefit packages for nonpregnant adults, vary cost-sharing provisions, and provide coverage for additional services. The agency shall evaluate the proposed benefit packages to ensure services are sufficient to meet the needs of the plan's enrollees and to verify actuarial equivalence.

(3) HEALTHY BEHAVIORS.—Each plan operating in the managed medical assistance program shall establish a program to encourage and reward healthy behaviors. At a minimum, each plan must establish a medically approved smoking cessation program, a medically directed weight loss program, and a medically approved alcohol or substance abuse recovery program. Each plan must identify enrollees who smoke, are morbidly obese, or are diagnosed with alcohol or substance abuse in order to establish written agreements to secure the enrollees' commitment to participation in these programs.

(4) PRIMARY CARE INITIATIVE.—Each plan operating in the managed medical assistance program shall establish a program to encourage enrollees to establish a relationship with their primary care provider. Each plan shall:

(a) Provide information to each enrollee on the importance of and procedure for selecting a primary care physician, and thereafter automatically assign to a primary care provider any enrollee who fails to choose a primary care provider.

(b) If the enrollee was not a Medicaid recipient before enrollment in the plan, assist the enrollee in scheduling an appointment with the primary care provider. If possible the appointment should be made within 30 days after enrollment in the plan. For enrollees who become eligible for Medicaid between January 1, 2014, and December 31, 2015, the appointment should be be scheduled within 6 months after enrollment in the plan.

(c) Report to the agency the number of enrollees assigned to each primary care provider within the plan's network.

(d) Report to the agency the number of enrollees who have not had an appointment with their primary care provider within their first year of enrollment.

(e) Report to the agency the number of emergency room visits by enrollees who have not had a least one appointment with their primary care provider.

Section 15. Section 409.974, Florida Statutes, is created to read:

409.974 Eligible plans.—

(1) ELIGIBLE PLAN SELECTION.—The agency shall select eligible plans through the procurement process described in s. 409.966. The agency shall notice invitations to negotiate no later than January 1, 2013.

(a) The agency shall procure two plans for Region 1. At least one plan shall be a provider service network if any provider service networks submit a responsive bid.

(b) The agency shall procure two plans for Region 2. At least one plan shall be a provider service network if any provider service networks submit a responsive bid.

(c) The agency shall procure at least three plans and up to five plans for Region 3. At least one plan must be a provider service network if any provider service networks submit a responsive bids.

(d) The agency shall procure at least three plans and up to five plans for Region 4. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(e) The agency shall procure at least two plans and up to 4 plans for Region 5. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(f) The agency shall procure at least four plans and up to seven plans for Region 6. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(g) The agency shall procure at least three plans and up to six plans for Region 7. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(h) The agency shall procure at least two plans and up to four plans for Region 8. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(i) The agency shall procure at least two plans and up to four plans for Region 9. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(j) The agency shall procure at least two plans and up to four plans for Region 10. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(k) The agency shall procure at least five plans and up to ten plans for Region 11. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

If no provider service network submits a responsive bid, the agency shall procure no more than one less than the maximum number of eligible plans permitted in that region. Within 12 months after the initial invitation to negotiate, the agency shall attempt to procure a provider service network. The agency shall notice another invitation to negotiate only with provider service networks in those regions where no provider service network has been selected.

(2) QUALITY SELECTION CRITERIA.—In addition to the criteria established in s. 409.966, the agency shall consider evidence that an eligible plan has written agreements or signed contracts or has made substantial progress in establishing relationships with providers before the plan submitting a response. The agency shall evaluate and give special weight to evidence of signed contracts with essential providers as defined by the agency pursuant to s. 409.975(2). The agency shall exercise a preference for plans with a provider network in which over 10 percent of the providers use electronic health records, as defined in s. 408.051. When all other factors are equal, the agency shall consider whether the organization has a contract to provide managed long-term care services in the same region and shall exercise a preference for such plans.

(3) SPECIALTY PLANS.—Participation by specialty plans shall be subject to the procurement requirements and regional plan number limits of this section. However, a specialty plan whose target population includes no more than 10 percent of the enrollees of that region is not subject to the regional plan number limits of this section.

(4) CHILDREN'S MEDICAL SERVICES NETWORK.—Participation by the Children's Medical Services Network shall be pursuant to a single, statewide contract with the agency that is not subject to the procurement requirements or regional plan number limits of this section. The Children's Medical Services Network must meet all other plan requirements for the managed medical assistance program.

Section 16. Section 409.975, Florida Statutes, is created to read:

409.975 Managed care plan accountability.—In addition to the requirements of s. 409.967, plans and providers participating in the managed medical assistance program shall comply with the requirements of this section.

(1) PROVIDER NETWORKS.—Managed care plans must develop and maintain provider networks that meet the medical needs of their enrollees in accordance with standards established pursuant to 409.967(2)(b). Except as provided in this section, managed care plans may limit the providers in their networks based on credentials, quality indicators, and price.

(a) Plans must include all providers in the region that are classified by the agency as essential Medicaid providers, unless the agency approves, in writing, an alternative arrangement for securing the types of services offered by the essential providers. Providers are essential for serving Medicaid enrollees if they offer services that are not available from any other provider within a reasonable access standard, or if they provided a substantial share of the total units of a particular service used by Medicaid patients within the region during the last 3 years and the combined capacity of other service providers in the region is insufficient to meet the total needs of the Medicaid patients. The agency may not classify physicians and other practitioners as essential providers. The agency, at a minimum, shall determine which providers in the following categories are essential Medicaid providers:

1. Federally qualified health centers.

2. Statutory teaching hospitals as defined in s. 408.07(45).

3. Hospitals that are trauma centers as defined in s. 395.4001(14).

4. Hospitals located at least 25 miles from any other hospital with similar services.

Managed care plans that have not contracted with all essential providers in the region as of the first date of recipient enrollment, or with whom an essential provider has terminated its contract, must negotiate in good faith with such essential providers for 1 year or until an agreement is reached, whichever is first. Payments for services rendered by a nonparticipating essential provider shall be made at the applicable Medicaid rate as of the first day of the contract between the agency and the plan. A rate schedule for all essential providers shall be attached to the contract between the agency and the plan. After 1 year, managed care plans that are unable to contract with essential providers shall notify the agency and propose an alternative arrangement for securing the essential services for Medicaid enrollees. The arrangement must rely on contracts with other participating providers, regardless of whether those providers are located within the same region as the nonparticipating essential service provider. If the alternative arrangement is approved by the agency, payments to nonparticipating essential providers after the date of the agency's approval shall equal 90 percent of the applicable Medicaid rate. If the alternative arrangement is not approved by the agency, payment to nonparticipating essential providers shall equal 110 percent of the applicable Medicaid rate.

(b) Certain providers are statewide resources and essential providers for all managed care plans in all regions. All managed care plans must include these essential providers in their networks. Statewide essential providers include:

1. Faculty plans of Florida medical schools.

2. Regional perinatal intensive care centers as defined in s. 383.16(2).

3. Hospitals licensed as specialty children's hospitals as defined in s. 395.002(28).

4. Accredited and integrated systems serving medically complex children that are comprised of separately licensed, but commonly owned, health care providers delivering at least the following services: medical group home, in-home and outpatient nursing care and therapies, pharmacy services, durable medical equipment, and Prescribed Pediatric Extended Care.

Managed care plans that have not contracted with all statewide essential providers in all regions as of the first date of recipient enrollment must continue to negotiate in good faith. Payments to physicians on the faculty of nonparticipating Florida medical schools shall be made at the applicable Medicaid rate. Payments for services rendered by a regional perinatal intensive care centers shall be made at the applicable Medicaid rate as of the first day of the contract between the agency and the plan. Payments to nonparticipating specialty children's hospitals shall equal the highest rate established by contract between that provider and any other Medicaid managed care plan.

(c) After 12 months of active participation in a plan's network, the plan may exclude any essential provider from the network for failure to meet quality or performance criteria. If the plan excludes an essential provider from the plan, the plan must provide written notice to all recipients who have chosen that provider for care. The notice shall be provided at least 30 days before the effective date of the exclusion.

(d) Each managed care plan must offer a network contract to each home medical equipment and supplies provider in the region which meets quality and fraud prevention and detection standards established by the plan and which agrees to accept the lowest price previously negotiated between the plan and another such provider.

(2) FLORIDA MEDICAL SCHOOLS QUALITY NETWORK.—The agency shall contract with a single organization representing medical schools and graduate medical education programs in the state for the purpose of establishing an active and ongoing program to improve clinical outcomes in all managed care plans. Contracted activities must support greater clinical integration for Medicaid enrollees through interdependent and cooperative efforts of all providers participating in managed care plans. The agency shall support these activities with certified public expenditures and any earned federal matching funds and shall seek any plan amendments or waivers necessary to comply with this subsection. To be eligible to participate in the quality network, a medical school must contract with each managed care plan in its region.

(3) PERFORMANCE MEASUREMENT.—Each managed care plan shall monitor the quality and performance of each participating provider. At the beginning of the contract period, each plan shall notify all its network providers of the metrics used by the plan for evaluating the provider's performance and determining continued participation in the network.

(4) MOMCARE NETWORK.—

(a) The agency shall contract with an administrative services organization representing all Healthy Start Coalitions providing risk appropriate care coordination and other services in accordance with a federal waiver and pursuant to s. 409.906. The contract shall require the network of coalitions to provide counseling, education, risk-reduction and case management services, and quality assurance for all enrollees of the waiver. The agency shall evaluate the impact of the MomCare network by monitoring each plan's performance on specific measures to determine the adequacy, timeliness, and quality of services for pregnant women and infants. The agency shall support this contract with certified public expenditures of general revenue appropriated for Healthy Start services and any earned federal matching funds.

(b) Each managed care plan shall establish specific programs and procedures to improve pregnancy outcomes and infant health, including, but not limited to, coordination with the Healthy Start program, immunization programs, and referral to the Special Supplemental Nutrition Program for Women, Infants, and Children, and the Children's Medical Services program for children with special health care needs. Each plan's programs and procedures shall include agreements with each local Healthy Start Coalition in the region to provide risk-appropriate care coordination for pregnant women and infants, consistent with agency policies and the MomCare network. Each managed care plan must notify the agency of the impending birth of a child to an enrollee, or notify the agency as soon as practicable after the child's birth.

(5) SCREENING RATE.—After the end of the second contract year, each managed care plan shall achieve an annual Early and Periodic Screening, Diagnosis, and Treatment Service screening rate of at least 80 percent of those recipients continuously enrolled for at least 8 months.

(6) PROVIDER PAYMENT.—Managed care plans and hospitals shall negotiate mutually acceptable rates, methods, and terms of payment. For rates, methods, and terms of payment negotiated after the contract between the agency and the plan is executed, plans shall pay hospitals, at a minimum, the rate the agency would have paid on the first day of the contract between the provider and the plan. Such payments to hospitals may not exceed 120 percent of the rate the agency would have paid on the first day of the contract between the provider and the plan, unless specifically approved by the agency. Payment rates may be updated periodically.

(7) MEDICALLY NEEDY ENROLLEES.—Each managed care plan must accept any medically needy recipient who selects or is assigned to the plan and provide that recipient with continuous enrollment for 12 months. After the first month of qualifying as a medically needy recipient and enrolling in a plan, and contingent upon federal approval, the enrollee shall pay the plan a portion of the monthly premium equal to the enrollee's share of the cost as determined by the department. The agency shall pay any remaining portion of the monthly premium. Plans are not obligated to pay claims for medically needy patients for services provided before enrollment in the plan. Medically needy patients are responsible for payment of incurred claims that are used to determine eligibility. Plans must provide a grace period of at least 90 days before disenrolling recipients who fail to pay their shares of the premium.

Section 17. Section 409.976, Florida Statutes, is created to read:

409.976 Managed care plan payment.—In addition to the payment provisions of s. 409.968, the agency shall provide payment to plans in the managed medical assistance program pursuant to this section.

(1) Prepaid payment rates shall be negotiated between the agency and the eligible plans as part of the procurement process described in s. 409.966.

(2) The agency shall establish payment rates for statewide inpatient psychiatric programs. Payments to managed care plans shall be reconciled to reimburse actual payments to statewide inpatient psychiatric programs.

Section 18. Section 409.977, Florida Statutes, is created to read:

409.977 Enrollment.—

(1) The agency shall automatically enroll into a managed care plan those Medicaid recipients who do not voluntarily choose a plan pursuant to s. 409.969. The agency shall automatically enroll recipients in plans that meet or exceed the performance or quality standards established pursuant to s. 409.967 and may not automatically enroll recipients in a plan that is deficient in those performance or quality standards. When a specialty plan is available to accommodate a specific condition or diagnosis of a recipient, the agency shall assign the recipient to that plan. In the first year of the first contract term only, if a recipient was previously enrolled in a plan that is still available in the region, the agency shall automatically enroll the recipient in that plan unless an applicable specialty plan is available. Except as otherwise provided in this part, the agency may not engage in practices that are designed to favor one managed care plan over another.

(2) When automatically enrolling recipients in managed care plans, the agency shall automatically enroll based on the following criteria:

(a) Whether the plan has sufficient network capacity to meet the needs of the recipients.

(b) Whether the recipient has previously received services from one of the plan's primary care providers.

(c) Whether primary care providers in one plan are more geographically accessible to the recipient's residence than those in other plans.

(3) A newborn of a mother enrolled in a plan at the time of the child's birth shall be enrolled in the mother's plan. Upon birth, such a newborn is deemed enrolled in the managed care plan, regardless of the administrative enrollment procedures, and the managed care plan is responsible for providing Medicaid services to the newborn. The mother may choose another plan for the newborn within 90 days after the child's birth.

(4) The agency shall develop a process to enable a recipient with access to employer-sponsored health care coverage to opt out of all managed care plans and to use Medicaid financial assistance to pay for the recipient's share of the cost in such employer-sponsored coverage. Contingent upon federal approval, the agency shall also enable recipients with access to other insurance or related products providing access to health care services created pursuant to state law, including any product available under the Florida Health Choices Program, or any health exchange, to opt out. The amount of financial assistance provided for each recipient may not exceed the amount of the Medicaid premium that would have been paid to a managed care plan for that recipient. The agency shall seek federal approval to require Medicaid recipients with access to employer-sponsored health care coverage to enroll in that coverage and use Medicaid financial assistance to pay for the recipient's share of the cost for such coverage. The amount of financial assistance provided for each recipient may not exceed the amount of the Medicaid premium that would have been paid to a managed care plan for that recipient.

Section 19. Section 409.978, Florida Statutes, is created to read:

409.978 Long-term care managed care program.—

(1) Pursuant to s. 409.963, the agency shall administer the long-term care managed care program described in ss. 409.978-409.985, but may delegate specific duties and responsibilities for the program to the Department of Elderly Affairs and other state agencies. By July 1, 2012, the agency shall begin implementation of the statewide long-term care managed care program, with full implementation in all regions by October 1, 2013.

(2) The agency shall make payments for long-term care, including home and community-based services, using a managed care model. Unless otherwise specified, ss. 409.961-409.97 apply to the long-term care managed care program.

(3) The Department of Elderly Affairs shall assist the agency to develop specifications for use in the invitation to negotiate and the model contract, determine clinical eligibility for enrollment in managed long-term care plans, monitor plan performance and measure quality of service delivery, assist clients and families to address complaints with the plans, facilitate working relationships between plans and providers serving elders and disabled adults, and perform other functions specified in a memorandum of agreement.

Section 20. Section 409.979, Florida Statutes, is created to read:

409.979 Eligibility.—

(1) Medicaid recipients who meet all of the following criteria are eligible to receive long-term care services and must receive long-term care services by participating in the long-term care managed care program. The recipient must be:

(a) Sixty-five years of age or older, or age 18 or older and eligible for Medicaid by reason of a disability.

(b) Determined by the Comprehensive Assessment Review and Evaluation for Long-Term Care Services (CARES) Program to require nursing facility care as defined in s. 409.985(3).

(2) Medicaid recipients who, on the date long-term care managed care plans become available in their region, reside in a nursing home facility or are enrolled in one of the following long-term care Medicaid waiver programs are eligible to participate in the long-term care managed care program for up to 12 months without being reevaluated for their need for nursing facility care as defined in s. 409.985(3):

(a) The Assisted Living for the Frail Elderly Waiver.

(b) The Aged and Disabled Adult Waiver.

(c) The Adult Day Health Care Waiver.

(d) The Consumer-Directed Care Plus Program as described in s. 409.221.

(e) The Program of All-inclusive Care for the Elderly.

(f) The long-term care community-based diversion pilot project as described in s. 430.705.

(g) The Channeling Services Waiver for Frail Elders.

(3) The Department of Elderly Affairs shall make offers for enrollment to eligible individuals based on a wait-list prioritization and subject to availability of funds. Before enrollment offers, the department shall determine that sufficient funds exist to support additional enrollment into plans.

Section 21. Section 409.98, Florida Statutes, is created to read:

409.98 Long-term care plan benefits.—Long-term care plans shall, at a minimum, cover the following:

(1) Nursing facility care.

(2) Services provided in assisted living facilities.

(3) Hospice.

(4) Adult day care.

(5) Medical equipment and supplies, including incontinence supplies.

(6) Personal care.

(7) Home accessibility adaptation.

(8) Behavior management.

(9) Home-delivered meals.

(10) Case management.

(11) Therapies:

(a) Occupational therapy.

(b) Speech therapy.

(c) Respiratory therapy.

(d) Physical therapy.

(12) Intermittent and skilled nursing.

(13) Medication administration.

(14) Medication management.

(15) Nutritional assessment and risk reduction.

(16) Caregiver training.

(17) Respite care.

(18) Transportation.

(19) Personal emergency response system.

Section 22. Section 409.981, Florida Statutes, is created to read:

409.981 Eligible long-term care plans.—

(1) ELIGIBLE PLANS.—Provider service networks must be long-term care provider service networks. Other eligible plans may be long-term care plans or comprehensive long-term care plans.

(2) ELIGIBLE PLAN SELECTION.—The agency shall select eligible plans through the procurement process described in s. 409.966. The agency shall provide notice of invitations to negotiate by July 1, 2012. The agency shall procure:

(a) Two plans for Region 1. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(b) Two plans for Region 2. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(c) At least three plans and up to five plans for Region 3. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(d) At least three plans and up to five plans for Region 4. At least one plan must be a provider service network if any provider service network submits a responsive bid.

(e) At least two plans and up to 4 plans for Region 5. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(f) At least four plans and up to seven plans for Region 6. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(g) At least three plans and up to 6 plans for Region 7. At least one plan must be a provider service networks if any provider service networks submit a responsive bid.

(h) At least two plans and up to four plans for Region 8. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(i) At least two plans and up to four plans for Region 9. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(j) At least two plans and up to four plans for Region 10. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(k) At least five plans and up to ten plans for Region 11. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

If no provider service network submits a responsive bid in a region other than Region 1 or Region 2, the agency shall procure no more than one less than the maximum number of eligible plans permitted in that region. Within 12 months after the initial invitation to negotiate, the agency shall attempt to procure a provider service network. The agency shall notice another invitation to negotiate only with provider service networks in regions where no provider service network has been selected.

(3) QUALITY SELECTION CRITERIA.—In addition to the criteria established in s. 409.966, the agency shall consider the following factors in the selection of eligible plans:

(a) Evidence of the employment of executive managers with expertise and experience in serving aged and disabled persons who require long-term care.

(b) Whether a plan has established a network of service providers dispersed throughout the region and in sufficient numbers to meet specific service standards established by the agency for specialty services for persons receiving home and community-based care.

(c) Whether a plan is proposing to establish a comprehensive long-term care plan and whether the eligible plan has a contract to provide managed medical assistance services in the same region.

(d) Whether a plan offers consumer-directed care services to enrollees pursuant to s. 409.221.

(e) Whether a plan is proposing to provide home and community-based services in addition to the minimum benefits required by s. 409.98.

(4) PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY.—Participation by the Program of All-Inclusive Care for the Elderly (PACE) shall be pursuant to a contract with the agency and not subject to the procurement requirements or regional plan number limits of this section. PACE plans may continue to provide services to individuals

at such levels and enrollment caps as authorized by the General Appropriations Act.

(5) MEDICARE PLANS.—Participation by a Medicare Advantage Preferred Provider Organization, Medicare Advantage Provider-sponsored Organization, or Medicare Advantage Special Needs Plan shall be pursuant to a contract with the agency and not subject to the procurement requirements if the plan's Medicaid enrollees consist exclusively of recipients who are deemed dually eligible for Medicaid and Medicare services. Otherwise, Medicare Advantage Preferred Provider Organizations, Medicare Advantage Provider-Sponsored Organizations, and Medicare Advantage Special Needs Plans are subject to all procurement requirements.

Section 23. Section 409.982, Florida Statutes, is created to read:

409.982 Long-term care managed care plan accountability.—In addition to the requirements of s. 409.967, plans and providers participating in the long-term care managed care program must comply with the requirements of this section.

(1) PROVIDER NETWORKS.—Managed care plans may limit the providers in their networks based on credentials, quality indicators, and price. For the period between October 1, 2013, and September 30, 2014, each selected plan must offer a network contract to all the following providers in the region:

(a) Nursing homes.

(b) Hospices.

(c) Aging network service providers that have previously participated in home and community-based waivers serving elders or community-service programs administered by the Department of Elderly Affairs.

After 12 months of active participation in a managed care plan's network, the plan may exclude any of the providers named in this subsection from the network for failure to meet quality or performance criteria. If the plan excludes a provider from the plan, the plan must provide written notice to all recipients who have chosen that provider for care. The notice must be provided at least 30 days before the effective date of the exclusion. The agency shall establish contract provisions governing the transfer of recipients from excluded residential providers.

(2) SELECT PROVIDER PARTICIPATION.—Except as provided in this subsection, providers may limit the managed care plans they join. Nursing homes and hospices that are enrolled Medicaid providers must participate in all eligible plans selected by the agency in the region in which the provider is located.

(3) PERFORMANCE MEASUREMENT.—Each managed care plan shall monitor the quality and performance of each participating provider using measures adopted by and collected by the agency and any additional measures mutually agreed upon by the provider and the plan

(4) PROVIDER NETWORK STANDARDS.—The agency shall establish and each managed care plan must comply with specific standards for the number, type, and regional distribution of providers in the plan's network, which must include:

(a) Adult day care centers.

(b) Adult family-care homes.

(c) Assisted living facilities.

(d) Health care services pools.

(e) Home health agencies.

(f) Homemaker and companion services.

(g) Hospices.

(h) Community care for the elderly lead agencies.

(i) Nurse registries.

(j) Nursing homes.

(5) PROVIDER PAYMENT.—Managed care plans and providers shall negotiate mutually acceptable rates, methods, and terms of payment. Plans shall pay nursing homes an amount equal to the nursing facility-specific payment rates set by the agency; however, mutually acceptable higher rates may be negotiated for medically complex care. Plans shall pay hospice providers through a prospective system for each enrollee an amount equal to the per diem rate set by the agency. For recipients residing in a nursing facility and receiving hospice services, the plan shall pay the hospice provider the per diem rate set by the agency minus the nursing facility component and shall pay the nursing facility the applicable state rate. Plans must ensure that electronic nursing home and hospice claims that contain sufficient information for processing are paid within 10 business days after receipt.

Section 24. Section 409.983, Florida Statutes, is created to read:

409.983 Long-term care managed care plan payment.—In addition to the payment provisions of s. 409.968, the agency shall provide payment to plans in the long-term care managed care program pursuant to this section.

(1) Prepaid payment rates for long-term care managed care plans shall be negotiated between the agency and the eligible plans as part of the procurement process described in s. 409.966.

(2) Payment rates for comprehensive long-term care plans covering services described in s. 409.973 shall be blended with rates for long-term care plans for services specified in s. 409.98.

(3) Payment rates for plans must reflect historic utilization and spending for covered services projected forward and adjusted to reflect the level of care profile for enrollees in each plan. The payment shall be adjusted to provide an incentive for reducing institutional placements and increasing the utilization of home and community-based services.

(4) The initial assessment of an enrollee's level of care shall be made by the Comprehensive Assessment and Review for Long-Term-Care Services (CARES) program, which shall assign the recipient into one of the following levels of care:

(a) Level of care 1 consists of recipients residing in or who must be placed in a nursing home.

(b) Level of care 2 consists of recipients at imminent risk of nursing home placement, as evidenced by the need for the constant availability of routine medical and nursing treatment and care, and require extensive health-related care and services because of mental or physical incapacitation.

(c) Level of care 3 consists of recipients at imminent risk of nursing home placement, as evidenced by the need for the constant availability of routine medical and nursing treatment and care, who have a limited need for health-related care and services and are mildly medically or physically incapacitated.

The agency shall periodically adjust payment rates to account for changes in the level of care profile for each managed care plan based on encounter data.

(5) The agency shall make an incentive adjustment in payment rates to encourage the increased utilization of home and community-based services and a commensurate reduction of institutional placement. The incentive adjustment shall be modified in each successive rate period during the first contract period, as follows:

(a) A 2 percentage point shift in the first rate-setting period;

(b) A 2 percentage point shift in the second rate-setting period, as compared to the utilization mix at the end of the first rate-setting period; or

(c) A 3 percentage point shift in the third rate-setting period, and in each subsequent rate-setting period during the first contract period, as compared to the utilization mix at the end of the immediately preceding rate-setting period.>

The incentive adjustment shall continue in subsequent contract periods, at a rate of 3 percentage points per year as compared to the utilization mix at the end of the immediately preceding rate-setting period, until no more

than 35 percent of the plan's enrollees are placed in institutional settings. The agency shall annually report to the Legislature the actual change in the utilization mix of home and community-based services compared to institutional placements and provide a recommendation for utilization mix requirements for future contracts.

(6) The agency shall establish nursing-facility-specific payment rates for each licensed nursing home based on facility costs adjusted for inflation and other factors as authorized in the General Appropriations Act. Payments to long-term care managed care plans shall be reconciled to reimburse actual payments to nursing facilities.

(7) The agency shall establish hospice payment rates pursuant to Title XVIII of the Social Security Act. Payments to long-term care managed care plans shall be reconciled to reimburse actual payments to hospices.

Section 25. Section 409.984, Florida Statutes, is created to read:

409.984 Enrollment in a long-term care managed care plan.—

(1) The agency shall automatically enroll into a long-term care managed care plan those Medicaid recipients who do not voluntarily choose a plan pursuant to s. 409.969. The agency shall automatically enroll recipients in plans that meet or exceed the performance or quality standards established pursuant to s. 409.967 and may not automatically enroll recipients in a plan that is deficient in those performance or quality standards. If a recipient is deemed dually eligible for Medicaid and Medicare services and is currently receiving Medicare services from an entity qualified under 42 C.F.R. part 422 as a Medicare Advantage Preferred Provider Organization, Medicare Advantage Provider-sponsored Organization, or Medicare Advantage Special Needs Plan, the agency shall automatically enroll the recipient in such plan for Medicaid services if the plan is currently participating in the long-term care managed care program. Except as otherwise provided in this part, the agency may not engage in practices that are designed to favor one managed care plan over another.

(1) When automatically enrolling recipients in plans, the agency shall take into account the following criteria:

(a) Whether the plan has sufficient network capacity to meet the needs of the recipients.

(b) Whether the recipient has previously received services from one of the plan's home and community-based service providers.

(c) Whether the home and community-based providers in one plan are more geographically accessible to the recipient's residence than those in other plans.

(3) Notwithstanding s. 409.969(3)(c), if a recipient is referred for hospice services, the recipient has 30 days during which the recipient may select to enroll in another managed care plan to access the hospice provider of the recipient's choice.

(4) If a recipient is referred for placement in a nursing home or assisted living facility, the plan must inform the recipient of any facilities within the plan that have specific cultural or religious affiliations and, if requested by the recipient, make a reasonable effort to place the recipient in the facility of the recipient's choice.

Section 26. Section 409.9841, Florida Statutes, is created to read:

409.9841 Long-term care managed care technical advisory workgroup.—

(1) Before August 1, 2011, the agency shall establish a technical advisory workgroup to assist in developing:

(a) The method of determining Medicaid eligibility pursuant to s. 409.985(3).

(b) The requirements for provider payments to nursing homes under s. 409.983(6).

(c) The method for managing Medicare coinsurance crossover claims.

(d) Uniform requirements for claims submissions and payments, including electronic funds transfers and claims processing.

(e) The process for enrollment of and payment for individuals pending determination of Medicaid eligibility.

(2) The advisory workgroup must include, but is not limited to, representatives of providers and plans who could potentially participate in long-term care managed care. Members of the workgroup shall serve without compensation but may be reimbursed for per diem and travel expenses as provided in s. 112.061.

(3) This section is repealed on June 30, 2013.

Section 27. Section 409.985, Florida Statutes, is created to read:

409.985 Comprehensive Assessment and Review for Long-Term Care Services (CARES) Program.—

(1) The agency shall operate the Comprehensive Assessment and Review for Long-Term Care Services (CARES) preadmission screening program to ensure that only individuals whose conditions require long-term care services are enrolled in the long-term care managed care program.

(2) The agency shall operate the CARES program through an interagency agreement with the Department of Elderly Affairs. The agency, in consultation with the Department of Elderly Affairs, may contract for any function or activity of the CARES program, including any function or activity required by 42 C.F.R. part 483.20, relating to preadmission screening and review.

(3) The CARES program shall determine if an individual requires nursing facility care and, if the individual requires such care, assign the individual to a level of care as described in s. 409.983(4). When determining the need for nursing facility care, consideration shall be given to the nature of the services prescribed and which level of nursing or other health care personnel meets the qualifications necessary to provide such services and the availability to and access by the individual of community or alternative resources. For the purposes of the long-term care managed care program, the term "nursing facility care" means the individual:

(a) Requires nursing home placement as evidenced by the need for medical observation throughout a 24-hour period and care required to be performed on a daily basis by, or under the direct supervision of, a registered nurse or other health care professional and requires services that are sufficiently medically complex to require supervision, assessment, planning, or intervention by a registered nurse because of a mental or physical incapacitation by the individual;

(b) Requires or is at imminent risk of nursing home placement as evidenced by the need for observation throughout a 24-hour period and care and the constant availability of medical and nursing treatment and requires services on a daily or intermittent basis that are to be performed under the supervision of licensed nursing or other health professionals because the individual who is incapacitated mentally or physically; or

(c) Requires or is at imminent risk of nursing home placement as evidenced by the need for observation throughout a 24-hour period and care and the constant availability of medical and nursing treatment and requires limited services that are to be performed under the supervision of licensed nursing or other health professionals because the individual is mildly incapacitated mentally or physically.

(4) For individuals whose nursing home stay is initially funded by Medicare and Medicare coverage and is being terminated for lack of progress towards rehabilitation, CARES staff shall consult with the person making the determination of progress toward rehabilitation to ensure that the recipient is not being inappropriately disqualified from Medicare coverage. If, in their professional judgment, CARES staff believe that a Medicare beneficiary is still making progress toward rehabilitation, they may assist the Medicare beneficiary with an appeal of the disqualification from Medicare coverage. The use of CARES teams to review Medicare denials for coverage under this section is authorized only if it is determined that such reviews qualify for federal matching funds through Medicaid. The agency shall seek or amend federal waivers as necessary to implement this section.

Section 28. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the*

invalid provision or application, and to this end the provisions of this act are severable.

Section 29. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Medicaid managed care; creating part IV of ch. 409, F.S., entitled "Medicaid Managed Care"; creating s. 409.961, F.S.; providing for statutory construction; providing applicability of specified provisions throughout the part; providing rulemaking authority for specified agencies; creating s. 409.962, F.S.; providing definitions; creating s. 409.963, F.S.; designating the Agency for Health Care Administration as the single state agency to administer the Medicaid program; providing for specified agency responsibilities; requiring client consent for release of medical records; creating s. 409.964, F.S.; establishing the Medicaid program as the statewide, integrated managed care program for all covered services; authorizing the agency to apply for and implement waivers; providing for public notice and comment; creating s. 409.965, F.S.; providing for mandatory enrollment; providing exemptions; creating s. 409.966, F.S.; providing requirements for eligible plans that provide services in the Medicaid managed care program; establishing provider service network requirements for eligible plans; providing for eligible plan selection; requiring the agency to use an invitation to negotiate; requiring the agency to compile and publish certain information; establishing regions for separate procurement of plans; providing quality criteria for plan selection; providing limitations on serving recipients during the pendency of procurement litigation; creating s. 409.967, F.S.; providing for managed care plan accountability; establishing contract terms; providing for physician compensation; providing for emergency services; establishing requirements for access; requiring a drug formulary or preferred drug list; requiring plans to accept requests for service electronically; requiring the agency to maintain an encounter data system; requiring plans to provide encounter data; requiring the agency to establish performance standards for plans; providing program integrity requirements; establishing requirements for the database; establishing a grievance resolution process; providing penalties for early termination of contracts or reduction in enrollment levels; establishing prompt payment requirements; requiring fair payment to providers with a controlling interest in a provider service network by other plans; requiring itemized payment; providing for dispute resolutions between plans and providers; providing for achieved savings rebates to plans; creating s. 409.968, F.S.; establishing managed care plan payments; providing payment requirements for provider service networks; requiring the agency to conduct annual cost reconciliations to determine certain cost savings and report the results of the reconciliations to the fee-for-service provider; prohibiting rate increases that are not authorized in the appropriations act; creating s. 409.969, F.S.; requiring enrollment in managed care plans by all nonexempt Medicaid recipients; creating requirements for plan selection by recipients; authorizing disenrollment under certain circumstances; defining the term "good cause" for purposes of disenrollment; providing time limits on an internal grievance process; providing requirements for agency determination regarding disenrollment; requiring recipients to stay in plans for a specified time; creating s. 409.97, F.S.; authorizing the agency to accept the transfer of certain revenues from local governments; requiring the agency to contract with a representative of certain entities participating in the low-income pool for the provision of enhanced access to care; providing for support of these activities by the low-income pool as authorized in the General Appropriations Act; establishing the Access to Care Partnership; requiring the agency to seek necessary waivers and plan amendments; providing requirements for prepaid plans to submit data; authorizing the agency to implement a tiered hospital rate system; creating s. 409.971, F.S.; creating the managed medical assistance program; providing deadlines to begin and finalize implementation of the program; creating s. 409.972, F.S.; providing eligibility requirements for mandatory and voluntary enrollment; creating s. 409.973, F.S.; establishing minimum benefits for managed care plans to cover; authorizing plans to customize benefit packages; requiring plans to establish programs to encourage healthy behaviors and establish written agreements with certain enrollees to participate in such programs; requiring plans to establish a primary care initiative; providing requirements for primary care initiatives; requiring plans to report certain primary care data to the agency; creating s. 409.974, F.S.; establishing a deadline for issuing invitations to negotiate; establishing a specified number or range of eligible plans to be selected in each region; establishing quality selection criteria; establishing requirements for participation by specialty plans; establishing the Children's Medical Service Network as an eligible plan; creating s. 409.975, F.S.; providing for managed care plan accountability; authorizing plans to limit providers in networks; requiring plans to include essential Medicaid providers in their networks unless an alternative arrangement is approved by the agency; identifying statewide essential providers; specifying provider payments under certain circumstances; requiring plans to include certain statewide essential providers in their networks; requiring good faith negotiations; specifying provider payments under certain circumstances; allowing plans to exclude essential providers under certain circumstances; requiring plans to offer a contract to home medical equipment and supply providers under certain circumstances; establishing the Florida medical school quality network; requiring the agency to contract with a representative of certain entities to establish a clinical outcome improvement program in all plans; providing for support of these activities by certain expenditures and federal matching funds; requiring the agency to seek necessary waivers and plan amendments; providing for eligibility for the quality network; requiring plans to monitor the quality and performance history of providers; establishing the MomCare network; requiring the agency to contract with a representative of all Healthy Start Coalitions to provide certain services to recipients; providing for support of these activities by certain expenditures and federal matching funds; requiring plans to enter into agreements with local Healthy Start Coalitions for certain purposes; requiring specified programs and procedures be established by plans; establishing a screening standard for the Early and Periodic Screening, Diagnosis, and Treatment Service; requiring managed care plans and hospitals to negotiate rates, methods, and terms of payment; providing a limit on payments to hospitals; establishing plan requirements for medically needy recipients; creating s. 409.976, F.S.; providing for managed care plan payment; requiring the agency to establish payment rates for statewide inpatient psychiatric programs; requiring payments to managed care plans to be reconciled to reimburse actual payments to statewide inpatient psychiatric programs; creating s. 409.977, F.S.; providing for automatic enrollment in a managed care plan for certain recipients; establishing opt-out opportunities for recipients; creating s. 409.978, F.S.; requiring the agency to be responsible for administering the long-term care managed care program; providing implementation dates for the long-term care managed care program; providing duties of the Department of Elderly Affairs relating to assisting the agency in implementing the program; creating s. 409.979, F.S.; providing eligibility requirements for the long-term care managed care program; creating s. 409.98, F.S.; establishing the benefits covered under a managed care plan participating in the long-term care managed care program; creating s. 409.981, F.S.; providing criteria for eligible plans; designating regions for plan implementation throughout the state; providing criteria for the selection of plans to participate in the long-term care managed care program; providing that participation by the Program of All-Inclusive Care for the Elderly and certain Medicare plans is pursuant to an agency contract and not subject to procurement; creating s. 409.982, F.S.; requiring the agency to establish uniform accounting and reporting methods for plans; providing for mandatory participation in plans by certain service providers; authorizing the exclusion of certain providers from plans for failure to meet quality or performance criteria; requiring plans to monitor participating providers using specified criteria; requiring certain providers to be included in plan networks; providing provider payment specifications for nursing homes and hospices; creating s. 409.983, F.S.; providing for negotiation of rates between the agency and the plans participating in the long-term care managed care program; providing specific criteria for calculating and adjusting plan payments; allowing the CARES program to assign plan enrollees to a level of care; providing incentives for adjustments of payment rates; requiring the agency to establish nursing facility-specific and hospice services payment rates; creating s. 409.984, F.S.; providing criteria for automatic assignments of plan enrollees who fail to choose a plan; providing for hospice selection within a specified timeframe; providing for a choice of residential setting under certain circumstances; creating s. 409.9841, F.S.; creating the long-term care managed care technical advisory workgroup; providing duties; providing membership; providing for reimbursement for per diem and travel expenses; providing for repeal by a specified date; creating s. 409.985, F.S.; providing that the agency shall operate the Comprehensive Assessment and Review for Long-Term Care Services program through an interagency agreement with the Department of Elderly Affairs; providing duties of the program; defining the term "nursing facility care"; providing for severability; providing an effective date.

MOTION

On motion by Senator Rich, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Rich moved the following amendment to **Amendment 1** which failed:

Amendment 1A (891012)—Delete line 936 and insert: *invitation to negotiate. The agency shall ensure the availability of federally-required benefits if it is not covered by the plan.*

The question recurred on **Amendment 1** which was adopted.

Pursuant to Rule 4.19, **CS for HB 7107** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Negron, by unanimous consent—

CS for HB 7109—A bill to be entitled An act relating to Medicaid; amending s. 393.0661, F.S.; requiring the Agency for Persons with Disabilities to establish a transition plan for current Medicaid recipients of home and community-based services under certain circumstances; providing for expiration of the section on a specified date; amending s. 393.0662, F.S.; requiring the Agency for Persons with Disabilities to complete the transition for current Medicaid recipients of home and community-based services to the iBudget system by a specified date; requiring the Agency for Persons with Disabilities to develop a transition plan for current Medicaid recipients of home and community-based services to managed care plans; providing for expiration of the section on a specified date; amending s. 408.040, F.S.; providing for suspension of certain conditions precedent to the issuance of a certificate of need for a nursing home, effective on a specified date; amending s. 408.0435, F.S.; extending the certificate-of-need moratorium for additional community nursing home beds; designating ss. 409.016-409.803, F.S., as pt. I of ch. 409, F.S., and entitling the part "Social and Economic Assistance"; designating ss. 409.810-409.821, F.S., as pt. II of ch. 409, F.S., and entitling the part "Kidcare"; designating ss. 409.901-409.9205, F.S., as part III of ch. 409, F.S., and entitling the part "Medicaid"; amending s. 409.905, F.S.; requiring the Agency for Health Care Administration to set reimbursements rates for hospitals that provide Medicaid services based on allowable-cost reporting from the hospitals; providing the methodology for the rate calculation and adjustments; requiring the rates to be subject to certain limits or ceilings; providing that exemptions to the limits or ceilings may be provided in the General Appropriations Act; deleting provisions relating to agency adjustments to a hospital's inpatient per diem rate; directing the agency to develop a plan to convert inpatient hospital rates to a prospective payment system that categorizes each case into diagnosis-related groups; requiring a report to the Governor and Legislature; amending s. 409.907, F.S.; providing additional requirements for provider agreements for Medicare crossover providers; providing that the agency is not obligated to enroll certain providers as Medicare crossover providers; specifying additional requirements for certain providers; providing the agency may establish additional criteria for providers to promote program integrity; amending s. 409.911, F.S.; providing for expiration of the Medicaid Low-Income Pool Council; amending s. 409.912, F.S.; providing payment requirements for provider service networks; providing for the expiration of various provisions relating to agency contracts and agreements with certain entities on specified dates to conform to the reorganization of Medicaid managed care; requiring the agency to contract on a prepaid or fixed-sum basis with certain prepaid dental health plans; eliminating obsolete provisions and updating provisions, to conform; amending ss. 409.91195 and 409.91196, F.S.; conforming cross-references; repealing s. 409.91207, F.S., relating to the medical home pilot project; amending s. 409.91211, F.S.; conforming cross-references; providing for future repeal of s. 409.91211, F.S., relating to the Medicaid managed care pilot program; amending s. 409.9122, F.S.; providing for the expiration of provisions relating to mandatory enrollment in a Medicaid managed care plan or MediPass on specified dates to conform to the reorganization of Medicaid managed care; eliminating obsolete provisions; requiring the agency to develop a process to enable any recipient with access to employer-sponsored coverage to opt out of eligible plans in the Medicaid program; requiring the agency, contingent on federal approval, to enable recipients with access to other coverage or related products that provide access to specified health care services to opt out of eligible plans in the Medicaid program; requiring the agency to maintain and operate the Medicaid Encounter Data System; requiring the agency to conduct a review of encounter data and publish the results of the review before adjusting rates for prepaid plans; authorizing the agency to establish a designated payment for specified Medicare Advantage Special Needs members; authorizing the agency to develop a designated payment for Medicaid-only covered services for which the state is responsible; requiring the agency to establish, and managed care plans to use, a uniform method of accounting for and reporting medical and nonmedical costs; authorizing the agency to create exceptions to mandatory enrollment in managed care under specified circumstances; requiring the agency to contract with a provider service network to function as a third-party administrator and managing entity for the MediPass program; providing contract provisions; providing for the expiration of such contract requirements on a specified date; requiring the agency to contract with a single provider service network to function as a third-party administrator and managing entity for the Medically Needy program; providing contract provisions; providing for the expiration of such contract requirements on a specified date; amending s. 430.04, F.S.; eliminating obsolete provisions; requiring the Department of Elderly Affairs to develop a transition plan for specified elders and disabled adults receiving long-term care Medicaid services when eligible plans become available; providing for expiration of the plan; amending s. 430.2053, F.S.; eliminating obsolete provisions; providing additional duties of aging resource centers; providing an additional exception to direct services that may not be provided by an aging resource center; providing an expiration date for certain services administered through aging resource centers; providing for the cessation of specified payments by the department as eligible plans become available; providing for a memorandum of understanding between the agency and aging resource centers under certain circumstances; eliminating provisions requiring reports; repealing s. 430.701, F.S., relating to legislative findings and intent and approval for action relating to provider enrollment levels; repealing s. 430.702, F.S., relating to the Long-Term Care Community Diversion Pilot Project Act; repealing s. 430.703, F.S., relating to definitions; repealing s. 430.7031, F.S., relating to the nursing home transition program; repealing s. 430.704, F.S., relating to evaluation of long-term care through the pilot projects; repealing s. 430.705, F.S., relating to implementation of long-term care community diversion pilot projects; repealing s. 430.706, F.S., relating to quality of care; repealing s. 430.707, F.S., relating to contracts; repealing s. 430.708, F.S., relating to certificate of need; repealing s. 430.709, F.S., relating to reports and evaluations; renumbering ss. 409.9301, 409.942, 409.944, 409.945, 409.946, 409.953, and 409.9531, F.S., as ss. 402.81, 402.82, 402.83, 402.84, 402.85, 402.86, and 402.87, F.S., respectively; amending ss. 443.111 and 641.386, F.S.; conforming cross-references; directing the agency to develop a plan to implement the enrollment of the medically needy into managed care; amending s. 766.118, F.S.; providing a limitation on noneconomic damages for negligence of practitioners providing services and care to Medicaid recipients; providing effective dates and a contingent effective date.

—was taken up out of order and read the second time by title.

MOTION

On motion by Senator Negron, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Negron moved the following amendment:

Amendment 1 (351842) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 393.0661, Florida Statutes, is amended to read:

393.0661 Home and community-based services delivery system; comprehensive redesign.—The Legislature finds that the home and community-based services delivery system for persons with developmental disabilities and the availability of appropriated funds are two of the critical elements in making services available. Therefore, it is the intent of the Legislature that the Agency for Persons with Disabilities shall develop and implement a comprehensive redesign of the system.

(1) The redesign of the home and community-based services system shall include, at a minimum, all actions necessary to achieve an appropriate rate structure, client choice within a specified service package, appropriate assessment strategies, an efficient billing process that contains reconciliation and monitoring components, and a redefined role for

support coordinators that avoids potential conflicts of interest and ensures that family/client budgets are linked to levels of need.

(a) The agency shall use an assessment instrument that the agency deems to be reliable and valid, including, but not limited to, the Department of Children and Family Services' Individual Cost Guidelines or the agency's Questionnaire for Situational Information. The agency may contract with an external vendor or may use support coordinators to complete client assessments if it develops sufficient safeguards and training to ensure ongoing inter-rater reliability.

(b) The agency, with the concurrence of the Agency for Health Care Administration, may contract for the determination of medical necessity and establishment of individual budgets.

(2) A provider of services rendered to persons with developmental disabilities pursuant to a federally approved waiver shall be reimbursed according to a rate methodology based upon an analysis of the expenditure history and prospective costs of providers participating in the waiver program, or under any other methodology developed by the Agency for Health Care Administration, in consultation with the Agency for Persons with Disabilities, and approved by the Federal Government in accordance with the waiver.

(3) The Agency for Health Care Administration, in consultation with the agency, shall seek federal approval and implement a four-tiered waiver system to serve eligible clients through the developmental disabilities and family and supported living waivers. *For the purpose of this waiver program, eligible clients shall include individuals with a diagnosis of Down syndrome or a developmental disability as defined in s. 393.063.* The agency shall assign all clients receiving services through the developmental disabilities waiver to a tier based on the Department of Children and Family Services' Individual Cost Guidelines, the agency's Questionnaire for Situational Information, or another such assessment instrument deemed to be valid and reliable by the agency; client characteristics, including, but not limited to, age; and other appropriate assessment methods.

(a) Tier one is limited to clients who have service needs that cannot be met in tier two, three, or four for intensive medical or adaptive needs and that are essential for avoiding institutionalization, or who possess behavioral problems that are exceptional in intensity, duration, or frequency and present a substantial risk of harm to themselves or others. Total annual expenditures under tier one may not exceed $150,000 per client each year, provided that expenditures for clients in tier one with a documented medical necessity requiring intensive behavioral residential habilitation services, intensive behavioral residential habilitation services with medical needs, or special medical home care, as provided in the Developmental Disabilities Waiver Services Coverage and Limitations Handbook, are not subject to the $150,000 limit on annual expenditures.

(b) Tier two is limited to clients whose service needs include a licensed residential facility and who are authorized to receive a moderate level of support for standard residential habilitation services or a minimal level of support for behavior focus residential habilitation services, or clients in supported living who receive more than 6 hours a day of in-home support services. Total annual expenditures under tier two may not exceed $53,625 per client each year.

(c) Tier three includes, but is not limited to, clients requiring residential placements, clients in independent or supported living situations, and clients who live in their family home. Total annual expenditures under tier three may not exceed $34,125 per client each year.

(d) Tier four includes individuals who were enrolled in the family and supported living waiver on July 1, 2007, who shall be assigned to this tier without the assessments required by this section. Tier four also includes, but is not limited to, clients in independent or supported living situations and clients who live in their family home. Total annual expenditures under tier four may not exceed $14,422 per client each year.

(e) The Agency for Health Care Administration shall also seek federal approval to provide a consumer-directed option for persons with developmental disabilities which corresponds to the funding levels in each of the waiver tiers. The agency shall implement the four-tiered waiver system beginning with tiers one, three, and four and followed by tier two. The agency and the Agency for Health Care Administration may adopt rules necessary to administer this subsection.

(f) The agency shall seek federal waivers and amend contracts as necessary to make changes to services defined in federal waiver programs administered by the agency as follows:

1. Supported living coaching services may not exceed 20 hours per month for persons who also receive in-home support services.

2. Limited support coordination services is the only type of support coordination service that may be provided to persons under the age of 18 who live in the family home.

3. Personal care assistance services are limited to 180 hours per calendar month and may not include rate modifiers. Additional hours may be authorized for persons who have intensive physical, medical, or adaptive needs if such hours are essential for avoiding institutionalization.

4. Residential habilitation services are limited to 8 hours per day. Additional hours may be authorized for persons who have intensive medical or adaptive needs and if such hours are essential for avoiding institutionalization, or for persons who possess behavioral problems that are exceptional in intensity, duration, or frequency and present a substantial risk of harming themselves or others. This restriction shall be in effect until the four-tiered waiver system is fully implemented.

5. Chore services, nonresidential support services, and homemaker services are eliminated. The agency shall expand the definition of in-home support services to allow the service provider to include activities previously provided in these eliminated services.

6. Massage therapy, medication review, and psychological assessment services are eliminated.

7. The agency shall conduct supplemental cost plan reviews to verify the medical necessity of authorized services for plans that have increased by more than 8 percent during either of the 2 preceding fiscal years.

8. The agency shall implement a consolidated residential habilitation rate structure to increase savings to the state through a more cost-effective payment method and establish uniform rates for intensive behavioral residential habilitation services.

9. Pending federal approval, the agency may extend current support plans for clients receiving services under Medicaid waivers for 1 year beginning July 1, 2007, or from the date approved, whichever is later. Clients who have a substantial change in circumstances which threatens their health and safety may be reassessed during this year in order to determine the necessity for a change in their support plan.

10. The agency shall develop a plan to eliminate redundancies and duplications between in-home support services, companion services, personal care services, and supported living coaching by limiting or consolidating such services.

11. The agency shall develop a plan to reduce the intensity and frequency of supported employment services to clients in stable employment situations who have a documented history of at least 3 years' employment with the same company or in the same industry.

(4) The geographic differential for Miami-Dade, Broward, and Palm Beach Counties for residential habilitation services shall be 7.5 percent.

(5) The geographic differential for Monroe County for residential habilitation services shall be 20 percent.

(6) Effective January 1, 2010, and except as otherwise provided in this section, a client served by the home and community-based services waiver or the family and supported living waiver funded through the agency shall have his or her cost plan adjusted to reflect the amount of expenditures for the previous state fiscal year plus 5 percent if such amount is less than the client's existing cost plan. The agency shall use actual paid claims for services provided during the previous fiscal year that are submitted by October 31 to calculate the revised cost plan amount. If the client was not served for the entire previous state fiscal year or there was any single change in the cost plan amount of more than

5 percent during the previous state fiscal year, the agency shall set the cost plan amount at an estimated annualized expenditure amount plus 5 percent. The agency shall estimate the annualized expenditure amount by calculating the average of monthly expenditures, beginning in the fourth month after the client enrolled, interrupted services are resumed, or the cost plan was changed by more than 5 percent and ending on August 31, 2009, and multiplying the average by 12. In order to determine whether a client was not served for the entire year, the agency shall include any interruption of a waiver-funded service or services lasting at least 18 days. If at least 3 months of actual expenditure data are not available to estimate annualized expenditures, the agency may not rebase a cost plan pursuant to this subsection. The agency may not rebase the cost plan of any client who experiences a significant change in recipient condition or circumstance which results in a change of more than 5 percent to his or her cost plan between July 1 and the date that a rebased cost plan would take effect pursuant to this subsection.

(7) The agency shall collect premiums or cost sharing pursuant to s. 409.906(13)(d).

(8)~~(7)~~ ~~Nothing in~~ This section or *related* ~~in any administrative~~ rule *does not* ~~shall be construed to~~ prevent or limit the Agency for Health Care Administration, in consultation with the Agency for Persons with Disabilities, from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or from limiting enrollment, or making any other adjustment necessary to comply with the availability of moneys and any limitations or directions provided ~~for~~ in the General Appropriations Act.

(9)~~(8)~~ The Agency for Persons with Disabilities shall submit quarterly status reports to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee or its successor, and the chair of the House Fiscal Council or its successor regarding the financial status of home and community-based services, including the number of enrolled individuals who are receiving services through one or more programs; the number of individuals who have requested services who are not enrolled but who are receiving services through one or more programs, with a description indicating the programs from which the individual is receiving services; the number of individuals who have refused an offer of services but who choose to remain on the list of individuals waiting for services; the number of individuals who have requested services but who are receiving no services; a frequency distribution indicating the length of time individuals have been waiting for services; and information concerning the actual and projected costs compared to the amount of the appropriation available to the program and any projected surpluses or deficits. If at any time an analysis by the agency, in consultation with the Agency for Health Care Administration, indicates that the cost of services is expected to exceed the amount appropriated, the agency shall submit a plan in accordance with subsection *(8)* ~~(7)~~ to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee or its successor, and the chair of the House Fiscal Council or its successor to remain within the amount appropriated. The agency shall work with the Agency for Health Care Administration to implement the plan so as to remain within the appropriation.

(10) Implementation of Medicaid waiver programs and services authorized under this chapter is limited by the funds appropriated for the individual budgets pursuant to s. 393.0662 and the four-tiered waiver system pursuant to subsection (3). Contracts with independent support coordinators and service providers must include provisions requiring compliance with agency cost containment initiatives. The agency shall implement monitoring and accounting procedures necessary to track actual expenditures and project future spending compared to available appropriations for Medicaid waiver programs. When necessary based on projected deficits, the agency must establish specific corrective action plans that incorporate corrective actions of contracted providers that are sufficient to align program expenditures with annual appropriations. If deficits continue during the 2012-2013 fiscal year, the agency in conjunction with the Agency for Health Care Administration shall develop a plan to redesign the waiver program and submit the plan to the President of the Senate and the Speaker of the House of Representatives by September 30, 2013. At a minimum, the plan must include the following elements:

(a) Budget predictability.—Agency budget recommendations must include specific steps to restrict spending to budgeted amounts based on alternatives to the iBudget and four-tiered Medicaid waiver models.

(b) Services.—The agency shall identify core services that are essential to provide for client health and safety and recommend elimination of coverage for other services that are not affordable based on available resources.

(c) Flexibility.—The redesign shall be responsive to individual needs and to the extent possible encourage client control over allocated resources for their needs.

(d) Support coordination services.–The plan shall modify the manner of providing support coordination services to improve management of service utilization and increase accountability and responsiveness to agency priorities.

(e) Reporting.—The agency shall provide monthly reports to the President of the Senate and the Speaker of the House of Representatives on plan progress and development on July 31, 2013, and August 31, 2013.

(f) Implementation.—The implementation of a redesigned program is subject to legislative approval and shall occur no later than July 1, 2014. The Agency for Health Care Administration shall seek federal waivers as needed to implement the redesigned plan approved by the Legislature.

Section 2. Subsections (13) through (40) of section 393.063, Florida Statutes, are renumbered as subsections (14) through (41), respectively, and a new subsection (13) is added to that section to read:

393.063 Definitions.—For the purposes of this chapter, the term:

(13) "Down syndrome" means a disorder caused by the presence of an extra chromosome 21.

Section 3. Paragraph (e) of subsection (1) of section 408.040, Florida Statutes, is redesignated as paragraph (d), and paragraph (b) and present paragraph (d) of that subsection are amended to read:

408.040 Conditions and monitoring.—

(1)

(b) The agency may consider, in addition to the other criteria specified in s. 408.035, a statement of intent by the applicant that a specified percentage of the annual patient days at the facility will be utilized by patients eligible for care under Title XIX of the Social Security Act. Any certificate of need issued to a nursing home in reliance upon an applicant's statements that a specified percentage of annual patient days will be utilized by residents eligible for care under Title XIX of the Social Security Act must include a statement that such certification is a condition of issuance of the certificate of need. The certificate-of-need program shall notify the Medicaid program office and the Department of Elderly Affairs when it imposes conditions as authorized in this paragraph in an area in which a community diversion pilot project is implemented. *Effective July 1, 2012, the agency may not impose sanctions related to patient day utilization by patients eligible for care under Title XIX of the Social Security Act for nursing homes.*

~~(d) If a nursing home is located in a county in which a long-term care community diversion pilot project has been implemented under s. 430.705 or in a county in which an integrated, fixed-payment delivery program for Medicaid recipients who are 60 years of age or older or dually eligible for Medicare and Medicaid has been implemented under s. 409.912(5), the nursing home may request a reduction in the percentage of annual patient days used by residents who are eligible for care under Title XIX of the Social Security Act, which is a condition of the nursing home's certificate of need. The agency shall automatically grant the nursing home's request if the reduction is not more than 15 percent of the nursing home's annual Medicaid patient days condition. A nursing home may submit only one request every 2 years for an automatic reduction. A requesting nursing home must notify the agency in writing at least 60 days in advance of its intent to reduce its annual Medicaid patient days condition by not more than 15 percent. The agency must acknowledge the request in writing and must change its records to reflect the revised certificate of need condition. This paragraph expires June 30, 2011.~~

Section 4. Subsection (1) of section 408.0435, Florida Statutes, is amended to read:

408.0435 Moratorium on nursing home certificates of need.—

(1) Notwithstanding the establishment of need as provided for in this chapter, a certificate of need for additional community nursing home beds may not be approved by the agency until *Medicaid managed care is implemented statewide pursuant to ss. 409.961-409.985 or October 1, 2016, whichever is earlier* ~~July 1, 2011~~.

Section 5. *Sections 409.016 through 409.803, Florida Statutes, are designated as part I of chapter 409, Florida Statutes, and entitled "SOCIAL AND ECONOMIC ASSISTANCE."*

Section 6. *Sections 409.810 through 409.821, Florida Statutes, are designated as part II of chapter 409, Florida Statutes, and entitled "KIDCARE."*

Section 7. *Sections 409.901 through 409.9205, Florida Statutes, are designated as part III of chapter 409, Florida Statutes, and entitled "MEDICAID."*

Section 8. Section 409.9021, Florida Statutes, is amended to read:

409.9021 Forfeiture of eligibility agreement.—As a condition of Medicaid eligibility, subject to federal approval, a Medicaid applicant shall agree in writing to forfeit all entitlements to any goods or services provided through the Medicaid program *for the next 10 years* if he or she has been found to have committed *Medicaid* fraud, through judicial or administrative determination~~, two times in a period of 5 years~~. This provision applies only to the Medicaid recipient found to have committed or participated in *Medicaid* ~~the~~ fraud and does not apply to any family member of the recipient who was not involved in the fraud.

Section 9. Subsections (2) and (4) and paragraph (c) of subsection (5) of section 409.905, Florida Statutes, are amended, and paragraph (g) is added to subsection (5), to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Mandatory services rendered by providers in mobile units to Medicaid recipients may be restricted by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(2) EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT SERVICES.—The agency shall pay for early and periodic screening and diagnosis of a recipient under age 21 to ascertain physical and mental problems and conditions and ~~provide treatment to correct or ameliorate these problems and conditions. These services include~~ all services determined by the agency to be medically necessary for the treatment, correction, or amelioration of these problems *and conditions*, including personal care, private duty nursing, durable medical equipment, physical therapy, occupational therapy, speech therapy, respiratory therapy, and immunizations.

(4) HOME HEALTH CARE SERVICES.—The agency shall pay for nursing and home health aide services, supplies, appliances, and durable medical equipment, necessary to assist a recipient living at home. An entity that provides *such* services *must* ~~pursuant to this subsection shall~~ be licensed under part III of chapter 400. These services, equipment, and supplies, or reimbursement therefor, may be limited as provided in the General Appropriations Act and do not include services, equipment, or supplies provided to a person residing in a hospital or nursing facility.

(a) ~~In providing home health care services,~~ The agency *shall* ~~may~~ require prior authorization of *home health services* ~~care~~ based on diagnosis, utilization rates, *and* ~~or~~ billing rates. ~~The agency shall require prior authorization for visits for home health services that are not associated with a skilled nursing visit when the home health agency billing rates exceed the state average by 50 percent or more.~~ The home health agency must submit the recipient's plan of care and documentation that supports the recipient's diagnosis to the agency when requesting prior authorization.

(b) The agency shall implement a comprehensive utilization management program ~~that requires prior authorization~~ of all private duty nursing services, an individualized treatment plan that includes information about medication and treatment orders, treatment goals, methods of care to be used, and plans for care coordination by nurses and other health professionals. The utilization management program *must* ~~shall~~ also include a process for periodically reviewing the ongoing use of private duty nursing services. The assessment of need shall be based on a child's condition*;* ~~,~~ family support and care supplements*;* ~~,~~ a family's ability to provide care*;* ~~, and~~ a family's and child's schedule regarding work, school, sleep, and care for other family dependents*; and a determination of the medical necessity for private duty nursing instead of other more cost-effective in-home services*. When implemented, the private duty nursing utilization management program shall replace the current authorization program used by the agency ~~for Health Care Administration~~ and the Children's Medical Services program of the Department of Health. The agency may competitively bid ~~on~~ a contract to select a qualified organization to provide utilization management of private duty nursing services. The agency *may* ~~is authorized to~~ seek federal waivers to implement this initiative.

(c) The agency may not pay for home health services unless the services are medically necessary and:

1. The services are ordered by a physician.

2. The written prescription for the services is signed and dated by the recipient's physician before the development of a plan of care and before any request requiring prior authorization.

3. The physician ordering the services is not employed, under contract with, or otherwise affiliated with the home health agency rendering the services. However, this subparagraph does not apply to a home health agency affiliated with a retirement community, of which the parent corporation or a related legal entity owns a rural health clinic certified under 42 C.F.R. part 491, subpart A, ss. 1-11, a nursing home licensed under part II of chapter 400, or an apartment or single-family home for independent living. For purposes of this subparagraph, the agency may, on a case-by-case basis, provide an exception for medically fragile children who are younger than 21 years of age.

4. The physician ordering the services has examined the recipient within the 30 days preceding the initial request for the services and biannually thereafter.

5. The written prescription for the services includes the recipient's acute or chronic medical condition or diagnosis, the home health service required, and, for skilled nursing services, the frequency and duration of the services.

6. The national provider identifier, Medicaid identification number, or medical practitioner license number of the physician ordering the services is listed on the written prescription for the services, the claim for home health reimbursement, and the prior authorization request.

(5) HOSPITAL INPATIENT SERVICES.—The agency shall pay for all covered services provided for the medical care and treatment of a recipient who is admitted as an inpatient by a licensed physician or dentist to a hospital licensed under part I of chapter 395. However, the agency shall limit the payment for inpatient hospital services for a Medicaid recipient 21 years of age or older to 45 days or the number of days necessary to comply with the General Appropriations Act.

(c) *The agency shall implement a methodology for establishing base reimbursement rates for each hospital based on allowable costs, as defined by the agency. Rates shall be calculated annually and take effect July 1 of each year based on the most recent complete and accurate cost report submitted by each hospital. Adjustments may not be made to the rates after September 30 of the state fiscal year in which the rate takes effect. Errors in cost reporting or calculation of rates discovered after September 30 must be reconciled in a subsequent rate period. The agency may not make any adjustment to a hospital's reimbursement rate more than 5 years after a hospital is notified of an audited rate established by the agency. The requirement that the agency may not make any adjustment to a hospital's reimbursement rate more than 5 years after a hospital is notified of an audited rate established by the agency is remedial and shall apply to actions by providers involving Medicaid claims for hospital services. Hospital rates shall be subject to such limits or ceilings as may be*

established in law or described in the agency's hospital reimbursement plan. Specific exemptions to the limits or ceilings may be provided in the General Appropriations Act. ~~The agency shall adjust a hospital's current inpatient per diem rate to reflect the cost of serving the Medicaid population at that institution if:~~

~~1. The hospital experiences an increase in Medicaid caseload by more than 25 percent in any year, primarily resulting from the closure of a hospital in the same service area occurring after July 1, 1995;~~

~~2. The hospital's Medicaid per diem rate is at least 25 percent below the Medicaid per patient cost for that year; or~~

~~3. The hospital is located in a county that has six or fewer general acute care hospitals, began offering obstetrical services on or after September 1999, and has submitted a request in writing to the agency for a rate adjustment after July 1, 2000, but before September 30, 2000, in which case such hospital's Medicaid inpatient per diem rate shall be adjusted to cost, effective July 1, 2002.~~

~~By October 1 of each year, the agency must provide estimated costs for any adjustment in a hospital inpatient per diem rate to the Executive Office of the Governor, the House of Representatives General Appropriations Committee, and the Senate Appropriations Committee. Before the agency implements a change in a hospital's inpatient per diem rate pursuant to this paragraph, the Legislature must have specifically appropriated sufficient funds in the General Appropriations Act to support the increase in cost as estimated by the agency.~~

(g) The agency shall develop a plan to convert inpatient hospital rates to a prospective payment system that categorizes each case into diagnosis-related groups (DRG) and assigns a payment weight based on the average resources used to treat Medicaid patients in that DRG. To the extent possible, the agency shall propose an adaptation of an existing prospective payment system, such as the one used by Medicare, and shall propose such adjustments as are necessary for the Medicaid population and to maintain budget neutrality for inpatient hospital expenditures. The agency shall submit the Medicaid DRG plan, identifying all steps necessary for the transition and any costs associated with plan implementation, to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 1, 2013.

Section 10. Paragraph (d) is added to subsection (13) of section 409.906, Florida Statutes, to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(13) HOME AND COMMUNITY-BASED SERVICES.—

(d) The agency shall request federal approval to develop a system to require payment of premiums or other cost sharing by the parents of a child who is being served by a waiver under this subsection if the adjusted household income is greater than 100 percent of the federal poverty level. The amount of the premium or cost sharing shall be calculated using a sliding scale based on the size of the family, the amount of the parent's adjusted gross income, and the federal poverty guidelines. The premium and cost sharing system developed by the agency shall not adversely affect federal funding to the state. After the agency receives federal approval, the Department of Children and Family Services may collect income information from parents of children who will be affected by this paragraph. The agency shall prepare a report to include the estimated operational cost of implementing the premium and cost sharing system and the estimated revenues to be collected from parents of children in the waiver program. The report shall be delivered to the President of the Senate and the Speaker of the House of Representatives by June 30, 2012.

Section 11. Paragraphs (d) and (e) of subsection (5) of section 409.907, Florida Statutes, are amended to read:

409.907 Medicaid provider agreements.—The agency may make payments for medical assistance and related services rendered to Medicaid recipients only to an individual or entity who has a provider agreement in effect with the agency, who is performing services or supplying goods in accordance with federal, state, and local law, and who agrees that no person shall, on the grounds of handicap, race, color, or national origin, or for any other reason, be subjected to discrimination under any program or activity for which the provider receives payment from the agency.

(5) The agency:

(d) May enroll entities as Medicare crossover-only providers for payment and claims processing purposes only. The provider agreement shall:

1. Require that the provider be able to demonstrate to the satisfaction of the agency that the provider is an eligible Medicare provider and has a current provider agreement in place with the Centers for Medicare and Medicaid Services.

2. Require the provider to notify the agency immediately in writing upon being suspended or disenrolled as a Medicare provider. If the provider does not provide such notification within 5 business days after suspension or disenrollment, sanctions may be imposed pursuant to this chapter and the provider may be required to return funds paid to the provider during the period of time that the provider was suspended or disenrolled as a Medicare provider.

3. Require the applicant to submit an attestation, as approved by the agency, that the provider meets the requirements of Florida Medicaid provider enrollment criteria.

4. Require the applicant to submit fingerprints as required by the agency.

5.~~3.~~ Require that all records pertaining to health care services provided to each of the provider's recipients be kept for a minimum of 6 years. The agreement shall also require that records and any information relating to payments claimed by the provider for services under the agreement be delivered to the agency or the Office of the Attorney General Medicaid Fraud Control Unit when requested. If a provider does not provide such records and information when requested, sanctions may be imposed pursuant to this chapter.

6.~~4.~~ Disclose that the agreement is for the purposes of paying and processing Medicare crossover claims only.

This paragraph pertains solely to Medicare crossover-only providers. In order to become a standard Medicaid provider, the requirements of this section and applicable rules must be met. *This paragraph does not create an entitlement or obligation of the agency to enroll all Medicare providers that may be considered a Medicare crossover-only provider in the Medicaid program.*

(e) Providers that are required to post a surety bond as part of the Medicaid enrollment process are excluded for enrollment under paragraph (d) *and must complete a full Medicaid application. The agency may establish additional criteria to promote program integrity*.

Section 12. Paragraph (b) of subsection (2) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated

fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling, and the indirect care subcomponent may be limited by the lower of the cost-based class ceiling, the target rate class ceiling, or the individual provider target.

2. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, minimum data set, and care plan coordinators, staff development, and *the* staffing coordinator. *The direct care subcomponent also includes medically necessary dental care, vision care, hearing care, and podiatric care.*

3. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

4. On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.

5. In order to offset the cost of general and professional liability insurance, the agency shall amend the plan to allow for interim rate adjustments to reflect increases in the cost of general or professional liability insurance for nursing homes. This provision shall be implemented to the extent existing appropriations are available.

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

Section 13. Paragraph (c) of subsection (1) of section 409.9081, Florida Statutes, is amended to read:

409.9081 Copayments.—

(1) The agency shall require, subject to federal regulations and limitations, each Medicaid recipient ~~to~~ pay at the time of service a nominal copayment for the following Medicaid services:

(c) Hospital emergency department visits for nonemergency care: 5 percent of up to the first $300 of the Medicaid payment for emergency room services, not to exceed $15. *The agency shall seek federal approval to require Medicaid recipients to pay $100 copayment for nonemergency services and care furnished in a hospital emergency department. Upon waiver approval, a Medicaid recipient who requests such services and care must pay a $100 copayment to the hospital for the nonemergency services and care provided in the hospital emergency department.*

Section 14. Subsection (10) of section 409.911, Florida Statutes, is amended to read:

409.911 Disproportionate share program.—Subject to specific allocations established within the General Appropriations Act and any limitations established pursuant to chapter 216, the agency shall distribute, pursuant to this section, moneys to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(10) The Agency for Health Care Administration shall create a Medicaid Low-Income Pool Council by July 1, 2006. The Low-Income Pool Council shall consist of 24 members, including 2 members appointed by the President of the Senate, 2 members appointed by the Speaker of the House of Representatives, 3 representatives of statutory teaching hospitals, 3 representatives of public hospitals, 3 representatives of nonprofit hospitals, 3 representatives of for-profit hospitals, 2 representatives of rural hospitals, 2 representatives of units of local government which contribute funding, 1 representative of family practice teaching hospitals, 1 representative of federally qualified health centers, 1 representative from the Department of Health, and 1 nonvoting representative of the Agency for Health Care Administration who shall serve as chair of the council. Except for a full-time employee of a public entity, an individual who qualifies as a lobbyist under s. 11.045 or s. 112.3215 may not serve as a member of the council. Of the members appointed by the Senate President, only one shall be a physician. Of the members appointed by the Speaker of the House of Representatives, only one shall be a physician. The physician member appointed by the Senate President and the physician member appointed by the Speaker of the House of Representatives must be physicians who routinely take calls in a trauma center, as defined in s. 395.4001, or a hospital emergency department. The council shall:

(a) Make recommendations on the financing of the low-income pool and the disproportionate share hospital program and the distribution of their funds.

(b) Advise the Agency for Health Care Administration on the development of the low-income pool plan required by the federal Centers for Medicare and Medicaid Services pursuant to the Medicaid reform waiver.

(c) Advise the Agency for Health Care Administration on the distribution of hospital funds used to adjust inpatient hospital rates, rebase rates, or otherwise exempt hospitals from reimbursement limits as financed by intergovernmental transfers.

(d) Submit its findings and recommendations to the Governor and the Legislature no later than February 1 of each year.

This subsection expires October 1, 2014.

Section 15. Subsection (4) of section 409.91195, Florida Statutes, is amended to read:

409.91195 Medicaid Pharmaceutical and Therapeutics Committee.—There is created a Medicaid Pharmaceutical and Therapeutics Committee within the agency for the purpose of developing a Medicaid preferred drug list.

(4) Upon recommendation of the committee, the agency shall adopt a preferred drug list as described in s. 409.912*(37)*~~(39)~~. To the extent feasible, the committee shall review all drug classes included on the preferred drug list every 12 months, and may recommend additions to and deletions from the preferred drug list, such that the preferred drug list provides for medically appropriate drug therapies for Medicaid patients which achieve cost savings contained in the General Appropriations Act.

Section 16. Subsection (1) of section 409.91196, Florida Statutes, is amended to read:

409.91196 Supplemental rebate agreements; public records and public meetings exemption.—

(1) The rebate amount, percent of rebate, manufacturer's pricing, and supplemental rebate, and other trade secrets as defined in s. 688.002 that the agency has identified for use in negotiations, held by the Agency for Health Care Administration under s. 409.912*(37)*~~(39)~~(a)7. are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 17. Section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers *are* ~~shall~~ not ~~be~~ entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(1) The agency shall work with the Department of Children and Family Services to ensure access of children and families in the child protection system to needed and appropriate mental health and substance abuse services. *This subsection expires October 1, 2014.*

(2) The agency may enter into agreements with appropriate agents of other state agencies or of any agency of the Federal Government and accept such duties in respect to social welfare or public aid as may be necessary to implement the provisions of Title XIX of the Social Security Act and ss. 409.901-409.920. *This subsection expires October 1, 2016.*

(3) The agency may contract with health maintenance organizations certified pursuant to part I of chapter 641 for the provision of services to recipients. *This subsection expires October 1, 2014.*

(4) The agency may contract with:

(a) An entity that provides no prepaid health care services other than Medicaid services under contract with the agency and which is owned and operated by a county, county health department, or county-owned and operated hospital to provide health care services on a prepaid or fixed-sum basis to recipients, which entity may provide such prepaid services either directly or through arrangements with other providers. Such prepaid health care services entities must be licensed under parts I and III of chapter 641. An entity recognized under this paragraph which demonstrates to the satisfaction of the Office of Insurance Regulation of the Financial Services Commission that it is backed by the full faith and credit of the county in which it is located may be exempted from s. 641.225. *This paragraph expires October 1, 2014.*

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such entity must be licensed under chapter 624, chapter 636, or chapter 641, or authorized under paragraph (c) or paragraph (d), and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The secretary of the Department of Children and Family Services shall approve provisions of procurements related to children in the department's care or custody before enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. Except as provided in subparagraph *5.* ~~8.~~, and except in counties where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211, the agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients not enrolled in a Medicaid managed care plan authorized under s. 409.91211, a provider service network authorized under paragraph (d), or a Medicaid health maintenance organization in an AHCA area. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and are subject to this paragraph. Each entity must offer a sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network shall include all public mental health hospitals. To ensure unimpaired access to behavioral health care services by Medicaid recipients, all contracts issued pursuant to this paragraph must require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations and capitated provider service networks, to be expended for the provision of behavioral health care services. If the managed care plan expends less than 80 percent of the capitation paid for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the plan with a certification letter indicating the amount of capitation paid during each calendar year for behavioral health care ser-

vices pursuant to this section. The agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. ~~By January 1, 2001,~~ The agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance abuse treatment services.

~~2. By July 1, 2003, the agency and the Department of Children and Family Services shall execute a written agreement that requires collaboration and joint development of all policy, budgets, procurement documents, contracts, and monitoring plans that have an impact on the state and Medicaid community mental health and targeted case management programs.~~

2.~~3.~~ Except as provided in subparagraph *5.* ~~8., by July 1, 2006~~, the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization, a provider service network authorized under paragraph (d), or a Medicaid capitated managed care plan authorized under s. 409.91211. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid capitated managed care plan authorized under s. 409.91211, a provider service network authorized under paragraph (d), or a Medicaid health maintenance organization in AHCA areas where the eligible population exceeds 150,000. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and shall be subject to this paragraph. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations are eligible to compete. Managed care plans contracting with the agency under subsection (3) or paragraph (d), shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA rules, including handbooks incorporated by reference. In AHCA area 11, the agency shall contract with at least two comprehensive behavioral health care providers to provide behavioral health care to recipients in that area who are enrolled in, or assigned to, the MediPass program. One of the behavioral health care contracts must be with the existing provider service network pilot project, as described in paragraph (d), for the purpose of demonstrating the cost-effectiveness of the provision of quality mental health services through a public hospital-operated managed care model. Payment shall be at an agreed-upon capitated rate to ensure cost savings. Of the recipients in area 11 who are assigned to MediPass under s. 409.9122(2)(k), a minimum of 50,000 of those MediPass-enrolled recipients shall be assigned to the existing provider service network in area 11 for their behavioral care.

~~4. By October 1, 2003, the agency and the department shall submit a plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides for the full implementation of capitated prepaid behavioral health care in all areas of the state.~~

~~a. Implementation shall begin in 2003 in those AHCA areas of the state where the agency is able to establish sufficient capitation rates.~~

~~b. If the agency determines that the proposed capitation rate in any area is insufficient to provide appropriate services, the agency may adjust the capitation rate to ensure that care will be available. The agency and the department may use existing general revenue to address any additional required match but may not over obligate existing funds on an annualized basis.~~

~~c. Subject to any limitations provided in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures that allow for certification of local and state funds.~~

3.~~5.~~ Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider may not be included in a behavioral health care prepaid health plan or any other Medicaid managed care plan pursuant to this paragraph.

~~6. In converting to a prepaid system of delivery, the agency shall in its procurement document require an entity providing only comprehensive behavioral health care services to prevent the displacement of indigent care patients by enrollees in the Medicaid prepaid health plan providing behavioral health care services from facilities receiving state funding to provide indigent behavioral health care, to facilities licensed under chapter 395 which do not receive state funding for indigent behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.~~

4.~~7.~~ Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

5.~~8.~~ All Medicaid-eligible children, except children in area 1 and children in Highlands County, Hardee County, Polk County, or Manatee County of area 6, that are open for child welfare services in the *statewide automated child welfare information* ~~HomeSafeNet~~ system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies through a single agency or formal agreements among several agencies. The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms to maximize state and local revenues. The specialty prepaid plan shall be developed by the agency and the Department of Children and Family Services. The agency may seek federal waivers to implement this initiative. Medicaid-eligible children whose cases are open for child welfare services in the *statewide automated child welfare information* ~~HomeSafeNet~~ system and who reside in AHCA area 10 *shall be enrolled in a capitated provider service network or other capitated managed care plan, which, in coordination with available community-based care providers specified in s. 409.1671, shall provide sufficient medical, developmental, and behavioral health services to meet the needs of these children* ~~are exempt from the specialty prepaid plan upon the development of a service delivery mechanism for children who reside in area 10 as specified in s. 409.91211(3)(dd)~~.

This paragraph expires October 1, 2014.

(c) A federally qualified health center or an entity owned by one or more federally qualified health centers or an entity owned by other migrant and community health centers receiving non-Medicaid financial support from the Federal Government to provide health care services on a prepaid or fixed-sum basis to recipients. A federally qualified health center or an entity that is owned by one or more federally qualified health centers and is reimbursed by the agency on a prepaid basis is exempt from parts I and III of chapter 641, but must comply with the solvency requirements in s. 641.2261(2) and meet the appropriate requirements governing financial reserve, quality assurance, and patients' rights established by the agency. *This paragraph expires October 1, 2014.*

(d)*1.* A provider service network*, which* may be reimbursed on a fee-for-service or prepaid basis. *Prepaid provider service networks shall receive per-member, per-month payments. A provider service network that does not choose to be a prepaid plan shall receive fee-for-service rates with a shared savings settlement. The fee-for-service option shall be available to a provider service network only for the first 2 years of the plan's operation or until the contract year beginning September 1, 2014, whichever is later. The agency shall annually conduct cost reconciliations to determine the amount of cost savings achieved by fee-for-service provider service networks for the dates of service in the period being reconciled. Only payments for covered services for dates of service within the reconciliation period and paid within 6 months after the last date of service in the reconciliation period shall be included. The agency shall perform the necessary adjustments for the inclusion of claims incurred but not reported within the reconciliation for claims that could be received and paid by the agency after the 6-month claims processing time lag. The*

agency shall provide the results of the reconciliations to the fee-for-service provider service networks within 45 days after the end of the reconciliation period. The fee-for-service provider service networks shall review and provide written comments or a letter of concurrence to the agency within 45 days after receipt of the reconciliation results. This reconciliation shall be considered final.

2. A provider service network which is reimbursed by the agency on a prepaid basis shall be exempt from parts I and III of chapter 641, but must comply with the solvency requirements in s. 641.2261(2) and meet appropriate financial reserve, quality assurance, and patient rights requirements as established by the agency.

3. Medicaid recipients assigned to a provider service network shall be chosen equally from those who would otherwise have been assigned to prepaid plans and MediPass. The agency is authorized to seek federal Medicaid waivers as necessary to implement the provisions of this section. *This subparagraph expires October 1, 2014.* ~~Any contract previously awarded to a provider service network operated by a hospital pursuant to this subsection shall remain in effect for a period of 3 years following the current contract expiration date, regardless of any contractual provisions to the contrary.~~

4. A provider service network is a network established or organized and operated by a health care provider, or group of affiliated health care providers, including minority physician networks and emergency room diversion programs that meet the requirements of s. 409.91211, which provides a substantial proportion of the health care items and services under a contract directly through the provider or affiliated group of providers and may make arrangements with physicians or other health care professionals, health care institutions, or any combination of such individuals or institutions to assume all or part of the financial risk on a prospective basis for the provision of basic health services by the physicians, by other health professionals, or through the institutions. The health care providers must have a controlling interest in the governing body of the provider service network organization.

(e) An entity that provides only comprehensive behavioral health care services to certain Medicaid recipients through an administrative services organization agreement. Such an entity must possess the clinical systems and operational competence to provide comprehensive health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. Any contract awarded under this paragraph must be competitively procured. The agency must ensure that Medicaid recipients have available the choice of at least two managed care plans for their behavioral health care services. *This paragraph expires October 1, 2014.*

~~(f) An entity that provides in-home physician services to test the cost-effectiveness of enhanced home-based medical care to Medicaid recipients with degenerative neurological diseases and other diseases or disabling conditions associated with high costs to Medicaid. The program shall be designed to serve very disabled persons and to reduce Medicaid reimbursed costs for inpatient, outpatient, and emergency department services. The agency shall contract with vendors on a risk-sharing basis.~~

~~(g) Children's provider networks that provide care coordination and care management for Medicaid-eligible pediatric patients, primary care, authorization of specialty care, and other urgent and emergency care through organized providers designed to service Medicaid eligibles under age 18 and pediatric emergency departments' diversion programs. The networks shall provide after-hour operations, including evening and weekend hours, to promote, when appropriate, the use of the children's networks rather than hospital emergency departments.~~

(f)~~(h)~~ An entity authorized in s. 430.205 to contract with the agency and the Department of Elderly Affairs to provide health care and social services on a prepaid or fixed-sum basis to elderly recipients. Such prepaid health care services entities are exempt from the provisions of part I of chapter 641 for the first 3 years of operation. An entity recognized under this paragraph that demonstrates to the satisfaction of the Office of Insurance Regulation that it is backed by the full faith and credit of one or more counties in which it operates may be exempted from s. 641.225. *This paragraph expires October 1, 2013.*

(g)~~(i)~~ A Children's Medical Services Network, as defined in s. 391.021. *This paragraph expires October 1, 2014.*

~~(5) The Agency for Health Care Administration, in partnership with the Department of Elderly Affairs, shall create an integrated, fixed-payment delivery program for Medicaid recipients who are 60 years of age or older or dually eligible for Medicare and Medicaid. The Agency for Health Care Administration shall implement the integrated program initially on a pilot basis in two areas of the state. The pilot areas shall be Area 7 and Area 11 of the Agency for Health Care Administration. Enrollment in the pilot areas shall be on a voluntary basis and in accordance with approved federal waivers and this section. The agency and its program contractors and providers shall not enroll any individual in the integrated program because the individual or the person legally responsible for the individual fails to choose to enroll in the integrated program. Enrollment in the integrated program shall be exclusively by affirmative choice of the eligible individual or by the person legally responsible for the individual. The integrated program must transfer all Medicaid services for eligible elderly individuals who choose to participate into an integrated care management model designed to serve Medicaid recipients in the community. The integrated program must combine all funding for Medicaid services provided to individuals who are 60 years of age or older or dually eligible for Medicare and Medicaid into the integrated program, including funds for Medicaid home and community based waiver services; all Medicaid services authorized in ss. 409.905 and 409.906, excluding funds for Medicaid nursing home services unless the agency is able to demonstrate how the integration of the funds will improve coordinated care for these services in a less costly manner; and Medicare coinsurance and deductibles for persons dually eligible for Medicaid and Medicare as prescribed in s. 409.908(13).~~

~~(a) Individuals who are 60 years of age or older or dually eligible for Medicare and Medicaid and enrolled in the developmental disabilities waiver program, the family and supported living waiver program, the project AIDS care waiver program, the traumatic brain injury and spinal cord injury waiver program, the consumer-directed care waiver program, and the program of all-inclusive care for the elderly program, and residents of institutional care facilities for the developmentally disabled, must be excluded from the integrated program.~~

~~(b) Managed care entities who meet or exceed the agency's minimum standards are eligible to operate the integrated program. Entities eligible to participate include managed care organizations licensed under chapter 641, including entities eligible to participate in the nursing home diversion program, other qualified providers as defined in s. 430.703(7), community care for the elderly lead agencies, and other state certified community service networks that meet comparable standards as defined by the agency, in consultation with the Department of Elderly Affairs and the Office of Insurance Regulation, to be financially solvent and able to take on financial risk for managed care. Community service networks that are certified pursuant to the comparable standards defined by the agency are not required to be licensed under chapter 641. Managed care entities who operate the integrated program shall be subject to s. 408.7056. Eligible entities shall choose to serve enrollees who are dually eligible for Medicare and Medicaid, enrollees who are 60 years of age or older, or both.~~

~~(c) The agency must ensure that the capitation rate setting methodology for the integrated program is actuarially sound and reflects the intent to provide quality care in the least restrictive setting. The agency must also require integrated program providers to develop a credentialing system for service providers and to contract with all Gold Seal nursing homes, where feasible, and exclude, where feasible, chronically poor performing facilities and providers as defined by the agency. The integrated program must develop and maintain an informal provider grievance system that addresses provider payment and contract problems. The agency shall also establish a formal grievance system to address those issues that were not resolved through the informal grievance system. The integrated program must provide that if the recipient resides in a noncontracted residential facility licensed under chapter 400 or chapter 429 at the time of enrollment in the integrated program, the recipient must be permitted to continue to reside in the noncontracted facility as long as the recipient desires. The integrated program must also provide that, in the absence of a contract between the integrated program provider and the residential facility licensed under chapter 400 or chapter 429, current Medicaid rates must prevail. The integrated program provider must ensure that electronic nursing home claims that contain sufficient information for processing are paid within 10 business~~

~~days after receipt. Alternately, the integrated program provider may establish a capitated payment mechanism to prospectively pay nursing homes at the beginning of each month. The agency and the Department of Elderly Affairs must jointly develop procedures to manage the services provided through the integrated program in order to ensure quality and recipient choice.~~

~~(d) The Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, shall comprehensively evaluate the pilot project for the integrated, fixed payment delivery program for Medicaid recipients created under this subsection. The evaluation shall begin as soon as Medicaid recipients are enrolled in the managed care pilot program plans and shall continue for 24 months thereafter. The evaluation must include assessments of each managed care plan in the integrated program with regard to cost savings; consumer education, choice, and access to services; coordination of care; and quality of care. The evaluation must describe administrative or legal barriers to the implementation and operation of the pilot program and include recommendations regarding statewide expansion of the pilot program. The office shall submit its evaluation report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31, 2009.~~

~~(e) The agency may seek federal waivers or Medicaid state plan amendments and adopt rules as necessary to administer the integrated program. The agency may implement the approved federal waivers and other provisions as specified in this subsection.~~

~~(f) The implementation of the integrated, fixed payment delivery program created under this subsection is subject to an appropriation in the General Appropriations Act.~~

(5)~~(6)~~ The agency may contract with any public or private entity otherwise authorized by this section on a prepaid or fixed-sum basis for the provision of health care services to recipients. An entity may provide prepaid services to recipients, either directly or through arrangements with other entities, if each entity involved in providing services:

(a) Is organized primarily for the purpose of providing health care or other services of the type regularly offered to Medicaid recipients;

(b) Ensures that services meet the standards set by the agency for quality, appropriateness, and timeliness;

(c) Makes provisions satisfactory to the agency for insolvency protection and ensures that neither enrolled Medicaid recipients nor the agency will be liable for the debts of the entity;

(d) Submits to the agency, if a private entity, a financial plan that the agency finds to be fiscally sound and that provides for working capital in the form of cash or equivalent liquid assets excluding revenues from Medicaid premium payments equal to at least the first 3 months of operating expenses or $200,000, whichever is greater;

(e) Furnishes evidence satisfactory to the agency of adequate liability insurance coverage or an adequate plan of self-insurance to respond to claims for injuries arising out of the furnishing of health care;

(f) Provides, through contract or otherwise, for periodic review of its medical facilities and services, as required by the agency; and

(g) Provides organizational, operational, financial, and other information required by the agency.

This subsection expires October 1, 2014.

(6)~~(7)~~ The agency may contract on a prepaid or fixed-sum basis with any health insurer that:

(a) Pays for health care services provided to enrolled Medicaid recipients in exchange for a premium payment paid by the agency;

(b) Assumes the underwriting risk; and

(c) Is organized and licensed under applicable provisions of the Florida Insurance Code and is currently in good standing with the Office of Insurance Regulation.

This subsection expires October 1, 2014.

(7)~~(8)(a)~~ The agency may contract on a prepaid or fixed-sum basis with an exclusive provider organization to provide health care services to Medicaid recipients provided that the exclusive provider organization meets applicable managed care plan requirements in this section, ss. 409.9122, 409.9123, 409.9128, and 627.6472, and other applicable provisions of law. *This subsection expires October 1, 2014.*

~~(b) For a period of no longer than 24 months after the effective date of this paragraph, when a member of an exclusive provider organization that is contracted by the agency to provide health care services to Medicaid recipients in rural areas without a health maintenance organization obtains services from a provider that participates in the Medicaid program in this state, the provider shall be paid in accordance with the appropriate fee schedule for services provided to eligible Medicaid recipients. The agency may seek waiver authority to implement this paragraph.~~

(8)~~(9)~~ The Agency for Health Care Administration may provide cost-effective purchasing of chiropractic services on a fee-for-service basis to Medicaid recipients through arrangements with a statewide chiropractic preferred provider organization incorporated in this state as a not-for-profit corporation. The agency shall ensure that the benefit limits and prior authorization requirements in the current Medicaid program shall apply to the services provided by the chiropractic preferred provider organization. *This subsection expires October 1, 2014.*

(9)~~(10)~~ The agency shall not contract on a prepaid or fixed-sum basis for Medicaid services with an entity which knows or reasonably should know that any officer, director, agent, managing employee, or owner of stock or beneficial interest in excess of 5 percent common or preferred stock, or the entity itself, has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere, or guilty, to:

(a) Fraud;

(b) Violation of federal or state antitrust statutes, including those proscribing price fixing between competitors and the allocation of customers among competitors;

(c) Commission of a felony involving embezzlement, theft, forgery, income tax evasion, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice; or

(d) Any crime in any jurisdiction which directly relates to the provision of health services on a prepaid or fixed-sum basis.

This subsection expires October 1, 2014.

(10)~~(11)~~ The agency, after notifying the Legislature, may apply for waivers of applicable federal laws and regulations as necessary to implement more appropriate systems of health care for Medicaid recipients and reduce the cost of the Medicaid program to the state and federal governments and shall implement such programs, after legislative approval, within a reasonable period of time after federal approval. These programs must be designed primarily to reduce the need for inpatient care, custodial care and other long-term or institutional care, and other high-cost services. Prior to seeking legislative approval of such a waiver as authorized by this subsection, the agency shall provide notice and an opportunity for public comment. Notice shall be provided to all persons who have made requests of the agency for advance notice and shall be published in the Florida Administrative Weekly not less than 28 days prior to the intended action. *This subsection expires October 1, 2016.*

(11)~~(12)~~ The agency shall establish a postpayment utilization control program designed to identify recipients who may inappropriately overuse or underuse Medicaid services and shall provide methods to correct such misuse. *This subsection expires October 1, 2014.*

(12)~~(13)~~ The agency shall develop and provide coordinated systems of care for Medicaid recipients and may contract with public or private entities to develop and administer such systems of care among public and private health care providers in a given geographic area. *This subsection expires October 1, 2014.*

(13)~~(14)(a)~~ The agency shall operate or contract for the operation of utilization management and incentive systems designed to encourage cost-effective use of services and to eliminate services that are medically unnecessary. The agency shall track Medicaid provider prescription and

billing patterns and evaluate them against Medicaid medical necessity criteria and coverage and limitation guidelines adopted by rule. Medical necessity determination requires that service be consistent with symptoms or confirmed diagnosis of illness or injury under treatment and not in excess of the patient's needs. The agency shall conduct reviews of provider exceptions to peer group norms and shall, using statistical methodologies, provider profiling, and analysis of billing patterns, detect and investigate abnormal or unusual increases in billing or payment of claims for Medicaid services and medically unnecessary provision of services. Providers that demonstrate a pattern of submitting claims for medically unnecessary services shall be referred to the Medicaid program integrity unit for investigation. In its annual report, required in s. 409.913, the agency shall report on its efforts to control overutilization as described in this *subsection* ~~paragraph~~. *This subsection expires October 1, 2014.*

~~(b) The agency shall develop a procedure for determining whether health care providers and service vendors can provide the Medicaid program using a business case that demonstrates whether a particular good or service can offset the cost of providing the good or service in an alternative setting or through other means and therefore should receive a higher reimbursement. The business case must include, but need not be limited to:~~

~~1. A detailed description of the good or service to be provided, a description and analysis of the agency's current performance of the service, and a rationale documenting how providing the service in an alternative setting would be in the best interest of the state, the agency, and its clients.~~

~~2. A cost-benefit analysis documenting the estimated specific direct and indirect costs, savings, performance improvements, risks, and qualitative and quantitative benefits involved in or resulting from providing the service. The cost-benefit analysis must include a detailed plan and timeline identifying all actions that must be implemented to realize expected benefits. The Secretary of Health Care Administration shall verify that all costs, savings, and benefits are valid and achievable.~~

~~(c) If the agency determines that the increased reimbursement is cost-effective, the agency shall recommend a change in the reimbursement schedule for that particular good or service. If, within 12 months after implementing any rate change under this procedure, the agency determines that costs were not offset by the increased reimbursement schedule, the agency may revert to the former reimbursement schedule for the particular good or service.~~

(14)~~(15)~~(a) The agency shall operate the Comprehensive Assessment and Review for Long-Term Care Services (CARES) nursing facility preadmission screening program to ensure that Medicaid payment for nursing facility care is made only for individuals whose conditions require such care and to ensure that long-term care services are provided in the setting most appropriate to the needs of the person and in the most economical manner possible. The CARES program shall also ensure that individuals participating in Medicaid home and community-based waiver programs meet criteria for those programs, consistent with approved federal waivers.

(b) The agency shall operate the CARES program through an interagency agreement with the Department of Elderly Affairs. The agency, in consultation with the Department of Elderly Affairs, may contract for any function or activity of the CARES program, including any function or activity required by 42 C.F.R. part 483.20, relating to preadmission screening and resident review.

(c) Prior to making payment for nursing facility services for a Medicaid recipient, the agency must verify that the nursing facility preadmission screening program has determined that the individual requires nursing facility care and that the individual cannot be safely served in community-based programs. The nursing facility preadmission screening program shall refer a Medicaid recipient to a community-based program if the individual could be safely served at a lower cost and the recipient chooses to participate in such program. For individuals whose nursing home stay is initially funded by Medicare and Medicare coverage is being terminated for lack of progress towards rehabilitation, CARES staff shall consult with the person making the determination of progress toward rehabilitation to ensure that the recipient is not being inappropriately disqualified from Medicare coverage. If, in their professional judgment, CARES staff believes that a Medicare beneficiary is still making progress toward rehabilitation, they may assist the Medicare beneficiary with an appeal of the disqualification from Medicare coverage. The use of CARES teams to review Medicare denials for coverage under this section is authorized only if it is determined that such reviews qualify for federal matching funds through Medicaid. The agency shall seek or amend federal waivers as necessary to implement this section.

(d) For the purpose of initiating immediate prescreening and diversion assistance for individuals residing in nursing homes and in order to make families aware of alternative long-term care resources so that they may choose a more cost-effective setting for long-term placement, CARES staff shall conduct an assessment and review of a sample of individuals whose nursing home stay is expected to exceed 20 days, regardless of the initial funding source for the nursing home placement. CARES staff shall provide counseling and referral services to these individuals regarding choosing appropriate long-term care alternatives. This paragraph does not apply to continuing care facilities licensed under chapter 651 or to retirement communities that provide a combination of nursing home, independent living, and other long-term care services.

(e) By January 15 of each year, the agency shall submit a report to the Legislature describing the operations of the CARES program. The report must describe:

1. Rate of diversion to community alternative programs;

2. CARES program staffing needs to achieve additional diversions;

3. Reasons the program is unable to place individuals in less restrictive settings when such individuals desired such services and could have been served in such settings;

4. Barriers to appropriate placement, including barriers due to policies or operations of other agencies or state-funded programs; and

5. Statutory changes necessary to ensure that individuals in need of long-term care services receive care in the least restrictive environment.

(f) The Department of Elderly Affairs shall track individuals over time who are assessed under the CARES program and who are diverted from nursing home placement. By January 15 of each year, the department shall submit to the Legislature a longitudinal study of the individuals who are diverted from nursing home placement. The study must include:

1. The demographic characteristics of the individuals assessed and diverted from nursing home placement, including, but not limited to, age, race, gender, frailty, caregiver status, living arrangements, and geographic location;

2. A summary of community services provided to individuals for 1 year after assessment and diversion;

3. A summary of inpatient hospital admissions for individuals who have been diverted; and

4. A summary of the length of time between diversion and subsequent entry into a nursing home or death.

This subsection expires October 1, 2013.

(15)~~(16)~~(a) The agency shall identify health care utilization and price patterns within the Medicaid program which are not cost-effective or medically appropriate and assess the effectiveness of new or alternate methods of providing and monitoring service, and may implement such methods as it considers appropriate. Such methods may include disease management initiatives, an integrated and systematic approach for managing the health care needs of recipients who are at risk of or diagnosed with a specific disease by using best practices, prevention strategies, clinical-practice improvement, clinical interventions and protocols, outcomes research, information technology, and other tools and resources to reduce overall costs and improve measurable outcomes.

(b) The responsibility of the agency under this subsection shall include the development of capabilities to identify actual and optimal practice patterns; patient and provider educational initiatives; methods for determining patient compliance with prescribed treatments; fraud,

waste, and abuse prevention and detection programs; and beneficiary case management programs.

1. The practice pattern identification program shall evaluate practitioner prescribing patterns based on national and regional practice guidelines, comparing practitioners to their peer groups. The agency and its Drug Utilization Review Board shall consult with the Department of Health and a panel of practicing health care professionals consisting of the following: the Speaker of the House of Representatives and the President of the Senate shall each appoint three physicians licensed under chapter 458 or chapter 459; and the Governor shall appoint two pharmacists licensed under chapter 465 and one dentist licensed under chapter 466 who is an oral surgeon. Terms of the panel members shall expire at the discretion of the appointing official. The advisory panel shall be responsible for evaluating treatment guidelines and recommending ways to incorporate their use in the practice pattern identification program. Practitioners who are prescribing inappropriately or inefficiently, as determined by the agency, may have their prescribing of certain drugs subject to prior authorization or may be terminated from all participation in the Medicaid program.

2. The agency shall also develop educational interventions designed to promote the proper use of medications by providers and beneficiaries.

3. The agency shall implement a pharmacy fraud, waste, and abuse initiative that may include a surety bond or letter of credit requirement for participating pharmacies, enhanced provider auditing practices, the use of additional fraud and abuse software, recipient management programs for beneficiaries inappropriately using their benefits, and other steps that will eliminate provider and recipient fraud, waste, and abuse. The initiative shall address enforcement efforts to reduce the number and use of counterfeit prescriptions.

4. By September 30, 2002, the agency shall contract with an entity in the state to implement a wireless handheld clinical pharmacology drug information database for practitioners. The initiative shall be designed to enhance the agency's efforts to reduce fraud, abuse, and errors in the prescription drug benefit program and to otherwise further the intent of this paragraph.

5. By April 1, 2006, the agency shall contract with an entity to design a database of clinical utilization information or electronic medical records for Medicaid providers. This system must be web-based and allow providers to review on a real-time basis the utilization of Medicaid services, including, but not limited to, physician office visits, inpatient and outpatient hospitalizations, laboratory and pathology services, radiological and other imaging services, dental care, and patterns of dispensing prescription drugs in order to coordinate care and identify potential fraud and abuse.

6. The agency may apply for any federal waivers needed to administer this paragraph.

This subsection expires October 1, 2014.

(16)~~(17)~~ An entity contracting on a prepaid or fixed-sum basis shall meet the surplus requirements of s. 641.225. If an entity's surplus falls below an amount equal to the surplus requirements of s. 641.225, the agency shall prohibit the entity from engaging in marketing and preenrollment activities, shall cease to process new enrollments, and may not renew the entity's contract until the required balance is achieved. The requirements of this subsection do not apply:

(a) Where a public entity agrees to fund any deficit incurred by the contracting entity; or

(b) Where the entity's performance and obligations are guaranteed in writing by a guaranteeing organization which:

1. Has been in operation for at least 5 years and has assets in excess of $50 million; or

2. Submits a written guarantee acceptable to the agency which is irrevocable during the term of the contracting entity's contract with the agency and, upon termination of the contract, until the agency receives proof of satisfaction of all outstanding obligations incurred under the contract.

This subsection expires October 1, 2014.

(17)~~(18)~~(a) The agency may require an entity contracting on a prepaid or fixed-sum basis to establish a restricted insolvency protection account with a federally guaranteed financial institution licensed to do business in this state. The entity shall deposit into that account 5 percent of the capitation payments made by the agency each month until a maximum total of 2 percent of the total current contract amount is reached. The restricted insolvency protection account may be drawn upon with the authorized signatures of two persons designated by the entity and two representatives of the agency. If the agency finds that the entity is insolvent, the agency may draw upon the account solely with the two authorized signatures of representatives of the agency, and the funds may be disbursed to meet financial obligations incurred by the entity under the prepaid contract. If the contract is terminated, expired, or not continued, the account balance must be released by the agency to the entity upon receipt of proof of satisfaction of all outstanding obligations incurred under this contract.

(b) The agency may waive the insolvency protection account requirement in writing when evidence is on file with the agency of adequate insolvency insurance and reinsurance that will protect enrollees if the entity becomes unable to meet its obligations.

(18)~~(19)~~ An entity that contracts with the agency on a prepaid or fixed-sum basis for the provision of Medicaid services shall reimburse any hospital or physician that is outside the entity's authorized geographic service area as specified in its contract with the agency, and that provides services authorized by the entity to its members, at a rate negotiated with the hospital or physician for the provision of services or according to the lesser of the following:

(a) The usual and customary charges made to the general public by the hospital or physician; or

(b) The Florida Medicaid reimbursement rate established for the hospital or physician.

This subsection expires October 1, 2014.

(19)~~(20)~~ When a merger or acquisition of a Medicaid prepaid contractor has been approved by the Office of Insurance Regulation pursuant to s. 628.4615, the agency shall approve the assignment or transfer of the appropriate Medicaid prepaid contract upon request of the surviving entity of the merger or acquisition if the contractor and the other entity have been in good standing with the agency for the most recent 12-month period, unless the agency determines that the assignment or transfer would be detrimental to the Medicaid recipients or the Medicaid program. To be in good standing, an entity must not have failed accreditation or committed any material violation of the requirements of s. 641.52 and must meet the Medicaid contract requirements. For purposes of this section, a merger or acquisition means a change in controlling interest of an entity, including an asset or stock purchase. *This subsection expires October 1, 2014.*

(20)~~(21)~~ Any entity contracting with the agency pursuant to this section to provide health care services to Medicaid recipients is prohibited from engaging in any of the following practices or activities:

(a) Practices that are discriminatory, including, but not limited to, attempts to discourage participation on the basis of actual or perceived health status.

(b) Activities that could mislead or confuse recipients, or misrepresent the organization, its marketing representatives, or the agency. Violations of this paragraph include, but are not limited to:

1. False or misleading claims that marketing representatives are employees or representatives of the state or county, or of anyone other than the entity or the organization by whom they are reimbursed.

2. False or misleading claims that the entity is recommended or endorsed by any state or county agency, or by any other organization which has not certified its endorsement in writing to the entity.

3. False or misleading claims that the state or county recommends that a Medicaid recipient enroll with an entity.

4. Claims that a Medicaid recipient will lose benefits under the Medicaid program, or any other health or welfare benefits to which the

recipient is legally entitled, if the recipient does not enroll with the entity.

(c) Granting or offering of any monetary or other valuable consideration for enrollment, except as authorized by subsection *(23)* ~~(24)~~.

(d) Door-to-door solicitation of recipients who have not contacted the entity or who have not invited the entity to make a presentation.

(e) Solicitation of Medicaid recipients by marketing representatives stationed in state offices unless approved and supervised by the agency or its agent and approved by the affected state agency when solicitation occurs in an office of the state agency. The agency shall ensure that marketing representatives stationed in state offices shall market their managed care plans to Medicaid recipients only in designated areas and in such a way as to not interfere with the recipients' activities in the state office.

(f) Enrollment of Medicaid recipients.

(21)~~(22)~~ The agency may impose a fine for a violation of this section or the contract with the agency by a person or entity that is under contract with the agency. With respect to any nonwillful violation, such fine shall not exceed $2,500 per violation. In no event shall such fine exceed an aggregate amount of $10,000 for all nonwillful violations arising out of the same action. With respect to any knowing and willful violation of this section or the contract with the agency, the agency may impose a fine upon the entity in an amount not to exceed $20,000 for each such violation. In no event shall such fine exceed an aggregate amount of $100,000 for all knowing and willful violations arising out of the same action. *This subsection expires October 1, 2014.*

(22)~~(23)~~ A health maintenance organization or a person or entity exempt from chapter 641 that is under contract with the agency for the provision of health care services to Medicaid recipients may not use or distribute marketing materials used to solicit Medicaid recipients, unless such materials have been approved by the agency. The provisions of this subsection do not apply to general advertising and marketing materials used by a health maintenance organization to solicit both non-Medicaid subscribers and Medicaid recipients. *This subsection expires October 1, 2014.*

(23)~~(24)~~ Upon approval by the agency, health maintenance organizations and persons or entities exempt from chapter 641 that are under contract with the agency for the provision of health care services to Medicaid recipients may be permitted within the capitation rate to provide additional health benefits that the agency has found are of high quality, are practicably available, provide reasonable value to the recipient, and are provided at no additional cost to the state. *This subsection expires October 1, 2014.*

(24)~~(25)~~ The agency shall utilize the statewide health maintenance organization complaint hotline for the purpose of investigating and resolving Medicaid and prepaid health plan complaints, maintaining a record of complaints and confirmed problems, and receiving disenrollment requests made by recipients. *This subsection expires October 1, 2014.*

(25)~~(26)~~ The agency shall require the publication of the health maintenance organization's and the prepaid health plan's consumer services telephone numbers and the "800" telephone number of the statewide health maintenance organization complaint hotline on each Medicaid identification card issued by a health maintenance organization or prepaid health plan contracting with the agency to serve Medicaid recipients and on each subscriber handbook issued to a Medicaid recipient. *This subsection expires October 1, 2014.*

(26)~~(27)~~ The agency shall establish a health care quality improvement system for those entities contracting with the agency pursuant to this section, incorporating all the standards and guidelines developed by the Medicaid Bureau of the Health Care Financing Administration as a part of the quality assurance reform initiative. The system shall include, but need not be limited to, the following:

(a) Guidelines for internal quality assurance programs, including standards for:

1. Written quality assurance program descriptions.

2. Responsibilities of the governing body for monitoring, evaluating, and making improvements to care.

3. An active quality assurance committee.

4. Quality assurance program supervision.

5. Requiring the program to have adequate resources to effectively carry out its specified activities.

6. Provider participation in the quality assurance program.

7. Delegation of quality assurance program activities.

8. Credentialing and recredentialing.

9. Enrollee rights and responsibilities.

10. Availability and accessibility to services and care.

11. Ambulatory care facilities.

12. Accessibility and availability of medical records, as well as proper recordkeeping and process for record review.

13. Utilization review.

14. A continuity of care system.

15. Quality assurance program documentation.

16. Coordination of quality assurance activity with other management activity.

17. Delivering care to pregnant women and infants; to elderly and disabled recipients, especially those who are at risk of institutional placement; to persons with developmental disabilities; and to adults who have chronic, high-cost medical conditions.

(b) Guidelines which require the entities to conduct quality-of-care studies which:

1. Target specific conditions and specific health service delivery issues for focused monitoring and evaluation.

2. Use clinical care standards or practice guidelines to objectively evaluate the care the entity delivers or fails to deliver for the targeted clinical conditions and health services delivery issues.

3. Use quality indicators derived from the clinical care standards or practice guidelines to screen and monitor care and services delivered.

(c) Guidelines for external quality review of each contractor which require: focused studies of patterns of care; individual care review in specific situations; and followup activities on previous pattern-of-care study findings and individual-care-review findings. In designing the external quality review function and determining how it is to operate as part of the state's overall quality improvement system, the agency shall construct its external quality review organization and entity contracts to address each of the following:

1. Delineating the role of the external quality review organization.

2. Length of the external quality review organization contract with the state.

3. Participation of the contracting entities in designing external quality review organization review activities.

4. Potential variation in the type of clinical conditions and health services delivery issues to be studied at each plan.

5. Determining the number of focused pattern-of-care studies to be conducted for each plan.

6. Methods for implementing focused studies.

7. Individual care review.

8. Followup activities.

This subsection expires October 1, 2016.

(27)~~(28)~~ In order to ensure that children receive health care services for which an entity has already been compensated, an entity contracting with the agency pursuant to this section shall achieve an annual Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Service screening rate of at least 60 percent for those recipients continuously enrolled for at least 8 months. The agency shall develop a method by which the EPSDT screening rate shall be calculated. For any entity which does not achieve the annual 60 percent rate, the entity must submit a corrective action plan for the agency's approval. If the entity does not meet the standard established in the corrective action plan during the specified timeframe, the agency is authorized to impose appropriate contract sanctions. At least annually, the agency shall publicly release the EPSDT Services screening rates of each entity it has contracted with on a prepaid basis to serve Medicaid recipients. *This subsection expires October 1, 2014.*

(28)~~(29)~~ The agency shall perform enrollments and disenrollments for Medicaid recipients who are eligible for MediPass or managed care plans. Notwithstanding the prohibition contained in paragraph *(20)*~~(21)~~(f), managed care plans may perform preenrollments of Medicaid recipients under the supervision of the agency or its agents. For the purposes of this section, the term "preenrollment" means the provision of marketing and educational materials to a Medicaid recipient and assistance in completing the application forms, but does not include actual enrollment into a managed care plan. An application for enrollment may not be deemed complete until the agency or its agent verifies that the recipient made an informed, voluntary choice. The agency, in cooperation with the Department of Children and Family Services, may test new marketing initiatives to inform Medicaid recipients about their managed care options at selected sites. The agency may contract with a third party to perform managed care plan and MediPass enrollment and disenrollment services for Medicaid recipients and may adopt rules to administer such services. The agency may adjust the capitation rate only to cover the costs of a third-party enrollment and disenrollment contract, and for agency supervision and management of the managed care plan enrollment and disenrollment contract. *This subsection expires October 1, 2014.*

(29)~~(30)~~ Any lists of providers made available to Medicaid recipients, MediPass enrollees, or managed care plan enrollees shall be arranged alphabetically showing the provider's name and specialty and, separately, by specialty in alphabetical order. *This subsection expires October 1, 2014.*

(30)~~(31)~~ The agency shall establish an enhanced managed care quality assurance oversight function, to include at least the following components:

(a) At least quarterly analysis and followup, including sanctions as appropriate, of managed care participant utilization of services.

(b) At least quarterly analysis and followup, including sanctions as appropriate, of quality findings of the Medicaid peer review organization and other external quality assurance programs.

(c) At least quarterly analysis and followup, including sanctions as appropriate, of the fiscal viability of managed care plans.

(d) At least quarterly analysis and followup, including sanctions as appropriate, of managed care participant satisfaction and disenrollment surveys.

(e) The agency shall conduct regular and ongoing Medicaid recipient satisfaction surveys.

The analyses and followup activities conducted by the agency under its enhanced managed care quality assurance oversight function shall not duplicate the activities of accreditation reviewers for entities regulated under part III of chapter 641, but may include a review of the finding of such reviewers. *This subsection expires October 1, 2014.*

(31)~~(32)~~ Each managed care plan that is under contract with the agency to provide health care services to Medicaid recipients shall annually conduct a background check with the Department of Law Enforcement of all persons with ownership interest of 5 percent or more or executive management responsibility for the managed care plan and shall submit to the agency information concerning any such person who has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any of the offenses listed in s. 435.04. *This subsection expires October 1, 2014.*

(32)~~(33)~~ The agency shall, by rule, develop a process whereby a Medicaid managed care plan enrollee who wishes to enter hospice care may be disenrolled from the managed care plan within 24 hours after contacting the agency regarding such request. The agency rule shall include a methodology for the agency to recoup managed care plan payments on a pro rata basis if payment has been made for the enrollment month when disenrollment occurs. *This subsection expires October 1, 2014.*

(33)~~(34)~~ The agency and entities that contract with the agency to provide health care services to Medicaid recipients under this section or ss. 409.91211 and 409.9122 must comply with the provisions of s. 641.513 in providing emergency services and care to Medicaid recipients and MediPass recipients. Where feasible, safe, and cost-effective, the agency shall encourage hospitals, emergency medical services providers, and other public and private health care providers to work together in their local communities to enter into agreements or arrangements to ensure access to alternatives to emergency services and care for those Medicaid recipients who need nonemergent care. The agency shall coordinate with hospitals, emergency medical services providers, private health plans, capitated managed care networks as established in s. 409.91211, and other public and private health care providers to implement the provisions of ss. 395.1041(7), 409.91255(3)(g), 627.6405, and 641.31097 to develop and implement emergency department diversion programs for Medicaid recipients. *This subsection expires October 1, 2014.*

(34)~~(35)~~ All entities providing health care services to Medicaid recipients shall make available, and encourage all pregnant women and mothers with infants to receive, and provide documentation in the medical records to reflect, the following:

(a) Healthy Start prenatal or infant screening.

(b) Healthy Start care coordination, when screening or other factors indicate need.

(c) Healthy Start enhanced services in accordance with the prenatal or infant screening results.

(d) Immunizations in accordance with recommendations of the Advisory Committee on Immunization Practices of the United States Public Health Service and the American Academy of Pediatrics, as appropriate.

(e) Counseling and services for family planning to all women and their partners.

(f) A scheduled postpartum visit for the purpose of voluntary family planning, to include discussion of all methods of contraception, as appropriate.

(g) Referral to the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

This subsection expires October 1, 2014.

(35)~~(36)~~ Any entity that provides Medicaid prepaid health plan services shall ensure the appropriate coordination of health care services with an assisted living facility in cases where a Medicaid recipient is both a member of the entity's prepaid health plan and a resident of the assisted living facility. If the entity is at risk for Medicaid targeted case management and behavioral health services, the entity shall inform the assisted living facility of the procedures to follow should an emergent condition arise. *This subsection expires October 1, 2014.*

~~(37) The agency may seek and implement federal waivers necessary to provide for cost-effective purchasing of home health services, private duty nursing services, transportation, independent laboratory services, and durable medical equipment and supplies through competitive bidding pursuant to s. 287.057. The agency may request appropriate waivers from the federal Health Care Financing Administration in order to competitively bid such services. The agency may exclude providers not selected through the bidding process from the Medicaid provider network.~~

(36)~~(38)~~ The agency shall enter into agreements with not-for-profit organizations based in this state for the purpose of providing vision screening. *This subsection expires October 1, 2014.*

(37)~~(39)~~(a) The agency shall implement a Medicaid prescribed-drug spending-control program that includes the following components:

1. A Medicaid preferred drug list, which shall be a listing of cost-effective therapeutic options recommended by the Medicaid Pharmacy and Therapeutics Committee established pursuant to s. 409.91195 and adopted by the agency for each therapeutic class on the preferred drug list. At the discretion of the committee, and when feasible, the preferred drug list should include at least two products in a therapeutic class. The agency may post the preferred drug list and updates to the preferred drug list on an Internet website without following the rulemaking procedures of chapter 120. Antiretroviral agents are excluded from the preferred drug list. The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply unless the drug products' smallest marketed package is greater than a 34-day supply, or the drug is determined by the agency to be a maintenance drug in which case a 100-day maximum supply may be authorized. The agency is authorized to seek any federal waivers necessary to implement these cost-control programs and to continue participation in the federal Medicaid rebate program, or alternatively to negotiate state-only manufacturer rebates. The agency may adopt rules to implement this subparagraph. The agency shall continue to provide unlimited contraceptive drugs and items. The agency must establish procedures to ensure that:

a. There is a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation; and

b. A 72-hour supply of the drug prescribed is provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the lesser of: the average wholesale price (AWP) minus 16.4 percent, the wholesaler acquisition cost (WAC) plus 4.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

3. The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment when it is determined that it has a sufficient number of Medicaid-participating providers. The agency must allow dispensing practitioners to participate as a part of the Medicaid pharmacy network regardless of the practitioner's proximity to any other entity that is dispensing prescription drugs under the Medicaid program. A dispensing practitioner must meet all credentialing requirements applicable to his or her practice, as determined by the agency.

5. The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

7. The agency may establish a preferred drug list as described in this subsection, and, pursuant to the establishment of such preferred drug list, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 14 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug list. However, a pharmaceutical manufacturer is not guaranteed placement on the preferred drug list by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. Effective July 1, 2004, value-added programs as a substitution for supplemental rebates are prohibited. The agency is authorized to seek any federal waivers to implement this initiative.

8. The Agency for Health Care Administration shall expand home delivery of pharmacy products. To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail-order-pharmacy diabetes-supply program to include all generic and brand-name drugs used by Medicaid patients with diabetes. Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract. The agency may seek and implement any federal waivers necessary to implement this subparagraph.

9. The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

10.a. The agency may implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. The agency is authorized to seek federal waivers to implement this program.

b. The agency, in conjunction with the Department of Children and Family Services, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program may include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

11.a. The agency shall implement a Medicaid prescription drug management system. The agency may contract with a vendor that has experience in operating prescription drug management systems in order to implement this system. Any management system that is implemented in accordance with this subparagraph must rely on cooperation between physicians and pharmacists to determine appropriate practice patterns and clinical guidelines to improve the prescribing, dispensing, and use of drugs in the Medicaid program. The agency may seek federal waivers to implement this program.

b. The drug management system must be designed to improve the quality of care and prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid prescription drugs. The program must:

(I) Provide for the development and adoption of best practice guidelines for the prescribing and use of drugs in the Medicaid program, including translating best practice guidelines into practice; reviewing prescriber patterns and comparing them to indicators that are based on national standards and practice patterns of clinical peers in their community, statewide, and nationally; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid recipients who are outliers in their use of a single or multiple prescription drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of prescription drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple drugs that may be redundant or contraindicated, or may have other potential medication problems.

(V) Track spending trends for prescription drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement disease management programs in cooperation with physicians and pharmacists, along with a model quality-based medication component for individuals having chronic medical conditions.

12. The agency is authorized to contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

13. The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

14. The agency may require prior authorization for Medicaid-covered prescribed drugs. The agency may, but is not required to, prior-authorize the use of a product:

a. For an indication not approved in labeling;

b. To comply with certain clinical guidelines; or

c. If the product has the potential for overuse, misuse, or abuse.

The agency may require the prescribing professional to provide information about the rationale and supporting medical evidence for the use of a drug. The agency may post prior authorization criteria and protocol and updates to the list of drugs that are subject to prior authorization on an Internet website without amending its rule or engaging in additional rulemaking.

15. The agency, in conjunction with the Pharmaceutical and Therapeutics Committee, may require age-related prior authorizations for certain prescribed drugs. The agency may preauthorize the use of a drug for a recipient who may not meet the age requirement or may exceed the length of therapy for use of this product as recommended by the manufacturer and approved by the Food and Drug Administration. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the use of a drug.

16. The agency shall implement a step-therapy prior authorization approval process for medications excluded from the preferred drug list. Medications listed on the preferred drug list must be used within the previous 12 months prior to the alternative medications that are not listed. The step-therapy prior authorization may require the prescriber to use the medications of a similar drug class or for a similar medical indication unless contraindicated in the Food and Drug Administration labeling. The trial period between the specified steps may vary according to the medical indication. The step-therapy approval process shall be developed in accordance with the committee as stated in s. 409.91195(7) and (8). A drug product may be approved without meeting the step-therapy prior authorization criteria if the prescribing physician provides the agency with additional written medical or clinical documentation that the product is medically necessary because:

a. There is not a drug on the preferred drug list to treat the disease or medical condition which is an acceptable clinical alternative;

b. The alternatives have been ineffective in the treatment of the beneficiary's disease; or

c. Based on historic evidence and known characteristics of the patient and the drug, the drug is likely to be ineffective, or the number of doses have been ineffective.

The agency shall work with the physician to determine the best alternative for the patient. The agency may adopt rules waiving the requirements for written clinical documentation for specific drugs in limited clinical situations.

17. The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a $5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner. The agency shall determine if the program has reduced the amount of Medicaid prescription drugs which are destroyed on an annual basis and if there are additional ways to ensure more prescription drugs are not destroyed which could safely be reused. The agency's conclusion and recommendations shall be reported to the Legislature by December 1, 2005.

(b) The agency shall implement this subsection to the extent that funds are appropriated to administer the Medicaid prescribed-drug spending-control program. The agency may contract all or any part of this program to private organizations.

(c) The agency shall submit quarterly reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives which must include, but need not be limited to, the progress made in implementing this subsection and its effect on Medicaid prescribed-drug expenditures.

(38)~~(40)~~ Notwithstanding the provisions of chapter 287, the agency may, at its discretion, renew a contract or contracts for fiscal intermediary services one or more times for such periods as the agency may decide; however, all such renewals may not combine to exceed a total period longer than the term of the original contract.

(39)~~(41)~~ The agency shall provide for the development of a demonstration project by establishment in Miami-Dade County of a long-term-care facility licensed pursuant to chapter 395 to improve access to health care for a predominantly minority, medically underserved, and medically complex population and to evaluate alternatives to nursing home care and general acute care for such population. Such project is to be located in a health care condominium and colocated with licensed facilities providing a continuum of care. The establishment of this project is not subject to the provisions of s. 408.036 or s. 408.039. *This subsection expires October 1, 2013.*

(40)~~(42)~~ The agency shall develop and implement a utilization management program for Medicaid-eligible recipients for the management of occupational, physical, respiratory, and speech therapies. The agency shall establish a utilization program that may require prior authorization in order to ensure medically necessary and cost-effective treatments. The program shall be operated in accordance with a federally approved waiver program or state plan amendment. The agency may seek a federal waiver or state plan amendment to implement this program. The agency may also competitively procure these services from an outside vendor on a regional or statewide basis. *This subsection expires October 1, 2014.*

(41)~~(43)~~ The agency *shall* ~~may~~ contract on a prepaid or fixed-sum basis with appropriately licensed prepaid dental health plans to provide dental services. *This subsection expires October 1, 2014.*

(42)~~(44)~~ The Agency for Health Care Administration shall ensure that any Medicaid managed care plan as defined in s. 409.9122(2)(f), whether paid on a capitated basis or a shared savings basis, is cost-effective. For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees, if any, must be no greater than the state's costs associated with contracts for Medicaid services established under subsection (3), which may be adjusted for health status. The agency shall conduct actuarially sound adjustments for health status in order to ensure such cost-effectiveness and shall annually publish the results on its Internet website. Contracts established pursuant to this subsection which are not cost-effective may not be renewed. *This subsection expires October 1, 2014.*

(43)~~(45)~~ Subject to the availability of funds, the agency shall mandate a recipient's participation in a provider lock-in program, when appropriate, if a recipient is found by the agency to have used Medicaid goods or services at a frequency or amount not medically necessary, limiting the receipt of goods or services to medically necessary providers after the 21-day appeal process has ended, for a period of not less than 1 year. The lock-in programs shall include, but are not limited to, pharmacies, medical doctors, and infusion clinics. The limitation does not apply to emergency services and care provided to the recipient in a hospital emergency department. The agency shall seek any federal waivers necessary to implement this subsection. The agency shall adopt any rules necessary to comply with or administer this subsection. *This subsection expires October 1, 2014.*

(44)~~(46)~~ The agency shall seek a federal waiver for permission to terminate the eligibility of a Medicaid recipient who has been found to have committed fraud, through judicial or administrative determination, two times in a period of 5 years.

~~(47) The agency shall conduct a study of available electronic systems for the purpose of verifying the identity and eligibility of a Medicaid recipient. The agency shall recommend to the Legislature a plan to implement an electronic verification system for Medicaid recipients by January 31, 2005.~~

(45)~~(48)~~(a) A provider is not entitled to enrollment in the Medicaid provider network. The agency may implement a Medicaid fee-for-service provider network controls, including, but not limited to, competitive procurement and provider credentialing. If a credentialing process is used, the agency may limit its provider network based upon the following considerations: beneficiary access to care, provider availability, provider quality standards and quality assurance processes, cultural competency, demographic characteristics of beneficiaries, practice standards, service wait times, provider turnover, provider licensure and accreditation history, program integrity history, peer review, Medicaid policy and billing compliance records, clinical and medical record audit findings, and such other areas that are considered necessary by the agency to ensure the integrity of the program.

(b) The agency shall limit its network of durable medical equipment and medical supply providers. For dates of service after January 1, 2009, the agency shall limit payment for durable medical equipment and supplies to providers that meet all the requirements of this paragraph.

1. Providers must be accredited by a Centers for Medicare and Medicaid Services deemed accreditation organization for suppliers of durable medical equipment, prosthetics, orthotics, and supplies. The provider must maintain accreditation and is subject to unannounced reviews by the accrediting organization.

2. Providers must provide the services or supplies directly to the Medicaid recipient or caregiver at the provider location or recipient's residence or send the supplies directly to the recipient's residence with receipt of mailed delivery. Subcontracting or consignment of the service or supply to a third party is prohibited.

3. Notwithstanding subparagraph 2., a durable medical equipment provider may store nebulizers at a physician's office for the purpose of having the physician's staff issue the equipment if it meets all of the following conditions:

a. The physician must document the medical necessity and need to prevent further deterioration of the patient's respiratory status by the timely delivery of the nebulizer in the physician's office.

b. The durable medical equipment provider must have written documentation of the competency and training by a Florida-licensed registered respiratory therapist of any durable medical equipment staff who participate in the training of physician office staff for the use of nebulizers, including cleaning, warranty, and special needs of patients.

c. The physician's office must have documented the training and competency of any staff member who initiates the delivery of nebulizers to patients. The durable medical equipment provider must maintain copies of all physician office training.

d. The physician's office must maintain inventory records of stored nebulizers, including documentation of the durable medical equipment provider source.

e. A physician contracted with a Medicaid durable medical equipment provider may not have a financial relationship with that provider or receive any financial gain from the delivery of nebulizers to patients.

4. Providers must have a physical business location and a functional landline business phone. The location must be within the state or not more than 50 miles from the Florida state line. The agency may make exceptions for providers of durable medical equipment or supplies not otherwise available from other enrolled providers located within the state.

5. Physical business locations must be clearly identified as a business that furnishes durable medical equipment or medical supplies by signage that can be read from 20 feet away. The location must be readily accessible to the public during normal, posted business hours and must operate at least 5 hours per day and at least 5 days per week, with the exception of scheduled and posted holidays. The location may not be located within or at the same numbered street address as another en-

rolled Medicaid durable medical equipment or medical supply provider or as an enrolled Medicaid pharmacy that is also enrolled as a durable medical equipment provider. A licensed orthotist or prosthetist that provides only orthotic or prosthetic devices as a Medicaid durable medical equipment provider is exempt from this paragraph.

6. Providers must maintain a stock of durable medical equipment and medical supplies on site that is readily available to meet the needs of the durable medical equipment business location's customers.

7. Providers must provide a surety bond of $50,000 for each provider location, up to a maximum of 5 bonds statewide or an aggregate bond of $250,000 statewide, as identified by Federal Employer Identification Number. Providers who post a statewide or an aggregate bond must identify all of their locations in any Medicaid durable medical equipment and medical supply provider enrollment application or bond renewal. Each provider location's surety bond must be renewed annually and the provider must submit proof of renewal even if the original bond is a continuous bond. A licensed orthotist or prosthetist that provides only orthotic or prosthetic devices as a Medicaid durable medical equipment provider is exempt from the provisions in this paragraph.

8. Providers must obtain a level 2 background screening, in accordance with chapter 435 and s. 408.809, for each provider employee in direct contact with or providing direct services to recipients of durable medical equipment and medical supplies in their homes. This requirement includes, but is not limited to, repair and service technicians, fitters, and delivery staff. The provider shall pay for the cost of the background screening.

9. The following providers are exempt from subparagraphs 1. and 7.:

a. Durable medical equipment providers owned and operated by a government entity.

b. Durable medical equipment providers that are operating within a pharmacy that is currently enrolled as a Medicaid pharmacy provider.

c. Active, Medicaid-enrolled orthopedic physician groups, primarily owned by physicians, which provide only orthotic and prosthetic devices.

(46)~~(49)~~ The agency shall contract with established minority physician networks that provide services to historically underserved minority patients. The networks must provide cost-effective Medicaid services, comply with the requirements to be a MediPass provider, and provide their primary care physicians with access to data and other management tools necessary to assist them in ensuring the appropriate use of services, including inpatient hospital services and pharmaceuticals.

(a) The agency shall provide for the development and expansion of minority physician networks in each service area to provide services to Medicaid recipients who are eligible to participate under federal law and rules.

(b) The agency shall reimburse each minority physician network as a fee-for-service provider, including the case management fee for primary care, if any, or as a capitated rate provider for Medicaid services. Any savings shall be shared with the minority physician networks pursuant to the contract.

(c) For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees, if any, must be no greater than the state's costs associated with contracts for Medicaid services established under subsection (3), which shall be actuarially adjusted for case mix, model, and service area. The agency shall conduct actuarially sound audits adjusted for case mix and model in order to ensure such cost-effectiveness and shall annually publish the audit results on its Internet website. Contracts established pursuant to this subsection which are not cost-effective may not be renewed.

(d) The agency may apply for any federal waivers needed to implement this subsection.

This subsection expires October 1, 2014.

(47)~~(50)~~ To the extent permitted by federal law and as allowed under s. 409.906, the agency shall provide reimbursement for emergency mental health care services for Medicaid recipients in crisis stabilization facilities licensed under s. 394.875 as long as those services are less expensive than the same services provided in a hospital setting.

(48)~~(51)~~ The agency shall work with the Agency for Persons with Disabilities to develop a home and community-based waiver to serve children and adults who are diagnosed with familial dysautonomia or Riley-Day syndrome caused by a mutation of the IKBKAP gene on chromosome 9. The agency shall seek federal waiver approval and implement the approved waiver subject to the availability of funds and any limitations provided in the General Appropriations Act. The agency may adopt rules to implement this waiver program.

(49)~~(52)~~ The agency shall implement a program of all-inclusive care for children. The program of all-inclusive care for children shall be established to provide in-home hospice-like support services to children diagnosed with a life-threatening illness and enrolled in the Children's Medical Services network to reduce hospitalizations as appropriate. The agency, in consultation with the Department of Health, may implement the program of all-inclusive care for children after obtaining approval from the Centers for Medicare and Medicaid Services.

(50)~~(53)~~ Before seeking an amendment to the state plan for purposes of implementing programs authorized by the Deficit Reduction Act of 2005, the agency shall notify the Legislature.

(51) The agency may not pay for psychotropic medication prescribed for a child in the Medicaid program without the express and informed consent of the child's parent or legal guardian. The physician shall document the consent in the child's medical record and provide the pharmacy with a signed attestation of this documentation with the prescription. The express and informed consent or court authorization for a prescription of psychotropic medication for a child in the custody of the Department of Children and Family Services shall be obtained pursuant to s. 39.407.

Section 18. *Section 409.91207, Florida Statutes, is repealed.*

Section 19. Paragraphs (e), (l), (p), (w), and (dd) of subsection (3) of section 409.91211, Florida Statutes, are amended to read:

409.91211 Medicaid managed care pilot program.—

(3) The agency shall have the following powers, duties, and responsibilities with respect to the pilot program:

(e) To implement policies and guidelines for phasing in financial risk for approved provider service networks that, for purposes of this paragraph, include the Children's Medical Services Network, over the period of the waiver and the extension thereof. These policies and guidelines must include an option for a provider service network to be paid fee-for-service rates. For any provider service network established in a managed care pilot area, the option to be paid fee-for-service rates must include a savings-settlement mechanism that is consistent with s. 409.912*(42)*~~(44)~~. This model must be converted to a risk-adjusted capitated rate by the beginning of the final year of operation under the waiver extension, and may be converted earlier at the option of the provider service network. Federally qualified health centers may be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid primary care services.

(l) To implement a system that prohibits capitated managed care plans, their representatives, and providers employed by or contracted with the capitated managed care plans from recruiting persons eligible for or enrolled in Medicaid, from providing inducements to Medicaid recipients to select a particular capitated managed care plan, and from prejudicing Medicaid recipients against other capitated managed care plans. The system shall require the entity performing choice counseling to determine if the recipient has made a choice of a plan or has opted out because of duress, threats, payment to the recipient, or incentives promised to the recipient by a third party. If the choice counseling entity determines that the decision to choose a plan was unlawfully influenced or a plan violated any of the provisions of s. 409.912*(20)*~~(21)~~, the choice counseling entity shall immediately report the violation to the agency's program integrity section for investigation. Verification of choice counseling by the recipient shall include a stipulation that the recipient acknowledges the provisions of this subsection.

(p) To implement standards for plan compliance, including, but not limited to, standards for quality assurance and performance improvement, standards for peer or professional reviews, grievance policies, and policies for maintaining program integrity. The agency shall develop a data-reporting system, seek input from managed care plans in order to establish requirements for patient-encounter reporting, and ensure that the data reported is accurate and complete.

1. In performing the duties required under this section, the agency shall work with managed care plans to establish a uniform system to measure and monitor outcomes for a recipient of Medicaid services.

2. The system shall use financial, clinical, and other criteria based on pharmacy, medical services, and other data that is related to the provision of Medicaid services, including, but not limited to:

a. The Health Plan Employer Data and Information Set (HEDIS) or measures that are similar to HEDIS.

b. Member satisfaction.

c. Provider satisfaction.

d. Report cards on plan performance and best practices.

e. Compliance with the requirements for prompt payment of claims under ss. 627.613, 641.3155, and 641.513.

f. Utilization and quality data for the purpose of ensuring access to medically necessary services, including underutilization or inappropriate denial of services.

3. The agency shall require the managed care plans that have contracted with the agency to establish a quality assurance system that incorporates the provisions of s. 409.912*(26)*~~(27)~~ and any standards, rules, and guidelines developed by the agency.

4. The agency shall establish an encounter database in order to compile data on health services rendered by health care practitioners who provide services to patients enrolled in managed care plans in the demonstration sites. The encounter database shall:

a. Collect the following for each type of patient encounter with a health care practitioner or facility, including:

(I) The demographic characteristics of the patient.

(II) The principal, secondary, and tertiary diagnosis.

(III) The procedure performed.

(IV) The date and location where the procedure was performed.

(V) The payment for the procedure, if any.

(VI) If applicable, the health care practitioner's universal identification number.

(VII) If the health care practitioner rendering the service is a dependent practitioner, the modifiers appropriate to indicate that the service was delivered by the dependent practitioner.

b. Collect appropriate information relating to prescription drugs for each type of patient encounter.

c. Collect appropriate information related to health care costs and utilization from managed care plans participating in the demonstration sites.

5. To the extent practicable, when collecting the data the agency shall use a standardized claim form or electronic transfer system that is used by health care practitioners, facilities, and payors.

6. Health care practitioners and facilities in the demonstration sites shall electronically submit, and managed care plans participating in the demonstration sites shall electronically receive, information concerning claims payments and any other information reasonably related to the encounter database using a standard format as required by the agency.

7. The agency shall establish reasonable deadlines for phasing in the electronic transmittal of full encounter data.

8. The system must ensure that the data reported is accurate and complete.

(w) To implement procedures to minimize the risk of Medicaid fraud and abuse in all plans operating in the Medicaid managed care pilot program authorized in this section.

1. The agency shall ensure that applicable provisions of this chapter and chapters 414, 626, 641, and 932 which relate to Medicaid fraud and abuse are applied and enforced at the demonstration project sites.

2. Providers must have the certification, license, and credentials that are required by law and waiver requirements.

3. The agency shall ensure that the plan is in compliance with s. 409.912*(20) and* (21) ~~and (22)~~.

4. The agency shall require that each plan establish functions and activities governing program integrity in order to reduce the incidence of fraud and abuse. Plans must report instances of fraud and abuse pursuant to chapter 641.

5. The plan shall have written administrative and management arrangements or procedures, including a mandatory compliance plan, which are designed to guard against fraud and abuse. The plan shall designate a compliance officer who has sufficient experience in health care.

6.a. The agency shall require all managed care plan contractors in the pilot program to report all instances of suspected fraud and abuse. A failure to report instances of suspected fraud and abuse is a violation of law and subject to the penalties provided by law.

b. An instance of fraud and abuse in the managed care plan, including, but not limited to, defrauding the state health care benefit program by misrepresentation of fact in reports, claims, certifications, enrollment claims, demographic statistics, or patient-encounter data; misrepresentation of the qualifications of persons rendering health care and ancillary services; bribery and false statements relating to the delivery of health care; unfair and deceptive marketing practices; and false claims actions in the provision of managed care, is a violation of law and subject to the penalties provided by law.

c. The agency shall require that all contractors make all files and relevant billing and claims data accessible to state regulators and investigators and that all such data is linked into a unified system to ensure consistent reviews and investigations.

(dd) To implement service delivery mechanisms within a specialty plan in area 10 to provide behavioral health care services to Medicaid-eligible children whose cases are open for child welfare services in the HomeSafeNet system. These services must be coordinated with community-based care providers as specified in s. 409.1671, where available, and be sufficient to meet the developmental, behavioral, and emotional needs of these children. Children in area 10 who have an open case in the HomeSafeNet system shall be enrolled into the specialty plan. These service delivery mechanisms must be implemented no later than July 1, 2011, in AHCA area 10 in order for the children in AHCA area 10 to remain exempt from the statewide plan under s. 409.912(4)(b)*5.*~~8.~~ An administrative fee may be paid to the specialty plan for the coordination of services based on the receipt of the state share of that fee being provided through intergovernmental transfers.

Section 20. *Effective October 1, 2014, section 409.91211, Florida Statutes, is repealed.*

Section 21. Section 409.9122, Florida Statutes, is amended to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(1) It is the intent of the Legislature that the MediPass program be cost-effective, provide quality health care, and improve access to health services, and that the program be statewide. *This subsection expires October 1, 2014.*

(2)(a) The agency shall enroll in a managed care plan or MediPass all Medicaid recipients, except those Medicaid recipients who are: in an institution; enrolled in the Medicaid medically needy program; or eligible for both Medicaid and Medicare. Upon enrollment, individuals will be able to change their managed care option during the 90-day opt out period required by federal Medicaid regulations. The agency is authorized to seek the necessary Medicaid state plan amendment to implement this policy. However, to the extent permitted by federal law, the agency may enroll in a managed care plan or MediPass a Medicaid recipient who is exempt from mandatory managed care enrollment, provided that:

1. The recipient's decision to enroll in a managed care plan or MediPass is voluntary;

2. If the recipient chooses to enroll in a managed care plan, the agency has determined that the managed care plan provides specific programs and services which address the special health needs of the recipient; and

3. The agency receives any necessary waivers from the federal Centers for Medicare and Medicaid Services.

~~The agency shall develop rules to establish policies by which exceptions to the mandatory managed care enrollment requirement may be made on a case by case basis. The rules shall include the specific criteria to be applied when making a determination as to whether to exempt a recipient from mandatory enrollment in a managed care plan or MediPass.~~ School districts participating in the certified school match program pursuant to ss. 409.908(21) and 1011.70 shall be reimbursed by Medicaid, subject to the limitations of s. 1011.70(1), for a Medicaid-eligible child participating in the services as authorized in s. 1011.70, as provided for in s. 409.9071, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with school districts regarding the coordinated provision of services authorized under s. 1011.70. County health departments delivering school-based services pursuant to ss. 381.0056 and 381.0057 shall be reimbursed by Medicaid for the federal share for a Medicaid-eligible child who receives Medicaid-covered services in a school setting, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with county health departments regarding the coordinated provision of services to a Medicaid-eligible child. To ensure continuity of care for Medicaid patients, the agency, the Department of Health, and the Department of Education shall develop procedures for ensuring that a student's managed care plan or MediPass provider receives information relating to services provided in accordance with ss. 381.0056, 381.0057, 409.9071, and 1011.70.

(b) A Medicaid recipient shall not be enrolled in or assigned to a managed care plan or MediPass unless the managed care plan or MediPass has complied with the quality-of-care standards specified in paragraphs (3)(a) and (b), respectively.

(c) Medicaid recipients shall have a choice of managed care plans or MediPass. The Agency for Health Care Administration, the Department of Health, the Department of Children and Family Services, and the Department of Elderly Affairs shall cooperate to ensure that each Medicaid recipient receives clear and easily understandable information that meets the following requirements:

1. Explains the concept of managed care, including MediPass.

2. Provides information on the comparative performance of managed care plans and MediPass in the areas of quality, credentialing, preventive health programs, network size and availability, and patient satisfaction.

3. Explains where additional information on each managed care plan and MediPass in the recipient's area can be obtained.

4. Explains that recipients have the right to choose their managed care coverage at the time they first enroll in Medicaid and again at regular intervals set by the agency. However, if a recipient does not choose a managed care plan or MediPass, the agency will assign the recipient to a managed care plan or MediPass according to the criteria specified in this section.

5. Explains the recipient's right to complain, file a grievance, or change managed care plans or MediPass providers if the recipient is not satisfied with the managed care plan or MediPass.

(d) The agency shall develop a mechanism for providing information to Medicaid recipients for the purpose of making a managed care plan or MediPass selection. Examples of such mechanisms may include, but not be limited to, interactive information systems, mailings, and mass marketing materials. Managed care plans and MediPass providers are prohibited from providing inducements to Medicaid recipients to select their plans or from prejudicing Medicaid recipients against other managed care plans or MediPass providers.

(e) Medicaid recipients who are already enrolled in a managed care plan or MediPass shall be offered the opportunity to change managed care plans or MediPass providers on a staggered basis, as defined by the agency. All Medicaid recipients shall have 30 days in which to make a choice of managed care plans or MediPass providers. Those Medicaid recipients who do not make a choice shall be assigned in accordance with paragraph (f). To facilitate continuity of care, for a Medicaid recipient who is also a recipient of Supplemental Security Income (SSI), prior to assigning the SSI recipient to a managed care plan or MediPass, the agency shall determine whether the SSI recipient has an ongoing relationship with a MediPass provider or managed care plan, and if so, the agency shall assign the SSI recipient to that MediPass provider or managed care plan. Those SSI recipients who do not have such a provider relationship shall be assigned to a managed care plan or MediPass provider in accordance with paragraph (f).

(f) If a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan or MediPass provider. Medicaid recipients eligible for managed care plan enrollment who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an enrollment of 35 percent in MediPass and 65 percent in managed care plans, of all those eligible to choose managed care, is achieved. Once this enrollment is achieved, the assignments shall be divided in order to maintain an enrollment in MediPass and managed care plans which is in a 35 percent and 65 percent proportion, respectively. Thereafter, assignment of Medicaid recipients who fail to make a choice shall be based proportionally on the preferences of recipients who have made a choice in the previous period. Such proportions shall be revised at least quarterly to reflect an update of the preferences of Medicaid recipients. The agency shall disproportionately assign Medicaid-eligible recipients who are required to but have failed to make a choice of managed care plan or MediPass~~, including children, and who would be assigned to the MediPass program~~ to *the* ~~children's networks as described in s. 409.912(4)(g),~~ Children's Medical Services Network as defined in s. 391.021, exclusive provider organizations, provider service networks, minority physician networks, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act, in such manner as the agency deems appropriate, until the agency has determined that the networks and programs have sufficient numbers to be operated economically. For purposes of this paragraph, when referring to assignment, the term "managed care plans" includes health maintenance organizations, exclusive provider organizations, provider service networks, minority physician networks, Children's Medical Services Network, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act. When making assignments, the agency shall take into account the following criteria:

1. A managed care plan has sufficient network capacity to meet the need of members.

2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

(g) When more than one managed care plan or MediPass provider meets the criteria specified in paragraph (f), the agency shall make recipient assignments consecutively by family unit.

(h) The agency may not engage in practices that are designed to favor one managed care plan over another or that are designed to influence Medicaid recipients to enroll in MediPass rather than in a managed care plan or to enroll in a managed care plan rather than in MediPass. This subsection does not prohibit the agency from reporting on the performance of MediPass or any managed care plan, as measured by performance criteria developed by the agency.

(i) After a recipient has made his or her selection or has been enrolled in a managed care plan or MediPass, the recipient shall have 90 days to exercise the opportunity to voluntarily disenroll and select another managed care plan or MediPass. After 90 days, no further changes may be made except for good cause. Good cause includes, but is not limited to, poor quality of care, lack of access to necessary specialty services, an unreasonable delay or denial of service, or fraudulent enrollment. The agency shall develop criteria for good cause disenrollment for chronically ill and disabled populations who are assigned to managed care plans if more appropriate care is available through the MediPass program. The agency must make a determination as to whether cause exists. However, the agency may require a recipient to use the managed care plan's or MediPass grievance process prior to the agency's determination of cause, except in cases in which immediate risk of permanent damage to the recipient's health is alleged. The grievance process, when utilized, must be completed in time to permit the recipient to disenroll by the first day of the second month after the month the disenrollment request was made. If the managed care plan or MediPass, as a result of the grievance process, approves an enrollee's request to disenroll, the agency is not required to make a determination in the case. The agency must make a determination and take final action on a recipient's request so that disenrollment occurs no later than the first day of the second month after the month the request was made. If the agency fails to act within the specified timeframe, the recipient's request to disenroll is deemed to be approved as of the date agency action was required. Recipients who disagree with the agency's finding that cause does not exist for disenrollment shall be advised of their right to pursue a Medicaid fair hearing to dispute the agency's finding.

(j) The agency shall apply for a federal waiver from the Centers for Medicare and Medicaid Services to lock eligible Medicaid recipients into a managed care plan or MediPass for 12 months after an open enrollment period. After 12 months' enrollment, a recipient may select another managed care plan or MediPass provider. However, nothing shall prevent a Medicaid recipient from changing primary care providers within the managed care plan or MediPass program during the 12-month period.

(k) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan, except in those counties in which there are fewer than two managed care plans accepting Medicaid enrollees, in which case assignment shall be to a managed care plan or a MediPass provider. Medicaid recipients in counties with fewer than two managed care plans accepting Medicaid enrollees who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an enrollment of 35 percent in MediPass and 65 percent in managed care plans, of all those eligible to choose managed care, is achieved. Once that enrollment is achieved, the assignments shall be divided in order to maintain an enrollment in MediPass and managed care plans which is in a 35 percent and 65 percent proportion, respectively. For purposes of this paragraph, when referring to assignment, the term "managed care plans" includes exclusive provider organizations, provider service networks, Children's Medical Services Network, minority physician networks, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act. When making assignments, the agency shall take into account the following criteria:

1. A managed care plan has sufficient network capacity to meet the need of members.

2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

5. The agency has authority to make mandatory assignments based on quality of service and performance of managed care plans.

(l) If the Medicaid recipient is diagnosed with HIV/AIDS and resides in Broward, Miami-Dade, or Palm Beach Counties, the agency shall assign the Medicaid recipient to a managed care plan that is a health maintenance organization authorized under chapter 641, is under contract with the agency on July 1, 2011, and offers a delivery system through a university-based teaching and research-oriented organization that specializes in providing health care services and treatment for individuals diagnosed with HIV/AIDS.

(m)~~(l)~~ Notwithstanding the provisions of chapter 287, the agency may, at its discretion, renew cost-effective contracts for choice counseling services once or more for such periods as the agency may decide. However, all such renewals may not combine to exceed a total period longer than the term of the original contract.

This subsection expires October 1, 2014.

(3)(a) The agency shall establish quality-of-care standards for managed care plans. These standards shall be based upon, but are not limited to:

1. Compliance with the accreditation requirements as provided in s. 641.512.

2. Compliance with Early and Periodic Screening, Diagnosis, and Treatment screening requirements.

3. The percentage of voluntary disenrollments.

4. Immunization rates.

5. Standards of the National Committee for Quality Assurance and other approved accrediting bodies.

6. Recommendations of other authoritative bodies.

7. Specific requirements of the Medicaid program, or standards designed to specifically assist the unique needs of Medicaid recipients.

8. Compliance with the health quality improvement system as established by the agency, which incorporates standards and guidelines developed by the Medicaid Bureau of the Health Care Financing Administration as part of the quality assurance reform initiative.

(b) For the MediPass program, the agency shall establish standards which are based upon, but are not limited to:

1. Quality-of-care standards which are comparable to those required of managed care plans.

2. Credentialing standards for MediPass providers.

3. Compliance with Early and Periodic Screening, Diagnosis, and Treatment screening requirements.

4. Immunization rates.

5. Specific requirements of the Medicaid program, or standards designed to specifically assist the unique needs of Medicaid recipients.

This subsection expires October 1, 2014.

(4)(a) Each female recipient may select as her primary care provider an obstetrician/gynecologist who has agreed to participate as a MediPass primary care case manager.

(b) The agency shall establish a complaints and grievance process to assist Medicaid recipients enrolled in the MediPass program to resolve complaints and grievances. The agency shall investigate reports of

quality-of-care grievances which remain unresolved to the satisfaction of the enrollee.

This subsection expires October 1, 2014.

(5)(a) The agency shall work cooperatively with the Social Security Administration to identify beneficiaries who are jointly eligible for Medicare and Medicaid and shall develop cooperative programs to encourage these beneficiaries to enroll in a Medicare participating health maintenance organization or prepaid health plans.

(b) The agency shall work cooperatively with the Department of Elderly Affairs to assess the potential cost-effectiveness of providing MediPass to beneficiaries who are jointly eligible for Medicare and Medicaid on a voluntary choice basis. If the agency determines that enrollment of these beneficiaries in MediPass has the potential for being cost-effective for the state, the agency shall offer MediPass to these beneficiaries on a voluntary choice basis in the counties where MediPass operates.

This subsection expires October 1, 2014.

(6) MediPass enrolled recipients may receive up to 10 visits of reimbursable services by participating Medicaid physicians licensed under chapter 460 and up to four visits of reimbursable services by participating Medicaid physicians licensed under chapter 461. Any further visits must be by prior authorization by the MediPass primary care provider. However, nothing in this subsection may be construed to increase the total number of visits or the total amount of dollars per year per person under current Medicaid rules, unless otherwise provided for in the General Appropriations Act. *This subsection expires October 1, 2014.*

~~(7) The agency shall investigate the feasibility of developing managed care plan and MediPass options for the following groups of Medicaid recipients:~~

~~(a) Pregnant women and infants.~~

~~(b) Elderly and disabled recipients, especially those who are at risk of nursing home placement.~~

~~(c) Persons with developmental disabilities.~~

~~(d) Qualified Medicare beneficiaries.~~

~~(e) Adults who have chronic, high-cost medical conditions.~~

~~(f) Adults and children who have mental health problems.~~

~~(g) Other recipients for whom managed care plans and MediPass offer the opportunity of more cost effective care and greater access to qualified providers.~~

~~(8)(a) The agency shall encourage the development of public and private partnerships to foster the growth of health maintenance organizations and prepaid health plans that will provide high-quality health care to Medicaid recipients.~~

~~(b) Subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216, the agency is authorized to enter into contracts with traditional providers of health care to low income persons to assist such providers with the technical aspects of cooperatively developing Medicaid prepaid health plans.~~

~~1. The agency may contract with disproportionate share hospitals, county health departments, federally initiated or federally funded community health centers, and counties that operate either a hospital or a community clinic.~~

~~2. A contract may not be for more than $100,000 per year, and no contract may be extended with any particular provider for more than 2 years. The contract is intended only as seed or development funding and requires a commitment from the interested party.~~

~~3. A contract must require participation by at least one community health clinic and one disproportionate share hospital.~~

(7)~~(9)~~(a) The agency shall develop and implement a comprehensive plan to ensure that recipients are adequately informed of their choices and rights under all Medicaid managed care programs and that Medicaid managed care programs meet acceptable standards of quality in patient care, patient satisfaction, and financial solvency.

(b) The agency shall provide adequate means for informing patients of their choice and rights under a managed care plan at the time of eligibility determination.

(c) The agency shall require managed care plans and MediPass providers to demonstrate and document plans and activities, as defined by rule, including outreach and followup, undertaken to ensure that Medicaid recipients receive the health care service to which they are entitled.

This subsection expires October 1, 2014.

(8)~~(10)~~ The agency shall consult with Medicaid consumers and their representatives on an ongoing basis regarding measurements of patient satisfaction, procedures for resolving patient grievances, standards for ensuring quality of care, mechanisms for providing patient access to services, and policies affecting patient care. *This subsection expires October 1, 2014.*

(9)~~(11)~~ The agency may extend eligibility for Medicaid recipients enrolled in licensed and accredited health maintenance organizations for the duration of the enrollment period or for 6 months, whichever is earlier, provided the agency certifies that such an offer will not increase state expenditures. *This subsection expires October 1, 2013.*

(10)~~(12)~~ A managed care plan that has a Medicaid contract shall at least annually review each primary care physician's active patient load and shall ensure that additional Medicaid recipients are not assigned to physicians who have a total active patient load of more than 3,000 patients. As used in this subsection, the term "active patient" means a patient who is seen by the same primary care physician, or by a physician assistant or advanced registered nurse practitioner under the supervision of the primary care physician, at least three times within a calendar year. Each primary care physician shall annually certify to the managed care plan whether or not his or her patient load exceeds the limits established under this subsection and the managed care plan shall accept such certification on face value as compliance with this subsection. The agency shall accept the managed care plan's representations that it is in compliance with this subsection based on the certification of its primary care physicians, unless the agency has an objective indication that access to primary care is being compromised, such as receiving complaints or grievances relating to access to care. If the agency determines that an objective indication exists that access to primary care is being compromised, it may verify the patient load certifications submitted by the managed care plan's primary care physicians and that the managed care plan is not assigning Medicaid recipients to primary care physicians who have an active patient load of more than 3,000 patients. *This subsection expires October 1, 2014.*

(11)~~(13)~~ Effective July 1, 2003, the agency shall adjust the enrollee assignment process of Medicaid managed prepaid health plans for those Medicaid managed prepaid plans operating in Miami-Dade County which have executed a contract with the agency for a minimum of 8 consecutive years in order for the Medicaid managed prepaid plan to maintain a minimum enrollment level of 15,000 members per month. When assigning enrollees pursuant to this subsection, the agency shall give priority to providers that initially qualified under this subsection until such providers reach and maintain an enrollment level of 15,000 members per month. A prepaid health plan that has a statewide Medicaid enrollment of 25,000 or more members is not eligible for enrollee assignments under this subsection. *This subsection expires October 1, 2014.*

(12)~~(14)~~ The agency shall include in its calculation of the hospital inpatient component of a Medicaid health maintenance organization's capitation rate any special payments, including, but not limited to, upper payment limit or disproportionate share hospital payments, made to qualifying hospitals through the fee-for-service program. The agency may seek federal waiver approval or state plan amendment as needed to implement this adjustment.

(13) The agency shall develop a process to enable any recipient with access to employer-sponsored health care coverage to opt out of all eligible plans in the Medicaid program and to use Medicaid financial assistance to pay for the recipient's share of cost in any such employer-sponsored coverage. Contingent on federal approval, the agency shall also enable recipients with access to other insurance or related products that provide access to health care services created pursuant to state law, including any plan or product available pursuant to the Florida Health Choices Program or any health exchange, to opt out. The amount of financial assistance provided for each recipient may not exceed the amount of the Medicaid premium that would have been paid to a plan for that recipient.

(14) The agency shall maintain and operate the Medicaid Encounter Data System to collect, process, store, and report on covered services provided to all Florida Medicaid recipients enrolled in prepaid managed care plans.

(a) Prepaid managed care plans shall submit encounter data electronically in a format that complies with the Health Insurance Portability and Accountability Act provisions for electronic claims and in accordance with deadlines established by the agency. Prepaid managed care plans must certify that the data reported is accurate and complete.

(b) The agency is responsible for validating the data submitted by the plans. The agency shall develop methods and protocols for ongoing analysis of the encounter data that adjusts for differences in characteristics of prepaid plan enrollees to allow comparison of service utilization among plans and against expected levels of use. The analysis shall be used to identify possible cases of systemic underutilization or denials of claims and inappropriate service utilization such as higher-than-expected emergency department encounters. The analysis shall provide periodic feedback to the plans and enable the agency to establish corrective action plans when necessary. One of the focus areas for the analysis shall be the use of prescription drugs.

(15) The agency may establish a per-member, per-month payment for Medicare Advantage Special Needs members that are also eligible for Medicaid as a mechanism for meeting the state's cost-sharing obligation. The agency may also develop a per-member, per-month payment only for Medicaid-covered services for which the state is responsible. The agency shall develop a mechanism to ensure that such per-member, per-month payment enhances the value to the state and enrolled members by limiting cost sharing, enhances the scope of Medicare supplemental benefits that are equal to or greater than Medicaid coverage for select services, and improves care coordination.

(16) The agency shall establish, and managed care plans shall use, a uniform method of accounting for and reporting medical and nonmedical costs.

(a) Managed care plans shall submit financial data electronically in a format that complies with the uniform accounting procedures established by the agency. Managed care plans must certify that the data reported is accurate and complete.

(b) The agency is responsible for validating the financial data submitted by the plans. The agency shall develop methods and protocols for ongoing analysis of data that adjusts for differences in characteristics of plan enrollees to allow comparison among plans and against expected levels of expenditures. The analysis shall be used to identify possible cases of overspending on administrative costs or under spending on medical services.

(17) The agency shall establish and maintain an information system to make encounter data, financial data, and other measures of plan performance to the public and any interested party.

(a) Information submitted by the managed care plans shall be available online as well as in other formats.

(b) Periodic agency reports shall be published that include provide summary as well as plan specific measures of financial performance and service utilization.

(c) Any release of the financial and encounter data submitted by managed care plans shall ensure the confidentiality of personal health information.

(18) The agency may, on a case-by-case basis, exempt a recipient from mandatory enrollment in a managed care plan when the recipient has a unique, time-limited disease or condition-related circumstance and managed care enrollment will interfere with ongoing care because the recipient's provider does not participate in the managed care plans available in the recipient's area.

(19) The agency shall contract with a single provider service network to function as a managing entity for the MediPass program in all counties with fewer than two prepaid plans. The contractor shall be responsible for implementing preauthorization procedures, case management programs, and utilization management initiatives in order to improve care coordination and patient outcomes while reducing costs. The contractor may earn an administrative fee, if the fee is less than any savings determined by the reconciliation process pursuant to s. 409.912(4)(d)1. This subsection expires October 1, 2014, or upon full implementation of the managed medical assistance program, whichever is sooner.

(20) Subject to federal approval, the agency shall contract with a single provider service network to function as a third-party administrator and managing entity for the Medically Needy program in all counties. The contractor shall provide care coordination and utilization management in order to achieve more cost-effective services for Medically Needy enrollees. To facilitate the care management functions of the provider service network, enrollment in the network shall be for a continuous 6-month period or until the end of the contract between the provider service network and the agency, whichever is sooner. Beginning the second month after the determination of eligibility, the contractor may collect a monthly premium from each Medically Needy recipient provided the premium does not exceed the enrollee's share of cost as determined by the Department of Children and Family Services. The contractor must provide a 90-day grace period before disenrolling a Medically Needy recipient for failure to pay premiums. The contractor may earn an administrative fee, if the fee is less than any savings determined by the reconciliation process pursuant to s. 409.912(4)(d)1. Premium revenue collected from the recipients shall be deducted from the contractor's earned savings. This subsection expires October 1, 2014, or upon full implementation of the managed medical assistance program, whichever is sooner.

Section 22. Subsection (15) of section 430.04, Florida Statutes, is amended to read:

430.04 Duties and responsibilities of the Department of Elderly Affairs.—The Department of Elderly Affairs shall:

(15) Administer all Medicaid waivers and programs relating to elders and their appropriations. The waivers include, but are not limited to:

~~(a) The Alzheimer's Dementia Specific Medicaid Waiver as established in s. 430.502(7), (8), and (9).~~

(a)~~(b)~~ The Assisted Living for the Frail Elderly Waiver.

(b)~~(c)~~ The Aged and Disabled Adult Waiver.

(c)~~(d)~~ The Adult Day Health Care Waiver.

(d)~~(e)~~ The Consumer-Directed Care Plus Program as defined in s. 409.221.

(e)~~(f)~~ The Program of All-inclusive Care for the Elderly.

(f)~~(g)~~ The Long-Term Care Community-Based Diversion Pilot Project as described in s. 430.705.

(g)~~(h)~~ The Channeling Services Waiver for Frail Elders.

The department shall develop a transition plan for recipients receiving services in long-term care Medicaid waivers for elders or disabled adults on the date eligible plans become available in each recipient's region defined in s. 409.981(2) to enroll those recipients in eligible plans. This subsection expires October 1, 2014.

Section 23. Section 430.2053, Florida Statutes, is amended to read:

430.2053 Aging resource centers.—

(1) The department, in consultation with the Agency for Health Care Administration and the Department of Children and Family Services, shall develop pilot projects for aging resource centers. ~~By October 31, 2004, the department, in consultation with the agency and the Department of Children and Family Services, shall develop an implementation plan for aging resource centers and submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The plan must include qualifications for designation as a center, the functions to be performed by each center, and a process for determining that a current area agency on aging is ready to assume the functions of an aging resource center.~~

~~(2) Each area agency on aging shall develop, in consultation with the existing community care for the elderly lead agencies within their planning and service areas, a proposal that describes the process the area agency on aging intends to undertake to transition to an aging resource center prior to July 1, 2005, and that describes the area agency's compliance with the requirements of this section. The proposals must be submitted to the department prior to December 31, 2004. The department shall evaluate all proposals for readiness and, prior to March 1, 2005, shall select three area agencies on aging which meet the requirements of this section to begin the transition to aging resource centers. Those area agencies on aging which are not selected to begin the transition to aging resource centers shall, in consultation with the department and the existing community care for the elderly lead agencies within their planning and service areas, amend their proposals as necessary and resubmit them to the department prior to July 1, 2005. The department may transition additional area agencies to aging resource centers as it determines that area agencies are in compliance with the requirements of this section.~~

~~(3) The Auditor General and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall jointly review and assess the department's process for determining an area agency's readiness to transition to an aging resource center.~~

~~(a) The review must, at a minimum, address the appropriateness of the department's criteria for selection of an area agency to transition to an aging resource center, the instruments applied, the degree to which the department accurately determined each area agency's compliance with the readiness criteria, the quality of the technical assistance provided by the department to an area agency in correcting any weaknesses identified in the readiness assessment, and the degree to which each area agency overcame any identified weaknesses.~~

~~(b) Reports of these reviews must be submitted to the appropriate substantive and appropriations committees in the Senate and the House of Representatives on March 1 and September 1 of each year until full transition to aging resource centers has been accomplished statewide, except that the first report must be submitted by February 1, 2005, and must address all readiness activities undertaken through December 31, 2004. The perspectives of all participants in this review process must be included in each report.~~

(2)~~(4)~~ The purposes of an aging resource center shall be:

(a) To provide Florida's elders and their families with a locally focused, coordinated approach to integrating information and referral for all available services for elders with the eligibility determination entities for state and federally funded long-term-care services.

(b) To provide for easier access to long-term-care services by Florida's elders and their families by creating multiple access points to the long-term-care network that flow through one established entity with wide community recognition.

(3)~~(5)~~ The duties of an aging resource center are to:

(a) Develop referral agreements with local community service organizations, such as senior centers, existing elder service providers, volunteer associations, and other similar organizations, to better assist clients who do not need or do not wish to enroll in programs funded by the department or the agency. The referral agreements must also include a protocol, developed and approved by the department, which provides specific actions that an aging resource center and local community service organizations must take when an elder or an elder's representative seeking information on long-term-care services contacts a local community service organization prior to contacting the aging resource center. The protocol shall be designed to ensure that elders and their families are able to access information and services in the most efficient and least cumbersome manner possible.

(b) Provide an initial screening of all clients who request long-term-care services to determine whether the person would be most appropriately served through any combination of federally funded programs, state-funded programs, locally funded or community volunteer programs, or private funding for services.

(c) Determine eligibility for the programs and services listed in subsection *(9)* ~~(11)~~ for persons residing within the geographic area served by the aging resource center and determine a priority ranking for services which is based upon the potential recipient's frailty level and likelihood of institutional placement without such services.

(d) Manage the availability of financial resources for the programs and services listed in subsection *(9)* ~~(11)~~ for persons residing within the geographic area served by the aging resource center.

(e) When financial resources become available, refer a client to the most appropriate entity to begin receiving services. The aging resource center shall make referrals to lead agencies for service provision that ensure that individuals who are vulnerable adults in need of services pursuant to s. 415.104(3)(b), or who are victims of abuse, neglect, or exploitation in need of immediate services to prevent further harm and are referred by the adult protective services program, are given primary consideration for receiving community-care-for-the-elderly services in compliance with the requirements of s. 430.205(5)(a) and that other referrals for services are in compliance with s. 430.205(5)(b).

(f) Convene a work group to advise in the planning, implementation, and evaluation of the aging resource center. The work group shall be comprised of representatives of local service providers, Alzheimer's Association chapters, housing authorities, social service organizations, advocacy groups, representatives of clients receiving services through the aging resource center, and any other persons or groups as determined by the department. The aging resource center, in consultation with the work group, must develop annual program improvement plans that shall be submitted to the department for consideration. The department shall review each annual improvement plan and make recommendations on how to implement the components of the plan.

(g) Enhance the existing area agency on aging in each planning and service area by integrating, either physically or virtually, the staff and services of the area agency on aging with the staff of the department's local CARES Medicaid ~~nursing home~~ preadmission screening unit and a sufficient number of staff from the Department of Children and Family Services' Economic Self-Sufficiency Unit necessary to determine the financial eligibility for all persons age 60 and older residing within the area served by the aging resource center that are seeking Medicaid services, Supplemental Security Income, and food assistance.

(h) Assist clients who request long-term care services in being evaluated for eligibility for enrollment in the Medicaid long-term care managed care program as eligible plans become available in each of the regions pursuant to s. 409.981(2).

(i) Provide enrollment and coverage information to Medicaid managed long-term care enrollees as qualified plans become available in each of the regions pursuant to s. 409.981(2).

(j) Assist Medicaid recipients enrolled in the Medicaid long-term care managed care program with informally resolving grievances with a managed care network and assist Medicaid recipients in accessing the managed care network's formal grievance process as eligible plans become available in each of the regions defined in s. 409.981(2).

(4)~~(6)~~ The department shall select the entities to become aging resource centers based on each entity's readiness and ability to perform the duties listed in subsection *(3)* ~~(5)~~ and the entity's:

(a) Expertise in the needs of each target population the center proposes to serve and a thorough knowledge of the providers that serve these populations.

(b) Strong connections to service providers, volunteer agencies, and community institutions.

(c) Expertise in information and referral activities.

(d) Knowledge of long-term-care resources, including resources designed to provide services in the least restrictive setting.

(e) Financial solvency and stability.

(f) Ability to collect, monitor, and analyze data in a timely and accurate manner, along with systems that meet the department's standards.

(g) Commitment to adequate staffing by qualified personnel to effectively perform all functions.

(h) Ability to meet all performance standards established by the department.

(5)~~(7)~~ The aging resource center shall have a governing body which shall be the same entity described in s. 20.41(7), and an executive director who may be the same person as described in s. 20.41(7). The governing body shall annually evaluate the performance of the executive director.

(6)~~(8)~~ The aging resource center may not be a provider of direct services other than information and referral services*,* and screening.

(7)~~(9)~~ The aging resource center must agree to allow the department to review any financial information the department determines is necessary for monitoring or reporting purposes, including financial relationships.

(8)~~(10)~~ The duties and responsibilities of the community care for the elderly lead agencies within each area served by an aging resource center shall be to:

(a) Develop strong community partnerships to maximize the use of community resources for the purpose of assisting elders to remain in their community settings for as long as it is safely possible.

(b) Conduct comprehensive assessments of clients that have been determined eligible and develop a care plan consistent with established protocols that ensures that the unique needs of each client are met.

(9)~~(11)~~ The services to be administered through the aging resource center shall include those funded by the following programs:

(a) Community care for the elderly.

(b) Home care for the elderly.

(c) Contracted services.

(d) Alzheimer's disease initiative.

(e) Aged and disabled adult Medicaid waiver. *This paragraph expires October 1, 2013.*

(f) Assisted living for the frail elderly Medicaid waiver. *This paragraph expires October 1, 2013.*

(g) Older Americans Act.

(10)~~(12)~~ The department shall, prior to designation of an aging resource center, develop by rule operational and quality assurance standards and outcome measures to ensure that clients receiving services through all long-term-care programs administered through an aging resource center are receiving the appropriate care they require and that contractors and subcontractors are adhering to the terms of their contracts and are acting in the best interests of the clients they are serving, consistent with the intent of the Legislature to reduce the use of and cost of nursing home care. The department shall by rule provide operating procedures for aging resource centers, which shall include:

(a) Minimum standards for financial operation, including audit procedures.

(b) Procedures for monitoring and sanctioning of service providers.

(c) Minimum standards for technology utilized by the aging resource center.

(d) Minimum staff requirements which shall ensure that the aging resource center employs sufficient quality and quantity of staff to adequately meet the needs of the elders residing within the area served by the aging resource center.

(e) Minimum accessibility standards, including hours of operation.

(f) Minimum oversight standards for the governing body of the aging resource center to ensure its continuous involvement in, and accountability for, all matters related to the development, implementation, staffing, administration, and operations of the aging resource center.

(g) Minimum education and experience requirements for executive directors and other executive staff positions of aging resource centers.

(h) Minimum requirements regarding any executive staff positions that the aging resource center must employ and minimum requirements that a candidate must meet in order to be eligible for appointment to such positions.

(11)~~(13)~~ In an area in which the department has designated an area agency on aging as an aging resource center, the department and the agency shall not make payments for the services listed in subsection *(9)* ~~(11)~~ and the Long-Term Care Community Diversion Project for such persons who were not screened and enrolled through the aging resource center. *The department shall cease making payments for recipients in eligible plans as eligible plans become available in each of the regions defined in s. 409.981(2).*

(12)~~(14)~~ Each aging resource center shall enter into a memorandum of understanding with the department for collaboration with the CARES unit staff. The memorandum of understanding shall outline the staff person responsible for each function and shall provide the staffing levels necessary to carry out the functions of the aging resource center.

(13)~~(15)~~ Each aging resource center shall enter into a memorandum of understanding with the Department of Children and Family Services for collaboration with the Economic Self-Sufficiency Unit staff. The memorandum of understanding shall outline which staff persons are responsible for which functions and shall provide the staffing levels necessary to carry out the functions of the aging resource center.

(14)~~(16)~~ If any of the state activities described in this section are outsourced, either in part or in whole, the contract executing the outsourcing shall mandate that the contractor or its subcontractors shall, either physically or virtually, execute the provisions of the memorandum of understanding instead of the state entity whose function the contractor or subcontractor now performs.

(15)~~(17)~~ In order to be eligible to begin transitioning to an aging resource center, an area agency on aging board must ensure that the area agency on aging which it oversees meets all of the minimum requirements set by law and in rule.

~~(18) The department shall monitor the three initial projects for aging resource centers and report on the progress of those projects to the Governor, the President of the Senate, and the Speaker of the House of Representatives by June 30, 2005. The report must include an evaluation of the implementation process.~~

(16)~~(19)~~(a) Once an aging resource center is operational, the department, in consultation with the agency, may develop capitation rates for any of the programs administered through the aging resource center. Capitation rates for programs shall be based on the historical cost experience of the state in providing those same services to the population age 60 or older residing within each area served by an aging resource center. Each capitated rate may vary by geographic area as determined by the department.

(b) The department and the agency may determine for each area served by an aging resource center whether it is appropriate, consistent with federal and state laws and regulations, to develop and pay separate capitated rates for each program administered through the aging resource center or to develop and pay capitated rates for service packages which include more than one program or service administered through the aging resource center.

(c) Once capitation rates have been developed and certified as actuarially sound, the department and the agency may pay service providers the capitated rates for services when appropriate.

(d) The department, in consultation with the agency, shall annually reevaluate and recertify the capitation rates, adjusting forward to account for inflation, programmatic changes.

~~(20) The department, in consultation with the agency, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives, by December 1, 2006, a report addressing the feasibility of administering the following services through aging resource centers beginning July 1, 2007:~~

~~(a) Medicaid nursing home services.~~

~~(b) Medicaid transportation services.~~

~~(c) Medicaid hospice care services.~~

~~(d) Medicaid intermediate care services.~~

~~(e) Medicaid prescribed drug services.~~

~~(f) Medicaid assistive care services.~~

~~(g) Any other long term care program or Medicaid service.~~

(17)~~(21)~~ This section shall not be construed to allow an aging resource center to restrict, manage, or impede the local fundraising activities of service providers.

Section 24. *Effective October 1, 2013, sections 430.701, 430.702, 430.703, 430.7031, 430.704, 430.705, 430.706, 430.707, 430.708, and 430.709, Florida Statutes, are repealed.*

Section 25. *Sections 409.9301, 409.942, 409.944, 409.945, 409.946, 409.953, and 409.9531, Florida Statutes, are renumbered as sections 402.81, 402.82, 402.83, 402.84, 402.85, 402.86, and 402.87, Florida Statutes, respectively.*

Section 26. Paragraph (a) of subsection (1) of section 443.111, Florida Statutes, is amended to read:

443.111 Payment of benefits.—

(1) MANNER OF PAYMENT.—Benefits are payable from the fund in accordance with rules adopted by the Agency for Workforce Innovation, subject to the following requirements:

(a) Benefits are payable by mail or electronically. Notwithstanding *s. 402.82(4)* ~~s. 409.942(4)~~, the agency may develop a system for the payment of benefits by electronic funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of electronic payment that the agency deems to be commercially viable or cost-effective. Commodities or services related to the development of such a system shall be procured by competitive solicitation, unless they are purchased from a state term contract pursuant to s. 287.056. The agency shall adopt rules necessary to administer the system.

Section 27. Subsection (4) of section 641.386, Florida Statutes, is amended to read:

641.386 Agent licensing and appointment required; exceptions.—

(4) All agents and health maintenance organizations shall comply with and be subject to the applicable provisions of ss. 641.309 and 409.912*(20)*~~(21)~~, and all companies and entities appointing agents shall comply with s. 626.451, when marketing for any health maintenance organization licensed pursuant to this part, including those organizations under contract with the Agency for Health Care Administration to provide health care services to Medicaid recipients or any private entity providing health care services to Medicaid recipients pursuant to a prepaid health plan contract with the Agency for Health Care Administration.

Section 28. Subsections (6) and (7) of section 766.118, Florida Statutes, are renumbered as subsections (7) and (8), respectively, and a new subsection (6) is added to that section, to read:

766.118 Determination of noneconomic damages.—

(6) LIMITATION ON NONECONOMIC DAMAGES FOR NEGLIGENCE OF A PRACTITIONER PROVIDING SERVICES AND CARE TO A MEDICAID RECIPIENT.—Notwithstanding subsections (2), (3), and (5), with respect to a cause of action for personal injury or wrongful death arising from medical negligence of a practitioner committed in the course of providing medical services and medical care to a Medicaid recipient, regardless of the number of such practitioner defendants providing the services and care, noneconomic damages may not exceed $300,000 per claimant, unless the claimant pleads and proves, by clear and convincing evidence, that the practitioner acted in a wrongful manner. A practitioner providing medical services and medical care to a Medicaid recipient is not liable for more than $200,000 in noneconomic damages, regardless of the number of claimants, unless the claimant pleads and proves, by clear and convincing evidence, that the practitioner acted in a wrongful manner. The fact that a claimant proves that a practitioner acted in a wrongful manner does not preclude the application of the limitation on noneconomic damages prescribed elsewhere in this section. For purposes of this subsection:

(a) The terms "medical services," "medical care," and "Medicaid recipient" have the same meaning as provided in s. 409.901.

(b) The term "practitioner," in addition to the meaning prescribed in subsection (1), includes any hospital, ambulatory surgical center, or mobile surgical facility as defined and licensed under chapter 395.

(c) The term "wrongful manner" means in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, and shall be construed in conformity with the standard set forth in s. 768.28(9)(a).

Section 29. *The Agency for Health Care Administration shall develop a plan for implementing a plan for medically needy Medicaid enrollees pursuant to s. 409.975(8), Florida Statutes, as created in HB 7107 or similar legislation that is adopted in the same legislative session or an extension thereof and becomes law, and shall immediately seek federal approval to implement that subsection. The plan shall include a preliminary calculation of actuarially sound rates and estimated fiscal impact.*

Section 30. *The Agency for Health Care Administration shall develop a reorganization plan for realignment of administrative resources of the Medicaid program to respond to changes in functional responsibilities and priorities necessary for implementation of HB 7107 or similar legislation that is adopted in the same legislative session or an extension thereof and becomes law. The plan shall assess the agency's current capabilities, identify shifts in staffing and other resources necessary to strengthen procurement and contract monitoring functions, and establish an implementation timeline. The plan shall be submitted to the Governor, the Speaker of the House of Representatives, and the President of the Senate by August 1, 2011.*

Section 31. Subsection (1) of section 393.0662, Florida Statutes, is amended to read:

393.0662 Individual budgets for delivery of home and community-based services; iBudget system established.—The Legislature finds that improved financial management of the existing home and community-based Medicaid waiver program is necessary to avoid deficits that impede the provision of services to individuals who are on the waiting list for enrollment in the program. The Legislature further finds that clients and their families should have greater flexibility to choose the services that best allow them to live in their community within the limits of an established budget. Therefore, the Legislature intends that the agency, in consultation with the Agency for Health Care Administration, develop and implement a comprehensive redesign of the service delivery system using individual budgets as the basis for allocating the funds appropriated for the home and community-based services Medicaid waiver program among eligible enrolled clients. The service delivery system that uses individual budgets shall be called the iBudget system.

(1) The agency shall establish an individual budget, referred to as an iBudget, for each individual served by the home and community-based services Medicaid waiver program. The funds appropriated to the agency shall be allocated through the iBudget system to eligible, Medicaid-enrolled clients. *For the iBudget system, eligible clients shall include in-*

dividuals with a diagnosis of Down syndrome or a developmental disability as defined in s. 393.063. The iBudget system shall be designed to provide for: enhanced client choice within a specified service package; appropriate assessment strategies; an efficient consumer budgeting and billing process that includes reconciliation and monitoring components; a redefined role for support coordinators that avoids potential conflicts of interest; a flexible and streamlined service review process; and a methodology and process that ensures the equitable allocation of available funds to each client based on the client's level of need, as determined by the variables in the allocation algorithm.

(a) In developing each client's iBudget, the agency shall use an allocation algorithm and methodology. The algorithm shall use variables that have been determined by the agency to have a statistically validated relationship to the client's level of need for services provided through the home and community-based services Medicaid waiver program. The algorithm and methodology may consider individual characteristics, including, but not limited to, a client's age and living situation, information from a formal assessment instrument that the agency determines is valid and reliable, and information from other assessment processes.

(b) The allocation methodology shall provide the algorithm that determines the amount of funds allocated to a client's iBudget. The agency may approve an increase in the amount of funds allocated, as determined by the algorithm, based on the client having one or more of the following needs that cannot be accommodated within the funding as determined by the algorithm and having no other resources, supports, or services available to meet the need:

1. An extraordinary need that would place the health and safety of the client, the client's caregiver, or the public in immediate, serious jeopardy unless the increase is approved. An extraordinary need may include, but is not limited to:

a. A documented history of significant, potentially life-threatening behaviors, such as recent attempts at suicide, arson, nonconsensual sexual behavior, or self-injurious behavior requiring medical attention;

b. A complex medical condition that requires active intervention by a licensed nurse on an ongoing basis that cannot be taught or delegated to a nonlicensed person;

c. A chronic comorbid condition. As used in this subparagraph, the term "comorbid condition" means a medical condition existing simultaneously but independently with another medical condition in a patient; or

d. A need for total physical assistance with activities such as eating, bathing, toileting, grooming, and personal hygiene.

However, the presence of an extraordinary need alone does not warrant an increase in the amount of funds allocated to a client's iBudget as determined by the algorithm.

2. A significant need for one-time or temporary support or services that, if not provided, would place the health and safety of the client, the client's caregiver, or the public in serious jeopardy, unless the increase is approved. A significant need may include, but is not limited to, the provision of environmental modifications, durable medical equipment, services to address the temporary loss of support from a caregiver, or special services or treatment for a serious temporary condition when the service or treatment is expected to ameliorate the underlying condition. As used in this subparagraph, the term "temporary" means a period of fewer than 12 continuous months. However, the presence of such significant need for one-time or temporary supports or services alone does not warrant an increase in the amount of funds allocated to a client's iBudget as determined by the algorithm.

3. A significant increase in the need for services after the beginning of the service plan year that would place the health and safety of the client, the client's caregiver, or the public in serious jeopardy because of substantial changes in the client's circumstances, including, but not limited to, permanent or long-term loss or incapacity of a caregiver, loss of services authorized under the state Medicaid plan due to a change in age, or a significant change in medical or functional status which requires the provision of additional services on a permanent or long-term basis that cannot be accommodated within the client's current iBudget. As used in this subparagraph, the term "long-term" means a period of 12 or more continuous months. However, such significant increase in need for services of a permanent or long-term nature alone does not warrant an increase in the amount of funds allocated to a client's iBudget as determined by the algorithm.

The agency shall reserve portions of the appropriation for the home and community-based services Medicaid waiver program for adjustments required pursuant to this paragraph and may use the services of an independent actuary in determining the amount of the portions to be reserved.

(c) A client's iBudget shall be the total of the amount determined by the algorithm and any additional funding provided pursuant to paragraph (b). A client's annual expenditures for home and community-based services Medicaid waiver services may not exceed the limits of his or her iBudget. The total of all clients' projected annual iBudget expenditures may not exceed the agency's appropriation for waiver services.

Section 32. Section 409.902, Florida Statutes, is amended to read:

409.902 Designated single state agency; payment requirements; program title; release of medical records.—

(1) The Agency for Health Care Administration is designated as the single state agency authorized to make payments for medical assistance and related services under Title XIX of the Social Security Act. These payments shall be made, subject to any limitations or directions provided for in the General Appropriations Act, only for services included in the program, shall be made only on behalf of eligible individuals, and shall be made only to qualified providers in accordance with federal requirements for Title XIX of the Social Security Act and the provisions of state law. This program of medical assistance is designated the "Medicaid program." The Department of Children and Family Services is responsible for Medicaid eligibility determinations, including, but not limited to, policy, rules, and the agreement with the Social Security Administration for Medicaid eligibility determinations for Supplemental Security Income recipients, as well as the actual determination of eligibility. As a condition of Medicaid eligibility, subject to federal approval, the Agency for Health Care Administration and the Department of Children and Family Services shall ensure that each recipient of Medicaid consents to the release of her or his medical records to the Agency for Health Care Administration and the Medicaid Fraud Control Unit of the Department of Legal Affairs.

(2) Eligibility is restricted to United States citizens and to lawfully admitted noncitizens who meet the criteria provided in s. 414.095(3).

(a) Citizenship or immigration status must be verified. For noncitizens, this includes verification of the validity of documents with the United States Citizenship and Immigration Services using the federal SAVE verification process.

(b) State funds may not be used to provide medical services to individuals who do not meet the requirements of this subsection unless the services are necessary to treat an emergency medical condition or are for pregnant women. Such services are authorized only to the extent provided under federal law and in accordance with federal regulations as provided in 42 C.F.R. s. 440.255.

Section 33. Subsection (22) is added to section 641.19, Florida Statutes, to read:

641.19 Definitions.—As used in this part, the term:

(22) "Provider service network" means a network authorized under s. 409.912(4)(d), reimbursed on a prepaid basis, operated by a health care provider or group of affiliated health care providers, and which directly provides health care services under a Medicare, Medicaid, or Healthy Kids contract.

Section 34. Section 641.2019, Florida Statutes, is created to read:

641.2019 Provider service network certificate of authority.—A prepaid provider service network that applies for and obtains a health care provider certificate pursuant to part III of this chapter, meets the surplus requirements of s. 641.225, and meets all other applicable requirements of this part may obtain a certificate of authority under s. 641.21. A certified

provider service network has the same rights and responsibilities as a health maintenance organization certified under this part.

Section 35. Subsection (2) of section 641.2261, Florida Statutes, is amended to read:

641.2261 Application of solvency requirements to provider-sponsored organizations and Medicaid provider service networks.—

(2) *Except for a provider service network seeking to obtain a certificate of authority under s. 641.2019,* the solvency requirements in 42 C.F.R. s. 422.350, subpart H, and the solvency requirements established in approved federal waivers pursuant to chapter 409 apply to a Medicaid provider service network rather than the solvency requirements of this part.

Section 36. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 37. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2011, if HB 7107 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Medicaid; amending s. 393.0661, F.S.; requiring the Agency for Persons with Disabilities to collect premiums or cost sharing for a home and community-based delivery system; providing that implementation of Medicaid waiver programs and services authorized under ch. 393, F.S., are subject to certain funding limitations; requiring that certain provisions relating to agency cost containment initiatives be included in contracts with independent support coordinators and service providers; providing for establishment of agency corrective action plans and redesign of the waiver program under certain circumstances; requiring the plan to be submitted to the Legislature; amending s. 393.063, F.S.; defining the term "Down syndrome"; amending s. 408.040, F.S.; prohibiting the agency from imposing sanctions related to patient day utilization by patients eligible for care under Title XIX of the Social Security Act for a nursing home, effective on a specified date; amending s. 408.0435, F.S.; extending the certificate-of-need moratorium for additional community nursing home beds; designating ss. 409.016-409.803, F.S., as pt. I of ch. 409, F.S., and entitling the part "Social and Economic Assistance"; designating ss. 409.810-409.821, F.S., as pt. II of ch. 409, F.S., and entitling the part "Kidcare"; designating ss. 409.901-409.9205, F.S., as part III of ch. 409, F.S., and entitling the part "Medicaid"; amending s. 409.9021, F.S.; revising the time period during which a Medicaid applicant must agree to forfeiture of all entitlements upon a judicial or administrative finding of fraud; amending s. 409.905, F.S.; requiring the Agency for Health Care Administration to set reimbursements rates for hospitals that provide Medicaid services based on allowable-cost reporting from the hospitals; removing requirements for prior authorization for the provision of certain services; providing the methodology for the rate calculation and adjustments; requiring the rates to be subject to certain limits or ceilings; authorizing the agency to require prior authorization of home health services under certain conditions; providing that exemptions to the limits or ceilings may be provided in the General Appropriations Act; deleting provisions relating to agency adjustments to a hospital's inpatient per diem rate; directing the agency to develop a plan to convert inpatient hospital rates to a prospective payment system that categorizes each case into diagnosis-related groups; requiring a report to the Governor and Legislature; amending s. 409.906, F.S.; providing conditions under which the agency shall seek federal approval to develop a system to require payment of premiums or other cost sharing by the parents of certain children receiving Medicaid home and community-based waiver services; authorizing the Department of Children and Family Services to collect certain income information; requiring a report to the Legislature; amending s. 409.907, F.S.; providing additional requirements for provider agreements for Medicare crossover providers; providing that the agency is not obligated to enroll certain providers as Medicare crossover providers; specifying additional requirements for certain providers; providing the agency may establish additional criteria for providers to promote program integrity; amending s. 409.908, F.S.; revising provisions relating to reimbursement of Medicaid direct care providers to include additional, specified medically necessary care; amending s. 409.9081, F.S.; providing conditions for copayments by Medicaid recipients for nonemergency care and services provided in a hospital emergency; amending s. 409.911, F.S.; providing for expiration of the Medicaid Low-Income Pool Council; amending s. 409.912, F.S.; providing payment requirements for provider service networks; providing for the expiration of various provisions relating to agency contracts and agreements with certain entities on specified dates to conform to the reorganization of Medicaid managed care; requiring the agency to contract on a prepaid or fixed-sum basis with certain prepaid dental health plans; eliminating obsolete provisions and updating provisions, to conform; amending ss. 409.91195 and 409.91196, F.S.; conforming cross-references; repealing s. 409.91207, F.S., relating to the medical home pilot project; amending s. 409.91211, F.S.; conforming cross-references; providing for future repeal of s. 409.91211, F.S., relating to the Medicaid managed care pilot program; amending s. 409.9122, F.S.; providing for the expiration of provisions relating to mandatory enrollment in a Medicaid managed care plan or MediPass on specified dates to conform to the reorganization of Medicaid managed care; eliminating obsolete provisions; providing for the agency to assign Medicaid recipients with HIV/AIDS in specified counties to a managed care plan that is a health maintenance organization under certain conditions; requiring the agency to develop a process to enable any recipient with access to employer-sponsored coverage to opt out of eligible plans in the Medicaid program; requiring the agency, contingent on federal approval, to enable recipients with access to other coverage or related products that provide access to specified health care services to opt out of eligible plans in the Medicaid program; requiring the agency to maintain and operate the Medicaid Encounter Data System; requiring the agency to conduct a review of encounter data and publish the results of the review before adjusting rates for prepaid plans; authorizing the agency to establish a designated payment for specified Medicare Advantage Special Needs members; authorizing the agency to develop a designated payment for Medicaid-only covered services for which the state is responsible; requiring the agency to establish, and managed care plans to use, a uniform method of accounting for and reporting medical and nonmedical costs; authorizing the agency to create exceptions to mandatory enrollment in managed care under specified circumstances; requiring the agency to contract with a provider service network to function as a third-party administrator and managing entity for the MediPass program; providing contract provisions; providing for the expiration of such contract requirements on a specified date; requiring the agency to contract with a single provider service network to function as a third-party administrator and managing entity for the Medically Needy program; providing contract provisions; providing for the expiration of such contract requirements on a specified date; amending s. 430.04, F.S.; eliminating obsolete provisions; requiring the Department of Elderly Affairs to develop a transition plan for specified elders and disabled adults receiving long-term care Medicaid services when eligible plans become available; providing for expiration of the plan; amending s. 430.2053, F.S.; eliminating obsolete provisions; providing additional duties of aging resource centers; providing an additional exception to direct services that may not be provided by an aging resource center; providing an expiration date for certain services administered through aging resource centers; providing for the cessation of specified payments by the department as eligible plans become available; providing for a memorandum of understanding between the agency and aging resource centers under certain circumstances; eliminating provisions requiring reports; repealing s. 430.701, F.S., relating to legislative findings and intent and approval for action relating to provider enrollment levels; repealing s. 430.702, F.S., relating to the Long-Term Care Community Diversion Pilot Project Act; repealing s. 430.703, F.S., relating to definitions; repealing s. 430.7031, F.S., relating to the nursing home transition program; repealing s. 430.704, F.S., relating to evaluation of long-term care through the pilot projects; repealing s. 430.705, F.S., relating to implementation of long-term care community diversion pilot projects; repealing s. 430.706, F.S., relating to quality of care; repealing s. 430.707, F.S., relating to contracts; repealing s. 430.708, F.S., relating to certificate of need; repealing s. 430.709, F.S., relating to reports and evaluations; renumbering ss. 409.9301, 409.942, 409.944, 409.945, 409.946, 409.953, and 409.9531, F.S., as ss. 402.81, 402.82, 402.83, 402.84, 402.85, 402.86, and 402.87, F.S., respectively; amending ss. 443.111 and 641.386, F.S.; conforming cross-references; amending s. 766.118, F.S.; providing a limitation on noneconomic damages for negligence of practitioners providing medical services and medical care to Medicaid recipients; defining terms for purposes of the limitation; requiring the agency to develop a plan to implement and seek federal

approval for the medically needy program for Medicaid enrollees; requiring the agency to develop a reorganization plan for realignment of administrative resources of the Medicaid program; requiring the plan to be submitted to the Governor and Legislature; amending s. 393.0662, F.S.; including certain individuals with Down syndrome or a developmental disability as eligible to participate in the iBudget system; amending s. 409.902, F.S.; restricting Medicaid eligibility to citizens of the United States who meet certain criteria; amending s. 641.19, F.S.; defining the term "provider service network" for purposes of pt. I of ch. 641, F.S.; creating s. 641.2019, F.S.; providing conditions under which a prepaid provider service network may obtain a certificate of authority under s. 641.21, F.S.; amending s. 641.2261, F.S.; providing an exception for provider service networks from certain federal solvency requirements; providing for severability; providing effective dates and a contingent effective date.

MOTION

On motion by Senator Storms, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Storms moved the following amendment to **Amendment 1** which failed:

Amendment 1A (440090) (with title amendment)—Delete lines 3714-3750.

And the title is amended as follows:

Delete lines 4147-4151 and insert: conforming cross-references;

MOTION

On motion by Senator Siplin, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Siplin moved the following amendment to **Amendment 1** which failed:

Amendment 1B (374034) (with title amendment)—Between lines 3971 and 3972 insert:

Section 36. Subsection (8) is added to section 400.023, Florida Statutes, to read:

400.023 Civil enforcement.—

(8) Notwithstanding any other provision of law, noneconomic damages may not exceed a total of $500,000 per resident regarding a cause of action for wrongful death brought under this part which arises from a claim for violation of a resident's rights or negligence when providing services and care to Medicaid recipients as defined in s. 409.901.

And the title is amended as follows:

Delete line 4171 and insert: solvency requirements; amending s. 400.023, F.S.; providing a limit on noneconomic damages for a cause for wrongful death brought under part II of ch. 400, F.S., which arises from a claim for violation of a resident's rights or negligence when providing services and care to Medicaid recipients; providing for severablity

The question recurred on **Amendment 1** which was adopted.

Pursuant to Rule 4.19, **CS for HB 7109** as amended was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thrasher, by two-thirds vote **CS for SB 376** was withdrawn from the Committees on Budget; and Rules; **CS for CS for SB 934**, **CS for SB 2090**, and **SB 1282** were withdrawn from the Committee on Budget; and **SJR 1218** was withdrawn from the Committees on Budget; Children, Families, and Elder Affairs; and Education Pre-K - 12.

MOTIONS

On motion by Senator Thrasher, by two-thirds vote **CS for SB 822**, **CS for SB 2062**, **CS for CS for SB 866**, **SB 2056**, **CS for SB 2090**, **CS for CS for SB 196**, **CS for SB 42**, **CS for SB 54**, **SB 404**, **CS for SB 1384**, **SB 1282**, and **CS for SB 414** were placed on the Special Order Calendar.

On motion by Senator Thrasher, the rules were waived and time of recess was extended until 8:00 p.m.

SPECIAL ORDER CALENDAR

On motion by Senator Evers, by unanimous consent—

CS for CS for SB 476—A bill to be entitled An act relating to public lodging establishments; amending s. 509.032, F.S.; conforming provisions to changes made by the act; prohibiting local governments from regulating vacation rentals based solely on their classification or use; providing an exception; amending ss. 509.221 and 509.241, F.S.; conforming provisions to changes made by the act; amending s. 509.242, F.S.; providing that public lodging establishments formerly classified as resort condominiums and resort dwellings are classified as vacation rentals; defining the term "vacation rental"; amending s. 509.251, F.S.; conforming provisions to changes made by the act; amending s. 509.261, F.S.; revising mandatory education requirements for certain violations; amending s. 509.291, F.S.; revising membership of the advisory council of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; requiring the Florida Vacation Rental Managers Association to designate a member to serve on the advisory council; amending ss. 381.008 and 386.203, F.S.; conforming provisions to changes made by the act; providing a short title; amending s. 509.144, F.S.; revising the definition of the term "handbill"; providing additional penalties for the offense of unlawfully distributing handbills in a public lodging establishment; specifying that certain items used in committing such offense are subject to seizure and forfeiture under the Florida Contraband Forfeiture Act; creating s. 901.1503, F.S.; authorizing a law enforcement officer to give a notice to appear to a person without a warrant when there is probable cause to believe the person violated s. 509.144, F.S., and the owner or manager of the public lodging establishment, and one additional affiant, signs an affidavit containing information supporting the determination of probable cause; amending s. 932.701, F.S.; revising the definition of the term "contraband article"; providing that specified portions of the act do not affect or impede specified statutory provisions or any protection or right guaranteed by the Second Amendment to the United States Constitution; providing an effective date.

—was taken up out of order and read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 476** to **CS for CS for CS for HB 883**.

Pending further consideration of **CS for CS for SB 476** as amended, on motion by Senator Evers, by two-thirds vote **CS for CS for CS for HB 883** was withdrawn from the Committees on Regulated Industries; Judiciary; and Budget.

On motion by Senator Evers—

CS for CS for CS for HB 883—A bill to be entitled An act relating to public lodging establishments and public food service establishments; amending s. 509.013, F.S.; excluding nonprofit organizations providing certain housing from the definition of "public lodging establishment"; amending s. 509.032, F.S.; conforming provisions to changes made by the act; prohibiting local governments from regulating, restricting, or prohibiting vacation rentals based solely on their classification, use, or occupancy; providing exceptions; revising authority preempted to the state with regard to regulation of public lodging establishments and public food service establishments; amending ss. 509.221 and 509.241, F.S.; conforming provisions to changes made by the act; amending s. 509.242, F.S.; providing that public lodging establishments formerly classified as resort condominiums and resort dwellings are classified as vacation rentals; defining the term "vacation rental"; amending s. 509.251, F.S.; conforming provisions to changes made by the act; amending s. 509.261, F.S.; revising penalties for public lodging establishments and public food service establishments operating without a valid license; amending s.

509.291, F.S.; revising membership of the advisory council of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; requiring the Florida Vacation Rental Managers Association to designate a member to serve on the advisory council; amending ss. 381.008 and 386.203, F.S.; conforming provisions to changes made by the act; providing a short title; amending s. 509.144, F.S.; revising definitions; providing additional penalties for the offense of unlawfully distributing handbills in a public lodging establishment; specifying that certain items used in committing such offense are subject to seizure and forfeiture under the Florida Contraband Forfeiture Act; creating s. 901.1503, F.S.; authorizing a law enforcement officer to give a notice to appear to a person without a warrant when there is probable cause to believe the person violated s. 509.144, F.S., and the owner or manager of the public lodging establishment and one additional affiant sign an affidavit containing information supporting the determination of probable cause; amending s. 932.701, F.S.; revising the definition of the term "contraband article"; providing that specified portions of the act do not affect or impede specified statutory provisions or any protection or right guaranteed by the Second Amendment to the United States Constitution; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 476** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 883** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Thrasher, by two-thirds vote **CS for SB 376** and **SJR 1218** were placed on the Special Order Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has returned as requested SM 954.

Robert L. "Bob" Ward, Clerk

RECONSIDERATION OF BILL

On motion by Senator Flores, the Senate reconsidered the vote by which—

SM 954—A memorial to the Congress of the United States, urging Congress to propose to the states for ratification an amendment to the United States Constitution relating to parental rights.

WHEREAS, the right of parents to direct the upbringing and education of their children is a fundamental right protected by the Constitutions of the United States and the State of Florida, and

WHEREAS, our nation has historically relied first and foremost on parents to meet the real and constant needs of children, and

WHEREAS, the interests of children are best served when parents are free to make childrearing decisions about education, religion, and other areas of a child's life without state interference, and

WHEREAS, the United States Supreme Court in *Wisconsin v. Yoder* held that "This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition," and

WHEREAS, the United States Supreme Court in *Troxel v. Granville* produced six different opinions on the nature and enforceability of parental rights under the United States Constitution, creating confusion and ambiguity about the fundamental nature of parental rights in the laws and society of the several states, and

WHEREAS, a number of members of Congress have introduced joint resolutions that propose an amendment to the United States Constitution to prevent erosion of the enduring American tradition of treating parental rights as fundamental rights, commonly referred to as the Parental Rights Amendment, and

WHEREAS, the Parental Rights Amendment will add explicit text to the Constitution of the United States to forever protect the rights of parents as they are now enjoyed, without substantive change to current state or federal laws respecting these rights, and

WHEREAS, such enumeration of these rights in the text of the United States Constitution will preserve them from being infringed upon by the shifting ideologies and interpretations of the United States Supreme Court, NOW, THEREFORE,

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

That the Florida Legislature respectfully petitions the Congress of the United States to propose to the states an amendment to the Constitution of the United States to read as follows:

ARTICLE ___

Section 1. The liberty of parents to direct the upbringing and education of their children is a fundamental right.

Section 2. Neither the United States nor any State shall infringe upon this right without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served.

Section 3. No treaty may be adopted nor shall any source of international law be employed to supersede, modify, interpret, or apply to the rights guaranteed by this article.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was adopted May 4.

Pending further consideration of **SM 954**, on motion by Senator Flores, by two-thirds vote **HM 557** was withdrawn from the Committees on Judiciary; Children, Families, and Elder Affairs; and Governmental Oversight and Accountability.

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

HM 557—A memorial to the Congress of the United States, urging Congress to propose to the states for ratification an amendment to the United States Constitution relating to parental rights.

WHEREAS, the right of parents to direct the upbringing and education of their children is a fundamental right protected by the Constitutions of the United States and the State of Florida, and

WHEREAS, our nation has historically relied first and foremost on parents to meet the real and constant needs of children, and

WHEREAS, the interests of children are best served when parents are free to make childrearing decisions about education, religion, and other areas of a child's life without state interference, and

WHEREAS, the United States Supreme Court in Wisconsin v. Yoder held that "This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition," and

WHEREAS, the United States Supreme Court in Troxel v. Granville produced six different opinions on the nature and enforceability of parental rights under the United States Constitution, creating confusion and ambiguity about the fundamental nature of parental rights in the laws and society of the several states, and

WHEREAS, a number of members of Congress have introduced joint resolutions that propose an amendment to the United States Constitution to prevent erosion of the enduring American tradition of treating parental rights as fundamental rights, commonly referred to as the Parental Rights Amendment, and

WHEREAS, the Parental Rights Amendment will add explicit text to the Constitution of the United States to forever protect the rights of parents as they are now enjoyed, without substantive change to current state or federal laws respecting these rights, and

WHEREAS, such enumeration of these rights in the text of the United States Constitution will preserve them from being infringed upon by the shifting ideologies and interpretations of the United States Supreme Court, NOW, THEREFORE,

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

That the Florida Legislature respectfully petitions the Congress of the United States to propose to the states an amendment to the Constitution of the United States to read as follows:

ARTICLE ___

Section 1. The liberty of parents to direct the upbringing and education of their children is a fundamental right.

Section 2. Neither the United States nor any State shall infringe upon this right without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served.

Section 3. No treaty may be adopted nor shall any source of international law be employed to supersede, modify, interpret, or apply to the rights guaranteed by this article.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—a companion measure, was substituted for **SM 954** and by two-thirds vote read the second time in full.

On motion by Senator Flores, **HM 557** was adopted and certified to the House.

SPECIAL ORDER CALENDAR

On motion by Senator Bogdanoff, by unanimous consent—

CS for SB 506—A bill to be entitled An act relating to economic development; amending s. 196.012, F.S.; revising the definitions of the terms "new business" and "expansion of an existing business"; amending s. 196.1995, F.S.; authorizing the board of county commissioners of a charter county to call and hold a referendum to determine whether to grant economic development ad valorem tax exemptions; revising the language of ballot questions relating to the authority to grant economic development tax exemptions; providing for application of a provision limiting the calling of another referendum within a certain time period; specifying additional information that must be included in a written application requesting adoption of an ordinance granting an economic development ad valorem tax exemption; specifying factors for a board of county commissioners or governing authority of a municipality to consider when deciding whether to approve or reject applications for economic development tax exemptions; providing legislative intent; limiting the allowable duration of an economic development tax exemption granted by a county or municipal ordinance; authorizing written tax exemption agreements consistent with the act upon approval of a tax exemption application; specifying that the written tax agreement must require the applicant to report certain information at a specific time before expiration of the exemption; authorizing the board of county commissioners or the governing authority of the municipality to revoke, in whole or in part, the exemption under certain circumstances; providing an effective date.

—was taken up out of order and read the second time by title.

The Committee on Commerce and Tourism recommended the following amendment which was moved by Senator Ring:

Amendment 1 (726842) (with directory and title amendments)—Delete lines 171-174 and insert: only once in any 12-month period.

And the directory clause is amended as follows:

Delete lines 100 and 101 and insert:

Section 2. Effective July 1, 2011, and applicable only to exemptions from ad valorem taxation granted pursuant to referenda held on or after July 1, 2011, under the provisions of subsection (1) of section 196.1995, Florida Statutes, section 196.1995, Florida Statutes, is amended to read:

And the title is amended as follows:

Delete lines 5-13 and insert: business; amending s. 196.1995, F.S.; providing for prospective application of new provisions; authorizing the board of county commissioners of a charter county to call and hold a referendum to determine whether to grant economic development ad valorem exemptions; revising the language of ballot questions relating to the authority to grant economic development tax exemptions; specifying additional information

On motion by Senator Bogdanoff, further consideration of **CS for SB 506** with pending **Amendment 1 (726842)** was deferred.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 88, with amendment(s), and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for CS for SB 88—A bill to be entitled An act relating to public employee compensation; amending s. 215.425, F.S.; revising provisions relating to the prohibition against the payment of extra compensation; providing for bonuses; specifying the conditions for paying bonuses; requiring contracts that provide for severance pay to include certain provisions after a certain date; allowing for severance pay under specified circumstances; defining the term "severance pay"; prohibiting a contract provision that provides for extra compensation to limit the ability to discuss the contract; amending s. 166.021, F.S.; deleting a provision that allows a municipality to pay extra compensation; amending s. 112.061, F.S.; conforming cross-references; repealing s. 125.01(1)(bb), F.S., relating to the power of a local government to pay extra compensation; repealing s. 373.0795, F.S., relating to a prohibition against severance pay for officers or employees of water management districts; providing an effective date.

House Amendment 2 (100079) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 215.425, Florida Statutes, is amended to read:

215.425 Extra compensation claims prohibited*; bonuses; severance pay*.—

(1) No extra compensation shall be made to any officer, agent, employee, or contractor after the service has been rendered or the contract made; nor shall any money be appropriated or paid on any claim the subject matter of which has not been provided for by preexisting laws, unless such compensation or claim is allowed by a law enacted by two-thirds of the members elected to each house of the Legislature. However, when adopting salary schedules for a fiscal year, a district school board or community college district board of trustees may apply the schedule for payment of all services rendered subsequent to July 1 of that fiscal year.

(2) ~~The provisions of~~ This section *does* ~~do~~ not apply to*:*

(a) Extra compensation given to state employees who are included within the senior management group pursuant to rules adopted by the Department of Management Services; ~~to extra compensation given to county, municipal, or special district employees pursuant to policies adopted by county or municipal ordinances or resolutions of governing boards of special districts or to employees of the clerk of the circuit court pursuant to written policy of the clerk;~~ or ~~to~~

(b) A clothing and maintenance allowance given to plainclothes deputies pursuant to s. 30.49.

(3) Any policy, ordinance, rule, or resolution designed to implement a bonus scheme must:

(a) Base the award of a bonus on work performance;

(b) Describe the performance standards and evaluation process by which a bonus will be awarded;

(c) Notify all employees of the policy, ordinance, rule, or resolution before the beginning of the evaluation period on which a bonus will be based; and

(d) Consider all employees for the bonus.

(4)(a) On or after July 1, 2011, a unit of government that enters into a contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, that contains a provision for severance pay with an officer, agent, employee, or contractor must include the following provisions in the contract:

1. A requirement that severance pay provided may not exceed an amount greater than 20 weeks of compensation, unless the unit of government approves the contract or employment agreement, or renewal or renegotiation of a contract or employment agreement, by a two-thirds vote of the membership of the approving body of the unit of government.

2. A prohibition of provision of severance pay when the officer, agent, employee, or contractor has been fired for misconduct, as defined in s. 443.036(29), by the unit of government.

(b) Notwithstanding paragraph (a), on or after July 1, 2011, an officer, agent, employee, or contractor may receive severance pay if:

1. The severance pay is paid from wholly private funds, the payment and receipt of which do not otherwise violate part III of chapter 112; or

2. The severance pay is administered under part II of chapter 112 on behalf of an agency outside this state and would be permitted under that agency's personnel system.

(c) This subsection does not create an entitlement to severance pay in the absence of its authorization.

(d) As used in this subsection, the term "severance pay" means the actual or constructive compensation, including salary, benefits, or perquisites, for employment services yet to be rendered which is provided to an employee who has recently been or is about to be terminated. The term does not include compensation for:

1. Earned and accrued annual, sick, compensatory, or administrative leave;

2. Early retirement under provisions established in an actuarially funded pension plan subject to part VII of chapter 112; or

3. Any subsidy for the cost of a group insurance plan available to an employee upon normal or disability retirement that is by policy available to all employees of the unit of government pursuant to the unit's health insurance plan. This subparagraph may not be construed to limit the ability of a unit of government to reduce or eliminate such subsidies.

(5) Any agreement or contract, executed on or after July 1, 2011, which involves extra compensation between a unit of government and an officer, agent, employee, or contractor may not include provisions that limit the ability of any party to the agreement or contract to discuss the agreement or contract.

Section 2. Paragraphs (cc) and (dd) of subsection (1) of section 125.01, Florida Statutes, are redesignated as paragraphs (bb) and (cc), respectively, and paragraph (bb) of that subsection is amended to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

~~(bb) Notwithstanding the prohibition against extra compensation set forth in s. 215.425, provide for an extra compensation program, including a lump sum bonus payment program, to reward outstanding employees whose performance exceeds standards, if the program provides that a bonus payment may not be included in an employee's regular base rate of pay and may not be carried forward in subsequent years.~~

Section 3. Present subsections (8) through (10) of section 166.021, Florida Statutes, are redesignated as subsections (7) through (9) respectively, and present subsection (7) of that section is amended, to read:

166.021 Powers.—

~~(7) Notwithstanding the prohibition against extra compensation set forth in s. 215.425, the governing body of a municipality may provide for an extra compensation program, including a lump sum bonus payment program, to reward outstanding employees whose performance exceeds standards, if the program provides that a bonus payment may not be included in an employee's regular base rate of pay and may not be carried forward in subsequent years.~~

Section 4. Paragraphs (a) and (c) of subsection (14) of section 112.061, Florida Statutes, are amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

(14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING ORGANIZATIONS.—

(a) The following entities may establish rates that vary from the per diem rate provided in paragraph (6)(a), the subsistence rates provided in paragraph (6)(b), or the mileage rate provided in paragraph (7)(d) if those rates are not less than the statutorily established rates that are in effect for the 2005-2006 fiscal year:

1. The governing body of a county by the enactment of an ordinance or resolution;

2. A county constitutional officer, pursuant to s. 1(d), Art. VIII of the State Constitution, by the establishment of written policy;

3. The governing body of a district school board by the adoption of rules;

4. The governing body of a special district, as defined in s. 189.403(1), except those special districts that are subject to s. *166.021(9)* ~~166.021(10)~~, by the enactment of a resolution; or

5. Any metropolitan planning organization created pursuant to s. 339.175 or any other separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member, by the enactment of a resolution.

(c) Except as otherwise provided in this subsection, counties, county constitutional officers and entities governed by those officers, district school boards, special districts, and metropolitan planning organizations, other than those subject to s. *166.021(9)* ~~166.021(10)~~, remain subject to the requirements of this section.

Section 5. *Section 373.0795, Florida Statutes, is repealed.*

Section 6. This act shall take effect July 1, 2011.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to public employee compensation; amending s. 215.425, F.S.; revising provisions relating to the prohibition against the payment of extra compensation; providing for bonuses; specifying the conditions for paying bonuses; requiring that contracts providing for severance pay under certain circumstances include specified provisions; defining the term "severance pay"; prohibiting certain contract provisions that provide for extra compensation to limit the ability to discuss the contract; amending s. 125.01, F.S.; deleting provisions relating to the power of a county to

pay extra compensation; amending s. 166.021, F.S.; deleting a provision that allows a municipality to pay extra compensation; amending s. 112.061, F.S.; conforming cross-references; repealing s. 373.0795, F.S., relating to a prohibition against severance pay for officers or employees of water management districts; providing an effective date.

Senator Gaetz moved the following amendments which were adopted:

Senate Amendment 1 (697086) (with title amendment) to House Amendment 2—Delete lines 22-29 and insert:

(a) A bonus or severance pay that is paid wholly from nontax revenues and nonstate-appropriated funds, the payment and receipt of which does not otherwise violate part III of chapter 112, and which is paid to an officer, agent, employee, or contractor of a public hospital that is operated by a county or a special district; or ~~Extra compensation given to state employees who are included within the senior management group pursuant to rules adopted by the Department of Management Services; to extra compensation given to county, municipal, or special district employees pursuant to policies adopted by county or municipal ordinances or resolutions of governing boards of special districts or to employees of the clerk of the circuit court pursuant to written policy of the clerk; or to~~

And the title is amended as follows:

Delete line 164 and insert: against the payment of extra compensation; authorizing the payment of bonuses and severance pay to officers, agents, employees, and contractors of a public hospital under certain circumstances; providing for

Senate Amendment 2 (155166) to House Amendment 2—Delete lines 48-52 and insert: *exceed an amount greater than 6 weeks of compensation.*

Senate Amendment 3 (414996) (with title amendment) to House Amendment 2—Delete lines 57-65 and insert:

(b) On or after July 1, 2011, an officer, agent, employee, or contractor may receive severance pay that is not provided for in a contract or employment agreement if the severance pay represents the settlement of an employment dispute. Such severance pay may not exceed an amount greater than 6 weeks of compensation. The settlement may not include provisions that limit the ability of any party to the settlement to discuss the dispute or settlement.

And the title is amended as follows:

Delete line 167 and insert: circumstances include specified provisions; providing an exception; defining the term

On motion by Senator Gaetz, the Senate concurred in **House Amendment 2** as amended and requested the House to concur in the Senate amendments to the House amendment.

On motion by Senator Gaetz, **CS for CS for CS for SB 88** passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Gardiner	Richter
Benacquisto	Hays	Ring
Bennett	Hill	Sachs
Bogdanoff	Jones	Simmons
Braynon	Joyner	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

CLAIM BILL CALENDAR

On motion by Senator Benacquisto, by unanimous consent—

CS for SB 42—A bill to be entitled An act for the relief of Eric Brody by the Broward County Sheriff's Office; providing for an appropriation to compensate Eric Brody for injuries sustained as a result of the negligence of the Broward County Sheriff's Office; authorizing the Sheriff of Broward County, in lieu of payment, to execute to Eric Brody and his legal guardians an assignment of all claims that the Broward County Sheriff's Office has against its insurer arising out of the insurer's handling of the claim against the sheriff's office; clarifying that such assignment does not impair the ability or right of the assignees to pursue the final judgment and cost judgment against the insurer; providing a limitation on the payment of fees and costs related to the claim against the Broward County Sheriff's Office and an exception to that limitation as to any assigned claims brought against the insurer; providing an effective date.

—was taken up out of order and read the second time by title.

MOTION

On motion by Senator Benacquisto, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Benacquisto moved the following amendment which was adopted:

Amendment 1 (190354) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The facts stated in the preamble to this act are found and declared to be true.*

Section 2. *The Sheriff of Broward County is authorized and directed to appropriate from funds of the Broward County Sheriff's Office not otherwise appropriated and to draw a warrant payable to Eric Brody in the sum of $12 million as compensation for injuries and damages sustained as a result of the negligence of the Broward County Sheriff's Office.*

Section 3. *The amount paid by the Broward County Sheriff's Office pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all claims arising out of the facts described in this act which resulted in the injuries to Eric Brody. The total amount of attorney's fees, lobbying fees, costs, and other similar expenses may not exceed 25 percent of the total amount awarded under sections 2 and 3 of this act and shall be paid exclusively to the attorneys and lobbyists currently retained by the claimants at the time this act becomes a law and for their benefit only.*

Section 4. *It is the intent of the Legislature that all lien interests held by the state resulting from the treatment and care of Eric Brody for the events described in the preamble of this act are not waived and extinguished, and the claimant's guardianship is not relieved of any obligation to reimburse Medicaid, Medicare, or the Agency for Health Care Administration for such expenses pursuant to s. 409.910, Florida Statutes. The claimant's guardianship shall pay the amount due under s. 409.910, Florida Statutes, prior to distributing any funds to the claimant.*

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act for the relief of Eric Brody by the Broward County Sheriff's Office; providing for an appropriation to compensate Eric Brody for injuries sustained as a result of the negligence of the Broward County Sheriff's Office; providing a limitation on the payment of fees and costs related to the claim against the Broward County Sheriff's Office; providing legislative intent to prohibit a waiver of lien interests held by the state; requiring that the guardianship pay any such liens before distributing funds to the claimant; providing an effective date.

WHEREAS, on the evening of March 3, 1998, 18-year-old Eric Brody, a college-bound high school senior, was returning home from his part-time job at the Sawgrass Mills Sports Authority. Eric was driving his 1982

AMC Concord eastbound on Oakland Park Boulevard in Sunrise, Florida, and

WHEREAS, that same evening, Broward County Sheriff's Deputy Christopher Thieman, who had been visiting his girlfriend and was running late for duty, was driving his Broward County Sheriff's Office cruiser westbound on Oakland Park Boulevard. At the time he left his girlfriend's house, Deputy Thieman had less than 15 minutes to travel 11 miles to make roll call on time, which was mandatory pursuant to sheriff's office policy and procedure, and

WHEREAS, at approximately 10:36 p.m., Eric Brody began to make a left-hand turn into his neighborhood at the intersection of N.W. 117th Avenue and Oakland Park Boulevard. Deputy Thieman, who was driving in excess of the 45-mile-per-hour posted speed limit and traveling in the opposite direction, was not within the intersection and was more than 430 feet away from Eric Brody's car when Eric Brody began the turn. Eric Brody's car cleared two of the three westbound lanes on Oakland Park Boulevard, and

WHEREAS, Deputy Thieman, who was traveling in the inside westbound lane closest to the median, suddenly and inexplicably steered his vehicle to the right, across the center lane and into the outside lane, where the front end of his car struck the passenger side of Eric's car with great force, just behind the right front wheel and near the passenger door, and

WHEREAS, Deputy Thieman testified at trial that although he knew that the posted speed limit was 45 miles per hour, he refused to provide an estimate as to how fast he was traveling before the crash, and

WHEREAS, despite the appearance of a conflict of interest, the Broward County Sheriff's Office chose to conduct the official crash investigation instead of deferring to the City of Sunrise Police Department, which also had jurisdiction, or the Florida Highway Patrol (FHP), which often investigates motor vehicle collisions involving non-FHP law enforcement officers so as to avoid any possible conflict of interest, and

WHEREAS, in the course of the investigation, the Broward County Sheriff's Office lost key evidence from the crashed vehicles and did not report any witnesses even though the first responders to the crash scene were police officers from the City of Sunrise, and

WHEREAS, the Broward County detective who led the crash investigation entered inaccurate data into a computerized accident reconstruction program which skewed the speed that Deputy Thieman was driving, but, nevertheless, determined that he was still traveling well over the speed limit, and

WHEREAS, accident reconstruction experts called by both parties testified that Deputy Thieman was driving at least 60 to more than 70 miles per hour when his vehicle slammed into the passenger side of Eric Brody's car, and

WHEREAS, Eric Brody was found unconscious 6 minutes later by paramedics, his head and upper torso leaning upright and toward the passenger-side door. Although he was out of his shoulder harness and seat belt by the time paramedics arrived, the Brody's attorney proved that Eric was wearing his seat belt and that the 16-year-old seat belt buckle failed during the crash. Photographs taken at the scene by the sheriff's office investigators showed the belt to be fully spooled out because the retractor was jammed, with the belt dangling outside the vehicle from the driver-side door, providing proof that Eric Brody was wearing his seat belt and shoulder harness during the crash, and

WHEREAS, accident reconstruction and human factor experts called by both the plaintiff and the defendant agreed that if Deputy Thieman been driving at the speed limit, Eric Brody would have easily completed his turn, and

WHEREAS, the experts also agreed that if Deputy Thieman simply remained within his lane of travel, regardless of his speed, there would not have been a collision, and

WHEREAS, in order to investigate the seat-belt defense, experts for Eric Brody recreated the accident using an exact car-to-car crash test that was conducted by a nationally recognized crash test facility. The crash test involved vehicles identical to the Brody and Thieman vehicles, a fully instrumented hybrid III dummy, and high-speed action cameras, and

WHEREAS, the crash test proved that Eric Brody was wearing his restraint system during the crash because the seat-belted test dummy struck its head on the passenger door within inches of where Eric Brody's head actually struck the passenger door, and

WHEREAS, when Eric Brody's head struck the passenger door of his vehicle, the door crushed inward from the force of the impact with the police cruiser while at the same time his upper torso was moving toward the point of impact and the passenger door. The impact resulted in skull fractures and massive brain sheering, bleeding, bruising, and swelling, and

WHEREAS, Eric Brody was airlifted by helicopter to Broward General Hospital where he was placed on a ventilator and underwent an emergency craniotomy and neurosurgery. He began to recover from a deep coma more than 7 months after his injury and underwent extensive rehabilitation, having to relearn how to walk, talk, feed himself, and perform other basic functions, and

WHEREAS, Eric Brody, who is now 30 years old, has been left profoundly brain-injured, lives with his parents, and is mostly isolated from his former friends and other young people his age. His speech is barely intelligible and he has significant cognitive dysfunction, judgment impairment, memory loss, and neuro-visual disabilities. Eric Brody also has impaired fine and gross motor skills and very poor balance. Although Eric is able to use a walker for short distances, he mostly uses a wheelchair to get around. The entire left side of his body is partially paralyzed and spastic, and he needs help with many of his daily functions. Eric Brody is permanently and totally disabled; however, he has a normal life expectancy, and

WHEREAS, the cost of Eric Brody's life care plan is nearly $10 million, and he has been left totally dependent on public health programs and taxpayer assistance since 1998, and

WHEREAS, the Broward County Sheriff's Office was insured for this claim through Ranger Insurance Company and paid more than $400,000 for liability coverage that has a policy limit of $3 million, and

WHEREAS, Ranger Insurance Company ignored seven demand letters and other attempts by the Brodys to settle the case for the policy limit, and instead chose to wait for more than 7 years following the date of the accident until the day the trial judge specially set the case for trial before offering to pay the policy limit. By that time nearly $750,000 had been spent preparing the case for trial, and Eric Brody had past due bills and liens of nearly $1.5 million for health and rehabilitative care services. Because so much money had been spent preparing the case for trial, the exhorbitant costs of Eric Brody's medical bills and liens, and the costs of future care continued to escalate, settlement for the policy limit was no longer feasible, and

WHEREAS, on December 1, 2005, after a 2-month trial, a Broward County jury consisting of three men and three women found that that Deputy Thieman and the Broward County Sheriff's Office were 100 percent negligent, and Eric Brody was not comparatively negligent, and

WHEREAS, the jury found Eric Brody's damages to be $30,609,298, including a determination that his past and future care and other economic damages were $11,326,216, and

WHEREAS, final judgment was entered for $30,609,298, and the court entered a cost judgment for $270,372.30, and

WHEREAS, the court denied the Broward County Sheriff's Office posttrial motions for judgment notwithstanding the verdict, new trial, or remittitur, and

WHEREAS, the insurer of the Broward County Sheriff's Office retained appellate counsel and elected to appeal the final judgment but not the cost judgment, and

WHEREAS, the Fourth District Court of Appeal upheld the verdict in the fall of 2007, and

WHEREAS, the insurer of the Broward County Sheriff's Office subsequently petitioned the Florida Supreme Court to seek another appeal, but the petition was denied in April of 2008, and

WHEREAS, all legal remedies for all parties involved have been exhausted and this case is ripe for a claim bill, and

WHEREAS, the Broward County Sheriff's Office has paid $200,000 pursuant to s. 768.28, Florida Statutes, and the amount of $12 million is sought through the submission of a claim bill to the Legislature, NOW, THEREFORE,

On motion by Senator Benacquisto, by two-thirds vote **CS for SB 42** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Mr. President	Gardiner	Rich
Altman	Hays	Richter
Benacquisto	Hill	Ring
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Dockery	Montford	Thrasher
Evers	Negron	Wise
Flores	Norman	

Nays—3

Bennett	Gaetz	Oelrich

DISCLOSURE

I am of counsel to Weiss, Handler, Angelos and Cornwell, a large law firm with clients regarding a wide range of issues and my firm has indicated to me that they have an interest in this bill.

While I am not directly affected by any result of the votes cast regarding Senate Bill 42, I believe, that in an abundance of caution I should abstain from voting on this legislation and disclose this information pursuant to Senate Rule 1.39.

Senator Ellyn Setnor Bogdanoff, 25th District

SPECIAL ORDER CALENDAR

The Senate resumed consideration of—

CS for SB 506—A bill to be entitled An act relating to economic development; amending s. 196.012, F.S.; revising the definitions of the terms "new business" and "expansion of an existing business"; amending s. 196.1995, F.S.; authorizing the board of county commissioners of a charter county to call and hold a referendum to determine whether to grant economic development ad valorem tax exemptions; revising the language of ballot questions relating to the authority to grant economic development tax exemptions; providing for application of a provision limiting the calling of another referendum within a certain time period; specifying additional information that must be included in a written application requesting adoption of an ordinance granting an economic development ad valorem tax exemption; specifying factors for a board of county commissioners or governing authority of a municipality to consider when deciding whether to approve or reject applications for economic development tax exemptions; providing legislative intent; limiting the allowable duration of an economic development tax exemption granted by a county or municipal ordinance; authorizing written tax exemption agreements consistent with the act upon approval of a tax exemption application; specifying that the written tax agreement must require the applicant to report certain information at a specific time before expiration of the exemption; authorizing the board of county commissioners or the governing authority of the municipality to revoke, in whole or in part, the exemption under certain circumstances; providing an effective date.

—which was previously considered this day with pending **Amendment 1 (726842)** by Senator Ring. **Amendment 1 (726842)** failed.

An amendment was considered and adopted to conform **CS for SB 506** to **CS for CS for HB 287**.

Pending further consideration of **CS for SB 506** as amended, on motion by Senator Bogdanoff, by two-thirds vote **CS for CS for HB 287** was withdrawn from the Committees on Community Affairs; and Commerce and Tourism.

On motion by Senator Bogdanoff, the rules were waived and—

CS for CS for HB 287—A bill to be entitled An act relating to economic development; amending s. 196.012, F.S.; revising the definitions of the terms "new business" and "expansion of an existing business"; providing for an average wage of a new job; providing eligibility for target industry businesses; amending s. 196.1995, F.S.; authorizing the board of county commissioners of a charter county to call and hold a referendum to determine whether to grant economic development ad valorem tax exemptions if in receipt of a petition or initiative signed by a percentage of electors as required by the county charter; revising the language of ballot questions relating to the authority to grant economic development tax exemptions; specifying additional information that must be included in a written application requesting adoption of an ordinance granting an economic development ad valorem tax exemption; specifying factors for a board of county commissioners or governing authority of a municipality to consider when deciding whether to approve or reject applications for economic development tax exemptions; limiting the allowable duration of an economic development tax exemption granted by a county or municipal ordinance; authorizing written tax exemption agreements consistent with this act upon approval of a tax exemption application; specifying that the written tax agreement must require the applicant to report certain information at a specific time before expiration of the exemption; authorizing the board of county commissioners or the governing authority of the municipality to revoke, in whole or in part, the exemption under certain circumstances; limiting application of the act to certain ad valorem tax exemptions granted pursuant to referenda held on or after the act's effective date; providing an effective date.

—a companion measure, was substituted for **CS for SB 506** as amended and read the second time by title.

On motion by Senator Bogdanoff, by two-thirds vote **CS for CS for HB 287** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Gardiner	Richter
Benacquisto	Hays	Ring
Bennett	Hill	Sachs
Bogdanoff	Jones	Simmons
Braynon	Joyner	Siplin
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

CLAIM BILL CALENDAR

On motion by Senator Storms, by unanimous consent—

CS for SB 54—A bill to be entitled An act for the relief of Melvin and Alma Colindres by the City of Miami; providing for an appropriation to compensate them for the wrongful death of their son, Kevin Colindres, sustained as a result of the negligence of police officers of the City of Miami; providing a limitation on the payment of fees and costs; providing an effective date.

—was taken up out of order and read the second time by title.

MOTION

On motion by Senator Storms, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Storms moved the following amendment which was adopted:

Amendment 1 (666044)—Delete lines 79-81 and insert: *appropriate $550,000 from funds of the city not otherwise appropriated, as well as insurance, and to draw a warrant in the sum of $550,000, plus interest at the rate of 6 percent per*

On motion by Senator Storms, by two-thirds vote **CS for SB 54** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Fasano	Negron
Alexander	Flores	Norman
Altman	Gardiner	Rich
Benacquisto	Hays	Richter
Bennett	Hill	Ring
Bogdanoff	Jones	Simmons
Braynon	Joyner	Sobel
Dean	Latvala	Storms
Detert	Lynn	Thrasher
Diaz de la Portilla	Margolis	Wise
Evers	Montford	

Nays—3

Dockery	Gaetz	Oelrich

SPECIAL ORDER CALENDAR

On motion by Senator Diaz de la Portilla, by unanimous consent—

SB 2056—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 112.3215, F.S., which provides exemptions from public-records and public-meeting requirements for records and meetings related to audits and investigations conducted by the Commission on Ethics of alleged violations of certain lobbyist registration and reporting requirements; saving the exemptions from repeal under the Open Government Sunset Review Act; removing the scheduled repeal of the exemptions; providing an effective date.

—was taken up out of order and read the second time by title.

An amendment was considered and adopted to conform **SB 2056** to **HB 7159**.

Pending further consideration of **SB 2056** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **HB 7159** was withdrawn from the Rules Subcommittee on Ethics and Elections; Rules; and Governmental Oversight and Accountability.

On motion by Senator Diaz de la Portilla, by two-thirds vote—

HB 7159—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 112.3215, F.S., which provides an exemption from public records and public meetings requirements for certain audits and investigations conducted by the Commission on Ethics; reorganizing the exemptions; making editorial changes; removing the scheduled repeal of the exemptions; providing an effective date.

—a companion measure, was substituted for **SB 2056** as amended and by two-thirds vote read the second time by title.

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 7159** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Gardiner	Richter
Benacquisto	Hays	Ring
Bennett	Hill	Sachs
Bogdanoff	Jones	Simmons
Braynon	Joyner	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Dockery	Montford	Thrasher
Evers	Negron	Wise
Fasano	Norman	

Nays—None

On motion by Senator Ring, by unanimous consent—

CS for SB 2090—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides an exemption from public-records requirements for bids, proposals, or replies submitted to an agency in response to a competitive solicitation; expanding the public-records exemption by extending the duration of the exemption; providing a definition; reorganizing provisions; providing for future repeal and legislative review of the exemption under the Open Government Sunset Review Act; amending s. 286.0113, F.S., which provides an exemption from public-meetings requirements for meetings at which a negotiation with a vendor is conducted and which provides an exemption from public-records requirements for recordings of exempt meetings; providing definitions; expanding the exemption to include meetings at which a negotiation with a vendor is conducted pursuant to a competitive solicitation, at which a vendor makes an oral presentation as part of a competitive solicitation, at which a vendor answers questions as part of a competitive solicitation, and at which team members discuss negotiation strategies; expanding the public-records exemption to include any records presented at an exempt meeting; reorganizing provisions; providing for future repeal and legislative review under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for SB 2090**, on motion by Senator Ring, by two-thirds vote **CS for HB 7223** was withdrawn from the Committees on Governmental Oversight and Accountability; and Budget.

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

CS for HB 7223—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides an exemption from public records requirements for bids, proposals, or replies submitted to an agency in response to a competitive solicitation; expanding the public records exemption by extending the duration of the exemption; providing a definition; reorganizing the exemption; providing for future repeal and legislative review of the exemption under the Open Government Sunset Review Act; amending s. 286.0113, F.S., which provides an exemption from public meetings requirements for meetings at which a negotiation with a vendor is conducted and which provides an exemption from public records requirements for recordings of exempt meetings; expanding the public meetings exemption to include meetings at which a negotiation with a vendor is conducted pursuant to a competitive solicitation, at which a vendor makes an oral presentation as part of a competitive solicitation, at which a vendor answers questions as part of a competitive solicitation, and at which team members discuss negotiation strategies; expanding the public records exemption to include any records presented at an exempt meeting; providing definitions; reorganizing the exemption; providing for future repeal and legislative review of the public meetings and public records exemptions under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 2090** and by two-thirds vote read the second time by title.

On motion by Senator Ring, by two-thirds vote **CS for HB 7223** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Gardiner	Richter
Benacquisto	Hays	Ring
Bennett	Hill	Sachs
Bogdanoff	Jones	Simmons
Braynon	Joyner	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Dockery	Montford	Thrasher
Evers	Negron	Wise
Fasano	Norman	

Nays—None

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

SENATOR BENNETT PRESIDING

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 408, with amendment(s), and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for CS for SB 408—A bill to be entitled An act relating to property and casualty insurance; amending s. 215.555, F.S.; revising the definition of "losses," relating to the Florida Hurricane Catastrophe Fund, to exclude certain losses; providing applicability; amending s. 215.5595, F.S.; authorizing an insurer to renegotiate the terms a surplus note issued before a certain date; providing limitations; amending s. 624.407, F.S.; revising the amount of surplus funds required for domestic insurers applying for a certificate of authority after a certain date; amending s. 624.408, F.S.; revising the minimum surplus that must be maintained by certain insurers; authorizing the Office of Insurance Regulation to reduce the surplus requirement under specified circumstances; amending s. 624.4095, F.S.; excluding certain premiums for federal multiple-peril crop insurance from calculations for an insurer's gross writing ratio; requiring insurers to disclose the gross written premiums for federal multiple-peril crop insurance in a financial statement; amending s. 624.424, F.S.; revising the frequency that an insurer may use the same accountant or partner to prepare an annual audited financial report; amending s. 626.7452, F.S.; deleting an exception relating to the examination of managing general agents; amending s. 626.852, F.S.; providing an exemption from licensure as an adjuster to persons who provide mortgage-related claims adjusting services to certain institutions; providing an exception to the exemption; amending s. 626.854, F.S.; providing limitations on the amount of compensation that may be received by a public adjuster for a reopened or supplemental claim; providing statements that may be considered deceptive or misleading if made in any public adjuster's advertisement or solicitation; providing a definition for the term "written advertisement"; requiring that a disclaimer be included in any public adjuster's written advertisement; providing requirements for such disclaimer; requiring certain persons who act on behalf of an insurer to provide notice to the insurer, claimant, public adjuster, or legal representative for an onsite inspection of the insured property; authorizing the insured or claimant to deny access to the property if notice is not provided; requiring the public adjuster to ensure prompt notice of certain property loss claims; providing that an insurer be allowed to interview the insured directly about the loss claim; prohibiting the insurer from obstructing or preventing the public adjuster from communicating with the insured; requiring that the insurer communicate with the public adjuster in an effort to reach an agreement as to the scope of the covered loss under the insurance policy; prohibiting a public adjuster from restricting or preventing persons acting on behalf of the insured from having reasonable access to the insured or the insured's property; prohibiting a public adjuster from restricting or preventing the insured's adjuster from having reasonable access to or inspecting the insured's property; authorizing the insured's adjuster to be present for the inspection; prohibiting a licensed contractor or subcontractor from adjusting a claim on behalf of an insured if such contractor or subcontractor is not a licensed public adjuster; providing an exception; amending s. 626.8651, F.S.; requiring that a public adjuster apprentice complete a minimum number of hours of continuing education to qualify for licensure; amending s. 626.8796, F.S.; providing requirements for a public adjuster contract; creating s. 626.70132, F.S.; requiring that notice of a claim, supplemental claim, or reopened claim be given to the insurer within a specified period after a windstorm or hurricane occurs; providing a definition for the terms "supplemental claim" or "reopened claim"; providing applicability; repealing s. 627.0613(4), F.S., relating to the requirement that the consumer advocate for the Chief Financial Officer prepare an annual report card for each personal residential property insurer; amending s. 627.062, F.S.; requiring that the office issue an approval rather than a notice of intent to approve following its approval of a file and use filing; authorizing the office to disapprove a rate filing because the coverage is inadequate or the insurer charges a higher premium due to certain discriminatory factors; extending the expiration date for making a "file and use" filing; prohibiting the Office of Insurance Regulation from, directly or indirectly, impeding the right of an insurer to acquire policyholders, advertise or appoint agents, or regulate agent commissions; revising the information that must be included in a rate filing relating to certain reinsurance or financing products; deleting a provision that prohibited an insurer from making certain rate filings within a certain period of time after a rate increase; deleting a provision prohibiting an insurer from filing for a rate increase within 6 months after it makes certain rate filings; deleting obsolete provisions relating to legislation enacted during the 2003 Special Session D of the Legislature; providing for the submission of additional or supplementary information pursuant to a rate filing; amending s. 627.06281, F.S.; providing limitations on fees charged for use of the public hurricane model; amending s. 627.0629, F.S.; deleting obsolete provisions; deleting a requirement that the Office of Insurance Regulation propose a method for establishing discounts, debits, credits, and other rate differentials for hurricane mitigation by a certain date; requiring the Financial Services Commission to adopt rules relating to such debits by a certain date; deleting a provision that prohibits an insurer from including an expense or profit load in the cost of reinsurance to replace the Temporary Increase in Coverage Limits; conforming provisions to changes made by the act; amending s. 627.351, F.S.; requiring the Citizens Property Insurance Corporation's logo to include certain language; requiring policies issued by the corporation to include a provision that prohibits policyholders from engaging the services of a public adjuster until after the corporation has tendered an offer; limiting an adjuster's fee for a claim against the corporation; renaming the "high-risk account" as the "coastal account"; revising the conditions under which the Citizens policyholder surcharge may be imposed; providing that members of the Citizens Property Insurance Corporation Board of Governors are not prohibited from practicing in a certain profession if not prohibited by law or ordinance; limiting coverage for damage from sinkholes after a certain date and providing that the corporation must require repair of the property as a condition of any payment; prohibiting board members from voting on certain measures; exempting sinkhole coverage from the corporation's annual rate increase requirements; deleting a requirement that the board reduce the boundaries of certain high-risk areas eligible for wind-only coverages under certain circumstances; amending s. 627.3511, F.S.; conforming provisions to changes made by the act; amending s. 627.4133, F.S.; revising the requirements for providing an insured with notice of nonrenewal, cancellation, or termination of personal lines or commercial residential property insurance; authorizing an insurer to cancel policies after 45 days' notice if the Office of Insurance Regulation determines that the cancellation of policies is necessary to protect the interests of the public or policyholders; authorizing the Office of Insurance Regulation to place an insurer under administrative supervision or appoint a receiver upon the consent of the insurer under certain circumstances; creating s. 627.43141, F.S.; providing definitions; requiring the delivery of a "Notice of Change in Policy Terms" under certain circumstances; specifying requirements for such notice; specifying actions constituting

proof of notice; authorizing policy renewals to contain a change in policy terms; providing that receipt of payment by an insurer is deemed acceptance of new policy terms by an insured; providing that the original policy remains in effect until the occurrence of specified events if an insurer fails to provide notice; providing intent; amending s. 627.7011, F.S.; requiring the insurer to pay the actual cash value of an insured loss for a dwelling, less any applicable deductible; requiring a policyholder to enter into a contract for the performance of building and structural repairs unless waived by the insurer; restricting insurers and contractors from requiring advance payments for repairs and expenses; requiring the insurer to offer coverage under which the insurer is obligated to pay replacement costs; authorizing the insurer to offer coverage that limits the initial payment for personal property to the actual cash value of the property to be replaced and to require the insured to provide receipts for purchases; requiring the insurer to provide notice of this process in the insurance contract; prohibiting an insurer from requiring the insured to advance payment; amending s. 627.70131, F.S.; specifying application of certain time periods to initial or supplemental property insurance claim notices and payments; providing legislative findings with respect to 2005 statutory changes relating to sinkhole insurance coverage and statutory changes in this act; amending s. 627.706, F.S.; authorizing an insurer to limit coverage for catastrophic ground cover collapse to the principal building and to have discretion to provide additional coverage; allowing the deductible to include costs relating to an investigation of whether sinkhole activity is present; revising definitions; defining the term "structural damage"; providing an insurer with discretion to provide a policyholder with an opportunity to purchase an endorsement to sinkhole coverage; placing a 2-year statute of repose on claims for sinkhole coverage; amending s. 627.7061, F.S.; conforming provisions to changes made by the act; repealing s. 627.7065, F.S., relating to the establishment of a sinkhole database; amending s. 627.707, F.S.; revising provisions relating to the investigation of sinkholes by insurers; deleting a requirement that the insurer provide a policyholder with a statement regarding testing for sinkhole activity; requiring the insurer to provide repairs in accordance with the insurer's engineer's recommendations or tender the policy limits to the policyholder; providing a time limitation for demanding sinkhole testing by a policyholder and entering into a contract for repairs; requiring all repairs to be completed within a certain time; providing exceptions; providing a criminal penalty on a policyholder for accepting rebates from persons performing repairs; amending s. 627.7073, F.S.; revising provisions relating to inspection reports; providing that the presumption that the report is correct shifts the burden of proof; revising the reports that an insurer must file with the clerk of the court; requiring the policyholder to file certain reports as a precondition to accepting payment; requiring the professional engineer responsible for monitoring sinkhole repairs to issue a report and certification to the property owner and file such report with the court; providing that the act does not create liability for an insurer based on a representation or certification by the engineer; amending s. 627.7074, F.S.; revising provisions relating to neutral evaluation; requiring evaluation in order to make certain determinations; requiring that the neutral evaluator be allowed access to structures being evaluated; providing grounds for disqualifying an evaluator; allowing the Department of Financial Services to appoint an evaluator if the parties cannot come to agreement; revising the timeframes for scheduling a neutral evaluation conference; authorizing an evaluator to enlist another evaluator or other professionals; providing a time certain for issuing a report; providing that certain information is confidential; revising provisions relating to compliance with the evaluator's recommendations; providing that the evaluator is an agent of the department for the purposes of immunity from suit; requiring the department to adopt rules; amending s. 627.711, F.S.; deleting the requirement that the insurer pay for verification of a uniform mitigation verification form that the insurer requires; amending s. 627.712, F.S.; conforming provisions to changes made by the act; providing for applicability; providing effective dates.

House Amendment 1 (844961) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (2) of section 95.11, Florida Statutes, is amended to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(2) WITHIN FIVE YEARS.—

(a) An action on a judgment or decree of any court, not of record, of this state or any court of the United States, any other state or territory in the United States, or a foreign country.

(b) A legal or equitable action on a contract, obligation, or liability founded on a written instrument, except for an action to enforce a claim against a payment bond, which shall be governed by the applicable provisions of ss. 255.05(10) and 713.23(1)(e).

(c) An action to foreclose a mortgage.

(d) An action alleging a willful violation of s. 448.110.

(e) Notwithstanding paragraph (b), an action for breach of a property insurance contract, with the period running from the date of loss.

Section 2. Effective June 1, 2011, paragraph (d) of subsection (2) of section 215.555, Florida Statutes, is amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

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

(d) "Losses" means *all* ~~direct~~ incurred losses under covered policies, *including* ~~which shall include losses for~~ additional living expenses not to exceed 40 percent of the insured value of a residential structure or its contents and *amounts paid as fees on behalf of or inuring to the benefit of a policyholder* ~~shall exclude loss adjustment expenses~~. *The term* ~~"Losses"~~ does not include*:*

1. Losses for fair rental value, loss of rent or rental income, or business interruption losses*;*

2. Losses under liability coverages;

3. Property losses that are proximately caused by any peril other than a covered event, including, but not limited to, fire, theft, flood or rising water, or windstorm that does not constitute a covered event;

4. Amounts paid as the result of a voluntary expansion of coverage by the insurer, including, but not limited to, a waiver of an applicable deductible;

5. Amounts paid to reimburse a policyholder for condominium association or homeowners' association loss assessments or under similar coverages for contractual liabilities;

6. Amounts paid as bad faith awards, punitive damage awards, or other court-imposed fines, sanctions, or penalties;

7. Amounts in excess of the coverage limits under the covered policy; or

8. Allocated or unallocated loss adjustment expenses.

Section 3. *The amendment to s. 215.555, Florida Statutes, made by this act applies first to the Florida Hurricane Catastrophe Fund reimbursement contract that takes effect June 1, 2011.*

Section 4. Subsection (12) is added to section 215.5595, Florida Statutes, to read:

215.5595 Insurance Capital Build-Up Incentive Program.—

(12) The insurer may request that the board renegotiate the terms of any surplus note issued under this section before January 1, 2011. The request must be submitted to the board by January 1, 2012. If the insurer agrees to accelerate the payment period of the note by at least 5 years, the board must agree to exempt the insurer from the premium-to-surplus ratios required under paragraph (2)(d). If the insurer agrees to an acceleration of the payment period for less than 5 years, the board may, after consultation with the Office of Insurance Regulation, agree to an appropriate revision of the premium-to-surplus ratios required under paragraph (2)(d) for the remaining term of the note if the revised ratios are not lower than a minimum writing ratio of net premium to surplus of at least 1 to 1 and, alternatively, a minimum writing ratio of gross premium to surplus of at least 3 to 1.

Section 5. Section 624.407, Florida Statutes, is amended to read:

624.407 *Surplus* ~~Capital funds~~ required; new insurers.—

(1) To receive authority to transact any one kind or combinations of kinds of insurance, as defined in part V of this chapter, an insurer applying for its original certificate of authority in this state ~~after the effective date of this section~~ shall possess surplus as to policyholders *at least* ~~not less than~~ the greater of:

(a) ~~Five million dollars~~ For a property and casualty insurer*, $5 million*, or $2.5 million for any other insurer;

(b) For life insurers, 4 percent of the insurer's total liabilities;

(c) For life and health insurers, 4 percent of the insurer's total liabilities, plus 6 percent of the insurer's liabilities relative to health insurance; ~~or~~

(d) For all insurers other than life insurers and life and health insurers, 10 percent of the insurer's total liabilities; *or*

(e) Notwithstanding paragraph (a) or paragraph (d), for a domestic insurer that transacts residential property insurance and is:

1. Not a wholly owned subsidiary of an insurer domiciled in any other state, $15 million.

2. ~~however, a domestic insurer that transacts residential property insurance and is~~ A wholly owned subsidiary of an insurer domiciled in any other state*,* ~~shall possess surplus as to policyholders of at least~~ $50 million*.*

(2) Notwithstanding subsection (1), a new insurer may not be required~~, but no insurer shall be required under this subsection~~ to have surplus as to policyholders greater than $100 million.

(3)~~(2)~~ The requirements of this section shall be based upon all the kinds of insurance actually transacted or to be transacted by the insurer in any and all areas in which it operates, whether or not only a portion of such kinds *of insurance* are ~~to be~~ transacted in this state.

(4)~~(3)~~ As to surplus as to policyholders required for qualification to transact one or more kinds of insurance, domestic mutual insurers are governed by chapter 628, and domestic reciprocal insurers are governed by chapter 629.

(5)~~(4)~~ For the purposes of this section, liabilities *do* ~~shall~~ not include liabilities required under s. 625.041(4). For purposes of computing minimum surplus as to policyholders pursuant to s. 625.305(1), liabilities ~~shall~~ include liabilities required under s. 625.041(4).

~~(5) The provisions of this section, as amended by this act, shall apply only to insurers applying for a certificate of authority on or after the effective date of this act.~~

Section 6. Section 624.408, Florida Statutes, is amended to read:

624.408 Surplus ~~as to policyholders~~ required; *current* ~~new and existing~~ insurers.—

(1)~~(a)~~ To maintain a certificate of authority to transact any one kind or combinations of kinds of insurance, as defined in part V of this chapter, an insurer in this state *must* ~~shall~~ at all times maintain surplus as to policyholders *at least* ~~not less than~~ the greater of:

(a)~~1.~~ Except as provided in *paragraphs (e), (f), and (g)* ~~subparagraph 5. and paragraph (b)~~, $1.5 million.~~;~~

(b)~~2.~~ For life insurers, 4 percent of the insurer's total liabilities.~~;~~

(c)~~3.~~ For life and health insurers, 4 percent of the insurer's total liabilities plus 6 percent of the insurer's liabilities relative to health insurance.~~; or~~

(d)~~4.~~ For all insurers other than mortgage guaranty insurers, life insurers, and life and health insurers, 10 percent of the insurer's total liabilities.

(e)~~5.~~ For property and casualty insurers, $4 million*, except for property and casualty insurers authorized to underwrite any line of residential property insurance*.

(f)~~(b)~~ For *residential* ~~any~~ property *insurers not* ~~and casualty insurer~~ holding a certificate of authority *before July 1, 2011* ~~on December 1, 1993~~*, $15 million.* ~~the~~

(g) For residential property insurers holding a certificate of authority before July 1, 2011, and until June 30, 2016, $5 million; on or after July 1, 2016, and until June 30, 2021, $10 million; on or after July 1, 2021, $15 million.

The office may reduce the surplus requirement in paragraphs (f) and (g) if the insurer is not writing new business, has premiums in force of less than $1 million per year in residential property insurance, or is a mutual insurance company. ~~following amounts apply instead of the $4 million required by subparagraph (a)5.:~~

~~1. On December 31, 2001, and until December 30, 2002, $3 million.~~

~~2. On December 31, 2002, and until December 30, 2003, $3.25 million.~~

~~3. On December 31, 2003, and until December 30, 2004, $3.6 million.~~

~~4. On December 31, 2004, and thereafter, $4 million.~~

(2) For purposes of this section, liabilities *do* ~~shall~~ not include liabilities required under s. 625.041(4). For purposes of computing minimum surplus as to policyholders pursuant to s. 625.305(1), liabilities ~~shall~~ include liabilities required under s. 625.041(4).

(3) *This section does not require an* ~~No~~ insurer ~~shall be required under this section~~ to have surplus as to policyholders greater than $100 million.

(4) A mortgage guaranty insurer shall maintain a minimum surplus as required by s. 635.042.

Section 7. Effective June 1, 2011, section 626.854, Florida Statutes, is amended to read:

626.854 "Public adjuster" defined; prohibitions.—The Legislature finds that it is necessary for the protection of the public to regulate public insurance adjusters and to prevent the unauthorized practice of law.

(1) A "public adjuster" is any person, except a duly licensed attorney at law as hereinafter in s. 626.860 provided, who, for money, commission, or any other thing of value, prepares, completes, or files an insurance claim form for an insured or third-party claimant or who, for money, commission, or any other thing of value, acts or aids in any manner on behalf of an insured or third-party claimant in negotiating for or effecting the settlement of a claim or claims for loss or damage covered by an insurance contract or who advertises for employment as an adjuster of such claims, and also includes any person who, for money, commission, or any other thing of value, solicits, investigates, or adjusts such claims on behalf of any such public adjuster.

(2) This definition does not apply to:

(a) A licensed health care provider or employee thereof who prepares or files a health insurance claim form on behalf of a patient.

(b) A person who files a health claim on behalf of another and does so without compensation.

(3) A public adjuster may not give legal advice. A public adjuster may not act on behalf of or aid any person in negotiating or settling a claim relating to bodily injury, death, or noneconomic damages.

(4) For purposes of this section, the term "insured" includes only the policyholder and any beneficiaries named or similarly identified in the policy.

(5) A public adjuster may not directly or indirectly through any other person or entity solicit an insured or claimant by any means except on Monday through Saturday of each week and only between the hours of 8 a.m. and 8 p.m. on those days.

(6) A public adjuster may not directly or indirectly through any other person or entity initiate contact or engage in face-to-face or telephonic

solicitation or enter into a contract with any insured or claimant under an insurance policy until at least 48 hours after the occurrence of an event that may be the subject of a claim under the insurance policy unless contact is initiated by the insured or claimant.

(7) An insured or claimant may cancel a public adjuster's contract to adjust a claim without penalty or obligation within 3 business days after the date on which the contract is executed or within 3 business days after the date on which the insured or claimant has notified the insurer of the claim, by phone or in writing, whichever is later. The public adjuster's contract shall disclose to the insured or claimant his or her right to cancel the contract and advise the insured or claimant that notice of cancellation must be submitted in writing and sent by certified mail, return receipt requested, or other form of mailing which provides proof thereof, to the public adjuster at the address specified in the contract; provided, during any state of emergency as declared by the Governor and for a period of 1 year after the date of loss, the insured or claimant shall have 5 business days after the date on which the contract is executed to cancel a public adjuster's contract.

(8) It is an unfair and deceptive insurance trade practice pursuant to s. 626.9541 for a public adjuster or any other person to circulate or disseminate any advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of insurance which is untrue, deceptive, or misleading.

(9) A public adjuster, a public adjuster apprentice, or any person or entity acting on behalf of a public adjuster or public adjuster apprentice may not give or offer to give a monetary loan or advance to a client or prospective client.

(10) A public adjuster, public adjuster apprentice, or any individual or entity acting on behalf of a public adjuster or public adjuster apprentice may not give or offer to give, directly or indirectly, any article of merchandise having a value in excess of $25 to any individual for the purpose of advertising or as an inducement to entering into a contract with a public adjuster.

(11)(a) If a public adjuster enters into a contract with an insured or claimant to reopen a claim or ~~to~~ file a supplemental claim that seeks additional payments for a claim that has been previously paid in part or in full or settled by the insurer, the public adjuster may not charge, agree to, or accept any compensation, payment, commission, fee, or other thing of value based on a previous settlement or previous claim payments by the insurer for the same cause of loss. The charge, compensation, payment, commission, fee, or other thing of value may be based only on the claim payments or settlement obtained through the work of the public adjuster after entering into the contract with the insured or claimant. *Compensation for the reopened or supplemental claim may not exceed 20 percent of the reopened or supplemental claim payment.* The contracts described in this paragraph are not subject to the limitations in paragraph (b).

(b) A public adjuster may not charge, agree to, or accept any compensation, payment, commission, fee, or other thing of value in excess of:

1. Ten percent of the amount of insurance claim payments *made* by the insurer for claims based on events that are the subject of a declaration of a state of emergency by the Governor. This provision applies to claims made during the period of 1 year after the declaration of emergency. *After that 1-year period, 20 percent of the amount of insurance claim payments made by the insurer.*

2. Twenty percent of the amount of ~~all other~~ insurance claim payments *made by the insurer for claims that are not based on events that are the subject of a declaration of a state of emergency by the Governor*.

(12) Each public adjuster shall provide to the claimant or insured a written estimate of the loss to assist in the submission of a proof of loss or any other claim for payment of insurance proceeds. The public adjuster shall retain such written estimate for at least 5 years and shall make such estimate available to the claimant or insured and the department upon request.

(13) A public adjuster, public adjuster apprentice, or any person acting on behalf of a public adjuster or apprentice may not accept referrals of business from any person with whom the public adjuster conducts business if there is any form or manner of agreement to compensate the person, whether directly or indirectly, for referring business to the public adjuster. A public adjuster may not compensate any person, except for another public adjuster, whether directly or indirectly, for the principal purpose of referring business to the public adjuster.

The provisions of subsections (5)-(13) apply only to residential property insurance policies and condominium *unit owner* ~~association~~ policies as defined in s. 718.111(11).

Section 8. Effective January 1, 2012, section 626.854, Florida Statutes, as amended by this act, is amended to read:

626.854 "Public adjuster" defined; prohibitions.—The Legislature finds that it is necessary for the protection of the public to regulate public insurance adjusters and to prevent the unauthorized practice of law.

(1) A "public adjuster" is any person, except a duly licensed attorney at law as *exempted under* ~~hereinafter in~~ s. 626.860 ~~provided~~, who, for money, commission, or any other thing of value, prepares, completes, or files an insurance claim form for an insured or third-party claimant or who, for money, commission, or any other thing of value, acts ~~or aids in any manner~~ on behalf of*, or aids* an insured or third-party claimant in negotiating for or effecting the settlement of a claim or claims for loss or damage covered by an insurance contract or who advertises for employment as an adjuster of such claims. *The term*~~, and~~ also includes any person who, for money, commission, or any other thing of value, solicits, investigates, or adjusts such claims on behalf of *a* ~~any such~~ public adjuster.

(2) This definition does not apply to:

(a) A licensed health care provider or employee thereof who prepares or files a health insurance claim form on behalf of a patient.

(b) A person who files a health claim on behalf of another and does so without compensation.

(3) A public adjuster may not give legal advice *or*~~. A public adjuster may not~~ act on behalf of or aid any person in negotiating or settling a claim relating to bodily injury, death, or noneconomic damages.

(4) For purposes of this section, the term "insured" includes only the policyholder and any beneficiaries named or similarly identified in the policy.

(5) A public adjuster may not directly or indirectly through any other person or entity solicit an insured or claimant by any means except on Monday through Saturday of each week and only between the hours of 8 a.m. and 8 p.m. on those days.

(6) A public adjuster may not directly or indirectly through any other person or entity initiate contact or engage in face-to-face or telephonic solicitation or enter into a contract with any insured or claimant under an insurance policy until at least 48 hours after the occurrence of an event that may be the subject of a claim under the insurance policy unless contact is initiated by the insured or claimant.

(7) An insured or claimant may cancel a public adjuster's contract to adjust a claim without penalty or obligation within 3 business days after the date on which the contract is executed or within 3 business days after the date on which the insured or claimant has notified the insurer of the claim, by phone or in writing, whichever is later. The public adjuster's contract *must* ~~shall~~ disclose to the insured or claimant his or her right to cancel the contract and advise the insured or claimant that notice of cancellation must be submitted in writing and sent by certified mail, return receipt requested, or other form of mailing *that* ~~which~~ provides proof thereof, to the public adjuster at the address specified in the contract; provided, during any state of emergency as declared by the Governor and for ~~a period of~~ 1 year after the date of loss, the insured or claimant *has* ~~shall have~~ 5 business days after the date on which the contract is executed to cancel a public adjuster's contract.

(8) It is an unfair and deceptive insurance trade practice pursuant to s. 626.9541 for a public adjuster or any other person to circulate or disseminate any advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of insurance which is untrue, deceptive, or misleading.

(a) The following statements, made in any public adjuster's advertisement or solicitation, are considered deceptive or misleading:

1. A statement or representation that invites an insured policyholder to submit a claim when the policyholder does not have covered damage to insured property.

2. A statement or representation that invites an insured policyholder to submit a claim by offering monetary or other valuable inducement.

3. A statement or representation that invites an insured policyholder to submit a claim by stating that there is "no risk" to the policyholder by submitting such claim.

4. A statement or representation, or use of a logo or shield, that implies or could mistakenly be construed to imply that the solicitation was issued or distributed by a governmental agency or is sanctioned or endorsed by a governmental agency.

(b) For purposes of this paragraph, the term "written advertisement" includes only newspapers, magazines, flyers, and bulk mailers. The following disclaimer, which is not required to be printed on standard size business cards, must be added in bold print and capital letters in typeface no smaller than the typeface of the body of the text to all written advertisements by a public adjuster:

"THIS IS A SOLICITATION FOR BUSINESS. IF YOU HAVE HAD A CLAIM FOR AN INSURED PROPERTY LOSS OR DAMAGE AND YOU ARE SATISFIED WITH THE PAYMENT BY YOUR INSURER, YOU MAY DISREGARD THIS ADVERTISEMENT."

(9) A public adjuster, a public adjuster apprentice, or any person or entity acting on behalf of a public adjuster or public adjuster apprentice may not give or offer to give a monetary loan or advance to a client or prospective client.

(10) A public adjuster, public adjuster apprentice, or any individual or entity acting on behalf of a public adjuster or public adjuster apprentice may not give or offer to give, directly or indirectly, any article of merchandise having a value in excess of $25 to any individual for the purpose of advertising or as an inducement to entering into a contract with a public adjuster.

(11)(a) If a public adjuster enters into a contract with an insured or claimant to reopen a claim or file a supplemental claim that seeks additional payments for a claim that has been previously paid in part or in full or settled by the insurer, the public adjuster may not charge, agree to, or accept any compensation, payment, commission, fee, or other thing of value based on a previous settlement or previous claim payments by the insurer for the same cause of loss. The charge, compensation, payment, commission, fee, or other thing of value must be based only on the claim payments or settlement obtained through the work of the public adjuster after entering into the contract with the insured or claimant. Compensation for the reopened or supplemental claim may not exceed 20 percent of the reopened or supplemental claim payment. The contracts described in this paragraph are not subject to the limitations in paragraph (b).

(b) A public adjuster may not charge, agree to, or accept any compensation, payment, commission, fee, or other thing of value in excess of:

1. Ten percent of the amount of insurance claim payments made by the insurer for claims based on events that are the subject of a declaration of a state of emergency by the Governor. This provision applies to claims made during the year after the declaration of emergency. After that year, the limitations in subparagraph 2. apply.

2. Twenty percent of the amount of insurance claim payments made by the insurer for claims that are not based on events that are the subject of a declaration of a state of emergency by the Governor.

(12) Each public adjuster *must* ~~shall~~ provide to the claimant or insured a written estimate of the loss to assist in the submission of a proof of loss or any other claim for payment of insurance proceeds. The public adjuster shall retain such written estimate for at least 5 years and shall make *the* ~~such~~ estimate available to the claimant or insured*, the insurer,* and the department upon request.

(13) A public adjuster, public adjuster apprentice, or any person acting on behalf of a public adjuster or apprentice may not accept referrals of business from any person with whom the public adjuster conducts business if there is any form or manner of agreement to compensate the person, ~~whether~~ directly or indirectly, for referring business to the public adjuster. A public adjuster may not compensate any person, except for another public adjuster, ~~whether~~ directly or indirectly, for the principal purpose of referring business to the public adjuster.

(14) A company employee adjuster, independent adjuster, attorney, investigator, or other persons acting on behalf of an insurer that needs access to an insured or claimant or to the insured property that is the subject of a claim must provide at least 48 hours' notice to the insured or claimant, public adjuster, or legal representative before scheduling a meeting with the claimant or an onsite inspection of the insured property. The insured or claimant may deny access to the property if the notice has not been provided. The insured or claimant may waive the 48-hour notice.

(15) A public adjuster must ensure prompt notice of property loss claims submitted to an insurer by or through a public adjuster or on which a public adjuster represents the insured at the time the claim or notice of loss is submitted to the insurer. The public adjuster must ensure that notice is given to the insurer, the public adjuster's contract is provided to the insurer, the property is available for inspection of the loss or damage by the insurer, and the insurer is given an opportunity to interview the insured directly about the loss and claim. The insurer must be allowed to obtain necessary information to investigate and respond to the claim.

(a) The insurer may not exclude the public adjuster from its in-person meetings with the insured. The insurer shall meet or communicate with the public adjuster in an effort to reach agreement as to the scope of the covered loss under the insurance policy. This section does not impair the terms and conditions of the insurance policy in effect at the time the claim is filed.

(b) A public adjuster may not restrict or prevent an insurer, company employee adjuster, independent adjuster, attorney, investigator, or other person acting on behalf of the insurer from having reasonable access at reasonable times to an insured or claimant or to the insured property that is the subject of a claim.

(c) A public adjuster may not act or fail to reasonably act in any manner that obstructs or prevents an insurer or insurer's adjuster from timely conducting an inspection of any part of the insured property for which there is a claim for loss or damage. The public adjuster representing the insured may be present for the insurer's inspection, but if the unavailability of the public adjuster otherwise delays the insurer's timely inspection of the property, the public adjuster or the insured must allow the insurer to have access to the property without the participation or presence of the public adjuster or insured in order to facilitate the insurer's prompt inspection of the loss or damage.

(16) A licensed contractor under part I of chapter 489, or a subcontractor, may not adjust a claim on behalf of an insured unless licensed and compliant as a public adjuster under this chapter. However, the contractor may discuss or explain a bid for construction or repair of covered property with the residential property owner who has suffered loss or damage covered by a property insurance policy, or the insurer of such property, if the contractor is doing so for the usual and customary fees applicable to the work to be performed as stated in the contract between the contractor and the insured.

(17) The provisions of subsections *(5)-(16)* ~~(5)-(13)~~ apply only to residential property insurance policies and condominium unit owner policies as defined in s. 718.111(11).

Section 9. Effective January 1, 2012, section 626.8796, Florida Statutes, is amended to read:

626.8796 Public adjuster contracts; fraud statement.—

(1) All contracts for public adjuster services must be in writing and ~~must~~ prominently display the following statement on the contract: "Pursuant to s. 817.234, Florida Statutes, any person who, with the intent to injure, defraud, or deceive *an* ~~any~~ insurer or insured, prepares, presents, or causes to be presented a proof of loss or estimate of cost or repair of damaged property in support of a claim under an insurance

policy knowing that the proof of loss or estimate of claim or repairs contains ~~any~~ false, incomplete, or misleading information concerning any fact or thing material to the claim commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes."

(2) A public adjuster contract relating to a property and casualty claim must contain the full name, permanent business address, and license number of the public adjuster; the full name of the public adjusting firm; and the insured's full name and street address, together with a brief description of the loss. The contract must state the percentage of compensation for the public adjuster's services; the type of claim, including an emergency claim, nonemergency claim, or supplemental claim; the signatures of the public adjuster and all named insureds; and the signature date. If all of the named insureds signatures are not available, the public adjuster must submit an affidavit signed by the available named insureds attesting that they have authority to enter into the contract and settle all claim issues on behalf of the named insureds. An unaltered copy of the executed contract must be remitted to the insurer within 30 days after execution.

Section 10. Effective June 1, 2011, section 626.70132, Florida Statutes, is created to read:

626.70132 Notice of windstorm or hurricane claim.—A claim, supplemental claim, or reopened claim under an insurance policy that provides property insurance, as defined in s. 624.604, for loss or damage caused by the peril of windstorm or hurricane is barred unless notice of the claim, supplemental claim, or reopened claim was given to the insurer in accordance with the terms of the policy within 3 years after the hurricane first made landfall or the windstorm caused the covered damage. For purposes of this section, the term "supplemental claim" or "reopened claim" means any additional claim for recovery from the insurer for losses from the same hurricane or windstorm which the insurer has previously adjusted pursuant to the initial claim. This section does not affect any applicable limitation on civil actions provided in s. 95.11 for claims, supplemental claims, or reopened claims timely filed under this section.

Section 11. *Subsection (4) of section 627.0613, Florida Statutes, is repealed.*

Section 12. Section 627.062, Florida Statutes, is amended to read:

627.062 Rate standards.—

(1) The rates for all classes of insurance to which the provisions of this part are applicable *may* ~~shall~~ not be excessive, inadequate, or unfairly discriminatory.

(2) As to all such classes of insurance:

(a) Insurers or rating organizations shall establish and use rates, rating schedules, or rating manuals *that* ~~to~~ allow the insurer a reasonable rate of return on *the* ~~such~~ classes of insurance written in this state. A copy of rates, rating schedules, rating manuals, premium credits or discount schedules, and surcharge schedules, and changes thereto, *must* ~~shall~~ be filed with the office under one of the following procedures ~~except as provided in subparagraph 3.~~:

1. If the filing is made at least 90 days before the proposed effective date and ~~the filing~~ is not implemented during the office's review of the filing and any proceeding and judicial review, ~~then~~ such filing *is* ~~shall be~~ considered a "file and use" filing. In such case, the office shall finalize its review by issuance of a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing. The notice of intent to approve and the notice of intent to disapprove constitute agency action for purposes of the Administrative Procedure Act. Requests for supporting information, requests for mathematical or mechanical corrections, or notification to the insurer by the office of its preliminary findings *does* ~~shall~~ not toll the 90-day period during any such proceedings and subsequent judicial review. The rate shall be deemed approved if the office does not issue a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing.

2. If the filing is not made in accordance with ~~the provisions of~~ subparagraph 1., such filing *must* ~~shall~~ be made as soon as practicable, but *within* ~~no later than~~ 30 days after the effective date, and *is* ~~shall be~~ considered a "use and file" filing. An insurer making a "use and file" filing is potentially subject to an order by the office to return to policyholders *those* portions of rates found to be excessive, as provided in paragraph (h).

3. For all property insurance filings made or submitted after January 25, 2007, but before *May 1, 2012* ~~December 31, 2010~~, an insurer seeking a rate that is greater than the rate most recently approved by the office shall make a "file and use" filing. For purposes of this subparagraph, motor vehicle collision and comprehensive coverages are not considered ~~to be~~ property coverages.

(b) Upon receiving a rate filing, the office shall review the ~~rate~~ filing to determine if a rate is excessive, inadequate, or unfairly discriminatory. In making that determination, the office shall, in accordance with generally accepted and reasonable actuarial techniques, consider the following factors:

1. Past and prospective loss experience within and without this state.

2. Past and prospective expenses.

3. The degree of competition among insurers for the risk insured.

4. Investment income reasonably expected by the insurer, consistent with the insurer's investment practices, from investable premiums anticipated in the filing, plus any other expected income from currently invested assets representing the amount expected on unearned premium reserves and loss reserves. The commission may adopt rules using reasonable techniques of actuarial science and economics to specify the manner in which insurers ~~shall~~ calculate investment income attributable to ~~such~~ classes of insurance written in this state and the manner in which ~~such~~ investment income *is* ~~shall be~~ used to calculate insurance rates. Such manner *must* ~~shall~~ contemplate allowances for an underwriting profit factor and full consideration of investment income which produce a reasonable rate of return; however, investment income from invested surplus may not be considered.

5. The reasonableness of the judgment reflected in the filing.

6. Dividends, savings, or unabsorbed premium deposits allowed or returned to Florida policyholders, members, or subscribers.

7. The adequacy of loss reserves.

8. The cost of reinsurance. The office *may* ~~shall~~ not disapprove a rate as excessive solely due to the insurer having obtained catastrophic reinsurance to cover the insurer's estimated 250-year probable maximum loss or any lower level of loss.

9. Trend factors, including trends in actual losses per insured unit for the insurer making the filing.

10. Conflagration and catastrophe hazards, if applicable.

11. Projected hurricane losses, if applicable, which must be estimated using a model or method found to be acceptable or reliable by the Florida Commission on Hurricane Loss Projection Methodology, and as further provided in s. 627.0628.

12. A reasonable margin for underwriting profit and contingencies.

13. The cost of medical services, if applicable.

14. Other relevant factors *that affect* ~~which impact upon~~ the frequency or severity of claims or ~~upon~~ expenses.

(c) In the case of fire insurance rates, consideration *must* ~~shall~~ be given to the availability of water supplies and the experience of the fire insurance business during a period of not less than the most recent 5-year period for which such experience is available.

(d) If conflagration or catastrophe hazards are *considered* ~~given consideration~~ by an insurer in its rates or rating plan, including surcharges and discounts, the insurer shall establish a reserve for that portion of the premium allocated to such hazard and ~~shall~~ maintain the premium in a catastrophe reserve. ~~Any~~ Removal of such premiums from the reserve for purposes other than paying claims associated with a catastrophe or purchasing reinsurance for catastrophes *must be ap-*

proved by ~~shall be subject to approval of~~ the office. Any ceding commission received by an insurer purchasing reinsurance for catastrophes *must* ~~shall~~ be placed in the catastrophe reserve.

(e) After consideration of the rate factors provided in paragraphs (b), (c), and (d), *the office may find* a rate ~~may be found by the office~~ to be excessive, inadequate, or unfairly discriminatory based upon the following standards:

1. Rates shall be deemed excessive if they are likely to produce a profit from Florida business *which* ~~that~~ is unreasonably high in relation to the risk involved in the class of business or if expenses are unreasonably high in relation to services rendered.

2. Rates shall be deemed excessive if, among other things, the rate structure established by a stock insurance company provides for replenishment of surpluses from premiums, *if* ~~when~~ the replenishment is attributable to investment losses.

3. Rates shall be deemed inadequate if they are clearly insufficient, together with the investment income attributable to them, to sustain projected losses and expenses in the class of business to which they apply.

4. A rating plan, including discounts, credits, or surcharges, shall be deemed unfairly discriminatory if it fails to clearly and equitably reflect consideration of the policyholder's participation in a risk management program adopted pursuant to s. 627.0625.

5. A rate shall be deemed inadequate as to the premium charged to a risk or group of risks if discounts or credits are allowed which exceed a reasonable reflection of expense savings and reasonably expected loss experience from the risk or group of risks.

6. A rate shall be deemed unfairly discriminatory as to a risk or group of risks if the application of premium discounts, credits, or surcharges among such risks does not bear a reasonable relationship to the expected loss and expense experience among the various risks.

(f) In reviewing a rate filing, the office may require the insurer to provide*,* at the insurer's expense*,* all information necessary to evaluate the condition of the company and the reasonableness of the filing according to the criteria enumerated in this section.

(g) The office may at any time review a rate, rating schedule, rating manual, or rate change; the pertinent records of the insurer; and market conditions. If the office finds on a preliminary basis that a rate may be excessive, inadequate, or unfairly discriminatory, the office shall initiate proceedings to disapprove the rate and shall so notify the insurer. However, the office may not disapprove as excessive any rate for which it has given final approval or which has been deemed approved for ~~a period of~~ 1 year after the effective date of the filing unless the office finds that a material misrepresentation or material error was made by the insurer or was contained in the filing. Upon being ~~so~~ notified, the insurer or rating organization shall, within 60 days, file with the office all information *that* ~~which~~, in the belief of the insurer or organization, proves the reasonableness, adequacy, and fairness of the rate or rate change. The office shall issue a notice of intent to approve or a notice of intent to disapprove pursuant to ~~the procedures of~~ paragraph (a) within 90 days after receipt of the insurer's initial response. In such instances and in any administrative proceeding relating to the legality of the rate, the insurer or rating organization shall carry the burden of proof by a preponderance of the evidence to show that the rate is not excessive, inadequate, or unfairly discriminatory. After the office notifies an insurer that a rate may be excessive, inadequate, or unfairly discriminatory, unless the office withdraws the notification, the insurer *may* ~~shall~~ not alter the rate except to conform *to* ~~with~~ the office's notice until the earlier of 120 days after the date the notification was provided or 180 days after the date of *implementing* ~~the implementation of~~ the rate. The office ~~may~~, subject to chapter 120, *may* disapprove without the 60-day notification any rate increase filed by an insurer within the prohibited time period or during the time that the legality of the increased rate is being contested.

(h) *If* ~~In the event~~ the office finds that a rate or rate change is excessive, inadequate, or unfairly discriminatory, the office shall issue an order of disapproval specifying that a new rate or rate schedule*,* which responds to the findings of the office*,* be filed by the insurer. The office shall further order, for any "use and file" filing made in accordance with subparagraph (a)2., that premiums charged each policyholder constituting the portion of the rate above that which was actuarially justified be returned to *the* ~~such~~ policyholder in the form of a credit or refund. If the office finds that an insurer's rate or rate change is inadequate, the new rate or rate schedule filed with the office in response to such a finding *is* ~~shall be~~ applicable only to new or renewal business of the insurer written on or after the effective date of the responsive filing.

(i) Except as otherwise specifically provided in this chapter, *for property and casualty insurance* the office *may* ~~shall~~ not *directly or indirectly:*

1. Prohibit any insurer, including any residual market plan or joint underwriting association, from paying acquisition costs based on the full amount of premium, as defined in s. 627.403, applicable to any policy, or prohibit any such insurer from including the full amount of acquisition costs in a rate filing*; or*~~.~~

2. Impede, abridge, or otherwise compromise an insurer's right to acquire policyholders, advertise, or appoint agents, including the calculation, manner, or amount of such agent commissions, if any.

(j) With respect to residential property insurance rate filings, the rate filing must account for mitigation measures undertaken by policyholders to reduce hurricane losses.

(k)1. *A residential property* ~~An~~ insurer may make a separate filing limited solely to an adjustment of its rates for reinsurance*, the cost of financing products used as a replacement for reinsurance,* ~~or~~ financing costs incurred in the purchase of reinsurance*,* ~~or financing products to replace or finance the payment of the amount covered by the Temporary Increase in Coverage Limits (TICL) portion of the Florida Hurricane Catastrophe Fund including replacement reinsurance for the TICL reductions made pursuant to s. 215.555(17)(c); the actual cost paid due to the application of the TICL premium factor pursuant to s. 215.555(17)(f);~~ and the actual cost paid due to the application of the cash build-up factor pursuant to s. 215.555(5)(b) if the insurer:

a. Elects to purchase financing products such as a liquidity instrument or line of credit, in which case the cost included in ~~the~~ filing for the liquidity instrument or line of credit may not result in a premium increase exceeding 3 percent for any individual policyholder. All costs contained in the filing may not result in an overall premium increase of more than *15* ~~10~~ percent for any individual policyholder.

b. Includes in the filing a copy of all of its reinsurance, liquidity instrument, or line of credit contracts; proof of the billing or payment for the contracts; and the calculation upon which the proposed rate change is based *demonstrating* ~~demonstrates~~ that the costs meet the criteria of this section ~~and are not loaded for expenses or profit for the insurer making the filing~~.

~~c. Includes no other changes to its rates in the filing.~~

~~d. Has not implemented a rate increase within the 6 months immediately preceding the filing.~~

~~e. Does not file for a rate increase under any other paragraph within 6 months after making a filing under this paragraph.~~

2.~~f.~~ *An insurer* that purchases reinsurance or financing products from an affiliated company *may make a separate filing* ~~in compliance with this paragraph does so~~ only if the costs for such reinsurance or financing products are charged at or below charges made for comparable coverage by nonaffiliated reinsurers or financial entities making such coverage or financing products available in this state.

3.~~2.~~ An insurer may ~~only~~ make *only* one filing *per* ~~in any~~ 12-month period under this paragraph.

4.~~3.~~ An insurer that elects to implement a rate change under this paragraph must file its rate filing with the office at least 45 days before the effective date of the rate change. After an insurer submits a complete filing that meets all of the requirements of this paragraph, the office has 45 days after the date of the filing to review the rate filing and determine if the rate is excessive, inadequate, or unfairly discriminatory.

The provisions of this subsection *do* ~~shall~~ not apply to workers' compensation*,* ~~and~~ employer's liability insurance*,* and ~~to~~ motor vehicle insurance.

(3)(a) For individual risks that are not rated in accordance with the insurer's rates, rating schedules, rating manuals, and underwriting rules filed with the office and *that* ~~which~~ have been submitted to the insurer for individual rating, the insurer must maintain documentation on each risk subject to individual risk rating. The documentation must identify the named insured and specify the characteristics and classification of the risk supporting the reason for the risk being individually risk rated, including any modifications to existing approved forms to be used on the risk. The insurer must maintain these records for ~~a period of~~ at least 5 years after the effective date of the policy.

(b) Individual risk rates and modifications to existing approved forms are not subject to this part or part II, except for paragraph (a) and ss. 627.402, 627.403, 627.4035, 627.404, 627.405, 627.406, 627.407, 627.4085, 627.409, 627.4132, 627.4133, 627.415, 627.416, 627.417, 627.419, 627.425, 627.426, 627.4265, 627.427, and 627.428, but are subject to all other applicable provisions of this code and rules adopted thereunder.

(c) This subsection does not apply to private passenger motor vehicle insurance.

(d)1. The following categories or kinds of insurance and types of commercial lines risks are not subject to paragraph (2)(a) or paragraph (2)(f):

a. Excess or umbrella.

b. Surety and fidelity.

c. Boiler and machinery and leakage and fire extinguishing equipment.

d. Errors and omissions.

e. Directors and officers, employment practices, and management liability.

f. Intellectual property and patent infringement liability.

g. Advertising injury and Internet liability insurance.

h. Property risks rated under a highly protected risks rating plan.

i. Any other commercial lines categories or kinds of insurance or types of commercial lines risks that the office determines should not be subject to paragraph (2)(a) or paragraph (2)(f) because of the existence of a competitive market for such insurance, similarity of such insurance to other categories or kinds of insurance not subject to paragraph (2)(a) or paragraph (2)(f), or to improve the general operational efficiency of the office.

2. Insurers or rating organizations shall establish and use rates, rating schedules, or rating manuals to allow the insurer a reasonable rate of return on insurance and risks described in subparagraph 1. which are written in this state.

3. An insurer must notify the office of any changes to rates for insurance and risks described in subparagraph 1. *within* ~~no later than~~ 30 days after the effective date of the change. The notice must include the name of the insurer, the type or kind of insurance subject to rate change, total premium written during the immediately preceding year by the insurer for the type or kind of insurance subject to the rate change, and the average statewide percentage change in rates. Underwriting files, premiums, losses, and expense statistics with regard to *such* insurance and risks ~~described in subparagraph 1.~~ written by an insurer *must* ~~shall~~ be maintained by the insurer and subject to examination by the office. Upon examination, the office ~~shall~~, in accordance with generally accepted and reasonable actuarial techniques, *shall* consider the rate factors in paragraphs (2)(b), (c), and (d) and the standards in paragraph (2)(e) to determine if the rate is excessive, inadequate, or unfairly discriminatory.

4. A rating organization must notify the office of any changes to loss cost for insurance and risks described in subparagraph 1. *within* ~~no later than~~ 30 days after the effective date of the change. The notice must include the name of the rating organization, the type or kind of insurance subject to a loss cost change, loss costs during the immediately preceding year for the type or kind of insurance subject to the loss cost change, and the average statewide percentage change in loss cost. Loss and exposure statistics with regard to risks applicable to loss costs for a rating organization not subject to paragraph (2)(a) or paragraph (2)(f) *must* ~~shall~~ be maintained by the rating organization and are subject to examination by the office. Upon examination, the office ~~shall~~, in accordance with generally accepted and reasonable actuarial techniques, *shall* consider the rate factors in paragraphs (2)(b)-(d) and the standards in paragraph (2)(e) to determine if the rate is excessive, inadequate, or unfairly discriminatory.

5. In reviewing a rate, the office may require the insurer to provide*,* at the insurer's expense*,* all information necessary to evaluate the condition of the company and the reasonableness of the rate according to the applicable criteria described in this section.

(4) The establishment of any rate, rating classification, rating plan or schedule, or variation thereof in violation of part IX of chapter 626 is also in violation of this section. ~~In order to enhance the ability of consumers to compare premiums and to increase the accuracy and usefulness of rate comparison information provided by the office to the public, the office shall develop a proposed standard rating territory plan to be used by all authorized property and casualty insurers for residential property insurance. In adopting the proposed plan, the office may consider geographical characteristics relevant to risk, county lines, major roadways, existing rating territories used by a significant segment of the market, and other relevant factors. Such plan shall be submitted to the President of the Senate and the Speaker of the House of Representatives by January 15, 2006. The plan may not be implemented unless authorized by further act of the Legislature.~~

(5) With respect to a rate filing involving coverage of the type for which the insurer is required to pay a reimbursement premium to the Florida Hurricane Catastrophe Fund, the insurer may fully recoup in its property insurance premiums any reimbursement premiums paid to the ~~Florida Hurricane Catastrophe~~ fund, together with reasonable costs of other reinsurance*; however*, ~~but~~ except as otherwise provided in this section, *the insurer* may not recoup reinsurance costs that duplicate coverage provided by the ~~Florida Hurricane Catastrophe~~ fund. An insurer may not recoup more than 1 year of reimbursement premium at a time. Any under-recoupment from the prior year may be added to the following year's reimbursement premium, and any over-recoupment *must* ~~shall~~ be subtracted from the following year's reimbursement premium.

(6)(a) If an insurer requests an administrative hearing pursuant to s. 120.57 related to a rate filing under this section, the director of the Division of Administrative Hearings shall expedite the hearing and assign an administrative law judge who shall commence the hearing within 30 days after the receipt of the formal request and ~~shall~~ enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript by the administrative law judge, whichever is later. Each party shall *have* ~~be allowed~~ 10 days in which to submit written exceptions to the recommended order. The office shall enter a final order within 30 days after the entry of the recommended order. The provisions of this paragraph may be waived upon stipulation of all parties.

(b) Upon entry of a final order, the insurer may request a expedited appellate review pursuant to the Florida Rules of Appellate Procedure. It is the intent of the Legislature that the First District Court of Appeal grant an insurer's request for an expedited appellate review.

(7)~~(a)~~ The provisions of this subsection apply only ~~with respect~~ to rates for medical malpractice insurance and ~~shall~~ control to the extent of any conflict with other provisions of this section.

(a)~~(b)~~ Any portion of a judgment entered or settlement paid as a result of a statutory or common-law bad faith action and any portion of a judgment entered which awards punitive damages against an insurer may not be included in the insurer's rate base~~,~~ and ~~shall not be~~ used to justify a rate or rate change. Any common-law bad faith action identified as such, any portion of a settlement entered as a result of a statutory or common-law action, or any portion of a settlement wherein an insurer agrees to pay specific punitive damages may not be used to justify a rate

or rate change. The portion of the taxable costs and attorney's fees which is identified as being related to the bad faith and punitive damages ~~in these judgments and settlements~~ may not be included in the insurer's rate base and *used* ~~may not be utilized~~ to justify a rate or rate change.

(b)~~(c)~~ Upon reviewing a rate filing and determining whether the rate is excessive, inadequate, or unfairly discriminatory, the office shall consider, in accordance with generally accepted and reasonable actuarial techniques, past and present prospective loss experience, ~~either~~ using loss experience solely for this state or giving greater credibility to this state's loss data after applying actuarially sound methods of assigning credibility to such data.

(c)~~(d)~~ Rates shall be deemed excessive if, among other standards established by this section, the rate structure provides for replenishment of reserves or surpluses from premiums when the replenishment is attributable to investment losses.

(d)~~(e)~~ The insurer must apply a discount or surcharge based on the health care provider's loss experience or ~~shall~~ establish an alternative method giving due consideration to the provider's loss experience. The insurer must include in the filing a copy of the surcharge or discount schedule or a description of the alternative method used, and ~~must~~ provide a copy ~~of such schedule or description~~, as approved by the office, to policyholders at the time of renewal and to prospective policyholders at the time of application for coverage.

(e)~~(f)~~ Each medical malpractice insurer must make a rate filing under this section, sworn to by at least two executive officers of the insurer, at least once each calendar year.

~~(8)(a)1. No later than 60 days after the effective date of medical malpractice legislation enacted during the 2003 Special Session D of the Florida Legislature, the office shall calculate a presumed factor that reflects the impact that the changes contained in such legislation will have on rates for medical malpractice insurance and shall issue a notice informing all insurers writing medical malpractice coverage of such presumed factor. In determining the presumed factor, the office shall use generally accepted actuarial techniques and standards provided in this section in determining the expected impact on losses, expenses, and investment income of the insurer. To the extent that the operation of a provision of medical malpractice legislation enacted during the 2003 Special Session D of the Florida Legislature is stayed pending a constitutional challenge, the impact of that provision shall not be included in the calculation of a presumed factor under this subparagraph.~~

~~2. No later than 60 days after the office issues its notice of the presumed rate change factor under subparagraph 1., each insurer writing medical malpractice coverage in this state shall submit to the office a rate filing for medical malpractice insurance, which will take effect no later than January 1, 2004, and apply retroactively to policies issued or renewed on or after the effective date of medical malpractice legislation enacted during the 2003 Special Session D of the Florida Legislature. Except as authorized under paragraph (b), the filing shall reflect an overall rate reduction at least as great as the presumed factor determined under subparagraph 1. With respect to policies issued on or after the effective date of such legislation and prior to the effective date of the rate filing required by this subsection, the office shall order the insurer to make a refund of the amount that was charged in excess of the rate that is approved.~~

~~(b) Any insurer or rating organization that contends that the rate provided for in paragraph (a) is excessive, inadequate, or unfairly discriminatory shall separately state in its filing the rate it contends is appropriate and shall state with specificity the factors or data that it contends should be considered in order to produce such appropriate rate. The insurer or rating organization shall be permitted to use all of the generally accepted actuarial techniques provided in this section in making any filing pursuant to this subsection. The office shall review each such exception and approve or disapprove it prior to use. It shall be the insurer's burden to actuarially justify any deviations from the rates required to be filed under paragraph (a). The insurer making a filing under this paragraph shall include in the filing the expected impact of medical malpractice legislation enacted during the 2003 Special Session D of the Florida Legislature on losses, expenses, and rates.~~

~~(c) If any provision of medical malpractice legislation enacted during the 2003 Special Session D of the Florida Legislature is held invalid by a court of competent jurisdiction, the office shall permit an adjustment of all medical malpractice rates filed under this section to reflect the impact of such holding on such rates so as to ensure that the rates are not excessive, inadequate, or unfairly discriminatory.~~

~~(d) Rates approved on or before July 1, 2003, for medical malpractice insurance shall remain in effect until the effective date of a new rate filing approved under this subsection.~~

~~(e) The calculation and notice by the office of the presumed factor pursuant to paragraph (a) is not an order or rule that is subject to chapter 120. If the office enters into a contract with an independent consultant to assist the office in calculating the presumed factor, such contract shall not be subject to the competitive solicitation requirements of s. 287.057.~~

(8)~~(9)~~(a) The chief executive officer or chief financial officer of a property insurer and the chief actuary of a property insurer must certify under oath and subject to the penalty of perjury, on a form approved by the commission, the following information, which must accompany a rate filing:

1. The signing officer and actuary have reviewed the rate filing;

2. Based on the signing officer's and actuary's knowledge, the rate filing does not contain any untrue statement of a material fact or omit to state a material fact necessary ~~in order~~ to make the statements made, in light of the circumstances under which such statements were made, not misleading;

3. Based on the signing officer's and actuary's knowledge, the information and other factors described in paragraph (2)(b), including, but not limited to, investment income, fairly present in all material respects the basis of the rate filing for the periods presented in the filing; and

4. Based on the signing officer's and actuary's knowledge, the rate filing reflects all premium savings that are reasonably expected to result from legislative enactments and are in accordance with generally accepted and reasonable actuarial techniques.

(b) A signing officer or actuary *who* knowingly *makes* ~~making~~ a false certification under this subsection commits a violation of s. 626.9541(1)(e) and is subject to the penalties under s. 626.9521.

(c) Failure to provide such certification by the officer and actuary shall result in the rate filing being disapproved without prejudice to be refiled.

(d) The certification made pursuant to paragraph (a) is not rendered false if, after making the subject rate filing, the insurer provides the office with additional or supplementary information pursuant to a formal or informal request from the office. However, the actuary who is primarily responsible for preparing and submitting such information must certify the information in accordance with the certification required under paragraph (a) and the penalties in paragraph (b), except that the chief executive officer, chief financial officer, or chief actuary need not certify the additional or supplementary information.

(e)~~(d)~~ The commission may adopt rules and forms ~~pursuant to ss. 120.536(1) and 120.54~~ to administer this subsection.

(9)~~(10)~~ The burden is on the office to establish that rates are excessive for personal lines residential coverage with a dwelling replacement cost of $1 million or more or for a single condominium unit with a combined dwelling and contents replacement cost of $1 million or more. Upon request of the office, the insurer shall provide ~~to the office~~ such loss and expense information as the office reasonably needs to meet this burden.

(10)~~(11)~~ Any interest paid pursuant to s. 627.70131(5) may not be included in the insurer's rate base and may not be used to justify a rate or rate change.

Section 13. Paragraph (b) of subsection (3) of section 627.06281, Florida Statutes, is amended to read:

627.06281 Public hurricane loss projection model; reporting of data by insurers.—

(3)

(b) *The fees charged for private sector access and use of the model shall be the reasonable costs associated with the operation and maintenance of the model by the office. Such fees do not apply to access and use of the model by the office.* ~~By January 1, 2009, The office shall establish by rule a fee schedule for access to and the use of the model. The fee schedule must be reasonably calculated to cover only the actual costs of providing access to and the use of the model.~~

Section 14. Subsections (1) and (5) of section 627.0629, Florida Statutes, are amended to read:

627.0629 Residential property insurance; rate filings.—

(1)~~(a)~~ It is the intent of the Legislature that insurers ~~must~~ provide savings to consumers who install or implement windstorm damage mitigation techniques, alterations, or solutions to their properties to prevent windstorm losses. A rate filing for residential property insurance must include actuarially reasonable discounts, credits, or other rate differentials, or appropriate reductions in deductibles, for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. The fixtures or construction techniques *must* ~~shall~~ include, but *are* not ~~be~~ limited to, fixtures or construction techniques *that* ~~which~~ enhance roof strength, roof covering performance, roof-to-wall strength, wall-to-floor-to-foundation strength, opening protection, and window, door, and skylight strength. Credits, discounts, or other rate differentials, or appropriate reductions in deductibles, for fixtures and construction techniques *that* ~~which~~ meet the minimum requirements of the Florida Building Code must be included in the rate filing. ~~All insurance companies must make a rate filing which includes the credits, discounts, or other rate differentials or reductions in deductibles by February 28, 2003. By July 1, 2007, the office shall reevaluate the discounts, credits, other rate differentials, and appropriate reductions in deductibles for fixtures and construction techniques that meet the minimum requirements of the Florida Building Code, based upon actual experience or any other loss relativity studies available to the office.~~ The office shall determine the discounts, credits, other rate differentials, and appropriate reductions in deductibles that reflect the full actuarial value of such revaluation, which may be used by insurers in rate filings.

~~(b) By February 1, 2011, the Office of Insurance Regulation, in consultation with the Department of Financial Services and the Department of Community Affairs, shall develop and make publicly available a proposed method for insurers to establish discounts, credits, or other rate differentials for hurricane mitigation measures which directly correlate to the numerical rating assigned to a structure pursuant to the uniform home grading scale adopted by the Financial Services Commission pursuant to s. 215.55865, including any proposed changes to the uniform home grading scale. By October 1, 2011, the commission shall adopt rules requiring insurers to make rate filings for residential property insurance which revise insurers' discounts, credits, or other rate differentials for hurricane mitigation measures so that such rate differentials correlate directly to the uniform home grading scale. The rules may include such changes to the uniform home grading scale as the commission determines are necessary, and may specify the minimum required discounts, credits, or other rate differentials. Such rate differentials must be consistent with generally accepted actuarial principles and wind-loss mitigation studies. The rules shall allow a period of at least 2 years after the effective date of the revised mitigation discounts, credits, or other rate differentials for a property owner to obtain an inspection or otherwise qualify for the revised credit, during which time the insurer shall continue to apply the mitigation credit that was applied immediately prior to the effective date of the revised credit. Discounts, credits, and other rate differentials established for rate filings under this paragraph shall supersede, after adoption, the discounts, credits, and other rate differentials included in rate filings under paragraph (a).~~

(5) In order to provide an appropriate transition period, an insurer may~~, in its sole discretion,~~ implement an approved rate filing for residential property insurance over a period of years. *Such* ~~An~~ insurer ~~electing to phase in its rate filing~~ must provide an informational notice to the office setting out its schedule for implementation of the phased-in rate filing. *The* ~~An~~ insurer may include in its rate the actual cost of private market reinsurance that corresponds to available coverage of the Temporary Increase in Coverage Limits, TICL, from the Florida Hurricane Catastrophe Fund. The insurer may also include the cost of reinsurance to replace the TICL reduction implemented pursuant to s. 215.555(17)(d)9. However, this cost for reinsurance may not include any expense or profit load or result in a total annual base rate increase in excess of 10 percent.

Section 15. Paragraphs (a), (b), (c), (d), (n), (v), and (y) of subsection (6) of section 627.351, Florida Statutes, are amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(a)~~1.~~ ~~It is~~ The public purpose of this subsection *is* to ensure *that there is* ~~the existence of~~ an orderly market for property insurance for *residents* ~~Floridians~~ and ~~Florida~~ businesses *of this state*.

1. The Legislature finds that private insurers are unwilling or unable to provide affordable property insurance coverage in this state to the extent sought and needed. The absence of affordable property insurance threatens the public health, safety, and welfare and likewise threatens the economic health of the state. The state therefore has a compelling public interest and a public purpose to assist in assuring that property in the state is insured and that it is insured at affordable rates so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare, to the economy of the state, and to the revenues of the state and local governments which are needed to provide for the public welfare. It is necessary, therefore, to provide affordable property insurance to applicants who are in good faith entitled to procure insurance through the voluntary market but are unable to do so. The Legislature intends*, therefore,* ~~by this subsection~~ that affordable property insurance be provided and that it continue to be provided, as long as necessary, through Citizens Property Insurance Corporation, a government entity that is an integral part of the state, and that is not a private insurance company. To that end, *the* ~~Citizens Property Insurance~~ corporation shall strive to increase the availability of affordable property insurance in this state, while achieving efficiencies and economies, and while providing service to policyholders, applicants, and agents which is no less than the quality generally provided in the voluntary market, for the achievement of the foregoing public purposes. Because it is essential for this government entity to have the maximum financial resources to pay claims following a catastrophic hurricane, it is the intent of the Legislature that *the* ~~Citizens Property Insurance~~ corporation continue to be an integral part of the state and that the income of the corporation be exempt from federal income taxation and that interest on the debt obligations issued by the corporation be exempt from federal income taxation.

2. The Residential Property and Casualty Joint Underwriting Association originally created by this statute shall be known~~, as of July 1, 2002,~~ as the Citizens Property Insurance Corporation. The corporation shall provide insurance for residential and commercial property, for applicants who are ~~in good faith~~ entitled, but*, in good faith,* are unable~~,~~ to procure insurance through the voluntary market. The corporation shall operate pursuant to a plan of operation approved by order of the Financial Services Commission. The plan is subject to continuous review by the commission. The commission may, by order, withdraw approval of all or part of a plan if the commission determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. ~~The corporation shall continue to operate pursuant to the plan of operation approved by the Office of Insurance Regulation until October 1, 2006.~~ For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, and similar policies*;*~~,~~ and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

3. Effective January 1, 2009, a personal lines residential structure that has a dwelling replacement cost of $2 million or more, or a single condominium unit that has a combined dwelling and *contents* ~~content~~ replacement cost of $2 million or more is not eligible for coverage by the corporation. Such dwellings insured by the corporation on December 31, 2008, may continue to be covered by the corporation until the end of the policy term. However, such dwellings ~~that are insured by the corporation and become ineligible for coverage due to the provisions of this subparagraph~~ may reapply and obtain coverage if the property owner pro-

vides the corporation with a sworn affidavit from one or more insurance agents, on a form provided by the corporation, stating that the agents have made their best efforts to obtain coverage and that the property has been rejected for coverage by at least one authorized insurer and at least three surplus lines insurers. If such conditions are met, the dwelling may be insured by the corporation for up to 3 years, after which time the dwelling is ineligible for coverage. The office shall approve the method used by the corporation for valuing the dwelling replacement cost for the purposes of this subparagraph. If a policyholder is insured by the corporation prior to being determined to be ineligible pursuant to this subparagraph and such policyholder files a lawsuit challenging the determination, the policyholder may remain insured by the corporation until the conclusion of the litigation.

4. It is the intent of the Legislature that policyholders, applicants, and agents of the corporation receive service and treatment of the highest possible level but never less than that generally provided in the voluntary market. It *is* also ~~is~~ intended that the corporation be held to service standards no less than those applied to insurers in the voluntary market by the office with respect to responsiveness, timeliness, customer courtesy, and overall dealings with policyholders, applicants, or agents of the corporation.

5. Effective January 1, 2009, a personal lines residential structure that is located in the "wind-borne debris region," as defined in s. 1609.2, International Building Code (2006), and that has an insured value on the structure of $750,000 or more is not eligible for coverage by the corporation unless the structure has opening protections as required under the Florida Building Code for a newly constructed residential structure in that area. A residential structure shall be deemed to comply with ~~the requirements of~~ this subparagraph if it has shutters or opening protections on all openings and if such opening protections complied with the Florida Building Code at the time they were installed.

6. For any claim filed under any policy of the corporation, a public adjuster may not charge, agree to, or accept any compensation, payment, commission, fee, or other thing of value greater than 10 percent of the additional amount actually paid over the amount that was originally offered by the corporation for any one claim.

(b)1. All insurers authorized to write one or more subject lines of business in this state are subject to assessment by the corporation and, for the purposes of this subsection, are referred to collectively as "assessable insurers." Insurers writing one or more subject lines of business in this state pursuant to part VIII of chapter 626 are not assessable insurers, but insureds who procure one or more subject lines of business in this state pursuant to part VIII of chapter 626 are subject to assessment by the corporation and are referred to collectively as "assessable insureds." An ~~authorized~~ insurer's assessment liability *begins* ~~shall begin~~ on the first day of the calendar year following the year in which the insurer was issued a certificate of authority to transact insurance for subject lines of business in this state and *terminates* ~~shall terminate~~ 1 year after the end of the first calendar year during which the insurer no longer holds a certificate of authority to transact insurance for subject lines of business in this state.

2.a. All revenues, assets, liabilities, losses, and expenses of the corporation shall be divided into three separate accounts as follows:

(I) A personal lines account for personal residential policies issued by the corporation*,* or issued by the Residential Property and Casualty Joint Underwriting Association and renewed by the corporation*, which provides* ~~that provide~~ comprehensive, multiperil coverage on risks that are not located in areas eligible for coverage *by* ~~in~~ the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002, and for ~~such~~ policies that do not provide coverage for the peril of wind on risks that are located in such areas;

(II) A commercial lines account for commercial residential and commercial nonresidential policies issued by the corporation*,* or issued by the Residential Property and Casualty Joint Underwriting Association and renewed by the corporation*, which provides* ~~that provide~~ coverage for basic property perils on risks that are not located in areas eligible for coverage *by* ~~in~~ the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002, and for ~~such~~ policies that do not provide coverage for the peril of wind on risks that are located in such areas; and

(III) A *coastal* ~~high-risk~~ account for personal residential policies and commercial residential and commercial nonresidential property policies issued by the corporation*,* or transferred to the corporation*, which provides* ~~that provide~~ coverage for the peril of wind on risks that are located in areas eligible for coverage *by* ~~in~~ the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002. The corporation may offer policies that provide multiperil coverage and the corporation shall continue to offer policies that provide coverage only for the peril of wind for risks located in areas eligible for coverage in the *coastal* ~~high-risk~~ account. In issuing multiperil coverage, the corporation may use its approved policy forms and rates for the personal lines account. An applicant or insured who is eligible to purchase a multiperil policy from the corporation may purchase a multiperil policy from an authorized insurer without prejudice to the applicant's or insured's eligibility to prospectively purchase a policy that provides coverage only for the peril of wind from the corporation. An applicant or insured who is eligible for a corporation policy that provides coverage only for the peril of wind may elect to purchase or retain such policy and also purchase or retain coverage excluding wind from an authorized insurer without prejudice to the applicant's or insured's eligibility to prospectively purchase a policy that provides multiperil coverage from the corporation. It is the goal of the Legislature that there ~~would~~ be an overall average savings of 10 percent or more for a policyholder who currently has a wind-only policy with the corporation, and an ex-wind policy with a voluntary insurer or the corporation, and who ~~then~~ obtains a multiperil policy from the corporation. It is the intent of the Legislature that the offer of multiperil coverage in the *coastal* ~~high-risk~~ account be made and implemented in a manner that does not adversely affect the tax-exempt status of the corporation or creditworthiness of or security for currently outstanding financing obligations or credit facilities of the *coastal* ~~high-risk~~ account, the personal lines account, or the commercial lines account. The *coastal* ~~high-risk~~ account must also include quota share primary insurance under subparagraph (c)2. The area eligible for coverage under the *coastal* ~~high-risk~~ account also includes the area within Port Canaveral, which is bordered on the south by the City of Cape Canaveral, bordered on the west by the Banana River, and bordered on the north by Federal Government property.

b. The three separate accounts must be maintained as long as financing obligations entered into by the Florida Windstorm Underwriting Association or Residential Property and Casualty Joint Underwriting Association are outstanding, in accordance with the terms of the corresponding financing documents. *If* ~~When~~ the financing obligations are no longer outstanding, ~~in accordance with the terms of the corresponding financing documents,~~ the corporation may use a single account for all revenues, assets, liabilities, losses, and expenses of the corporation. Consistent with ~~the requirement of~~ this subparagraph and prudent investment policies that minimize the cost of carrying debt, the board shall exercise its best efforts to retire existing debt or ~~to~~ obtain *the* approval of necessary parties to amend the terms of existing debt, so as to structure the most efficient plan to consolidate the three separate accounts into a single account.

c. Creditors of the Residential Property and Casualty Joint Underwriting Association and ~~of~~ the accounts specified in sub-sub-subparagraphs a.(I) and (II) may have a claim against, and recourse to, *those* ~~the~~ accounts ~~referred to in sub-sub-subparagraphs a.(I) and (II)~~ and ~~shall have~~ no claim against, or recourse to, the account referred to in sub-sub-subparagraph a.(III). Creditors of the Florida Windstorm Underwriting Association ~~shall~~ have a claim against, and recourse to, the account referred to in sub-sub-subparagraph a.(III) and ~~shall have~~ no claim against, or recourse to, the accounts referred to in sub-sub-subparagraphs a.(I) and (II).

d. Revenues, assets, liabilities, losses, and expenses not attributable to particular accounts shall be prorated among the accounts.

e. The Legislature finds that the revenues of the corporation are revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds under this subsection.

f. No part of the income of the corporation may inure to the benefit of any private person.

3. With respect to a deficit in an account:

a. After accounting for the Citizens policyholder surcharge imposed under sub-subparagraph *h.* ~~i.~~, *if* ~~when~~ the remaining projected deficit incurred in a particular calendar year*:*

(I) Is not greater than 6 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year, the entire deficit shall be recovered through regular assessments of assessable insurers under paragraph (q) and assessable insureds.

(II)~~b. After accounting for the Citizens policyholder surcharge imposed under sub-subparagraph i., when the remaining projected deficit incurred in a particular calendar year~~ Exceeds 6 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year, the corporation shall levy regular assessments on assessable insurers under paragraph (q) and on assessable insureds in an amount equal to the greater of 6 percent of the deficit or 6 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year. Any remaining deficit shall be recovered through emergency assessments under sub-subparagraph *c.* ~~d.~~

b.~~c.~~ Each assessable insurer's share of the amount being assessed under sub-subparagraph a. *must* ~~or sub-subparagraph b. shall~~ be in the proportion that the assessable insurer's direct written premium for the subject lines of business for the year preceding the assessment bears to the aggregate statewide direct written premium for the subject lines of business for that year. The assessment percentage applicable to each assessable insured is the ratio of the amount being assessed under sub-subparagraph a. ~~or sub-subparagraph b.~~ to the aggregate statewide direct written premium for the subject lines of business for the prior year. Assessments levied by the corporation on assessable insurers under *sub-subparagraph a. must* ~~sub-subparagraphs a. and b. shall~~ be paid as required by the corporation's plan of operation and paragraph (q). Assessments levied by the corporation on assessable insureds under *sub-subparagraph a.* ~~sub-subparagraphs a. and b.~~ shall be collected by the surplus lines agent at the time the surplus lines agent collects the surplus lines tax required by s. 626.932*,* and ~~shall be~~ paid to the Florida Surplus Lines Service Office at the time the surplus lines agent pays the surplus lines tax to *that* ~~the Florida Surplus Lines Service~~ office. Upon receipt of regular assessments from surplus lines agents, the Florida Surplus Lines Service Office shall transfer the assessments directly to the corporation as determined by the corporation.

c.~~d.~~ Upon a determination by the board of governors that a deficit in an account exceeds the amount that will be recovered through regular assessments under sub-subparagraph a. ~~or sub-subparagraph b.~~, plus the amount that is expected to be recovered through surcharges under sub-subparagraph *h.* ~~i.~~, ~~as to the remaining projected deficit~~ the board ~~shall levy~~, after verification by the office, *shall levy* emergency assessments~~,~~ for as many years as necessary to cover the deficits, to be collected by assessable insurers and the corporation and collected from assessable insureds upon issuance or renewal of policies for subject lines of business, excluding National Flood Insurance policies. The amount ~~of the emergency assessment~~ collected in a particular year *must* ~~shall~~ be a uniform percentage of that year's direct written premium for subject lines of business and all accounts of the corporation, excluding National Flood Insurance Program policy premiums, as annually determined by the board and verified by the office. The office shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. Notwithstanding any other provision of law, the corporation and each assessable insurer that writes subject lines of business shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferment. Emergency assessments levied by the corporation on assessable insureds shall be collected by the surplus lines agent at the time the surplus lines agent collects the surplus lines tax required by s. 626.932 and ~~shall be~~ paid to the Florida Surplus Lines Service Office at the time the surplus lines agent pays the surplus lines tax to *that* ~~the Florida Surplus Lines Service~~ office. The emergency assessments ~~so~~ collected shall be transferred directly to the corporation on a periodic basis as determined by the corporation and ~~shall be~~ held by the corporation solely in the applicable account. The aggregate amount of emergency assessments levied for an account under this sub-subparagraph in any calendar year may~~, at the discretion of the board of governors,~~ be less than but ~~may~~ not exceed the greater of 10 percent of the amount needed to cover the deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing ~~of~~ the original deficit, or 10 percent of the aggregate statewide direct written premium for subject lines of business and ~~for~~ all accounts of the corporation for the prior year, plus interest, fees, commissions, required reserves, and other costs associated with financing the deficit.

d.~~e.~~ The corporation may pledge the proceeds of assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other insurance and reinsurance recoverables, policyholder surcharges and other surcharges, and other funds available to the corporation as the source of revenue for and to secure bonds issued under paragraph (q), bonds or other indebtedness issued under subparagraph (c)3., or lines of credit or other financing mechanisms issued or created under this subsection, or to retire any other debt incurred as a result of deficits or events giving rise to deficits, or in any other way that the board determines will efficiently recover such deficits. The purpose of the lines of credit or other financing mechanisms is to provide additional resources to assist the corporation in covering claims and expenses attributable to a catastrophe. As used in this subsection, the term "assessments" includes regular assessments under sub-subparagraph a.~~, sub-subparagraph b.,~~ or subparagraph (q)1. and emergency assessments under sub-subparagraph d. Emergency assessments collected under sub-subparagraph d. are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium. The emergency assessments under sub-subparagraph *c.* ~~d.~~ shall continue as long as any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the documents governing such bonds or ~~other~~ indebtedness.

e.~~f.~~ As used in this subsection for purposes of any deficit incurred on or after January 25, 2007, the term "subject lines of business" means insurance written by assessable insurers or procured by assessable insureds for all property and casualty lines of business in this state, but not including workers' compensation or medical malpractice. As used in *this* ~~the~~ sub-subparagraph, the term "property and casualty lines of business" includes all lines of business identified on Form 2, Exhibit of Premiums and Losses, in the annual statement required of authorized insurers *under* ~~by~~ s. 624.424 and any rule adopted under this section, except for those lines identified as accident and health insurance and except for policies written under the National Flood Insurance Program or the Federal Crop Insurance Program. For purposes of this sub-subparagraph, the term "workers' compensation" includes both workers' compensation insurance and excess workers' compensation insurance.

f.~~g.~~ The Florida Surplus Lines Service Office shall determine annually the aggregate statewide written premium in subject lines of business procured by assessable insureds and ~~shall~~ report that information to the corporation in a form and at a time the corporation specifies to ensure that the corporation can meet the requirements of this subsection and the corporation's financing obligations.

g.~~h.~~ The Florida Surplus Lines Service Office shall verify the proper application by surplus lines agents of assessment percentages for regular assessments and emergency assessments levied under this subparagraph on assessable insureds and ~~shall~~ assist the corporation in ensuring the accurate, timely collection and payment of assessments by surplus lines agents as required by the corporation.

h.~~i.~~ If a deficit is incurred in any account in 2008 or thereafter, the board of governors shall levy a Citizens policyholder surcharge against all policyholders of the corporation*.* ~~for a 12-month period, which~~

(I) The surcharge shall be *levied* ~~collected at the time of issuance or renewal of a policy,~~ as a uniform percentage of the premium for the policy of up to 15 percent of such premium, which funds shall be used to offset the deficit.

(II) The surcharge is payable upon cancellation or termination of the policy, upon renewal of the policy, or upon issuance of a new policy by the corporation within the first 12 months after the date of the levy or the period of time necessary to fully collect the surcharge amount.

(III) The corporation may not levy any regular assessments under paragraph (q) pursuant to sub-subparagraph a. or sub-subparagraph b. with respect to a particular year's deficit until the corporation has first levied the full amount of the surcharge authorized by this sub-subparagraph.

(IV) The surcharge is ~~Citizens policyholder surcharges under this sub-subparagraph are~~ not considered premium and *is* ~~are~~ not subject to commissions, fees, or premium taxes. However, failure to pay *the surcharge* ~~such surcharges~~ shall be treated as failure to pay premium.

i.~~j.~~ If the amount of any assessments or surcharges collected from corporation policyholders, assessable insurers or their policyholders, or assessable insureds exceeds the amount of the deficits, such excess amounts shall be remitted to and retained by the corporation in a reserve to be used by the corporation, as determined by the board of governors and approved by the office, to pay claims or reduce any past, present, or future plan-year deficits or to reduce outstanding debt.

(c) The *corporation's* plan of operation ~~of the corporation~~:

1. Must provide for adoption of residential property and casualty insurance policy forms and commercial residential and nonresidential property insurance forms, which ~~forms~~ must be approved by the office *before* ~~prior to~~ use. The corporation shall adopt the following policy forms:

a. Standard personal lines policy forms that are comprehensive multiperil policies providing full coverage of a residential property equivalent to the coverage provided in the private insurance market under an HO-3, HO-4, or HO-6 policy.

b. Basic personal lines policy forms that are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which ~~coverage~~ is more limited than the coverage under a standard policy.

c. Commercial lines residential and nonresidential policy forms that are generally similar to the basic perils of full coverage obtainable for commercial residential structures and commercial nonresidential structures in the admitted voluntary market.

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. The forms are applicable only to residential properties located in areas eligible for coverage under the *coastal* ~~high-risk~~ account referred to in sub-subparagraph (b)2.a.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. The forms are applicable only to nonresidential properties located in areas eligible for coverage under the *coastal* ~~high-risk~~ account referred to in sub-subparagraph (b)2.a.

f. The corporation may adopt variations of the policy forms listed in sub-subparagraphs a.-e. *which* ~~that~~ contain more restrictive coverage.

2.~~a.~~ Must provide that the corporation adopt a program in which the corporation and authorized insurers enter into quota share primary insurance agreements for hurricane coverage, as defined in s. 627.4025(2)(a), for eligible risks, and adopt property insurance forms for eligible risks which cover the peril of wind only.

a. As used in this subsection, the term:

(I) "Quota share primary insurance" means an arrangement in which the primary hurricane coverage of an eligible risk is provided in specified percentages by the corporation and an authorized insurer. The corporation and authorized insurer are each solely responsible for a specified percentage of hurricane coverage of an eligible risk as set forth in a quota share primary insurance agreement between the corporation and an authorized insurer and the insurance contract. The responsibility of the corporation or authorized insurer to pay its specified percentage of hurricane losses of an eligible risk, as set forth in the ~~quota share primary insurance~~ agreement, may not be altered by the inability of the other party ~~to the agreement~~ to pay its specified percentage of ~~hurricane~~ losses. Eligible risks that are provided hurricane coverage through a quota share primary insurance arrangement must be provided policy forms that set forth the obligations of the corporation and authorized insurer under the arrangement, clearly specify the percentages of quota share primary insurance provided by the corporation and authorized insurer, and conspicuously and clearly state that ~~neither~~ the authorized insurer *and* ~~nor~~ the corporation may *not* be held responsible beyond *their* ~~its~~ specified percentage of coverage of hurricane losses.

(II) "Eligible risks" means personal lines residential and commercial lines residential risks that meet the underwriting criteria of the corporation and are located in areas that were eligible for coverage by the Florida Windstorm Underwriting Association on January 1, 2002.

b. The corporation may enter into quota share primary insurance agreements with authorized insurers at corporation coverage levels of 90 percent and 50 percent.

c. If the corporation determines that additional coverage levels are necessary to maximize participation in quota share primary insurance agreements by authorized insurers, the corporation may establish additional coverage levels. However, the corporation's quota share primary insurance coverage level may not exceed 90 percent.

d. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the ~~quota share primary insurance~~ agreement.

e. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation is subject to review and approval by the office. However, such agreement shall be authorized only as to insurance contracts entered into between an authorized insurer and an insured who is already insured by the corporation for wind coverage.

f. For all eligible risks covered under quota share primary insurance agreements, the exposure and coverage levels for both the corporation and authorized insurers shall be reported by the corporation to the Florida Hurricane Catastrophe Fund. For all policies of eligible risks covered under *such* ~~quota share primary insurance~~ agreements, the corporation and the authorized insurer *must* ~~shall~~ maintain complete and accurate records for the purpose of exposure and loss reimbursement audits as required by ~~Florida Hurricane Catastrophe~~ fund rules. The corporation and the authorized insurer shall each maintain duplicate copies of policy declaration pages and supporting claims documents.

g. The corporation board shall establish in its plan of operation standards for quota share agreements which ensure that there is no discriminatory application among insurers as to the terms of *the* ~~quota share~~ agreements, pricing of *the* ~~quota share~~ agreements, incentive provisions if any, and consideration paid for servicing policies or adjusting claims.

h. The quota share primary insurance agreement between the corporation and an authorized insurer must set forth the specific terms under which coverage is provided, including, but not limited to, the sale and servicing of policies issued under the agreement by the insurance agent of the authorized insurer producing the business, the reporting of information concerning eligible risks, the payment of premium to the corporation, and arrangements for the adjustment and payment of hurricane claims incurred on eligible risks by the claims adjuster and personnel of the authorized insurer. Entering into a quota sharing insurance agreement between the corporation and an authorized insurer *is* ~~shall be~~ voluntary and at the discretion of the authorized insurer.

3.*a.* May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation *may* ~~shall have the power to~~ borrow funds~~,~~ by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection, including, without limitation, the power to issue bonds and incur other indebtedness in order to refinance outstanding bonds or other indebtedness. The corporation may~~, but is not required to,~~ seek judicial validation of its bonds or other indebtedness under chapter 75. The corporation may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (q)2.~~,~~ in the absence of a hurricane or other weather-related event, upon a determination by the corporation, subject to approval by the office, that such action would enable it to efficiently meet the financial obligations of the corporation and that such financings are reasonably necessary to effectuate the requirements of this subsection. The corporation *may* ~~is authorized to~~ take all actions needed to facilitate tax-free status for ~~any~~ such bonds or indebtedness, including formation of trusts or other affiliated entities. The corporation *may* ~~shall have the authority to~~ pledge assessments, projected recoveries from the Florida

Hurricane Catastrophe Fund, other reinsurance recoverables, market equalization and other surcharges, and other funds available to the corporation as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

b. To ensure that the corporation is operating in an efficient and economic manner while providing quality service to policyholders, applicants, and agents, the board shall commission an independent third-party consultant having expertise in insurance company management or insurance company management consulting to prepare a report and make recommendations on the relative costs and benefits of outsourcing various policy issuance and service functions to private servicing carriers or entities performing similar functions in the private market for a fee, rather than performing such functions in house. In making such recommendations, the consultant shall consider how other residual markets, both in this state and around the country, outsource appropriate functions or use servicing carriers to better match expenses with revenues that fluctuate based on a widely varying policy count. The report must be completed by July 1, 2012. Upon receiving the report, the board shall develop a plan to implement the report and submit the plan for review, modification, and approval to the Financial Services Commission. Upon the commission's approval of the plan, the board shall begin implementing the plan by January 1, 2013.

4.~~a.~~ Must require that the corporation operate subject to the supervision and approval of a board of governors consisting of eight individuals who are residents of this state, from different geographical areas of this state.

a. The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives shall each appoint two members of the board. At least one of the two members appointed by each appointing officer must have demonstrated expertise in insurance*, and is deemed to be within the scope of the exemption provided in s. 112.313(7)(b)*. The Chief Financial Officer shall designate one of the appointees as chair. All board members serve at the pleasure of the appointing officer. All members of the board ~~of governors~~ are subject to removal at will by the officers who appointed them. All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan. However, for the first term beginning on or after July 1, 2009, each appointing officer shall appoint one member of the board for a 2-year term and one member for a 3-year term. *A* ~~Any~~ board vacancy shall be filled for the unexpired term by the appointing officer. The Chief Financial Officer shall appoint a technical advisory group to provide information and advice to the board ~~of governors~~ in connection with the board's duties under this subsection. The executive director and senior managers of the corporation shall be engaged by the board and serve at the pleasure of the board. Any executive director appointed on or after July 1, 2006, is subject to confirmation by the Senate. The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the board.

b. The board shall create a Market Accountability Advisory Committee to assist the corporation in developing awareness of its rates and its customer and agent service levels in relationship to the voluntary market insurers writing similar coverage.

(I) The members of the advisory committee ~~shall~~ consist of the following 11 persons, one of whom must be elected chair by the members of the committee: four representatives, one appointed by the Florida Association of Insurance Agents, one by the Florida Association of Insurance and Financial Advisors, one by the Professional Insurance Agents of Florida, and one by the Latin American Association of Insurance Agencies; three representatives appointed by the insurers with the three highest voluntary market share of residential property insurance business in the state; one representative from the Office of Insurance Regulation; one consumer appointed by the board who is insured by the corporation at the time of appointment to the committee; one representative appointed by the Florida Association of Realtors; and one representative appointed by the Florida Bankers Association. All members *shall be appointed to* ~~must serve for~~ 3-year terms and may serve for consecutive terms.

(II) The committee shall report to the corporation at each board meeting on insurance market issues which may include rates and rate competition with the voluntary market; service, including policy issuance, claims processing, and general responsiveness to policyholders, applicants, and agents; and matters relating to depopulation.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. Subject to ~~the provisions of~~ s. 627.3517, with respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under ~~either~~ a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the office, a basic policy including wind coverage, for a new application to the corporation for coverage, the risk is not eligible for any policy issued by the corporation unless the premium for coverage from the authorized insurer is more than 15 percent greater than the premium for comparable coverage from the corporation. If the risk is not able to obtain ~~any~~ such offer, the risk is eligible for ~~either~~ a standard policy including wind coverage or a basic policy including wind coverage issued by the corporation; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk *is* ~~shall be~~ eligible for a basic policy including wind coverage unless rejected under subparagraph 8. However, ~~with regard to~~ a policyholder of the corporation or a policyholder removed from the corporation through an assumption agreement until the end of the assumption period, ~~the policyholder~~ remains eligible for coverage from the corporation regardless of any offer of coverage from an authorized insurer or surplus lines insurer. The corporation shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

(I) If the risk accepts an offer of coverage through the market assistance plan or ~~an offer of coverage~~ through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or to the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy~~,~~ for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for *at least* ~~a period of not less than~~ 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) *If* ~~When~~ the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record ~~of the corporation policy~~, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record ~~of the corporation policy~~ to continue servicing the policy for *at least* ~~a period of not less than~~ 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

b. With respect to commercial lines residential risks, for a new application to the corporation for coverage, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for *a* ~~any~~ policy issued by the

corporation unless the premium for coverage from the authorized insurer is more than 15 percent greater than the premium for comparable coverage from the corporation. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the corporation. However, ~~with regard to~~ a policyholder of the corporation or a policyholder removed from the corporation through an assumption agreement until the end of the assumption period~~, the policyholder~~ remains eligible for coverage from the corporation regardless of *an* ~~any~~ offer of coverage from an authorized insurer or surplus lines insurer.

(I) If the risk accepts an offer of coverage through the market assistance plan or ~~an offer of coverage~~ through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for *at least* ~~a period of not less than~~ 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) *If* ~~When~~ the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record ~~of the corporation~~ policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record ~~of the corporation policy~~ to continue servicing the policy for *at least* ~~a period of not less than~~ 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

c. For purposes of determining comparable coverage under sub-subparagraphs a. and b., the comparison *must* ~~shall~~ be based on those forms and coverages that are reasonably comparable. The corporation may rely on a determination of comparable coverage and premium made by the producing agent who submits the application to the corporation, made in the agent's capacity as the corporation's agent. A comparison may be made solely of the premium with respect to the main building or structure only on the following basis: the same coverage A or other building limits; the same percentage hurricane deductible that applies on an annual basis or that applies to each hurricane for commercial residential property; the same percentage of ordinance and law coverage, if the same limit is offered by both the corporation and the authorized insurer; the same mitigation credits, to the extent the same types of credits are offered both by the corporation and the authorized insurer; the same method for loss payment, such as replacement cost or actual cash value, if the same method is offered both by the corporation and the authorized insurer in accordance with underwriting rules; and any other form or coverage that is reasonably comparable as determined by the board. If an application is submitted to the corporation for wind-only coverage in the *coastal* ~~high-risk~~ account, the premium for the corporation's wind-only policy plus the premium for the ex-wind policy that is offered by an authorized insurer to the applicant *must* ~~shall~~ be compared to the premium for multiperil coverage offered by an authorized insurer, subject to the standards for comparison specified in this subparagraph. If the corporation or the applicant requests from the authorized insurer a breakdown of the premium of the offer by types of coverage so that a comparison may be made by the corporation or its agent and the authorized insurer refuses or is unable to provide such information, the corporation may treat the offer as not being an offer of coverage from an authorized insurer at the insurer's approved rate.

6. Must include rules for classifications of risks and rates ~~therefor~~.

7. Must provide that if premium and investment income for an account attributable to a particular calendar year are in excess of projected losses and expenses for the account attributable to that year, such excess shall be held in surplus in the account. Such surplus *must* ~~shall~~ be available to defray deficits in that account as to future years and ~~shall be~~ used for that purpose *before* ~~prior to~~ assessing assessable insurers and assessable insureds as to any calendar year.

8. Must provide objective criteria and procedures to be uniformly applied *to* ~~for~~ all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following *must* ~~shall~~ be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the corporation shall be construed as the private placement of insurance, and the provisions of chapter 120 *do* ~~shall~~ not apply.

9. Must provide that the corporation ~~shall~~ make its best efforts to procure catastrophe reinsurance at reasonable rates, to cover its projected 100-year probable maximum loss as determined by the board of governors.

10. The policies issued by the corporation must provide that~~,~~ if the corporation or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates, the risk is no longer eligible for renewal through the corporation, except as otherwise provided in this subsection.

11. Corporation policies and applications must include a notice that the corporation policy could, under this section, be replaced with a policy issued by an authorized insurer *which* ~~that~~ does not provide coverage identical to the coverage provided by the corporation. The notice *must* ~~shall~~ also specify that acceptance of corporation coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

12. May establish, subject to approval by the office, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes ~~to the eligibility requirements and operational procedures~~ are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods ~~would~~ continue to have access to coverage from the corporation. *If* ~~When~~ coverage is sought in connection with a real property transfer, *the* ~~such~~ requirements and procedures *may* ~~shall~~ not provide ~~for~~ an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

13. Must provide that, with respect to the *coastal* ~~high-risk~~ account, any assessable insurer with a surplus as to policyholders of $25 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the office, within the first 90 days of each calendar year, to qualify as a limited apportionment company. A regular assessment levied by the corporation on a limited apportionment company for a deficit incurred by the corporation for the *coastal* ~~high-risk~~ account ~~in 2006 or thereafter~~ may be paid to the corporation on a monthly basis as the assessments are collected by the limited apportionment company from its insureds pursuant to s. 627.3512, but the regular assessment must be paid in full within 12 months after being levied by the corporation. A limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-subparagraph (b)3.d. The plan *must* ~~shall~~ provide

that, if the office determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the office may direct that all or part of such assessment be deferred as provided in subparagraph (q)4. However, ~~there shall be no limitation or deferment of~~ an emergency assessment to be collected from policyholders under sub-subparagraph (b)3.d. *may not be limited or deferred.*

14. Must provide that the corporation appoint as its licensed agents only those agents who also hold an appointment as defined in s. 626.015(3) with an insurer who at the time of the agent's initial appointment by the corporation is authorized to write and is actually writing personal lines residential property coverage, commercial residential property coverage, or commercial nonresidential property coverage within the state.

15. Must provide~~, by July 1, 2007,~~ a premium payment plan option to its policyholders which*,* ~~allows~~ at a minimum*, allows* for quarterly and semiannual payment of premiums. A monthly payment plan may, but is not required to, be offered.

16. Must limit coverage on mobile homes or manufactured homes built *before* ~~prior to~~ 1994 to actual cash value of the dwelling rather than replacement costs of the dwelling.

17. May provide such limits of coverage as the board determines, consistent with the requirements of this subsection.

18. May require commercial property to meet specified hurricane mitigation construction features as a condition of eligibility for coverage.

19. Must provide that new or renewal policies issued by the corporation on or after January 1, 2012, which cover sinkhole loss do not include coverage for any loss to appurtenant structures, driveways, sidewalks, decks, or patios that are directly or indirectly caused by sinkhole activity. The corporation shall exclude such coverage using a notice of coverage change, which may be included with the policy renewal, and not by issuance of a notice of nonrenewal of the excluded coverage upon renewal of the current policy.

20. As of January 1, 2012, must require that the agent obtain from an applicant for coverage from the corporation an acknowledgement signed by the applicant, which includes, at a minimum, the following statement:

ACKNOWLEDGEMENT OF POTENTIAL SURCHARGE

AND ASSESSMENT LIABILITY:

1. AS A POLICYHOLDER OF CITIZENS PROPERTY INSURANCE CORPORATION, I UNDERSTAND THAT IF THE CORPORATION SUSTAINS A DEFICIT AS A RESULT OF HURRICANE LOSSES OR FOR ANY OTHER REASON, MY POLICY COULD BE SUBJECT TO SURCHARGES, WHICH WILL BE DUE AND PAYABLE UPON RENEWAL, CANCELLATION, OR TERMINATION OF THE POLICY, AND THAT THE SURCHARGES COULD BE AS HIGH AS 45 PERCENT OF MY PREMIUM, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA LEGISLATURE.

2. I ALSO UNDERSTAND THAT I MAY BE SUBJECT TO EMERGENCY ASSESSMENTS TO THE SAME EXTENT AS POLICYHOLDERS OF OTHER INSURANCE COMPANIES, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA LEGISLATURE.

3. I ALSO UNDERSTAND THAT CITIZENS PROPERTY INSURANCE CORPORATION IS NOT SUPPORTED BY THE FULL FAITH AND CREDIT OF THE STATE OF FLORIDA.

a. The corporation shall maintain, in electronic format or otherwise, a copy of the applicant's signed acknowledgement and provide a copy of the statement to the policyholder as part of the first renewal after the effective date of this subparagraph.

b. The signed acknowledgement form creates a conclusive presumption that the policyholder understood and accepted his or her potential surcharge and assessment liability as a policyholder of the corporation.

(d)1. All prospective employees for senior management positions, as defined by the plan of operation, are subject to background checks as a prerequisite for employment. The office shall conduct *the* background checks ~~on such prospective employees~~ pursuant to ss. 624.34, 624.404(3), and 628.261.

2. On or before July 1 of each year, employees of the corporation *must* ~~are required to~~ sign and submit a statement attesting that they do not have a conflict of interest, as defined in part III of chapter 112. As a condition of employment, all prospective employees *must* ~~are required to~~ sign and submit to the corporation a conflict-of-interest statement.

3. Senior managers and members of the board of governors are subject to ~~the provisions of~~ part III of chapter 112, including, but not limited to, the code of ethics and public disclosure and reporting of financial interests, pursuant to s. 112.3145. *Notwithstanding s. 112.3143(2), a board member may not vote on any measure that would inure to his or her special private gain or loss; that he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312; or that he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Before the vote is taken, such member shall publicly state to the assembly the nature of his or her interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.* Senior managers and board members are also required to file such disclosures with the Commission on Ethics and the Office of Insurance Regulation. The executive director of the corporation or his or her designee shall notify each *existing and* newly appointed ~~and existing appointed~~ member of the board of governors and senior managers of their duty to comply with the reporting requirements of part III of chapter 112. At least quarterly, the executive director or his or her designee shall submit to the Commission on Ethics a list of names of the senior managers and members of the board of governors who are subject to the public disclosure requirements under s. 112.3145.

4. Notwithstanding s. 112.3148 or s. 112.3149, or any other provision of law, an employee or board member may not knowingly accept, directly or indirectly, any gift or expenditure from a person or entity, or an employee or representative of such person or entity, *which* ~~that~~ has a contractual relationship with the corporation or who is under consideration for a contract. An employee or board member who fails to comply with subparagraph 3. or this subparagraph is subject to penalties provided under ss. 112.317 and 112.3173.

5. Any senior manager of the corporation who is employed on or after January 1, 2007, regardless of the date of hire, who subsequently retires or terminates employment is prohibited from representing another person or entity before the corporation for 2 years after retirement or termination of employment from the corporation.

6. Any senior manager of the corporation who is employed on or after January 1, 2007, regardless of the date of hire, who subsequently retires or terminates employment is prohibited from having any employment or contractual relationship for 2 years with an insurer that has entered into a take-out bonus agreement with the corporation.

(n)1. Rates for coverage provided by the corporation *must* ~~shall~~ be actuarially sound and subject to ~~the requirements of~~ s. 627.062, except as otherwise provided in this paragraph. The corporation shall file its recommended rates with the office at least annually. The corporation shall provide any additional information regarding the rates which the office requires. The office shall consider the recommendations of the board and issue a final order establishing the rates for the corporation within 45 days after the recommended rates are filed. The corporation may not pursue an administrative challenge or judicial review of the final order of the office.

2. In addition to the rates otherwise determined pursuant to this paragraph, the corporation shall impose and collect an amount equal to the premium tax provided ~~for~~ in s. 624.509 to augment the financial resources of the corporation.

3. After the public hurricane loss-projection model under s. 627.06281 has been found to be accurate and reliable by the Florida Commission on Hurricane Loss Projection Methodology, *the* ~~that~~ model

shall serve as the minimum benchmark for determining the windstorm portion of the corporation's rates. This subparagraph does not require or allow the corporation to adopt rates lower than the rates otherwise required or allowed by this paragraph.

4. The rate filings for the corporation which were approved by the office and ~~which~~ took effect January 1, 2007, are rescinded, except for those rates that were lowered. As soon as possible, the corporation shall begin using the lower rates that were in effect on December 31, 2006, and ~~shall~~ provide refunds to policyholders who ~~have~~ paid higher rates as a result of that rate filing. The rates in effect on December 31, 2006, ~~shall~~ remain in effect for the 2007 and 2008 calendar years except for any rate change that results in a lower rate. The next rate change that may increase rates shall take effect pursuant to a new rate filing recommended by the corporation and established by the office, subject to ~~the requirements of~~ this paragraph.

5. Beginning on July 15, 2009, and *annually* ~~each year~~ thereafter, the corporation must make a recommended actuarially sound rate filing for each personal and commercial line of business it writes, to be effective no earlier than January 1, 2010.

6. Beginning on or after January 1, 2010, and notwithstanding the board's recommended rates and the office's final order regarding the corporation's filed rates under subparagraph 1., the corporation shall *annually* implement a rate increase ~~each year~~ which*, except for sinkhole coverage,* does not exceed 10 percent for any single policy issued by the corporation, excluding coverage changes and surcharges.

7. The corporation may also implement an increase to reflect the effect on the corporation of the cash buildup factor pursuant to s. 215.555(5)(b).

8. The corporation's implementation of rates as prescribed in subparagraph 6. shall cease for any line of business written by the corporation upon the corporation's implementation of actuarially sound rates. Thereafter, the corporation shall annually make a recommended actuarially sound rate filing for each commercial and personal line of business the corporation writes.

(v)1. Effective July 1, 2002, policies of the Residential Property and Casualty Joint Underwriting Association ~~shall~~ become policies of the corporation. All obligations, rights, assets and liabilities of the ~~Residential Property and Casualty Joint Underwriting~~ association, including bonds, note and debt obligations, and the financing documents pertaining to them become those of the corporation as of July 1, 2002. The corporation is not required to issue endorsements or certificates of assumption to insureds during the remaining term of in-force transferred policies.

2. Effective July 1, 2002, policies of the Florida Windstorm Underwriting Association are transferred to the corporation and ~~shall~~ become policies of the corporation. All obligations, rights, assets, and liabilities of the ~~Florida Windstorm Underwriting~~ association, including bonds, note and debt obligations, and the financing documents pertaining to them are transferred to and assumed by the corporation on July 1, 2002. The corporation is not required to issue endorsements or certificates of assumption to insureds during the remaining term of in-force transferred policies.

3. The Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association shall take all actions *necessary* ~~as may be proper~~ to further evidence the transfers and ~~shall~~ provide the documents and instruments of further assurance as may reasonably be requested by the corporation for that purpose. The corporation shall execute assumptions and instruments as the trustees or other parties to the financing documents of the Florida Windstorm Underwriting Association or the Residential Property and Casualty Joint Underwriting Association may reasonably request to further evidence the transfers and assumptions, which transfers and assumptions, however, are effective on the date provided under this paragraph whether or not, and regardless of the date on which, the assumptions or instruments are executed by the corporation. Subject to the relevant financing documents pertaining to their outstanding bonds, notes, indebtedness, or other financing obligations, the moneys, investments, receivables, choses in action, and other intangibles of the Florida Windstorm Underwriting Association shall be credited to the *coastal* ~~high-risk~~ account of the corporation, and those of the personal lines residential coverage account and the commercial lines residential coverage account of the Residential Property and Casualty Joint Underwriting Association shall be credited to the personal lines account and the commercial lines account, respectively, of the corporation.

4. Effective July 1, 2002, a new applicant for property insurance coverage who would otherwise have been eligible for coverage in the Florida Windstorm Underwriting Association is eligible for coverage from the corporation as provided in this subsection.

5. The transfer of all policies, obligations, rights, assets, and liabilities from the Florida Windstorm Underwriting Association to the corporation and the renaming of the Residential Property and Casualty Joint Underwriting Association as the corporation *does not* ~~shall in no way~~ affect the coverage with respect to covered policies as defined in s. 215.555(2)(c) provided to these entities by the Florida Hurricane Catastrophe Fund. The coverage provided by the ~~Florida Hurricane Catastrophe~~ fund to the Florida Windstorm Underwriting Association based on its exposures as of June 30, 2002, and each June 30 thereafter shall be redesignated as coverage for the *coastal* ~~high-risk~~ account of the corporation. Notwithstanding any other provision of law, the coverage provided by the ~~Florida Hurricane Catastrophe~~ fund to the Residential Property and Casualty Joint Underwriting Association based on its exposures as of June 30, 2002, and each June 30 thereafter shall be transferred to the personal lines account and the commercial lines account of the corporation. Notwithstanding any other provision of law, the *coastal* ~~high-risk~~ account shall be treated, for all Florida Hurricane Catastrophe Fund purposes, as if it were a separate participating insurer with its own exposures, reimbursement premium, and loss reimbursement. Likewise, the personal lines and commercial lines accounts shall be viewed together, for all ~~Florida Hurricane Catastrophe~~ fund purposes, as if the two accounts were one and represent a single, separate participating insurer with its own exposures, reimbursement premium, and loss reimbursement. The coverage provided by the ~~Florida Hurricane Catastrophe~~ fund to the corporation shall constitute and operate as a full transfer of coverage from the Florida Windstorm Underwriting Association and Residential Property and Casualty Joint Underwriting to the corporation.

(y) It is the intent of the Legislature that the amendments to this subsection enacted in 2002 should, over time, reduce the probable maximum windstorm losses in the residual markets and ~~should reduce~~ the potential assessments to be levied on property insurers and policyholders statewide. ~~In furtherance of this intent:~~

~~1. the board shall, on or before February 1 of each year, provide a report to the President of the Senate and the Speaker of the House of Representatives showing the reduction or increase in the 100-year probable maximum loss attributable to wind-only coverages and the quota share program under this subsection combined, as compared to the benchmark 100-year probable maximum loss of the Florida Windstorm Underwriting Association. For purposes of this paragraph, the benchmark 100-year probable maximum loss of the Florida Windstorm Underwriting Association shall be the calculation dated February 2001 and based on November 30, 2000, exposures. In order to ensure comparability of data, the board shall use the same methods for calculating its probable maximum loss as were used to calculate the benchmark probable maximum loss.~~

~~2. Beginning December 1, 2010, if the report under subparagraph 1. for any year indicates that the 100-year probable maximum loss attributable to wind-only coverages and the quota share program combined does not reflect a reduction of at least 25 percent from the benchmark, the board shall reduce the boundaries of the high-risk area eligible for wind-only coverages under this subsection in a manner calculated to reduce such probable maximum loss to an amount at least 25 percent below the benchmark.~~

~~3. Beginning February 1, 2015, if the report under subparagraph 1. for any year indicates that the 100-year probable maximum loss attributable to wind-only coverages and the quota share program combined does not reflect a reduction of at least 50 percent from the benchmark, the boundaries of the high-risk area eligible for wind-only coverages under this subsection shall be reduced by the elimination of any area that is not seaward of a line 1,000 feet inland from the Intracoastal Waterway.~~

Section 16. Paragraph (a) of subsection (5) of section 627.3511, Florida Statutes, is amended to read:

627.3511 Depopulation of Citizens Property Insurance Corporation.—

(5) APPLICABILITY.—

(a) The take-out bonus provided by subsection (2) and the exemption from assessment provided by paragraph (3)(a) apply only if the corporation policy is replaced by ~~either~~ a standard policy including wind coverage or, if consistent with the insurer's underwriting rules ~~as~~ filed with the office, a basic policy including wind coverage; however, *for* ~~with respect to~~ risks located in areas where coverage through the *coastal* ~~high-risk~~ account of the corporation is available, the replacement policy need not provide wind coverage. The insurer must renew the replacement policy at approved rates on substantially similar terms for four additional 1-year terms, unless canceled or not renewed by the policyholder. If an insurer assumes the corporation's obligations for a policy, it must issue a replacement policy for a 1-year term upon expiration of the corporation policy and must renew the replacement policy at approved rates on substantially similar terms for four additional 1-year terms, unless canceled or not renewed by the policyholder. For each replacement policy canceled or nonrenewed by the insurer for any reason during the 5-year coverage period ~~required by this paragraph~~, the insurer must remove from the corporation one additional policy covering a risk similar to the risk covered by the canceled or nonrenewed policy. In addition ~~to these requirements~~, the corporation must place the bonus moneys in escrow for ~~a period of~~ 5 years; such moneys may be released from escrow only to pay claims. If the policy is canceled or nonrenewed before the end of the 5-year period, the amount of the take-out bonus must be prorated for the time period the policy was insured. A take-out bonus provided by subsection (2) or subsection (6) *is* ~~shall~~ not ~~be considered~~ premium income for purposes of taxes and assessments under the Florida Insurance Code and ~~shall~~ remain the property of the corporation, subject to the prior security interest of the insurer under the escrow agreement until it is released from escrow;~~, and~~ after it is released from escrow it *is* ~~shall be~~ considered an asset of the insurer and credited to the insurer's capital and surplus.

Section 17. Paragraph (b) of subsection (2) of section 627.4133, Florida Statutes, is amended to read:

627.4133 Notice of cancellation, nonrenewal, or renewal premium.—

(2) With respect to any personal lines or commercial residential property insurance policy, including, but not limited to, any homeowner's, mobile home owner's, farmowner's, condominium association, condominium unit owner's, apartment building, or other policy covering a residential structure or its contents:

(b) The insurer shall give the named insured written notice of nonrenewal, cancellation, or termination at least 100 days *before* ~~prior to~~ the effective date of the nonrenewal, cancellation, or termination. However, the insurer shall give at least 100 days' written notice, or written notice by June 1, whichever is earlier, for any nonrenewal, cancellation, or termination that would be effective between June 1 and November 30. The notice must include the reason or reasons for the nonrenewal, cancellation, or termination, except that:

1. The insurer shall give the named insured written notice of nonrenewal, cancellation, or termination at least *120* ~~180~~ days prior to the effective date of the nonrenewal, cancellation, or termination for a named insured whose residential structure has been insured by that insurer or an affiliated insurer for at least a 5-year period immediately prior to the date of the written notice.

2. *If* ~~When~~ cancellation is for nonpayment of premium, at least 10 days' written notice of cancellation accompanied by the reason therefor *must* ~~shall~~ be given. As used in this subparagraph, the term "nonpayment of premium" means failure of the named insured to discharge when due ~~any of~~ her or his obligations in connection with the payment of premiums on a policy or any installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit, or failure to maintain membership in an organization if such membership is a condition precedent to insurance coverage. *The term* ~~"Nonpayment of premium"~~ also means the failure of a financial institution to honor an insurance applicant's check after delivery to a licensed agent for payment of a premium, even if the agent has previously delivered or transferred the premium to the insurer. If a dishonored check represents the initial premium payment, the contract and all contractual obligations *are* ~~shall be~~ void ab initio unless the nonpayment is cured within the earlier of 5 days after actual notice by certified mail is received by the applicant or 15 days after notice is sent to the applicant by certified mail or registered mail, and if the contract is void, any premium received by the insurer from a third party *must* ~~shall~~ be refunded to that party in full.

3. *If* ~~When~~ such cancellation or termination occurs during the first 90 days ~~during which~~ the insurance is in force and the insurance is canceled or terminated for reasons other than nonpayment of premium, at least 20 days' written notice of cancellation or termination accompanied by the reason therefor *must* ~~shall~~ be given *unless* ~~except where~~ there has been a material misstatement or misrepresentation or failure to comply with the underwriting requirements established by the insurer.

4. The requirement for providing written notice ~~of nonrenewal~~ by June 1 of any nonrenewal that would be effective between June 1 and November 30 does not apply to the following situations, but the insurer remains subject to the requirement to provide such notice at least 100 days *before* ~~prior to~~ the effective date of nonrenewal:

a. A policy that is nonrenewed due to a revision in the coverage for sinkhole losses and catastrophic ground cover collapse pursuant to s. 627.706~~, as amended by s. 30, chapter 2007-1, Laws of Florida~~.

b. A policy that is nonrenewed by Citizens Property Insurance Corporation, pursuant to s. 627.351(6), for a policy that has been assumed by an authorized insurer offering replacement ~~or renewal~~ coverage to the policyholder *is exempt from the notice requirements of paragraph (a) and this paragraph. In such cases, the corporation must give the named insured written notice of nonrenewal at least 45 days before the effective date of the nonrenewal.*

After the policy has been in effect for 90 days, the policy *may* ~~shall~~ not be canceled by the insurer *unless* ~~except when~~ there has been a material misstatement, a nonpayment of premium, a failure to comply with underwriting requirements established by the insurer within 90 days *after* ~~of~~ the date of effectuation of coverage, or a substantial change in the risk covered by the policy or *if* ~~when~~ the cancellation is for all insureds under such policies for a given class of insureds. This paragraph does not apply to individually rated risks having a policy term of less than 90 days.

5. Notwithstanding any other provision of law, an insurer may cancel or nonrenew a property insurance policy after at least 45 days' notice if the office finds that the early cancellation of some or all of the insurer's policies is necessary to protect the best interests of the public or policyholders and the office approves the insurer's plan for early cancellation or nonrenewal of some or all of its policies. The office may base such finding upon the financial condition of the insurer, lack of adequate reinsurance coverage for hurricane risk, or other relevant factors. The office may condition its finding on the consent of the insurer to be placed under administrative supervision pursuant to s. 624.81 or to the appointment of a receiver under chapter 631.

6. A policy covering both a home and motor vehicle may be nonrenewed for any reason applicable to either the property or motor vehicle insurance after providing 90 days' notice.

Section 18. Section 627.43141, Florida Statutes, is created to read:

627.43141 Notice of change in policy terms.—

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

(a) "Change in policy terms" means the modification, addition, or deletion of any term, coverage, duty, or condition from the previous policy. The correction of typographical or scrivener's errors or the application of mandated legislative changes is not a change in policy terms.

(b) "Policy" means a written contract of property and casualty insurance or written agreement for such insurance, by whatever name called, and includes all clauses, riders, endorsements, and papers that are a part of such policy. The term does not include a binder as defined in s. 627.420 unless the duration of the binder period exceeds 60 days.

(c) "Renewal" means the issuance and delivery by an insurer of a policy superseding at the end of the policy period a policy previously issued and delivered by the same insurer or the issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or term. Any policy that has a policy period or term of less than 6 months or that does not have a fixed expiration date shall, for purposes of this section, be considered as written for successive policy periods or terms of 6 months.

(2) A renewal policy may contain a change in policy terms. If a renewal policy does contain such change, the insurer must give the named insured written notice of the change, which must be enclosed along with the written notice of renewal premium required by ss. 627.4133 and 627.728. Such notice shall be entitled "Notice of Change in Policy Terms."

(3) Although not required, proof of mailing or registered mailing through the United States Postal Service of the Notice of Change in Policy Terms to the named insured at the address shown in the policy is sufficient proof of notice.

(4) Receipt of the premium payment for the renewal policy by the insurer is deemed to be acceptance of the new policy terms by the named insured.

(5) If an insurer fails to provide the notice required in subsection (2), the original policy terms remain in effect until the next renewal and the proper service of the notice, or until the effective date of replacement coverage obtained by the named insured, whichever occurs first.

(6) The intent of this section is to:

(a) Allow an insurer to make a change in policy terms without nonrenewing those policyholders that the insurer wishes to continue insuring.

(b) Alleviate concern and confusion to the policyholder caused by the required policy nonrenewal for the limited issue if an insurer intends to renew the insurance policy, but the new policy contains a change in policy terms.

(c) Encourage policyholders to discuss their coverages with their insurance agents.

Section 19. Section 627.7011, Florida Statutes, is amended to read:

627.7011 Homeowners' policies; offer of replacement cost coverage and law and ordinance coverage.—

(1) Prior to issuing a homeowner's insurance policy ~~on or after October 1, 2005, or prior to the first renewal of a homeowner's insurance policy on or after October 1, 2005~~, the insurer must offer each of the following:

(a) A policy or endorsement providing that any loss *that* ~~which~~ is repaired or replaced will be adjusted on the basis of replacement costs *to the dwelling* not exceeding policy limits ~~as to the dwelling~~, rather than actual cash value, but not including costs necessary to meet applicable laws and ordinances regulating the construction, use, or repair of any property or requiring the tearing down of any property, including the costs of removing debris.

(b) A policy or endorsement providing that, subject to other policy provisions, any loss *that* ~~which~~ is repaired or replaced at any location will be adjusted on the basis of replacement costs *to the dwelling* not exceeding policy limits ~~as to the dwelling~~, rather than actual cash value, and also including costs necessary to meet applicable laws and ordinances regulating the construction, use, or repair of any property or requiring the tearing down of any property, including the costs of removing debris.~~;~~ However, ~~such~~ additional costs necessary to meet applicable laws and ordinances may be limited to ~~either~~ 25 percent or 50 percent of the dwelling limit, as selected by the policyholder, and such coverage *applies* ~~shall apply~~ only to repairs of the damaged portion of the structure unless the total damage to the structure exceeds 50 percent of the replacement cost of the structure.

An insurer is not required to make the offers required by this subsection with respect to the issuance or renewal of a homeowner's policy that contains the provisions specified in paragraph (b) for law and ordinance coverage limited to 25 percent of the dwelling limit, except that the insurer must offer the law and ordinance coverage limited to 50 percent of the dwelling limit. This subsection does not prohibit the offer of a guaranteed replacement cost policy.

(2) Unless the insurer obtains the policyholder's written refusal of the policies or endorsements specified in subsection (1), any policy covering the dwelling is deemed to include the law and ordinance coverage limited to 25 percent of the dwelling limit. The rejection or selection of alternative coverage shall be made on a form approved by the office. The form *must* ~~shall~~ fully advise the applicant of the nature of the coverage being rejected. If this form is signed by a named insured, it *is* ~~will be~~ conclusively presumed that there was an informed, knowing rejection of the coverage or election of the alternative coverage on behalf of all insureds. Unless the policyholder requests in writing the coverage specified in this section, it need not be provided in or supplemental to any other policy that renews, insures, extends, changes, supersedes, or replaces an existing policy *if* ~~when~~ the policyholder has rejected the coverage specified in this section or has selected alternative coverage. The insurer must provide *the* ~~such~~ policyholder with notice of the availability of such coverage in a form approved by the office at least once every 3 years. The failure to provide such notice constitutes a violation of this code, but does not affect the coverage provided under the policy.

(3) In the event of a loss for which a dwelling or personal property is insured on the basis of replacement costs*:*

(a) For a dwelling, the insurer must initially pay at least the actual cash value of the insured loss, less any applicable deductible. The insurer shall pay any remaining amounts necessary to perform such repairs as work is performed and expenses are incurred. If a total loss of a dwelling occurs, the insurer shall pay the replacement cost coverage without reservation or holdback of any depreciation in value, pursuant to s. 627.702.

(b) For personal property:

1. The insurer must offer coverage under which the insurer is obligated to pay the replacement cost without reservation or holdback for any depreciation in value, whether or not the insured replaces the property.

2. The insurer may also offer coverage under which the insurer may limit the initial payment to the actual cash value of the personal property to be replaced, require the insured to provide receipts for the purchase of the property financed by the initial payment, use such receipts to make the next payment requested by the insured for the replacement of insured property, and continue this process until the insured remits all receipts up to the policy limits for replacement costs. The insurer must provide clear notice of this process before the policy is bound. A policyholder must be provided an actuarially reasonable premium credit or discount for this coverage. The insurer may not require the policyholder to advance payment for the replaced property~~, the insurer shall pay the replacement cost without reservation or holdback of any depreciation in value, whether or not the insured replaces or repairs the dwelling or property~~.

(4) *A* ~~Any~~ homeowner's insurance policy ~~issued or renewed on or after October 1, 2005,~~ must include in bold type no smaller than 18 points the following statement:

"LAW AND ORDINANCE COVERAGE IS AN IMPORTANT COVERAGE THAT YOU MAY WISH TO PURCHASE. YOU MAY ALSO NEED TO CONSIDER THE PURCHASE OF FLOOD INSURANCE FROM THE NATIONAL FLOOD INSURANCE PROGRAM. WITHOUT THIS COVERAGE, YOU MAY HAVE UNCOVERED LOSSES. PLEASE DISCUSS THESE COVERAGES WITH YOUR INSURANCE AGENT."

The intent of this subsection is to encourage policyholders to purchase sufficient coverage to protect them in case events excluded from the standard homeowners policy, such as law and ordinance enforcement and flood, combine with covered events to produce damage or loss to the insured property. The intent is also to encourage policyholders to discuss these issues with their insurance agent.

(5) ~~Nothing in~~ This section *does not:* ~~shall be construed to~~

(a) Apply to policies not considered to be "homeowners' policies," as that term is commonly understood in the insurance industry. ~~This section specifically does not~~

(b) Apply to mobile home policies. ~~Nothing in this section~~

(c) Limit ~~shall be construed as limiting~~ the ability of *an* ~~any~~ insurer to reject or nonrenew any insured or applicant on the grounds that the structure does not meet underwriting criteria applicable to replacement cost or law and ordinance policies or for other lawful reasons.

(d)~~(6)~~ ~~This section does not~~ Prohibit an insurer from limiting its liability under a policy or endorsement providing that loss will be adjusted on the basis of replacement costs to the lesser of:

1.~~(a)~~ The limit of liability shown on the policy declarations page;

2.~~(b)~~ The reasonable and necessary cost to repair the damaged, destroyed, or stolen covered property; or

3.~~(c)~~ The reasonable and necessary cost to replace the damaged, destroyed, or stolen covered property.

(e)~~(7)~~ ~~This section does not~~ Prohibit an insurer from exercising its right to repair damaged property in compliance with its policy and s. 627.702(7).

Section 20. Paragraph (a) of subsection (5) of section 627.70131, Florida Statutes, is amended to read:

627.70131 Insurer's duty to acknowledge communications regarding claims; investigation.—

(5)(a) Within 90 days after an insurer receives notice of *an initial, reopened, or supplemental* ~~a~~ property insurance claim from a policyholder, the insurer shall pay or deny such claim or a portion of the claim unless the failure to pay ~~such claim or a portion of the claim~~ is caused by factors beyond the control of the insurer which reasonably prevent such payment. Any payment of *an initial or supplemental* ~~a~~ claim or portion of *such* ~~a~~ claim *made* ~~paid~~ 90 days after the insurer receives notice of the claim, or *made* ~~paid~~ more than 15 days after there are no longer factors beyond the control of the insurer which reasonably prevented such payment, whichever is later, *bears* ~~shall bear~~ interest at the rate set forth in s. 55.03. Interest begins to accrue from the date the insurer receives notice of the claim. The provisions of this subsection may not be waived, voided, or nullified by the terms of the insurance policy. If there is a right to prejudgment interest, the insured shall select whether to receive prejudgment interest or interest under this subsection. Interest is payable when the claim or portion of the claim is paid. Failure to comply with this subsection constitutes a violation of this code. However, failure to comply with this subsection *does* ~~shall~~ not form the sole basis for a private cause of action.

Section 21. *The Legislature finds and declares:*

(1) There is a compelling state interest in maintaining a viable and orderly private-sector market for property insurance in this state. The lack of a viable and orderly property market reduces the availability of property insurance coverage to state residents, increases the cost of property insurance, and increases the state's reliance on a residual property insurance market and its potential for imposing assessments on policyholders throughout the state.

(2) In 2005, the Legislature revised ss. 627.706–627.7074, Florida Statutes, to adopt certain geological or technical terms; to increase reliance on objective, scientific testing requirements; and generally to reduce the number of sinkhole claims and related disputes arising under prior law. The Legislature determined that since the enactment of these statutory revisions, both private-sector insurers and Citizens Property Insurance Corporation have, nevertheless, continued to experience high claims frequency and severity for sinkhole insurance claims. In addition, many properties remain unrepaired even after loss payments, which reduces the local property tax base and adversely affects the real estate market. Therefore, the Legislature finds that losses associated with sinkhole claims adversely affect the public health, safety, and welfare of this state and its citizens.

(3) Pursuant to sections 22 through 27 of this act, technical or scientific definitions adopted in the 2005 legislation are clarified to implement and advance the Legislature's intended reduction of sinkhole claims and disputes. Certain other revisions to ss. 627.706–627.7074, Florida Statutes, are enacted to advance legislative intent to rely on scientific or technical determinations relating to sinkholes and sinkhole claims, reduce the number and cost of disputes relating to sinkhole claims, and ensure that repairs are made commensurate with the scientific and technical determinations and insurance claims payments.

Section 22. Section 627.706, Florida Statutes, is reordered and amended to read:

627.706 Sinkhole insurance; catastrophic ground cover collapse; definitions.—

(1)*(a)* Every insurer authorized to transact property insurance in this state *must* ~~shall~~ provide coverage for a catastrophic ground cover collapse.

(b) The insurer ~~and~~ shall make available, for an appropriate additional premium, coverage for sinkhole losses on any structure, including *the* contents of personal property contained therein, to the extent provided in the form to which the coverage attaches. *The insurer may require an inspection of the property before issuance of sinkhole loss coverage.* A policy for residential property insurance may include a deductible amount applicable to sinkhole losses equal to 1 percent, 2 percent, 5 percent, or 10 percent of the policy dwelling limits, with appropriate premium discounts offered with each deductible amount.

(c) The insurer may restrict catastrophic ground cover collapse and sinkhole loss coverage to the principal building, as defined in the applicable policy.

(2) As used in ss. 627.706-627.7074, and as used in connection with any policy providing coverage for a catastrophic ground cover collapse or for sinkhole losses*, the term*:

(a) "Catastrophic ground cover collapse" means geological activity that results in all the following:

1. The abrupt collapse of the ground cover;

2. A depression in the ground cover clearly visible to the naked eye;

3. Structural damage to the *covered* building, including the foundation; and

4. The insured structure being condemned and ordered to be vacated by the governmental agency authorized by law to issue such an order for that structure.

Contents coverage applies if there is a loss resulting from a catastrophic ground cover collapse. ~~Structural~~ Damage consisting merely of the settling or cracking of a foundation, structure, or building does not constitute a loss resulting from a catastrophic ground cover collapse.

(b) "Neutral evaluation" means the alternative dispute resolution provided in s. 627.7074.

(c) "Neutral evaluator" means a professional engineer or a professional geologist who has completed a course of study in alternative dispute resolution designed or approved by the department for use in the neutral evaluation process and who is determined by the department to be fair and impartial.

(h)~~(b)~~ "Sinkhole" means a landform created by subsidence of soil, sediment, or rock as underlying strata are dissolved by groundwater. A sinkhole *forms* ~~may form~~ by collapse into subterranean voids created by dissolution of limestone or dolostone or by subsidence as these strata are dissolved.

(j)~~(c)~~ "Sinkhole loss" means structural damage to the *covered* building, including the foundation, caused by sinkhole activity. Contents coverage *and additional living expenses* ~~shall~~ apply only if there is structural damage to the *covered* building caused by sinkhole activity.

(i)~~(d)~~ "Sinkhole activity" means settlement or systematic weakening of the earth supporting *the covered building* ~~such property~~ only *if the* ~~when such~~ settlement or systematic weakening results from *contemporaneous* movement or raveling of soils, sediments, or rock materials into subterranean voids created by the effect of water on a limestone or similar rock formation.

(f)~~(e)~~ "Professional engineer" means a person, as defined in s. 471.005, who has a bachelor's degree or higher in engineering ~~with a specialty in the geotechnical engineering field~~. A professional engineer must *also* have ~~geotechnical~~ experience and expertise in the identification of sinkhole activity as well as other potential causes of *structural* damage ~~to the structure~~.

(g)~~(f)~~ "Professional geologist" means a person, as defined *in* ~~by~~ s. 492.102, who has a bachelor's degree or higher in geology or related earth science *and* ~~with expertise in the geology of Florida. A professional geologist must have geological~~ experience and expertise in the identification of sinkhole activity as well as other potential geologic causes of *structural* damage ~~to the structure~~.

(k) "Structural damage" means a covered building, regardless of the date of its construction, has experienced the following:

1. Interior floor displacement or deflection in excess of acceptable variances as defined in ACI 117-90 or the Florida Building Code, which results in settlement related damage to the interior such that the interior building structure or members become unfit for service or represents a safety hazard as defined within the Florida Building Code;

2. Foundation displacement or deflection in excess of acceptable variances as defined in ACI 318-95 or the Florida Building Code, which results in settlement related damage to the primary structural members or primary structural systems that prevents those members or systems from supporting the loads and forces they were designed to support to the extent that stresses in those primary structural members or primary structural systems exceeds one and one-third the nominal strength allowed under the Florida Building Code for new buildings of similar structure, purpose, or location;

3. Damage that results in listing, leaning, or buckling of the exterior load bearing walls or other vertical primary structural members to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base as defined within the Florida Building Code;

4. Damage that results in the building, or any portion of the building containing primary structural members or primary structural systems, being significantly likely to imminently collapse because of the movement or instability of the ground within the influence zone of the supporting ground within the sheer plane necessary for the purpose of supporting such building as defined within the Florida Building Code; or

5. Damage occurring on or after October 15, 2005, that qualifies as "substantial structural damage" as defined in the Florida Building Code.

(d) "Primary structural member" means a structural element designed to provide support and stability for the vertical or lateral loads of the overall structure.

(e) "Primary structural system" means an assemblage of primary structural members.

~~(3) On or before June 1, 2007, Every insurer authorized to transact property insurance in this state shall make a proper filing with the office for the purpose of extending the appropriate forms of property insurance to include coverage for catastrophic ground cover collapse or for sinkhole losses. coverage for catastrophic ground cover collapse may not go into effect until the effective date provided for in the filing approved by the office.~~

(3)~~(4)~~ Insurers offering policies that exclude coverage for sinkhole losses *must* ~~shall~~ inform policyholders in bold type of not less than 14 points as follows: "YOUR POLICY PROVIDES COVERAGE FOR A CATASTROPHIC GROUND COVER COLLAPSE THAT RESULTS IN THE PROPERTY BEING CONDEMNED AND UNINHABITABLE. OTHERWISE, YOUR POLICY DOES NOT PROVIDE COVERAGE FOR SINKHOLE LOSSES. YOU MAY PURCHASE ADDITIONAL COVERAGE FOR SINKHOLE LOSSES FOR AN ADDITIONAL PREMIUM."

(4)~~(5)~~ An insurer offering sinkhole coverage to policyholders before or after the adoption of s. 30, chapter 2007-1, Laws of Florida, may nonrenew the policies of policyholders maintaining sinkhole coverage ~~in Pasco County or Hernando County,~~ at the option of the insurer, and provide an offer of coverage *that* ~~to such policyholders which~~ includes catastrophic ground cover collapse and excludes sinkhole coverage. Insurers acting in accordance with this subsection are subject to the following requirements:

(a) Policyholders must be notified that a nonrenewal is for purposes of removing sinkhole coverage, and that the policyholder is ~~still~~ being offered a policy that provides coverage for catastrophic ground cover collapse.

(b) Policyholders must be provided an actuarially reasonable premium credit or discount for the removal of sinkhole coverage and provision of only catastrophic ground cover collapse.

(c) Subject to the provisions of this subsection and the insurer's approved underwriting or insurability guidelines, the insurer shall provide each policyholder with the opportunity to purchase an endorsement to his or her policy providing sinkhole coverage and may require an inspection of the property before issuance of a sinkhole coverage endorsement.

(d) Section 624.4305 does not apply to nonrenewal notices issued pursuant to this subsection.

(5) Any claim, including, but not limited to, initial, supplemental, and reopened claims under an insurance policy that provides sinkhole coverage is barred unless notice of the claim was given to the insurer in accordance with the terms of the policy within 2 years after the policyholder knew or reasonably should have known about the sinkhole loss.

Section 23. Section 627.7061, Florida Statutes, is amended to read:

627.7061 Coverage inquiries.—Inquiries about coverage on a property insurance contract are not claim activity, unless an actual claim is filed by the *policyholder which* ~~insured that~~ results in a company investigation of the claim.

Section 24. *Section 627.7065, Florida Statutes, is repealed.*

Section 25. Section 627.707, Florida Statutes, is amended to read:

627.707 ~~Standards for~~ Investigation of sinkhole claims ~~by~~ ~~insurers~~; *insurer payment;* nonrenewals.—Upon receipt of a claim for a sinkhole loss *to a covered building*, an insurer must meet the following standards in investigating a claim:

(1) The insurer must *inspect* ~~make an inspection of~~ the *policyholder's* ~~insured's~~ premises to determine if there *is structural* ~~has been physical~~ damage *that* ~~to the structure which~~ may be the result of sinkhole activity.

(2) *If the insurer confirms that structural damage exists but is unable to identify a valid cause of such damage or discovers that such damage is consistent with sinkhole loss* ~~Following the insurer's initial inspection~~, the insurer shall engage a professional engineer or a professional geologist to conduct testing as provided in s. 627.7072 to determine the cause of the loss within a reasonable professional probability and issue a report as provided in s. 627.7073, *only* if *sinkhole loss is covered under the policy. Except as provided in subsections (4) and (6), the fees and costs of the professional engineer or professional geologist shall be paid by the insurer.*~~:~~

~~(a) The insurer is unable to identify a valid cause of the damage or discovers damage to the structure which is consistent with sinkhole loss; or~~

~~(b) The policyholder demands testing in accordance with this section or s. 627.7072.~~

(3) Following the initial inspection of the *policyholder's* ~~insured~~ premises, the insurer shall provide written notice to the policyholder disclosing the following information:

(a) What the insurer has determined to be the cause of damage, if the insurer has made such a determination.

(b) A statement of the circumstances under which the insurer is required to engage a professional engineer or a professional geologist to verify or eliminate sinkhole loss and to engage a professional engineer to

make recommendations regarding land and building stabilization and foundation repair.

(c) A statement regarding the right of the policyholder to request testing by a professional engineer or a professional geologist, ~~and~~ the circumstances under which the policyholder may demand certain testing*, and the circumstances under which the policyholder may incur costs associated with testing*.

(4)*(a)* If the insurer determines that there is no sinkhole loss, the insurer may deny the claim.

(b) If coverage for sinkhole loss is available and ~~If~~ the insurer denies the claim~~,~~ without performing testing under s. 627.7072, the policyholder may demand testing by the insurer under s. 627.7072.

1. The policyholder's demand for testing must be communicated to the insurer in writing *within 60 days* after the policyholder's receipt of the insurer's denial of the claim.

2. The policyholder shall pay 50 percent of the actual costs of the analyses and services provided under ss. 627.7072 and 627.7073 or $2,500, whichever is less.

3. The insurer shall reimburse the policyholder for the costs if the insurer's engineer or geologist provides written certification pursuant to s. 627.7073 that there is sinkhole loss.

(5)~~(a) Subject to paragraph (b),~~ If a sinkhole loss is verified, the insurer shall pay to stabilize the land and building and repair the foundation in accordance with the recommendations of the professional engineer *retained pursuant to subsection (2),* ~~as provided under s. 627.7073, and in consultation~~ with *notice to* the policyholder, subject to the coverage and terms of the policy. The insurer shall pay for other repairs to the structure and contents in accordance with the terms of the policy. *If a covered building suffers a sinkhole loss or a catastrophic ground cover collapse, the insured must repair such damage or loss in accordance with the insurer's professional engineer's recommended repairs. However, if the insurer's professional engineer determines that the repair cannot be completed within policy limits, the insurer must pay to complete the repairs recommended by the insurer's professional engineer or tender the policy limits to the policyholder.*

(a)~~(b)~~ The insurer may limit its *total claims* payment to the actual cash value of the sinkhole loss, *which does* not *include* ~~including~~ underpinning or grouting or any other repair technique performed below the existing foundation of the building, until the policyholder enters into a contract for the performance of building stabilization or foundation repairs *in accordance with the recommendations set forth in the insurer's report issued pursuant to s. 627.7073*.

(b) In order to prevent additional damage to the building or structure, the policyholder must enter into a contract for the performance of building stabilization and foundation repairs within 90 days after the insurance company confirms coverage for the sinkhole loss and notifies the policyholder of such confirmation. This time period is tolled if either party invokes the neutral evaluation process, and begins again 10 days after the conclusion of the neutral evaluation process.

(c) After the policyholder enters into the contract *for the performance of building stabilization and foundation repairs*, the insurer shall pay the amounts necessary to begin and perform such repairs as the work is performed and the expenses are incurred. The insurer may not require the policyholder to advance payment for such repairs. If repair covered by a personal lines residential property insurance policy has begun and the professional engineer selected or approved by the insurer determines that the repair cannot be completed within the policy limits, the insurer must ~~either~~ complete the professional engineer's recommended repair or tender the policy limits to the policyholder without a reduction for the repair expenses incurred.

(d) The stabilization and all other repairs to the structure and contents must be completed within 12 months after entering into the contract for repairs described in paragraph (b) unless:

1. There is a mutual agreement between the insurer and the policyholder;

2. The claim is involved with the neutral evaluation process;

3. The claim is in litigation; or

4. The claim is under appraisal or mediation.

(e)~~(c)~~ Upon the insurer's obtaining the written approval of ~~the policyholder and~~ any lienholder, the insurer may make payment directly to the persons selected by the policyholder to perform the land and building stabilization and foundation repairs. The decision by the insurer to make payment to such persons does not hold the insurer liable for the work performed. *The policyholder may not accept a rebate from any person performing the repairs specified in this section. If a policyholder does receive a rebate, coverage is void and the policyholder must refund the amount of the rebate to the insurer. Any person making the repairs specified in this section who offers a rebate commits insurance fraud punishable as a third degree felony as provided in s. 775.082, s. 775.083, or s. 775.084.*

~~(6) Except as provided in subsection (7), the fees and costs of the professional engineer or the professional geologist shall be paid by the insurer.~~

(6)~~(7)~~ If the insurer obtains, pursuant to s. 627.7073, written certification that there is no sinkhole loss or that the cause of the damage was not sinkhole activity, and if the policyholder has submitted the sinkhole claim without good faith grounds for submitting such claim, the policyholder shall reimburse the insurer for 50 percent of the actual costs of the analyses and services provided under ss. 627.7072 and 627.7073; however, a policyholder is not required to reimburse an insurer more than $2,500 with respect to any claim. A policyholder is required to pay reimbursement under this subsection only if *the policyholder requested the analysis and services provided under ss. 627.7072 and 627.7073 and* the insurer, *before* ~~prior to~~ ordering the analysis under s. 627.7072, informs the policyholder in writing of the policyholder's potential liability for reimbursement and gives the policyholder the opportunity to withdraw the claim.

(7)~~(8)~~ *An* ~~No~~ insurer *may not* ~~shall~~ nonrenew any policy of property insurance on the basis of filing of claims for *sinkhole* ~~partial~~ loss *if* ~~caused by sinkhole damage or clay shrinkage as long as~~ the total of such payments does not *equal or* exceed the ~~current~~ policy limits of coverage *for the policy in effect on the date of loss,* for property damage *to the covered building*, *as set forth on the declarations page, or if* ~~and provided~~ the *policyholder* ~~insured has~~ repaired the structure in accordance with the engineering recommendations *made pursuant to subsection (2)* upon which any payment or policy proceeds were based. *If the insurer pays such limits, it may nonrenew the policy.*

(8)~~(9)~~ The insurer may engage a professional structural engineer to make recommendations as to the repair of the structure.

Section 26. Section 627.7073, Florida Statutes, is amended to read:

627.7073 Sinkhole reports.—

(1) Upon completion of testing as provided in s. 627.7072, the professional engineer or professional geologist shall issue a report and certification to the insurer and the policyholder as provided in this section.

(a) Sinkhole loss is verified if, based upon tests performed in accordance with s. 627.7072, a professional engineer or a professional geologist issues a written report and certification stating:

1. That structural damage to the covered building has been identified within a reasonable professional probability.

2.~~1.~~ That the cause of the ~~actual physical and~~ structural damage is sinkhole activity within a reasonable professional probability.

3.~~2.~~ That the analyses conducted were of sufficient scope to identify sinkhole activity as the cause of damage within a reasonable professional probability.

4.~~3.~~ A description of the tests performed.

5.~~4.~~ A recommendation by the professional engineer of methods for stabilizing the land and building and for making repairs to the foundation.

(b) If *there is no structural damage or if* sinkhole activity is eliminated as the cause of *such* damage to the *covered building* ~~structure~~, the professional engineer or professional geologist shall issue a written report and certification to the policyholder and the insurer stating:

1. That *there is no structural damage or* the cause of *such* ~~the~~ damage is not sinkhole activity within a reasonable professional probability.

2. That the analyses and tests conducted were of sufficient scope to eliminate sinkhole activity as the cause of *the structural* damage within a reasonable professional probability.

3. A statement of the cause of the *structural* damage within a reasonable professional probability.

4. A description of the tests performed.

(c) The respective findings, opinions, and recommendations of the *insurer's* professional engineer or professional geologist as to the cause of distress to the property and the findings, opinions, and recommendations of the *insurer's* professional engineer as to land and building stabilization and foundation repair *set forth by s. 627.7072* shall be presumed correct.

(2)~~(a)~~ *An* ~~Any~~ insurer that has paid a claim for a sinkhole loss shall file a copy of the report and certification, prepared pursuant to subsection (1), including the legal description of the real property and the name of the property owner, *the neutral evaluator's report, if any, which indicates that sinkhole activity caused the damage claimed, a copy of the certification indicating that stabilization has been completed, if applicable, and the amount of the payment,* with the county clerk of court, who shall record the report and certification. The insurer shall bear the cost of filing and recording *one or more reports and certifications* ~~the report and certification~~. There shall be no cause of action or liability against an insurer for compliance with this section.

(a) The recording of the report and certification does not:

1. Constitute a lien, encumbrance, or restriction on the title to the real property or constitute a defect in the title to the real property;

2. Create any cause of action or liability against any grantor of the real property for breach of any warranty of good title or warranty against encumbrances; or

3. Create any cause of action or liability against any title insurer that insures the title to the real property.

(b) As a precondition to accepting payment for a sinkhole loss, the policyholder must file a copy of any sinkhole report regarding the insured property which was prepared on behalf or at the request of the policyholder. The policyholder shall bear the cost of filing and recording the sinkhole report. The recording of the report does not:

1. Constitute a lien, encumbrance, or restriction on the title to the real property or constitute a defect in the title to the real property;

2. Create any cause of action or liability against any grantor of the real property for breach of any warranty of good title or warranty against encumbrances; or

3. Create any cause of action or liability against a title insurer that insures the title to the real property.

(c)~~(b)~~ The seller of real property upon which a sinkhole claim has been made by the seller and paid by the insurer *must* ~~shall~~ disclose to the buyer of such property*, before the closing,* that a claim has been paid and whether or not the full amount of the proceeds were used to repair the sinkhole damage.

(3) Upon completion of any building stabilization or foundation repairs for a verified sinkhole loss, the professional engineer responsible for monitoring the repairs shall issue a report to the property owner which specifies what repairs have been performed and certifies within a reasonable degree of professional probability that such repairs have been properly performed. The professional engineer issuing the report shall file a copy of the report and certification, which includes a legal description of the real property and the name of the property owner, with the county clerk of the court, who shall record the report and certification. This subsection does not create liability for an insurer based on any representation or certification by a professional engineer related to the stabilization or foundation repairs for the verified sinkhole loss.

Section 27. Section 627.7074, Florida Statutes, is amended to read:

627.7074 Alternative procedure for resolution of disputed sinkhole insurance claims.—

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

~~(a) "Neutral evaluation" means the alternative dispute resolution provided for in this section.~~

~~(b) "Neutral evaluator" means a professional engineer or a professional geologist who has completed a course of study in alternative dispute resolution designed or approved by the department for use in the neutral evaluation process, who is determined to be fair and impartial.~~

(1)~~(2)(a)~~ The department shall*:*

(a) Certify and maintain a list of persons who are neutral evaluators.

(b) ~~The department shall~~ Prepare a consumer information pamphlet for distribution by insurers to policyholders which clearly describes the neutral evaluation process and includes information ~~and forms~~ necessary for the policyholder to request a neutral evaluation.

(2) Neutral evaluation is available to either party if a sinkhole report has been issued pursuant to s. 627.7073. At a minimum, neutral evaluation must determine:

(a) Causation;

(b) All methods of stabilization and repair both above and below ground;

(c) The costs for stabilization and all repairs; and

(d) Information necessary to carry out subsection (12).

(3) Following the receipt of the report provided under s. 627.7073 or the denial of a claim for a sinkhole loss, the insurer shall notify the policyholder of his or her right to participate in the neutral evaluation program under this section. Neutral evaluation supersedes the alternative dispute resolution process under s. 627.7015*, but does not invalidate the appraisal clause of the insurance policy*. The insurer shall provide to the policyholder the consumer information pamphlet prepared by the department pursuant to *subsection (1) electronically or by United States mail* ~~paragraph (2)(b)~~.

(4) Neutral evaluation is nonbinding, but mandatory if requested by either party. A request for neutral evaluation may be filed with the department by the policyholder or the insurer on a form approved by the department. The request for neutral evaluation must state the reason for the request and must include an explanation of all the issues in dispute at the time of the request. Filing a request for neutral evaluation tolls the applicable time requirements for filing suit for ~~a period of~~ 60 days following the conclusion of the neutral evaluation process or the time prescribed in s. 95.11, whichever is later.

(5) Neutral evaluation shall be conducted as an informal process in which formal rules of evidence and procedure need not be observed. A party to neutral evaluation is not required to attend neutral evaluation if a representative of the party attends and has the authority to make a binding decision on behalf of the party. All parties shall participate in the evaluation in good faith. *The neutral evaluator must be allowed reasonable access to the interior and exterior of insured structures to be evaluated or for which a claim has been made. Any reports initiated by the policyholder, or an agent of the policyholder, confirming a sinkhole loss or disputing another sinkhole report regarding insured structures must be provided to the neutral evaluator before the evaluator's physical inspection of the insured property.*

(6) The insurer shall pay *reasonable* ~~the~~ costs associated with the neutral evaluation. *However, if a party chooses to hire a court reporter or stenographer to contemporaneously record and document the neutral evaluation, that party must bear such costs.*

(7) Upon receipt of a request for neutral evaluation, the department shall provide the parties a list of certified neutral evaluators. ~~The parties shall mutually select a neutral evaluator from the list and promptly inform the department. If the parties cannot agree to a neutral evaluator within 10 business days,~~ The department *shall allow the parties to submit requests to disqualify evaluators on the list for cause.*

(a) The department shall disqualify neutral evaluators for cause based only on any of the following grounds:

1. A familial relationship exists between the neutral evaluator and either party or a representative of either party within the third degree.

2. The proposed neutral evaluator has, in a professional capacity, previously represented either party or a representative of either party, in the same or a substantially related matter.

3. The proposed neutral evaluator has, in a professional capacity, represented another person in the same or a substantially related matter and that person's interests are materially adverse to the interests of the parties. The term "substantially related matter" means participation by the neutral evaluator on the same claim, property, or adjacent property.

4. The proposed neutral evaluator has, within the preceding 5 years, worked as an employer or employee of any party to the case.

(b) The parties shall appoint a neutral evaluator from the department list *and promptly inform the department. If the parties cannot agree to a neutral evaluator within 14 business days, the department shall appoint a neutral evaluator from the list of certified neutral evaluators. The department shall allow each party to disqualify two neutral evaluators without cause*. Upon selection or appointment, the department shall promptly refer the request to the neutral evaluator.

(c) Within *14* ~~5~~ business days after the referral, the neutral evaluator shall notify the policyholder and the insurer of the date, time, and place of the neutral evaluation conference. The conference may be held by telephone, if feasible and desirable. *The neutral evaluator shall make reasonable efforts to hold* the ~~neutral evaluation~~ conference ~~shall be held~~ within *90* ~~45~~ days after the receipt of the request by the department. *Failure of the neutral evaluator to hold the conference within 90 days does not invalidate either party's right to neutral evaluation or to a neutral evaluation conference held outside this timeframe.*

~~(8) The department shall adopt rules of procedure for the neutral evaluation process.~~

(8)~~(9)~~ For policyholders not represented by an attorney, a consumer affairs specialist of the department or an employee designated as the primary contact for consumers on issues relating to sinkholes under s. 20.121 shall be available for consultation to the extent that he or she may lawfully do so.

(9)~~(10)~~ Evidence of an offer to settle a claim during the neutral evaluation process, as well as any relevant conduct or statements made in negotiations concerning the offer to settle a claim, is inadmissible to prove liability or absence of liability for the claim or its value, except as provided in subsection *(14)* ~~(13)~~.

(10)~~(11)~~ *Regardless of when noticed,* any court proceeding related to the subject matter of the neutral evaluation shall be stayed pending completion of the neutral evaluation *and for 5 days after the filing of the neutral evaluator's report with the court*.

(11) If, based upon his or her professional training and credentials, a neutral evaluator is qualified to determine only disputes relating to causation or method of repair, the department shall allow the neutral evaluator to enlist the assistance of another professional from the neutral evaluators list not previously stricken, who, based upon his or her professional training and credentials, is able to provide an opinion as to other disputed issues. A professional who would be disqualified for any reason listed in subsection (7) must be disqualified. The neutral evaluator may also use the services of professional engineers and professional geologists who are not certified as neutral evaluators, as well as licensed building contractors, in order to ensure that all items in dispute are addressed and the neutral evaluation can be completed. Any professional engineer, professional geologist, or licensed building contractor retained may be disqualified for any of the reasons listed in subsection (7). The neutral evaluator may request the entity that performed the investigation pursuant to s. 627.7072 perform such additional and reasonable testing as deemed necessary in the professional opinion of the neutral evaluator.

(12) *At* ~~For matters that are not resolved by the parties at~~ the conclusion of the neutral evaluation, the neutral evaluator shall prepare a report *describing all matters that are the subject of the neutral evaluation, including whether,* ~~stating that~~ in his or her opinion*,* the sinkhole loss has been verified or eliminated *within a reasonable degree of professional probability* and, if verified, *whether the sinkhole activity caused structural damage to the covered building, and if so,* the need for and estimated costs of stabilizing the land and any covered ~~structures or~~ buildings and other appropriate remediation or *necessary building* ~~structural~~ repairs *due to the sinkhole loss*. The evaluator's report shall be sent to all parties ~~in attendance at the neutral evaluation~~ and to the department*, within 14 days after completing the neutral evaluation conference*.

(13) The recommendation of the neutral evaluator is not binding on any party, and the parties retain access to *the* court. The neutral evaluator's written recommendation*, oral testimony, and full report shall be admitted* ~~is admissible~~ in any ~~subsequent~~ action*, litigation,* or proceeding relating to the claim or to the cause of action giving rise to the claim.

(14) If the neutral evaluator ~~first~~ verifies the existence of a sinkhole *that caused structural damage* and~~, second,~~ recommends the need for and estimates costs of stabilizing the land and any covered ~~structures or~~ buildings and other appropriate remediation or *building* ~~structural~~ repairs~~,~~ which ~~costs~~ exceed the amount that the insurer has offered to pay the policyholder, the insurer is liable to the policyholder for up to $2,500 in attorney's fees for the attorney's participation in the neutral evaluation process. For purposes of this subsection, the term "offer to pay" means a written offer signed by the insurer or its legal representative and delivered to the policyholder within 10 days after the insurer receives notice that a request for neutral evaluation has been made under this section.

(15) If the insurer timely agrees in writing to comply and timely complies with the recommendation of the neutral evaluator, but the policyholder declines to resolve the matter in accordance with the recommendation of the neutral evaluator pursuant to this section:

(a) The insurer is not liable for extracontractual damages related to a claim for a sinkhole loss but only as related to the issues determined by the neutral evaluation process. This section does not affect or impair claims for extracontractual damages unrelated to the issues determined by the neutral evaluation process contained in this section; and

(b) The *actions of the* insurer *are not a confession of judgment or admission of liability, and the insurer* is not liable for attorney's fees under s. 627.428 or other provisions of the insurance code unless the policyholder obtains a judgment that is more favorable than the recommendation of the neutral evaluator.

(16) If the insurer agrees to comply with the neutral evaluator's report, payments shall be made in accordance with the terms and conditions of the applicable insurance policy pursuant to s. 627.707(5).

(17) Neutral evaluators are deemed to be agents of the department and have immunity from suit as provided in s. 44.107.

(18) The department shall adopt rules of procedure for the neutral evaluation process.

Section 28. Subsection (8) of section 627.711, Florida Statutes, is amended to read:

627.711 Notice of premium discounts for hurricane loss mitigation; uniform mitigation verification inspection form.—

(8) At its expense, the insurer may require that *a* ~~any~~ uniform mitigation verification form provided by *a policyholder, a policyholder's agent, or* an authorized mitigation inspector or inspection company be independently verified by an inspector, an inspection company, or an independent third-party quality assurance provider which *possesses* ~~does possess~~ a quality assurance program *before* ~~prior to~~ accepting the uniform mitigation verification form as valid.

Section 29. Subsection (1) of section 627.712, Florida Statutes, is amended to read:

627.712 Residential windstorm coverage required; availability of exclusions for windstorm or contents.—

(1) An insurer issuing a residential property insurance policy must provide windstorm coverage. Except as provided in paragraph (2)(c), this section does not apply ~~with respect~~ to risks that are eligible for wind-only coverage from Citizens Property Insurance Corporation under s. 627.351(6), and ~~with respect to~~ risks that are not eligible for coverage from Citizens Property Insurance Corporation under s. 627.351(6)(a)3. or 5. A risk ineligible for ~~Citizens~~ coverage *by the corporation* under s. 627.351(6)(a)3. or 5. is exempt from ~~the requirements of~~ this section only if the risk is located within the boundaries of the *coastal* ~~high-risk~~ account of the corporation.

Section 30. Subsection (3) of section 631.54, Florida Statutes, is amended to read:

631.54 Definitions.—As used in this part:

(3) "Covered claim" means an unpaid claim, including one of unearned premiums, which arises out of, and is within the coverage, and not in excess of, the applicable limits of an insurance policy to which this part applies, issued by an insurer, if such insurer becomes an insolvent insurer and the claimant or insured is a resident of this state at the time of the insured event or the property from which the claim arises is permanently located in this state. For entities other than individuals, the residence of a claimant, insured, or policyholder is the state in which the entity's principal place of business is located at the time of the insured event. *The term does* ~~"Covered claim" shall~~ not include:

(a) Any amount due any reinsurer, insurer, insurance pool, or underwriting association, sought directly or indirectly through a third party, as subrogation, contribution, indemnification, or otherwise; ~~or~~

(b) Any claim that would otherwise be a covered claim under this part that has been rejected by any other state guaranty fund on the grounds that an insured's net worth is greater than that allowed under that state's guaranty law. Member insurers shall have no right of subrogation, contribution, indemnification, or otherwise, sought directly or indirectly through a third party, against the insured of any insolvent member*; or*

(c) Any amount payable for a sinkhole loss other than testing deemed appropriate by the association or payable for the actual repair of the loss, except that the association may not pay for attorney's fees or public adjuster's fees in connection with a sinkhole loss or pay the policyholder. The association may pay for actual repairs to the property, but is not liable for amounts in excess of policy limits.

Section 31. *If any provision of this act, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application. It is the express intent of the Legislature to enact multiple important, but independent, reforms to Florida law relating to sinkhole insurance coverage and related claims. The Legislature further intends that the multiple reforms in the act could and should be enforced if one or more provisions are held invalid. To this end, the provisions of this act are declared to be severable.*

Section 32. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to property and casualty insurance; amending s. 95.11, F.S.; specifying a statute of limitation for a breach of a property insurance contract runs from the date of loss; amending s. 215.555, F.S.; revising the definition of "losses," relating to the Florida Hurricane Catastrophe Fund, to include and exclude certain losses; providing applicability; amending s. 215.5595, F.S.; authorizing an insurer to renegotiate the terms a surplus note issued before a certain date; providing limitations; amending s. 624.407, F.S.; revising the amount of surplus funds required for domestic insurers applying for a certificate of authority; amending s. 624.408, F.S.; revising the minimum surplus that must be maintained by certain insurers; authorizing the Office of Insurance Regulation to reduce the surplus requirement under specified circumstances; amending s. 626.854, F.S.; providing limitations on the amount of compensation that may be received by a public adjuster for a reopened or supplemental claim; providing limitations on the amount of compensation that may be received by a public adjuster for a claim; applying specified provisions regulating the conduct of public adjusters to condominium unit owners rather than to condominium associations as is currently required; providing statements that may be considered deceptive or misleading if made in any public adjuster's advertisement or solicitation; providing a definition for the term "written advertisement"; requiring that a disclaimer be included in any public adjuster's written advertisement; providing requirements for such disclaimer; requiring certain persons who act on behalf of an insurer to provide notice to the insurer, claimant, public adjuster, or legal representative for an onsite inspection of the insured property; authorizing the insured or claimant to deny access to the property if notice is not provided; requiring the public adjuster to ensure prompt notice of certain property loss claims; providing that an insurer be allowed to interview the insured directly about the loss claim; prohibiting the insurer from obstructing or preventing the public adjuster from communicating with the insured; requiring that the insurer communicate with the public adjuster in an effort to reach an agreement as to the scope of the covered loss under the insurance policy; prohibiting a public adjuster from restricting or preventing persons acting on behalf of the insured from having reasonable access to the insured or the insured's property; prohibiting a public adjuster from restricting or preventing the insured's adjuster from having reasonable access to or inspecting the insured's property; authorizing the insured's adjuster to be present for the inspection; prohibiting a licensed contractor or subcontractor from adjusting a claim on behalf of an insured if such contractor or subcontractor is not a licensed public adjuster; providing an exception; amending s. 626.8796, F.S.; providing requirements for a public adjuster contract; creating s. 626.70132, F.S.; requiring that notice of a claim, supplemental claim, or reopened claim be given to the insurer within a specified period after a windstorm or hurricane occurs; providing a definition for the terms "supplemental claim" or "reopened claim"; providing applicability; repealing s. 627.0613(4), F.S., relating to the requirement that the consumer advocate for the Chief Financial Officer prepare an annual report card for each personal residential property insurer; amending s. 627.062, F.S.; extending the expiration date for making a "file and use" filing; prohibiting the Office of Insurance Regulation from, directly or indirectly, impeding the right of an insurer to acquire policyholders, advertise or appoint agents, or regulate agent commissions; revising the information that must be included in a rate filing relating to certain reinsurance or financing products; deleting a provision that prohibited an insurer from making certain rate filings within a certain period of time after a rate increase; deleting a provision prohibiting an insurer from filing for a rate increase within 6 months after it makes certain rate filings; deleting obsolete provisions relating to legislation enacted during the 2003 Special Session D of the Legislature; providing for the submission of additional or supplementary information pursuant to a rate filing; revising provisions relating to the certifications that are required to be made under oath by certain officers or actuaries of an insurer regarding information that must accompany a rate filing; amending s. 627.06281, F.S.; providing limitations on fees charged for use of the public hurricane model; amending s. 627.0629, F.S.; deleting obsolete provisions; deleting a requirement that the Office of Insurance Regulation propose a method for establishing discounts, debits, credits, and other rate differentials for hurricane mitigation by a certain date; conforming provisions to changes made by the act; amending s. 627.351, F.S.; limiting an adjuster's fee for a claim against the corporation; renaming the "high-risk account" as the "coastal account"; revising the conditions under which the Citizens policyholder surcharge may be imposed; providing that members of the Citizens Property Insurance Corporation Board of Governors are not prohibited from practicing in a certain profession if not prohibited by law or ordinance; requiring the corporation to commission a consultant to prepare a report on outsourcing various functions and to submit such report to the Financial Services Commission by a certain date; limiting coverage for damage from sinkholes after a certain date; requiring the policyholders to sign a statement acknowledging that they may be assessed surcharges to cover corporate deficits; prohibiting board members from voting on certain measures; exempting sinkhole coverage from the corporation's annual rate increase requirements; deleting a requirement that the board provide an annual report to the Legislature relating to certain coverages; deleting a requirement that the board reduce the boundaries of certain high-risk areas eligible for wind-only coverages under certain circumstances; amending s. 627.3511, F.S.; conforming provisions to changes made by the act; amending s. 627.4133, F.S.; revising the requirements for providing an insured with notice of nonrenewal, cancellation, or

termination of personal lines or commercial residential property insurance; authorizing an insurer to cancel policies after 45 days' notice if the Office of Insurance Regulation determines that the cancellation of policies is necessary to protect the interests of the public or policyholders; authorizing the Office of Insurance Regulation to place an insurer under administrative supervision or appoint a receiver upon the consent of the insurer under certain circumstances; providing criteria and notice requirements relating to the nonrenewal of policy covering both a home and motor vehicle; creating s. 627.43141, F.S.; providing definitions; requiring the delivery of a "Notice of Change in Policy Terms" under certain circumstances; specifying requirements for such notice; specifying actions constituting proof of notice; authorizing policy renewals to contain a change in policy terms; providing that receipt of payment by an insurer is deemed acceptance of new policy terms by an insured; providing that the original policy remains in effect until the occurrence of specified events if an insurer fails to provide notice; providing intent; amending s. 627.7011, F.S.; requiring the insurer to pay the actual cash value of an insured loss for a dwelling, less any applicable deductible; requiring the insurer to offer coverage under which the insurer is obligated to pay replacement costs; authorizing the insurer to offer coverage that limits the initial payment for personal property to the actual cash value of the property to be replaced and to require the insured to provide receipts for purchases; requiring the insurer to provide notice of this process before the policy is bound; requiring certain premium credits or discounts for such coverage; prohibiting an insurer from requiring the insured to advance payment; amending s. 627.70131, F.S.; specifying application of certain time periods to initial or supplemental property insurance claim notices and payments; providing legislative findings with respect to 2005 statutory changes relating to sinkhole insurance coverage and statutory changes in this act; amending s. 627.706, F.S.; authorizing an insurer to limit coverage for catastrophic ground cover collapse to the principal building; authorizing an insurer to require an inspection before issuance of sinkhole loss coverage; revising definitions; defining the term "structural damage"; placing a 2-year statute of repose on claims for sinkhole coverage; amending s. 627.7061, F.S.; conforming provisions to changes made by the act; repealing s. 627.7065, F.S., relating to the establishment of a sinkhole database; amending s. 627.707, F.S.; revising provisions relating to the investigation of sinkholes by insurers; providing a time limitation for demanding sinkhole testing by a policyholder and entering into a contract for repairs; requiring the insurer to provide repairs in accordance with the insurer's engineer's recommendations or tender the policy limits to the policyholder; requiring all repairs to be completed within a certain time; providing exceptions; providing criminal penalties for a person performing repairs who offers a rebate; amending s. 627.7073, F.S.; revising provisions relating to inspection reports; revising the reports that an insurer must file with the clerk of the court; requiring the policyholder to file certain reports as a precondition to accepting payment; requiring the professional engineer responsible for monitoring sinkhole repairs to issue a report and certification to the property owner and file such report with the court; providing that the act does not create liability for an insurer based on a representation or certification by the engineer; amending s. 627.7074, F.S.; revising provisions relating to neutral evaluation; requiring evaluation in order to make certain determinations; requiring that the neutral evaluator be allowed access to structures being evaluated; providing grounds for disqualifying an evaluator; allowing the Department of Financial Services to appoint an evaluator if the parties cannot come to agreement; revising the timeframes for scheduling a neutral evaluation conference; authorizing an evaluator to enlist another evaluator or other professionals; providing a time certain for issuing a report; requiring admission of certain information relating to the neutral evaluation into evidence; revising provisions relating to compliance with the evaluator's recommendations; providing that the evaluator is an agent of the department for the purposes of immunity from suit; requiring the department to adopt rules; amending s. 627.711, F.S.; revising the requirement that the insurer pay for verification of a uniform mitigation verification form that the insurer requires; amending s. 627.712, F.S.; conforming provisions to changes made by the act; amending s. 631.54, F.S.; revising the definition of the term "covered claim" for purposes of the Florida Insurance Guaranty Association Act; providing for applicability; providing severability; providing effective dates.

THE PRESIDENT PRESIDING

Senator Storms moved the following amendment which failed:

Senate Amendment 1 (345548) (with title amendment) to House Amendment 1—Between lines 564 and 565 insert:

Section 11. Section 626.7452, Florida Statutes, is amended to read:

626.7452 Managing general agents; examination authority.—The acts of the managing general agent are considered to be the acts of the insurer on whose behalf it is acting. A managing general agent may be examined as if it were the insurer ~~except in the case where the managing general agent solely represents a single domestic insurer~~.

And the title is amended as follows:

Delete line 3586 and insert: claim"; providing applicability; amending s. 626.7452, F.S.; deleting an exception relating to the examination of managing general agents; repealing s. 627.0613(4),

Senator Fasano moved the following amendment:

Senate Amendment 2 (975732) (with title amendment) to House Amendment 1—Delete lines 804-811 and insert: this section and are not loaded for expenses or profit for the insurer making the filing.

c. Includes no other changes to its rates in the filing.

d. Has not implemented a rate increase within the 6 months immediately preceding the filing.

e. Does not file for a rate increase under any other paragraph within 6 months after making a filing under this paragraph.

And the title is amended as follows:

Delete lines 3600-3602 and insert: increase; deleting obsolete provisions

Senator Fasano moved the following substitute amendment which failed:

Senate Amendment 3 (527646) (with title amendment) to House Amendment 1—Delete lines 798-811 and insert: than 10 percent for any individual policyholder.

b. Includes in the filing a copy of all of its reinsurance, liquidity instrument, or line of credit contracts; proof of the billing or payment for the contracts; and the calculation upon which the proposed rate change is based demonstrates that the costs meet the criteria of this section and are not loaded for00 expenses or profit for the insurer making the filing.

c. Includes no other changes to its rates in the filing.

d. Has not implemented a rate increase within the 6 months immediately preceding the filing.

e. Does not file for a rate increase under any other paragraph within 6 months after making a filing under this paragraph.

And the title is amended as follows:

Delete lines 3597-3602 and insert: reinsurance or financing products; deleting obsolete provisions

The vote was:

Yeas—18

Altman	Flores	Rich
Braynon	Joyner	Ring
Dean	Latvala	Sachs
Detert	Margolis	Smith
Dockery	Negron	Sobel
Fasano	Norman	Storms

Nays—20

Mr. President	Bennett	Evers
Alexander	Bogdanoff	Gaetz
Benacquisto	Diaz de la Portilla	Gardiner

Hays	Montford	Siplin
Hill	Oelrich	Thrasher
Jones	Richter	Wise
Lynn	Simmons	

The question recurred on **Senate Amendment 2 to House Amendment 1** which was withdrawn.

Senator Margolis moved the following amendment which failed:

Senate Amendment 4 (499748) (with title amendment) to House Amendment 1—Delete lines 1146-1206 and insert:

(1)(a) It is the intent of the Legislature that insurers ~~must~~ provide savings to consumers who install or implement windstorm damage mitigation techniques, alterations, or solutions to their properties to prevent windstorm losses. A rate filing for residential property insurance must include actuarially reasonable discounts, credits, or other rate differentials, or appropriate reductions in deductibles, for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. The fixtures or construction techniques *must* ~~shall~~ include, but *are* not ~~be~~ limited to, fixtures or construction techniques *that* ~~which~~ enhance roof strength, roof covering performance, roof-to-wall strength, wall-to-floor-to-foundation strength, opening protection, and window, door, and skylight strength. Credits, discounts, or other rate differentials, or appropriate reductions in deductibles, for fixtures and construction techniques *that* ~~which~~ meet the minimum requirements of the Florida Building Code must be included in the rate filing. ~~All insurance companies must make a rate filing which includes the credits, discounts, or other rate differentials or reductions in deductibles by February 28, 2003. By July 1, 2007, the office shall reevaluate the discounts, credits, other rate differentials, and appropriate reductions in deductibles for fixtures and construction techniques that meet the minimum requirements of the Florida Building Code, based upon actual experience or any other loss relativity studies available to the office.~~ The office shall determine the discounts, credits, other rate differentials, and appropriate reductions in deductibles that reflect the full actuarial value of such revaluation, which may be used by insurers in rate filings.

(b) By February 1, 2011, the Office of Insurance Regulation, in consultation with the Department of Financial Services and the Department of Community Affairs, shall develop and make publicly available a proposed method for insurers to establish discounts, credits, or other rate differentials for hurricane mitigation measures which directly correlate to the numerical rating assigned to a structure pursuant to the uniform home grading scale adopted by the Financial Services Commission pursuant to s. 215.55865, including any proposed changes to the uniform home grading scale. By October 1, 2011, the commission shall adopt rules requiring insurers to make rate filings for residential property insurance which revise insurers' discounts, credits, or other rate differentials for hurricane mitigation measures so that such rate differentials correlate directly to the uniform home grading scale. The rules may include such changes to the uniform home grading scale as the commission determines are necessary, and may specify the minimum required discounts, credits, or other rate differentials. Such rate differentials must be consistent with generally accepted actuarial principles and wind-loss mitigation studies. The rules shall allow a period of at least 2 years after the effective date of the revised mitigation discounts, credits, or other rate differentials for a property owner to obtain an inspection or otherwise qualify for the revised credit, during which time the insurer shall continue to apply the mitigation credit that was applied immediately prior to the effective date of the revised credit. Discounts, credits, and other rate differentials established for rate filings under this paragraph shall supersede, after adoption, the discounts, credits, and other rate differentials included in rate filings under paragraph (a).

And the title is amended as follows:

Delete lines 3612-3616 and insert: F.S.; deleting obsolete provisions; conforming provisions to changes made by the act;

Senators Smith and Flores offered the following amendment which was moved by Senator Smith and failed:

Senate Amendment 5 (632378) to House Amendment 1—Delete line 2792 and insert: *legislation are revised to implement and advance the*

On motion by Senator Richter, the Senate concurred in the House amendment.

CS for CS for CS for SB 408 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—26

Mr. President	Gardiner	Oelrich
Bennett	Hays	Richter
Bogdanoff	Hill	Ring
Dean	Jones	Simmons
Detert	Latvala	Siplin
Diaz de la Portilla	Lynn	Smith
Dockery	Montford	Thrasher
Evers	Negron	Wise
Gaetz	Norman	

Nays—11

Altman	Flores	Sachs
Benacquisto	Joyner	Sobel
Braynon	Margolis	Storms
Fasano	Rich	

MOTIONS

On motion by Senator Thrasher, by two-thirds vote **CS for CS for CS for SB 1698** was placed on the Special Order Calendar.

SPECIAL ORDER CALENDAR

On motion by Senator Altman, by unanimous consent—

SJR 1218—A joint resolution proposing an amendment to Section 3 of Article I of the State Constitution to provide that an individual may not be barred from participating in any public program because of choosing to use public benefits at a religious provider and to delete a prohibition against using public revenues in aid of any church, sect, or religious denomination or any sectarian institution.

—was taken up out of order and read the second time by title.

Pending further consideration of **SJR 1218**, on motion by Senator Altman, by two-thirds vote **CS for HJR 1471** was withdrawn from the Committees on Judiciary; Children, Families, and Elder Affairs; Education Pre-K - 12; and Budget.

On motion by Senator Altman, the rules were waived and by two-thirds vote—

CS for HJR 1471—A joint resolution proposing an amendment to Section 3 of Article I of the State Constitution to eradicate remnants of anti-religious bigotry from the State Constitution and to end exclusionary funding practices that discriminate on the basis of religious belief or identity.

—a companion measure, was substituted for **SJR 1218** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HJR 1471** was placed on the calendar of Bills on Third Reading.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed SB 702, with amendment(s), and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

SB 702—A bill to be entitled An act relating to umbilical cord blood banking; requiring the Department of Health to post on its website certain resources and a website link to specified materials regarding umbilical cord blood banking; requiring the department to encourage certain health care providers to make available to their pregnant patients information related to umbilical cord blood banking; providing that a health care provider or health care facility and its employees or agents are not liable for damages in a civil action, subject to prosecution in a criminal proceeding, or subject to disciplinary action by the appropriate regulatory board for acting in good faith to comply with the act; providing an effective date.

House Amendment 1 (219963) (with title amendment)—Remove line 19 and insert:

Section 1. Section 381.06016, Florida Statutes, is created to read:

381.06016 Umbilical cord blood awareness.—

(1) The Department of Health shall make publicly

And the title is amended as follows:

Remove line 3 and insert: creating s. 381.06016, F.S.; requiring the Department of Health to post on its

On motion by Senator Flores, the Senate concurred in the House amendment.

SB 702 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gaetz	Richter
Altman	Gardiner	Ring
Benacquisto	Hays	Sachs
Bennett	Hill	Simmons
Bogdanoff	Jones	Siplin
Braynon	Joyner	Smith
Dean	Lynn	Sobel
Detert	Margolis	Storms
Diaz de la Portilla	Montford	Thrasher
Dockery	Negron	Wise
Evers	Oelrich	
Flores	Rich	

Nays—None

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed CS for HJR 7111 by the required constitutional three-fifths vote of the membership as further amended, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for HJR 7111—A joint resolution proposing an amendment to Section 3 of Article I of the State Constitution to provide that an individual may not be barred from participating in any public program because of choosing to use public benefits at a religious provider and to delete a prohibition against using public revenues in aid of any church, sect, or religious denomination or any sectarian institution.

House Amendment 1 (611389) (with title amendment) to Senate Amendment 1—Remove lines 5-424 and insert: That the following revision to Sections 2, 11, and 12 of Article V of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE V

JUDICIARY

SECTION 2. Administration; practice and procedure.—

(a) The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought. The supreme court shall adopt rules to allow *it* ~~the court~~ and the district courts of appeal to submit questions relating to military law to the federal Court of Appeals for the Armed Forces for an advisory opinion. Rules of court may be repealed by general law *that expresses the policy behind the repeal* ~~enacted by two-thirds vote of the membership of each house of the legislature~~. *The court may readopt the repealed rule only in conformity with the public policy expressed by the legislature. If the legislature determines that a rule has been readopted and repeals the readopted rule, the rule may not be readopted thereafter without prior approval of the legislature.*

(b) The chief justice of the supreme court shall be chosen by a majority of the members of the court; shall be the chief administrative officer of the judicial system; and shall have the power to assign justices or judges, including consenting retired justices or judges, to temporary duty in any court for which the judge is qualified and to delegate to a chief judge of a judicial circuit the power to assign judges for duty in that circuit.

(c) A chief judge for each district court of appeal shall be chosen by a majority of the judges thereof or, if there is no majority, by the chief justice. The chief judge shall be responsible for the administrative supervision of the court.

(d) A chief judge in each circuit shall be chosen from among the circuit judges as provided by supreme court rule. The chief judge *of a circuit* shall be responsible for the administrative supervision of the circuit courts and county courts in *the* ~~his~~ circuit.

SECTION 11. Vacancies.—

(a) Whenever a vacancy occurs in a judicial office to which election for retention applies, the governor shall fill the vacancy by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission.

(b) The governor shall fill each vacancy on a circuit court or on a county court, wherein the judges are elected by a majority vote of the electors, by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission. An election shall be held to fill that judicial office for the term of the office beginning at the end of the appointed term.

(c) The nominations shall be made within thirty days from the occurrence of a vacancy unless the period is extended by the governor for a time not to exceed thirty days. The governor shall make the appointment within sixty days after the nominations have been certified to the governor.

(d) Each appointment of a justice of the supreme court is subject to confirmation by the senate. The senate may sit for the purpose of confirmation regardless of whether the house of representatives is in session or not. If the senate fails to vote on the appointment of a justice within 90 days, the justice shall be deemed confirmed. If the senate votes to not confirm the appointment, the supreme court judicial nominating commission shall reconvene as though a new vacancy had occurred but may not renominate any person whose prior appointment to fill the same vacancy was not confirmed by the senate. The appointment of a justice is effective upon confirmation by the senate.

(e)~~(d)~~ There shall be a separate judicial nominating commission as provided by general law for the supreme court, *one for* each district court of appeal, and *one for* each judicial circuit for all trial courts within the circuit. Uniform rules of procedure shall be established by the judicial

nominating commissions at each level of the court system. Such rules, or any part thereof, may be repealed by general law ~~enacted by a majority vote of the membership of each house of the legislature~~, or by the supreme court, five justices concurring. Except for deliberations of the judicial nominating commissions, the proceedings of the commissions and their records shall be open to the public.

SECTION 12. Discipline; removal and retirement.—

(a) JUDICIAL QUALIFICATIONS COMMISSION.—A judicial qualifications commission is created.

(1) There shall be a judicial qualifications commission vested with jurisdiction to investigate and recommend to the Supreme Court of Florida the removal from office of any justice or judge whose conduct, during term of office or otherwise, ~~occurring on or after November 1, 1966, (without regard to the effective date of this section)~~ demonstrates a present unfitness to hold office, and to investigate and recommend the discipline of a justice or judge whose conduct, during term of office or otherwise ~~occurring on or after November 1, 1966 (without regard to the effective date of this section)~~, warrants such discipline. For purposes of this section, discipline is defined as any or all of the following: reprimand, fine, suspension with or without pay, or lawyer discipline. The commission shall have jurisdiction over justices and judges regarding allegations that misconduct occurred before or during service as a justice or judge if a complaint is made no later than one year following service as a justice or judge. The commission shall have jurisdiction regarding allegations of incapacity during service as a justice or judge. The commission shall be composed of:

a. Two judges of district courts of appeal selected by the judges of those courts, two circuit judges selected by the judges of the circuit courts and two judges of county courts selected by the judges of those courts;

b. Four electors who reside in the state, who are members of the bar of Florida, and who shall be chosen by the governing body of the bar of Florida; and

c. Five electors who reside in the state, who have never held judicial office or been members of the bar of Florida, and who shall be appointed by the governor.

(2) The members of the judicial qualifications commission shall serve staggered terms, not to exceed six years, as prescribed by general law. No member of the commission except a judge shall be eligible for state judicial office while acting as a member of the commission and for a period of two years thereafter. No member of the commission shall hold office in a political party or participate in any campaign for judicial office or hold public office; provided that a judge may campaign for judicial office and hold that office. The commission shall elect one of its members as its chairperson.

(3) Members of the judicial qualifications commission not subject to impeachment shall be subject to removal from the commission pursuant to the provisions of Article IV, Section 7, Florida Constitution.

(4) The commission shall adopt rules regulating its proceedings, the filling of vacancies by the appointing authorities, the disqualification of members, the rotation of members between the panels, and the temporary replacement of disqualified or incapacitated members. The commission's rules, or any part thereof, may be repealed by general law ~~enacted by a majority vote of the membership of each house of the legislature,~~ or by the supreme court, five justices concurring. The commission shall have power to issue subpoenas. Until formal charges against a justice or judge are filed by the investigative panel with the clerk of the supreme court of Florida all proceedings by or before the commission shall be confidential; provided, however, upon a finding of probable cause and the filing by the investigative panel with said clerk of such formal charges against a justice or judge such charges and all further proceedings before the commission shall be public.

(5) The commission shall have access to all information from all executive, legislative and judicial agencies, including grand juries, subject to the rules of the commission. At any time, on request of the speaker of the house of representatives ~~or the governor~~, the commission shall make available *to the house of representatives* all information in the possession of the commission*, which information shall remain confidential during any investigation and until such information is used in the pursuit* ~~for use in consideration~~ of impeachment ~~or suspension, respectively~~.

(b) PANELS.—The commission shall be divided into an investigative panel and a hearing panel as established by rule of the commission. The investigative panel is vested with the jurisdiction to receive or initiate complaints, conduct investigations, dismiss complaints, and upon a vote of a simple majority of the panel submit formal charges to the hearing panel. The hearing panel is vested with the authority to receive and hear formal charges from the investigative panel and upon a two-thirds vote of the panel recommend to the supreme court the removal of a justice or judge or the involuntary retirement of a justice or judge for any permanent disability that seriously interferes with the performance of judicial duties. Upon a simple majority vote of the membership of the hearing panel, the panel may recommend to the supreme court that the justice or judge be subject to appropriate discipline.

(c) SUPREME COURT.—The supreme court shall receive recommendations from the judicial qualifications commission's hearing panel.

(1) The supreme court may accept, reject, or modify in whole or in part the findings, conclusions, and recommendations of the commission and it may order that the justice or judge be subjected to appropriate discipline, or be removed from office with termination of compensation for willful or persistent failure to perform judicial duties or for other conduct unbecoming a member of the judiciary demonstrating a present unfitness to hold office, or be involuntarily retired for any permanent disability that seriously interferes with the performance of judicial duties. Malafides, scienter or moral turpitude on the part of a justice or judge shall not be required for removal from office of a justice or judge whose conduct demonstrates a present unfitness to hold office. After the filing of a formal proceeding and upon request of the investigative panel, the supreme court may suspend the justice or judge from office, with or without compensation, pending final determination of the inquiry.

(2) The supreme court may award costs to the prevailing party.

(d) *REMOVAL POWER.*—The power of removal conferred by this section shall be both alternative and cumulative to the power of impeachment.

(e) *PROCEEDINGS INVOLVING SUPREME COURT JUSTICE.*—Notwithstanding any of the foregoing provisions of this section, if the person who is the subject of proceedings by the judicial qualifications commission is a justice of the supreme court of Florida all justices of such court automatically shall be disqualified to sit as justices of such court with respect to all proceedings therein concerning such person and the supreme court for such purposes shall be composed of a panel consisting of the seven chief judges of the judicial circuits of the state of Florida most senior in tenure of judicial office as circuit judge. For purposes of determining seniority of such circuit judges in the event there be judges of equal tenure in judicial office as circuit judge the judge or judges from the lower numbered circuit or circuits shall be deemed senior. In the event any such chief circuit judge is under investigation by the judicial qualifications commission or is otherwise disqualified or unable to serve on the panel, the next most senior chief circuit judge or judges shall serve in place of such disqualified or disabled chief circuit judge.

(f) SCHEDULE TO SECTION 12.—

(1) Except to the extent inconsistent with the provisions of this section, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the constitution.

(2) After this section becomes effective and until adopted by rule of the commission consistent with it:

a. The commission shall be divided, as determined by the chairperson, into one investigative panel and one hearing panel to meet the responsibilities set forth in this section.

b. The investigative panel shall be composed of:

1. Four judges,

2. Two members of the bar of Florida, and

3. Three non-lawyers.

c. The hearing panel shall be composed of:

1. Two judges,

2. Two members of the bar of Florida, and

3. Two non-lawyers.

d. Membership on the panels may rotate in a manner determined by the rules of the commission provided that no member shall vote as a member of the investigative and hearing panel on the same proceeding.

e. The commission shall hire separate staff for each panel.

f. The members of the commission shall serve for staggered terms of six years.

~~g. The terms of office of the present members of the judicial qualifications commission shall expire upon the effective date of the amendments to this section approved by the legislature during the regular session of the legislature in 1996 and new members shall be appointed to serve the following staggered terms:~~

~~1. Group I.—The terms of five members, composed of two electors as set forth in s. 12(a)(1)c. of Article V, one member of the bar of Florida as set forth in s. 12(a)(1)b. of Article V, one judge from the district courts of appeal and one circuit judge as set forth in s. 12(a)(1)a. of Article V, shall expire on December 31, 1998.~~

~~2. Group II.—The terms of five members, composed of one elector as set forth in s. 12(a)(1)c. of Article V, two members of the bar of Florida as set forth in s. 12(a)(1)b. of Article V, one circuit judge and one county judge as set forth in s. 12(a)(1)a. of Article V shall expire on December 31, 2000.~~

~~3. Group III.—The terms of five members, composed of two electors as set forth in s. 12(a)(1)c. of Article V, one member of the bar of Florida as set forth in s. 12(a)(1)b., one judge from the district courts of appeal and one county judge as set forth in s. 12(a)(1)a. of Article V, shall expire on December 31, 2002.~~

g.~~h.~~ An appointment to fill a vacancy of the commission shall be for the remainder of the term.

h.~~i.~~ Selection of members by district courts of appeal judges, circuit judges, and county court judges, shall be by no less than a majority of the members voting at the respective courts' conferences. Selection of members by the board of governors of the bar of Florida shall be by no less than a majority of the board.

i.~~j.~~ The commission shall be entitled to recover the costs of investigation and prosecution, in addition to any penalty levied by the supreme court.

j.~~k.~~ The compensation of members and referees shall be the travel expenses or transportation and per diem allowance as provided by general law.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE V, SECTIONS 2, 11, AND 12

STATE COURTS.—Proposing a revision of Article V of the State Constitution relating to the judiciary.

The State Constitution authorizes the Supreme Court to adopt rules for the practice and procedure in all courts. The constitution further provides that a rule of court may be repealed by a general law enacted by a two-thirds vote of the membership of each house of the Legislature. This proposed constitutional revision eliminates the requirement that a general law repealing a court rule pass by a two-thirds vote of each house, thereby providing that the Legislature may repeal a rule of court by a general law approved by a majority vote of each house of the Legislature that expresses the policy behind the repeal. The court could readopt the rule in conformity with the public policy expressed by the Legislature, but if the Legislature determines that a rule has been readopted and repeals the readopted rule, this proposed revision prohibits the court from further readopting the repealed rule without the Legislature's prior approval. Under current law, rules of the judicial nominating commissions and the Judicial Qualifications Commission may be repealed by general law enacted by a majority vote of the membership of each house of the Legislature. Under this proposed revision, a vote to repeal those rules is changed to repeal by general law enacted by a majority vote of the legislators present.

Under current law, the Governor appoints a justice of the Supreme Court from a list of nominees provided by a judicial nominating commission, and appointments by the Governor are not subject to confirmation. This revision requires Senate confirmation of a justice of the Supreme Court before the appointee can take office. If the Senate votes not to confirm the appointment, the judicial nominating commission must reconvene and may not renominate any person whose prior appointment to fill the same vacancy was not confirmed by the Senate. For the purpose of confirmation, the Senate may meet at any time. If the Senate fails to vote on the appointment of a justice within 90 days, the justice will be deemed confirmed and will take office.

The Judicial Qualifications Commission is an independent commission created by the State Constitution to investigate and prosecute before the Florida Supreme Court alleged misconduct by a justice or judge. Currently under the constitution, commission proceedings are confidential until formal charges are filed by the investigative panel of the commission. Once formal charges are filed, the formal charges and all further proceedings of the commission are public. Currently, the constitution authorizes the House of Representatives to impeach a justice or judge. Further, the Speaker of the House of Representatives may request, and the Judicial Qualifications Commission must make available, all information in the commission's possession for use in deciding whether to impeach a justice or judge. This proposed revision requires the commission to make all of its files available to the Speaker of the House of Representatives but provides that such files would remain confidential during any investigation by the House of Representatives and until such information is used in the pursuit of an impeachment of a justice or judge. This revision also removes the power of the Governor to request files of the Judicial Qualifications Commission to conform to a prior constitutional change.

This revision also makes technical and clarifying additions and deletions relating to the selection of chief judges of a circuit and relating to the Judicial Qualifications Commission, and makes other nonsubstantive conforming and technical changes in the judicial article of the constitution.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot if a court declares the preceding statement defective and the decision of the court is not reversed:

CONSTITUTIONAL AMENDMENT

ARTICLE V, SECTIONS 2, 11, AND 12

JUDICIARY.—Proposing a revision of the Judiciary Article of the Florida Constitution; revising standards and procedures for legislative repeal of a court rule and the Supreme Court's readoption of a rule repealed by the Legislature; providing for Senate confirmation of an appointment of a Supreme Court justice; allowing the House of Representatives to review confidential files of the Judicial Qualifications Commission under any circumstances; providing that such files shall remain confidential until the House of Representatives initiates impeachment proceedings; and making other technical, clarifying, and conforming revisions.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot if a court declares the preceding statements defective and the decision of the court is not reversed:

CONSTITUTIONAL AMENDMENT

ARTICLE V, SECTIONS 2, 11, AND 12

STATE COURTS.—Proposing a revision to Article V of the State Constitution relating to the judiciary; changing the authority of the

Legislature to repeal a court rule by two-thirds vote of the membership of each house to a simple majority of each house; limiting the Supreme Court's ability to readopt a rule repealed by the Legislature; requiring Senate confirmation before a justice may take office; providing that if the Senate does not act within 90 days the nominee is deemed confirmed as a justice; allowing the Senate to meet outside of regular session without having the House of Representatives convene at the same time; deleting outdated references related to the Judicial Qualifications Commission; requiring the Judicial Qualifications Commission to provide the House of Representatives access to records; providing for confidentiality of records provided to the House of Representatives until impeachment is initiated; making conforming and technical changes.

And the title is amended as follows:

Remove lines 431-444 and insert: A joint resolution proposing a revision of Article V of the State Constitution, relating to the judiciary, consisting of amendments to Sections 2, 11, and 12 of Article V of the State Constitution; revising provisions relating to repeal of court rules; limiting readoption of a repealed court rule; providing for Senate confirmation of Supreme Court justices; requiring the Judicial Qualifications Commission to make all of its files available to the Speaker of the House of Representatives; providing for confidentiality of records provided to the House of Representatives until impeachment is initiated; making other conforming and modernizing changes to the State Constitution regarding the judicial branch.

On motion by Senator Bogdanoff, the Senate concurred in the House amendment to the Senate amendment.

CS for HJR 7111 as amended was read in full as follows: A joint resolution proposing a revision of Article V of the State Constitution, relating to the judiciary, consisting of amendments to Sections 2, 3, 4, 7, 11, 12, and 14 of Article V, and the creation of Section 21 of Article V, of the State Constitution to divide the current Supreme Court into two divisions, one hearing civil cases and the other hearing criminal cases; providing for administration of the divisions; defining the jurisdiction of the divisions; providing for transition from the present Supreme Court; revising provisions relating to repeal of court rules; limiting readoption of a repealed court rule; providing for Senate confirmation of Supreme Court justices; expanding the jurisdiction of the Supreme Court; requiring the Judicial Qualifications Commission to make all of its files available to the Speaker of the House of Representatives; revising provisions relating to repeal of commission rules; requiring that a specified minimum percentage of general revenue funds be appropriated to the courts; making other conforming and modernizing changes to the State Constitution regarding the judicial system.

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

That the following amendments to Sections 2, 3, 4, 7, 11, 12, and 14 of Article V, and the creation of Section 21 of Article V, of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE V

JUDICIARY

SECTION 2. Administration; practice and procedure.—

(a) The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought. The supreme court shall adopt rules to allow *it* ~~the court~~ and the district courts of appeal to submit questions relating to military law to the federal Court of Appeals for the Armed Forces for an advisory opinion. Rules of court may be repealed by general law *that expresses the policy behind the repeal* ~~enacted by two-thirds vote of the membership of each house of the legislature~~. *The court may readopt the repealed rule only in conformity with the public policy expressed by the legislature. If the legislature repeals the readopted rule, the rule may not be readopted thereafter without prior approval of the legislature. The divisions of the court shall meet jointly to adopt rules or the court may designate a division to adopt any specific class of rules.*

(b)*(1)* The chief justice of the supreme court *of Florida* shall be ~~chosen by a majority of the members of the court; shall be~~ the chief administrative officer of the judicial system~~;~~ and shall have the power to assign justices or judges, including consenting retired justices or judges, to temporary duty in any court for which the judge is qualified and to delegate to a chief judge of a judicial circuit the power to assign judges for duty in that circuit.

(2) The chief justice of a division of the supreme court shall be designated by the governor, subject to confirmation by the senate. The chief justices of the divisions shall serve staggered terms of eight years and shall be the chief administrative officers of their respective divisions. In the second half of any term as chief justice of a division, the chief justice shall serve as the chief justice of the supreme court. A justice may serve more than one term as chief justice of the division. A chief justice of a division is subject to the same requirements of eligibility and retention as a justice of the supreme court.

(3) If there is a vacancy in the position of chief justice of a division, the justice who has served the most time with the division shall be the acting chief justice until a new chief justice of the division is appointed and confirmed for the remainder of the term.

(c) A chief judge for each district court of appeal shall be chosen by a majority of the judges thereof or, if there is no majority, by the chief justice. The chief judge *of a district court* shall be responsible for the administrative supervision of the *district* court.

(d) A chief judge in each circuit shall be chosen from among the circuit judges as provided by supreme court rule. The chief judge *of a circuit* shall be responsible for the administrative supervision of the circuit courts and county courts in *the* ~~his~~ circuit.

SECTION 3. Supreme court*; divisions*.—

(a) ORGANIZATION.—The supreme court shall consist of *ten* ~~seven~~ justices*. Of the ten justices, five justices shall serve in the civil division and five justices shall serve in the criminal division. In each division* ~~Of the seven justices~~, each appellate district shall have at least one justice ~~elected or~~ appointed from the district to the supreme court *division* who is a resident of the district at the time of the original appointment ~~or election~~. *Four* ~~Five~~ justices *of a division* shall constitute a quorum *for that division and*~~.~~ the concurrence of *three* ~~four~~ justices shall be necessary to a decision. When *vacancies or* recusals for cause would prohibit the court from convening because of the requirements of this *subsection* ~~section~~, judges assigned to temporary duty may be substituted for justices. *The justices of both divisions, with seven justices constituting a quorum, shall jointly meet regarding disciplinary cases, and may jointly meet at the discretion of the chief justice regarding court rules or administrative supervision of the courts. The justices shall not otherwise meet en banc.*

(b) JURISDICTION.—The *appropriate division of the* supreme court:

(1) Shall hear appeals from ~~final judgments of trial courts imposing the death penalty and from~~ decisions of district courts of appeal declaring invalid a state statute or a provision of the state constitution.

(2) When provided by general law, shall hear appeals from final judgments entered in proceedings for the validation of bonds or certificates of indebtedness and shall review action of statewide agencies relating to rates or service of utilities providing electric, gas, or telephone service. *Only the civil division may have jurisdiction pursuant to this paragraph.*

(3) May review any decision of a district court of appeal that expressly declares valid a state statute, or that expressly construes a provision of the state or federal constitution, or that expressly affects a class of constitutional or state officers, or that ~~expressly and directly~~ conflicts with a decision of another district court of appeal or of the supreme court on the same question of law*, provided that the conflict appears on the face of the majority, concurring, or dissenting district court opinion*.

(4) May review any decision of a district court of appeal that passes upon a question certified by *the district court of appeal* ~~it~~ to be of great

public importance, *that appears to a division to be of great public importance based on information on the face of the majority, concurring, or dissenting district court opinion,* or that is certified by *the district court of appeal* ~~it~~ to be in direct conflict with a decision of another district court of appeal.

(5) May review any order or judgment of a trial court certified by the district court of appeal in which an appeal is pending to be of great public importance, or to have a great effect on the proper administration of justice throughout the state, and certified to require immediate resolution by the supreme court.

(6) May review a question of law certified by the Supreme Court of the United States or a United States Court of Appeals which is determinative of the cause and for which there is no controlling precedent of the supreme court of Florida.

(7) May issue writs of prohibition to courts and all writs necessary to the complete exercise of its jurisdiction.

(8) May issue writs of mandamus and quo warranto to state officers and state agencies.

(9) May, or any justice may, issue writs of habeas corpus returnable before the supreme court or any justice, a district court of appeal or any judge thereof, or any circuit judge. *Only a justice in the criminal division may issue a writ of habeas corpus in a criminal case.*

(10) Shall, when requested by the attorney general pursuant to the provisions of Section 10 of Article IV, render an advisory opinion of the justices, addressing issues as provided by general law.

(11) Shall hear appeals from final judgments of trial courts imposing the death penalty. Only the criminal division has any jurisdiction pursuant to this paragraph.

(c) ASSIGNMENT OF CASES TO DIVISIONS.—Criminal and civil cases are to be referred to each division in a manner consistent with this section.

(1) A criminal case is any case or controversy primarily involving the commission of a felony or misdemeanor. A criminal case shall also include any case or controversy involving criminal law, criminal penalties, criminal procedure, juvenile delinquency, or any related action regarding the interpretation of or resolution of matters directly affecting the criminal law. Equitable relief related to the criminal law, including actions in which a party seeks to enjoin the application or form of a criminal penalty, shall be within the jurisdiction of the criminal division.

(2) A civil case is any case or controversy within the traditional concepts of civil law, including tort, contract, family law, probate, trusts, real property, employment law, taxation, and elections. The civil division shall have no jurisdiction or authority, whether express or implied, to issue a stay of execution or to hear any challenge of any law or procedure regarding the death penalty or the administration of a criminal penalty.

(3) The legislature may, by general law, further define the types of cases that are to be referred to each division in a manner consistent with this section.

(d) JURISDICTIONAL CONFLICTS.—If both divisions assert jurisdiction over a particular case, the chief justice of the supreme court of Florida shall decide where jurisdiction is appropriate.

~~(c) CLERK AND MARSHAL. The supreme court shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the state, and in any county may deputize the sheriff or a deputy sheriff for such purpose.~~

SECTION 4. District courts of appeal.—

(a) ORGANIZATION.—There shall be a district court of appeal serving each appellate district. Each district court of appeal shall consist of at least three judges. Three judges shall consider each case and the concurrence of two shall be necessary to a decision.

(b) JURISDICTION.—

(1) District courts of appeal shall have jurisdiction to hear appeals, that may be taken as a matter of right, from final judgments or orders of trial courts, including those entered on review of administrative action, not directly appealable to the supreme court or a circuit court. They may review interlocutory orders in such cases to the extent provided by rules adopted by the supreme court.

(2) District courts of appeal shall have the power of direct review of administrative action, as prescribed by general law.

(3) A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before the court or any judge thereof or before any circuit judge within the territorial jurisdiction of the court. A district court of appeal may issue writs of mandamus, certiorari, prohibition, quo warranto, and other writs necessary to the complete exercise of its jurisdiction. To the extent necessary to dispose of all issues in a cause properly before it, a district court of appeal may exercise any of the appellate jurisdiction of the circuit courts.

~~(c) CLERKS AND MARSHALS. Each district court of appeal shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the territorial jurisdiction of the court, and in any county may deputize the sheriff or a deputy sheriff for such purpose.~~

SECTION 7. Specialized divisions.—*The supreme court shall sit in a civil division and a criminal division, except where specifically authorized in this article to sit jointly.* All *other* courts ~~except the supreme court~~ may sit in divisions as may be established by general law. A circuit or county court may hold civil and criminal trials and hearings in any place within the territorial jurisdiction of the court as designated by the chief judge of the circuit.

SECTION 11. Vacancies.—

(a) Whenever a vacancy occurs in a judicial office to which election for retention applies, the governor shall fill the vacancy by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission.

(b) The governor shall fill each vacancy on a circuit court or on a county court, wherein the judges are elected by a majority vote of the electors, by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission. An election shall be held to fill that judicial office for the term of the office beginning at the end of the appointed term.

(c) The nominations shall be made within thirty days from the occurrence of a vacancy unless the period is extended by the governor for a time not to exceed thirty days. The governor shall make the appointment within sixty days after the nominations have been certified to the governor.

(d) Each appointment of a justice of the supreme court is subject to confirmation by the senate. The senate may sit for the purpose of confirmation regardless of whether the house of representatives is in session or not. If the senate fails to vote on the appointment of a justice within 90 days, the justice shall be deemed confirmed. If the senate votes to not confirm the appointment, the supreme court judicial nominating commission shall reconvene as though a new vacancy had occurred but may not renominate any person whose prior appointment to fill the same vacancy was not confirmed by the senate. The appointment of a justice is effective upon confirmation by the senate. A justice in one division may apply for a position in the other division but may not concurrently serve on both.

(e)~~(d)~~ There shall be a separate judicial nominating commission as provided by general law for the supreme court, *one for* each district court of appeal, and *one for* each judicial circuit for all trial courts within the circuit. Uniform rules of procedure shall be established by the judicial

nominating commissions at each level of the court system. Such rules, or any part thereof, may be repealed by general law enacted by a majority vote of the membership of each house of the legislature, or by *a majority vote of the justices of each division of* the supreme court~~, five justices concurring~~. Except for deliberations of the judicial nominating commissions, the proceedings of the commissions and their records shall be open to the public.

SECTION 12. Discipline; removal and retirement.—

(a) JUDICIAL QUALIFICATIONS COMMISSION.—A judicial qualifications commission is created.

(1) There shall be a judicial qualifications commission vested with jurisdiction to investigate and recommend to the Supreme Court of Florida the removal from office of any justice or judge whose conduct, during term of office or otherwise*,* ~~occurring on or after November 1, 1966, (without regard to the effective date of this section)~~ demonstrates a present unfitness to hold office, and to investigate and recommend the discipline of a justice or judge whose conduct, during term of office or otherwise ~~occurring on or after November 1, 1966 (without regard to the effective date of this section)~~, warrants such discipline. For purposes of this section, discipline is defined as any or all of the following: reprimand, fine, suspension with or without pay, or lawyer discipline. The commission shall have jurisdiction over justices and judges regarding allegations that misconduct occurred before or during service as a justice or judge if a complaint is made no later than one year following service as a justice or judge. The commission shall have jurisdiction regarding allegations of incapacity during service as a justice or judge. The commission shall be composed of:

a. Two judges of district courts of appeal selected by the judges of those courts, two circuit judges selected by the judges of the circuit courts and two judges of county courts selected by the judges of those courts;

b. Four electors who reside in the state, who are members of the bar of Florida, and who shall be chosen by the governing body of the bar of Florida; and

c. Five electors who reside in the state, who have never held judicial office or been members of the bar of Florida, and who shall be appointed by the governor.

(2) The members of the judicial qualifications commission shall serve staggered terms, not to exceed six years, as prescribed by general law. No member of the commission except a judge shall be eligible for state judicial office while acting as a member of the commission and for a period of two years thereafter. No member of the commission shall hold office in a political party or participate in any campaign for judicial office or hold public office; provided that a judge may campaign for judicial office and hold that office. The commission shall elect one of its members as its chairperson.

(3) Members of the judicial qualifications commission not subject to impeachment shall be subject to removal from the commission pursuant to the provisions of Article IV, Section 7, Florida Constitution.

(4) The commission shall adopt rules regulating its proceedings, the filling of vacancies by the appointing authorities, the disqualification of members, the rotation of members between the panels, and the temporary replacement of disqualified or incapacitated members. The commission's rules, or any part thereof, may be repealed by general law ~~enacted by a majority vote of the membership of each house of the legislature,~~ or by the supreme court, *seven* ~~five~~ justices concurring. The commission shall have power to issue subpoenas. Until formal charges against a justice or judge are filed by the investigative panel with the clerk of the supreme court of Florida all proceedings by or before the commission shall be confidential; provided, however, upon a finding of probable cause and the filing by the investigative panel with said clerk of such formal charges against a justice or judge such charges and all further proceedings before the commission shall be public.

(5) The commission shall have access to all information from all executive, legislative and judicial agencies, including grand juries, subject to the rules of the commission. At any time, on request of the speaker of the house of representatives ~~or the governor~~, the commission shall make available *to the house of representatives* all information in the possession of the commission*, which information shall remain confidential during any investigation and until such information is used in the pursuit* ~~for use in consideration~~ of impeachment ~~or suspension, respectively~~.

(b) PANELS.—The commission shall be divided into an investigative panel and a hearing panel as established by rule of the commission. The investigative panel is vested with the jurisdiction to receive or initiate complaints, conduct investigations, dismiss complaints, and upon a vote of a simple majority of the panel submit formal charges to the hearing panel. The hearing panel is vested with the authority to receive and hear formal charges from the investigative panel and upon a two-thirds vote of the panel recommend to the supreme court the removal of a justice or judge or the involuntary retirement of a justice or judge for any permanent disability that seriously interferes with the performance of judicial duties. Upon a simple majority vote of the membership of the hearing panel, the panel may recommend to the supreme court that the justice or judge be subject to appropriate discipline.

(c) SUPREME COURT.—The supreme court shall receive recommendations from the judicial qualifications commission's hearing panel.

(1) The supreme court may accept, reject, or modify in whole or in part the findings, conclusions, and recommendations of the commission and it may order that the justice or judge be subjected to appropriate discipline, or be removed from office with termination of compensation for willful or persistent failure to perform judicial duties or for other conduct unbecoming a member of the judiciary demonstrating a present unfitness to hold office, or be involuntarily retired for any permanent disability that seriously interferes with the performance of judicial duties. Malafides, scienter or moral turpitude on the part of a justice or judge shall not be required for removal from office of a justice or judge whose conduct demonstrates a present unfitness to hold office. After the filing of a formal proceeding and upon request of the investigative panel, the supreme court may suspend the justice or judge from office, with or without compensation, pending final determination of the inquiry.

(2) The supreme court may award costs to the prevailing party.

(d) *REMOVAL POWER.*—The power of removal conferred by this section shall be both alternative and cumulative to the power of impeachment.

(e) *PROCEEDINGS INVOLVING SUPREME COURT JUSTICE.*—Notwithstanding any of the foregoing provisions of this section, if the person who is the subject of proceedings by the judicial qualifications commission is a justice of the supreme court of Florida all justices of such court automatically shall be disqualified to sit as justices of such court with respect to all proceedings therein concerning such person and the supreme court for such purposes shall be composed of a panel consisting of the seven chief judges of the judicial circuits of the state of Florida most senior in tenure of judicial office as circuit judge. For purposes of determining seniority of such circuit judges in the event there be judges of equal tenure in judicial office as circuit judge the judge or judges from the lower numbered circuit or circuits shall be deemed senior. In the event any such chief circuit judge is under investigation by the judicial qualifications commission or is otherwise disqualified or unable to serve on the panel, the next most senior chief circuit judge or judges shall serve in place of such disqualified or disabled chief circuit judge.

(f) SCHEDULE TO SECTION 12.—

(1) Except to the extent inconsistent with the provisions of this section, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the constitution.

(2) After this section becomes effective and until adopted by rule of the commission consistent with it:

a. The commission shall be divided, as determined by the chairperson, into one investigative panel and one hearing panel to meet the responsibilities set forth in this section.

b. The investigative panel shall be composed of:

1. Four judges,

2. Two members of the bar of Florida, and

3. Three non-lawyers.

c. The hearing panel shall be composed of:

1. Two judges,

2. Two members of the bar of Florida, and

3. Two non-lawyers.

d. Membership on the panels may rotate in a manner determined by the rules of the commission provided that no member shall vote as a member of the investigative and hearing panel on the same proceeding.

e. The commission shall hire separate staff for each panel.

f. The members of the commission shall serve for staggered terms of six years.

~~g. The terms of office of the present members of the judicial qualifications commission shall expire upon the effective date of the amendments to this section approved by the legislature during the regular session of the legislature in 1996 and new members shall be appointed to serve the following staggered terms:~~

~~1. Group I. The terms of five members, composed of two electors as set forth in s. 12(a)(1)c. of Article V, one member of the bar of Florida as set forth in s. 12(a)(1)b. of Article V, one judge from the district courts of appeal and one circuit judge as set forth in s. 12(a)(1)a. of Article V, shall expire on December 31, 1998.~~

~~2. Group II. The terms of five members, composed of one elector as set forth in s. 12(a)(1)c. of Article V, two members of the bar of Florida as set forth in s. 12(a)(1)b. of Article V, one circuit judge and one county judge as set forth in s. 12(a)(1)a. of Article V shall expire on December 31, 2000.~~

~~3. Group III. The terms of five members, composed of two electors as set forth in s. 12(a)(1)c. of Article V, one member of the bar of Florida as set forth in s. 12(a)(1)b., one judge from the district courts of appeal and one county judge as set forth in s. 12(a)(1)a. of Article V, shall expire on December 31, 2002.~~

g.~~h.~~ An appointment to fill a vacancy of the commission shall be for the remainder of the term.

h.~~i.~~ Selection of members by district courts of appeal judges, circuit judges, and county court judges, shall be by no less than a majority of the members voting at the respective courts' conferences. Selection of members by the board of governors of the bar of Florida shall be by no less than a majority of the board.

i.~~j.~~ The commission shall be entitled to recover the costs of investigation and prosecution, in addition to any penalty levied by the supreme court.

j.~~k.~~ The compensation of members and referees shall be the travel expenses or transportation and per diem allowance as provided by general law.

SECTION 14. Funding.—

(a) All justices and judges shall be compensated only by state salaries fixed by general law. Funding for the state courts system, state attorneys' offices, public defenders' offices, and court-appointed counsel, except as otherwise provided in subsection (c), shall be provided from state revenues appropriated by general law.

(b) All funding for the offices of the clerks of the circuit and county courts performing court-related functions, except as otherwise provided in this subsection and subsection (c), shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law. Selected salaries, costs, and expenses of the state courts system may be funded from appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions, as provided by general law. Where the requirements of either the United States Constitution or the Constitution of the State of Florida preclude the imposition of filing fees for judicial proceedings and service charges and costs for performing court-related functions sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, the state shall provide, as determined by the legislature, adequate and appropriate supplemental funding from state revenues appropriated by general law.

(c) No county or municipality, except as provided in this subsection, shall be required to provide any funding for the state courts system, state attorneys' offices, public defenders' offices, court-appointed counsel or the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall be required to fund the cost of communications services, existing radio systems, existing multi-agency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall also pay reasonable and necessary salaries, costs, and expenses of the state courts system to meet local requirements as determined by general law.

(d) The judiciary shall have no power to fix appropriations.

(e) The total appropriation of all fund sources to the judicial branch shall equal no less than 2.25 percent of the total general revenue funds appropriated in the general appropriation bill referred to in Section 19(b) of Article III. Any adjustments to the total appropriations of all fund sources to the judicial branch made in any special appropriations act shall equal no more than the percent of total general revenue appropriations adjusted in such special appropriations act.

For purposes of this subsection, the judicial branch does not include the Justice Administrative Commission or any of the entities for which the Justice Administrative Commission provides administrative services.

SECTION 21. Schedule to Article V revision increasing the membership of the supreme court and creating divisions thereof.—

(a) Except to the extent inconsistent with this article, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the constitution.

(b) The effective date of the revision creating two

divisions of the supreme court shall be upon passage by the electorate.

(1) On the first day after the election approving the revision, the supreme court shall rank all of the justices then

in office by seniority in service on the supreme court. The three who have the most seniority shall be the initial justices assigned to the criminal division, and the remaining justices shall be the initial justices assigned to the civil division. Initial appointments of existing justices to either division shall not be limited by the district court from which the justice was appointed. A justice assigned to a division of the supreme court pursuant to this paragraph shall remain in the same term of office and shall sit for future retention elections on the same cycle. The supreme court shall immediately transmit to the governor the names of the justices, their division assignments, and the districts from which they were appointed. The governor shall then direct the supreme court nominating commission to make its recommendations for the open seats of justices for both divisions, which recommendations must be delivered to the governor no later than the 60th day after the election. Before the 90th day after the election, the governor shall make the appointments for the open seats of justices for both divisions and shall also designate the chief justices of each division. The appointments and designations shall, in this instance only, not be subject to the advice and consent of the senate.

(2) The supreme court shall inventory all cases in its possession and determine as to each case whether it will be assigned to the criminal division or the civil division. Newly filed cases shall be designated between the two new divisions as they are filed. The supreme court shall retain full jurisdiction and power over all cases until such cases are actually assigned to a division, including the power to issue final process that would have the effect of removing the case from the inventory of cases to be assigned.

(c) The two divisions of the supreme court shall begin formal operations on the 120th day after the election. On that day:

(1) Newly appointed justices shall take office.

(2) The jurisdiction of the supreme court shall be divided between the divisions, the jurisdictional changes in Sections 3(b)(3) and 3(b)(4) shall take effect, and all pending cases shall be assigned to the appropriate division.

(3) The term of the supreme court shall be deemed to have ended. All mandates issued by the supreme court prior to the end of the term shall be final and not subject to recall. No motion for reconsideration shall be considered.

(d) The initial chief justice of the civil division shall also be the chief justice of the supreme court of Florida and shall serve in that position from the 120th day after the election through June 30, 2016. The initial chief justice of the criminal division shall be the chief justice of the criminal division from the 120th day after the election through June 30, 2020. Thereafter, the offices of the chief justices of the divisions shall alternate as provided in Section 2.

(e) All court rules adopted by the supreme court shall continue in full force and effect after the effective date of this revision, subject to future amendment or repeal.

(f) The legislature may, by general law, otherwise provide for the administrative transfer of employees, property, duties, and functions between the divisions.

(g) The change in court funding provided in Section 14(e) shall be effective commencing in fiscal year 2013-2014.

(h) The legislature shall have the power, by concurrent resolution, to delete from this article any subsection of this section 21, including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE V, SECTIONS 2, 3, 4, 7, 11, 12, 14, AND 21

STATE COURTS.—Proposing a revision of Article V of the State Constitution relating to the judiciary.

Under current law, the Florida Supreme Court is the highest court in Florida and hears both civil and criminal cases. It has 7 appointed justices. This revision would divide the current Supreme Court into two divisions, one hearing civil cases and the other hearing criminal cases. Each division would have 5 appointed justices who are permanently assigned. The 3 current justices who have the most service with the Florida Supreme Court would be assigned to the criminal division, the remaining 4 current justices would be assigned to the civil division, and the Governor would appoint 3 new justices to fill the remaining openings in the two divisions. The existing jurisdiction of the Supreme Court would be expanded to allow discretionary review of certain district court of appeal decisions. This revision generally defines the civil law and criminal law jurisdiction of each division, provides for assignment of cases to each respective division, and allows the Legislature, by general law, to further define the jurisdictions of each division. The jurisdiction of a division will be limited to the division's area, whether civil or criminal. The power of justices of the criminal division to hear appeals from final judgments entered in proceedings for the validation of bonds or certificates of indebtedness and to review action of statewide agencies relating to rates or service of utilities providing electric, gas, or telephone service is limited by this revision and granted exclusively to the civil division. The power of justices of the civil division to issue a writ of habeas corpus and to hear appeals from final judgments of trial courts imposing the death penalty is limited by this revision and granted exclusively to the justices of the criminal division. This revision provides that if both divisions assert jurisdiction over a case, the Chief Justice of the Supreme Court of Florida will decide where jurisdiction is appropriate.

This proposed revision also creates a title of chief justice in each of the divisions with an 8-year term. The constitution currently provides that the Chief Justice of the Supreme Court is the administrative head of the state judicial system. This revision provides that the position of Chief Justice of the Supreme Court will rotate every 4 years between the chief justice of the civil division and the chief justice of the criminal division. The constitution currently also provides that the chief justice is chosen by vote of the justices. This revision provides that the initial new justices and the initial chief justice of each division will be selected by the Governor and future chief justices will be selected by the Governor subject to Senate confirmation. A chief justice is, like a regular justice under current law, subject to retention election and mandatory retirement requirements applicable to all Florida justices and judges.

Under current law, the Governor appoints a justice from a list of nominees provided by a judicial nominating commission, and appointments by the Governor are not subject to confirmation. Other than the initial 3 new appointees, this revision requires Senate confirmation of a justice before the appointee can take office. If the Senate votes not to confirm the appointment, the judicial nominating commission must reconvene and may not renominate any person whose prior appointment to fill the same vacancy was not confirmed by the Senate. For the purpose of confirmation, the Senate may meet at any time. If the Senate does not vote against confirmation within 90 days, the justice will be deemed confirmed and will take office.

The State Constitution authorizes the Supreme Court to adopt rules for the practice and procedure in all courts. The constitution further provides that a rule of court may be repealed by a general law enacted by a two-thirds vote of the membership of each house of the Legislature. This proposed constitutional revision eliminates the requirement that a general law repealing a court rule pass by a two-thirds vote of each house. The Legislature could repeal a rule of court by a general law approved by a majority vote of each house of the Legislature that expresses the policy behind the repeal. The court could readopt the rule in conformity with the public policy expressed by the Legislature, but if the Legislature repeals the readopted rule, this proposed revision prohibits the court from readopting the repealed rule without the Legislature's prior approval. Court rules may be adopted by both divisions of the Supreme Court meeting jointly, or the court may elect to divide classes of rules between the divisions.

The Judicial Qualifications Commission is an independent commission created by the State Constitution to investigate and prosecute before the Florida Supreme Court alleged misconduct by a justice or judge. Currently under the constitution, commission proceedings are confidential until formal charges are filed by the investigative panel of the commission. Once formal charges are filed, the formal charges and all further proceedings of the commission are public. Currently, the constitution authorizes the House of Representatives to impeach a justice or judge. Further, the Speaker of the House of Representatives may request, and the Judicial Qualifications Commission must make available, all information in the commission's possession for use in deciding whether to impeach a justice or judge. This proposed revision requires the commission to make all of its files available to the Speaker of the House of Representatives, rather than just the file of a justice or judge under investigation by the House of Representatives. Such files would maintain their confidentiality unless the House of Representatives initiates impeachment proceedings against a justice or judge, in which case the files related to that justice or judge may be open. This revision deletes a requirement that a general law repealing a commission rule be passed by a majority vote of the membership of each house of the Legislature and revises the number of Supreme Court justices needed to repeal such a rule.

State appropriations are made annually by general law. Current law does not require any specific level of funding for any agency or department. This revision requires that the courts be appropriated a minimum of 2.25 percent of general revenue funding beginning with the 2013-2014 fiscal year.

This revision will take effect upon its passage by the electorate and provides a schedule for implementation of its provisions. This revision makes other conforming and modernizing changes to the State Constitution regarding the judicial system, including removing the positions of clerk and marshal of the Supreme Court and the courts of appeal from the constitution; providing for transition to the new divisions; removing outdated schedules related to the Judicial Qualifications Commission; and making conforming and technical changes in the judicial articles of the constitution.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot if a court declares the preceding statement defective and the decision of the court is not reversed:

CONSTITUTIONAL AMENDMENT

ARTICLE V, SECTIONS 2, 3, 4, 7, 11, 12, 14, AND 21

JUDICIARY.—Proposing a revision of the Judiciary Article of the Florida Constitution; reorganizing the Florida Supreme Court into divisions; requiring Senate confirmation for appointment of a Supreme Court justice; providing standards and procedures for legislative repeal of a court rule; providing a minimum level of court funding; allowing legislative review of confidential files of the Judicial Qualifications Commission; providing for transition; and making other ancillary amendments, including, but not limited to, technical and conforming amendments.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot if a court declares the preceding statements defective and the decision of the court is not reversed:

CONSTITUTIONAL AMENDMENT

ARTICLE V, SECTIONS 2, 3, 4, 7, 11, 12, 14, AND 21

STATE COURTS.—Proposing a revision to Article V of the State Constitution relating to the judiciary; changing the authority of the Legislature to repeal a court rule by 2/3 vote of the membership of each house to a simple majority of each house; limiting the Supreme Court's ability to readopt a rule repealed by the Legislature; replacing the current seven-member Supreme Court with two five-member divisions of the Supreme Court, one with civil jurisdiction and one with criminal jurisdiction; establishing a Chief Justice of the Supreme Court who shall serve as the chief administrative officer for the courts; establishing a chief justice for the civil division of the Supreme Court; establishing a chief justice for the criminal division of the Supreme Court; providing for the manner of selection and term for the chief justice of each division of the Supreme Court; changing the manner of designation and term of office of the Chief Justice of the Supreme Court; providing that a chief justice of a division of the Supreme Court is subject to a retention election and eligibility requirements as currently established in the State Constitution; providing for manner of replacement of a chief justice of a division; providing for apportionment of current justices among the civil and criminal divisions of the Supreme Court; changing the requirements for a quorum from four to three as being necessary for a decision; providing authority and circumstances where the divisions of the Supreme Court may meet en banc; providing jurisdiction for each division of the Supreme Court, including matters which will be exclusive to each division; clarifying the jurisdiction of the Supreme Court to hear appeals from certain district court of appeal decisions; providing that the Legislature may further define the split of jurisdiction between civil and criminal matters; providing that the Chief Justice of the Supreme Court decides jurisdiction should both divisions claim jurisdiction over the same case; removing references to clerks and marshals; requiring Senate confirmation before a justice may take office; providing that if the Senate does not act within 90 days the nominee is deemed confirmed as a justice; allowing the Senate to meet outside of regular session without having the House of Representatives convene at the same time; deleting outdated references; requiring the Judicial Qualifications Commission to provide the House of Representatives access to records; providing for confidentiality of records; requiring a minimum level of funding for the judicial system; providing for transition; requiring the current Supreme Court to list its members by seniority in office; providing that the three most senior justices be assigned to the criminal division and the remaining justices assigned to the criminal division; providing time limits for appointments by the Governor for the remaining seats; providing an exception to Senate confirmation for initial appointments; requiring the Governor to name the initial chief justice of each division; providing that the initial chief justice of the civil division be named the Chief Justice of the Supreme Court; requiring that existing cases be split between the divisions; providing that cases decided before the split into divisions are final and not subject to rehearing or recall of the mandate; providing for the terms of the initial chief justices of the divisions; providing for adoption of court rules; allowing the Legislature by general law to further provide for transition; providing that the transition schedules may be deleted by general law when they have become outdated.

—and **CS for HJR 7111** as amended passed by the required constitutional three-fifths vote of the membership, and was certified to the House. The vote on passage was:

Yeas—24

Mr. President	Dockery	Negron
Altman	Evers	Norman
Benacquisto	Flores	Oelrich
Bennett	Gaetz	Richter
Bogdanoff	Gardiner	Simmons
Dean	Hays	Storms
Detert	Jones	Thrasher
Diaz de la Portilla	Lynn	Wise

Nays—11

Braynon	Montford	Siplin
Hill	Rich	Smith
Joyner	Ring	Sobel
Margolis	Sachs	

Vote after roll call:

Yea—Latvala

SPECIAL ORDER CALENDAR

On motion by Senator Storms, by unanimous consent—

SB 1282—A bill to be entitled An act relating to women's health; creating the Gynecologic and Ovarian Cancer Education and Awareness Act; amending s. 381.04015, F.S.; establishing the Gynecologic and Ovarian Cancer Awareness Program in the Department of Health; requiring the Department of Health to disseminate information on gynecologic cancers to the extent that funding is available; directing the department to establish a Women's Gynecologic Cancer Information Advisory Council; providing an effective date.

—was taken up out of order and read the second time by title.

An amendment was considered and failed and an amendment was considered and adopted to conform **SB 1282** to **CS for HB 1085**.

Pending further consideration of **SB 1282** as amended, on motion by Senator Storms, by two-thirds vote **CS for HB 1085** was withdrawn from the Committees on Health Regulation; and Budget.

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

CS for HB 1085—A bill to be entitled An act relating to women's health; creating s. 381.9315, F.S.; creating the "Kelly Smith Gynecologic and Ovarian Cancer Education and Awareness Act"; requiring the Department of Health to disseminate and display information about gynecologic cancers; requiring the department to encourage women to discuss risks of gynecologic cancers with their health care providers; requiring the State Surgeon General to post a link to gynecologic cancer information on the Centers for Disease Control and Prevention's Internet website; encouraging the department to seek any available funds to promote gynecologic cancer awareness; encouraging the department to collaborate with other entities to create a systematic approach to increasing public awareness regarding gynecologic cancers; amending s. 1004.435, F.S.; increasing the membership of the Florida Cancer Control and Research Advisory Council; providing an effective date.

—a companion measure, was substituted for **SB 1282** as amended and by two-thirds vote read the second time by title.

On motion by Senator Storms, by two-thirds vote **CS for HB 1085** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Benacquisto	Bogdanoff
Altman	Bennett	Braynon

Dean	Jones	Ring
Detert	Joyner	Sachs
Diaz de la Portilla	Latvala	Simmons
Dockery	Lynn	Siplin
Evers	Margolis	Smith
Fasano	Montford	Sobel
Flores	Negron	Storms
Gaetz	Norman	Thrasher
Gardiner	Oelrich	Wise
Hays	Rich	
Hill	Richter	

Nays—None

MOTION

On motion by Senator Thrasher, by two-thirds vote **SB 22** was placed on the Special Order Calendar.

On motion by Senator Dean, by unanimous consent—

CS for CS for CS for SB 1698—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; deleting legislative intent; defining the term "bedroom"; providing for any permit issued and approved by the Department of Health for the installation, modification, or repair of an onsite sewage treatment and disposal system to transfer with the title of the property; providing circumstances in which an onsite sewage treatment and disposal system is not considered abandoned; providing for the validity of an onsite sewage treatment and disposal system permit if rules change before final approval of the constructed system; providing that a system modification, replacement, or upgrade is not required unless a bedroom is added to a single-family home; deleting provisions requiring the Department of Health to administer an evaluation and assessment program of onsite sewage treatment and disposal systems and requiring property owners to have such systems evaluated at least once every 5 years; creating s. 381.00651, F.S.; requiring a county or municipality to adopt by ordinance under certain circumstances the program for the periodic evaluation and assessment of onsite sewage treatment and disposal systems; requiring the county or municipality to notify the Secretary of State of the ordinance; authorizing a county or municipality, in specified circumstances, to opt out of certain requirements by a specified date; prohibiting a county having a first magnitude spring from opting out of the provisions of the act; authorizing a county or municipality to adopt or repeal, after a specified date, an ordinance creating an evaluation and assessment program; providing criteria for evaluations, qualified contractors, repair of systems, exemptions, and notifications; requiring that certain procedures be used for conducting tank and drainfield evaluations; providing for certain procedures in special circumstances; providing for assessment procedures; requiring the county or municipality to develop a system for tracking the evaluations; providing criteria; requiring counties and municipalities to notify the Secretary of Environmental Protection that an evaluation program ordinance is adopted; requiring the department to notify those counties or municipalities of the use of, and access to, certain state and federal program funds; requiring that the department provide certain guidance and technical assistance to a county or municipality upon request; repealing s. 381.00656, F.S., relating to a grant program for the repair of onsite sewage treatment disposal systems; amending s. 381.0066, F.S.; lowering the fees imposed by the department for evaluation reports; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Dean moved the following amendment:

Amendment 1 (817346) (with title amendment)—Delete lines 336-344 and insert:

(1) Effective January 1, 2012, any county or municipality that has not adopted an onsite sewage treatment and disposal system evaluation and assessment program, or that does not opt out of this section, shall adopt by ordinance a local onsite sewage treatment and disposal system evaluation and assessment program within all or part of the geographic area within its jurisdiction which meets the requirements of this section. Any county or municipality that has adopted such a program before July 1, 2011, may continue to enforce its program and is not required to comply with the requirements of this section so long as its program remains in effect. Such ordinances in place before July 1, 2011, may not mandate an evaluation at the point of sale in a real estate transaction, and may not mandate failing systems be replaced with engineer-designed high-performance-based treatment systems. Any county or

And the title is amended as follows:

Between lines 25 and 26 insert: providing conditions;

MOTION

On motion by Senator Dean, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Dean moved the following amendment to **Amendment 1**:

Amendment 1A (863746)—Delete lines 15-19 and insert: *as its program remains in effect. Any county or*

On motion by Senator Dean, further consideration of **CS for CS for CS for SB 1698** with pending **Amendment 1 (817346)** and **Amendment 1A (863746)** was deferred.

CLAIM BILL CALENDAR

On motion by Senator Hill, by unanimous consent—

SB 22—A bill to be entitled An act for the relief of the Estate of Cesar Solomon by the Jacksonville Transportation Authority; providing for an appropriation to compensate the Estate of Cesar Solomon for Mr. Solomon's death, which was the result of negligence by a bus driver of the Jacksonville Transportation Authority; providing a limitation on the payment of fees and costs; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **SB 22**, on motion by Senator Hill, by two-thirds vote **HB 629** was withdrawn from the Special Master on Claim Bills; and the Committee on Rules.

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

HB 629—A bill to be entitled An act for the relief of the Estate of Cesar Solomon by the Jacksonville Transportation Authority; providing for an appropriation to compensate the Estate of Cesar Solomon for Mr. Solomon's death, which was the result of negligence by a bus driver of the Jacksonville Transportation Authority; providing a limitation on the payment of fees and costs; providing an effective date.

—a companion measure, was substituted for **SB 22** and by two-thirds vote read the second time by title.

On motion by Senator Hill, by two-thirds vote **HB 629** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gardiner	Rich
Altman	Hays	Richter
Benacquisto	Hill	Ring
Bennett	Jones	Sachs
Bogdanoff	Joyner	Simmons
Braynon	Latvala	Smith
Dean	Lynn	Sobel
Detert	Margolis	Storms
Diaz de la Portilla	Montford	Thrasher
Evers	Negron	Wise
Flores	Norman	

Nays—3

Dockery	Gaetz	Oelrich

SPECIAL ORDER CALENDAR

On motion by Senator Bogdanoff, by unanimous consent—

SB 1398—A bill to be entitled An act relating to the judiciary; repealing s. 25.051, F.S., relating to regular terms of the Supreme Court; repealing s. 25.281, F.S., relating to compensation of the marshal; repealing s. 26.011, F.S., relating to census commissions for the judicial circuits; repealing s. 26.21, F.S., relating to terms of the circuit courts; repealing s. 26.22, F.S., relating to terms of the First Judicial Circuit; repealing s. 26.23, F.S., relating to terms of the Second Judicial Circuit; repealing s. 26.24, F.S., relating to terms of the Third Judicial Circuit; repealing s. 26.25, F.S., relating to terms of the Fourth Judicial Circuit; repealing s. 26.26, F.S., relating to terms of the Fifth Judicial Circuit; repealing s. 26.27, F.S., relating to terms of the Sixth Judicial Circuit; repealing s. 26.28, F.S., relating to terms of the Seventh Judicial Circuit; repealing s. 26.29, F.S., relating to terms of the Eighth Judicial Circuit; repealing s. 26.30, F.S., relating to terms of the Ninth Judicial Circuit; repealing s. 26.31, F.S., relating to terms of the Tenth Judicial Circuit; repealing s. 26.32, F.S., relating to terms of the Eleventh Judicial Circuit; repealing s. 26.33, F.S., relating to terms of the Twelfth Judicial Circuit; repealing s. 26.34, F.S., relating to terms of the Thirteenth Judicial Circuit; repealing s. 26.35, F.S., relating to terms of the Fourteenth Judicial Circuit; repealing s. 26.36, F.S., relating to terms of the Fifteenth Judicial Circuit; repealing s. 26.361, F.S., relating to terms of the Sixteenth Judicial Circuit; repealing s. 26.362, F.S., relating to terms of the Seventeenth Judicial Circuit; repealing s. 26.363, F.S., relating to terms of the Eighteenth Judicial Circuit; repealing s. 26.364, F.S., relating to terms of the Nineteenth Judicial Circuit; repealing s. 26.365, F.S., relating to terms of the Twentieth Judicial Circuit; repealing s. 26.37, F.S., relating to requiring a judge to attend the first day of each term of the circuit court; repealing s. 26.38, F.S., relating to requiring a judge to state a reason for nonattendance; repealing s. 26.39, F.S., relating to penalty for nonattendance of judge; repealing s. 26.40, F.S., relating to adjournment of the circuit court upon nonattendance of the judge; repealing s. 26.42, F.S., relating to calling all cases on the docket at the end of each term; repealing s. 26.49, F.S., relating to the sheriff as the executive officer of the circuit court; repealing s. 28.08, F.S., relating to the place of residence of the clerk of the circuit court or a deputy; repealing s. 35.10, F.S., relating to regular terms of the district courts of appeal; repealing s. 35.27, F.S., relating to compensation of the marshal; repealing s. 744.103, F.S., relating to guardians of incapacitated world war veterans; providing an effective date.

—was taken up out of order and read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Bogdanoff:

Amendment 1 (387558) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Sections 25.051, 26.21, 26.22, 26.23, 26.24, 26.25, 26.26, 26.27, 26.28, 26.29, 26.30, 26.31, 26.32, 26.33, 26.34, 26.35, 26.36, 26.361, 26.362, 26.363, 26.364, 26.365, 26.37, 26.38, 26.39, 26.40, 26.42, 35.10, 35.11, 907.05, and 907.055, Florida Statutes, are repealed.*

Section 2. Section 26.46, Florida Statutes, is amended to read:

26.46 Jurisdiction of resident judge after assignment.—When a circuit judge is assigned to another circuit, none of the circuit judges in such other circuit shall, because of such assignment, be deprived of or affected in his or her jurisdiction other than to the extent essential so as not to conflict with the authority of the temporarily assigned circuit judge as to the particular case or cases or class of cases~~, or in presiding at the particular term or part of term named or specified in the assignment~~.

Section 3. Section 27.04, Florida Statutes, is amended to read:

27.04 Summoning and examining witnesses for state.—The state attorney shall have summoned all witnesses required on behalf of the state; and he or she is allowed the process of his or her court to summon witnesses from throughout the state to appear before the state attorney ~~in or out of term time~~ at such convenient places in the state attorney's judicial circuit and at such convenient times as may be designated in the summons, to testify before him or her as to any violation of the law upon which they may be interrogated, and he or she is empowered to administer oaths to all witnesses summoned to testify by the process of his or her court or who may voluntarily appear before the state attorney to testify as to any violation or violations of the law.

Section 4. Section 30.12, Florida Statutes, is amended to read:

30.12 Power to appoint sheriff.—Whenever any sheriff in the state shall fail to attend, in person or by deputy, ~~any term of~~ the circuit court or county court of the county, from sickness, death, or other cause, the judge attending said court may appoint *an interim* ~~a~~ sheriff, who shall assume all the responsibilities, perform all the duties, and receive the same compensation as if he or she had been duly appointed sheriff~~,~~ for *only the* ~~said~~ term of *nonattendance* ~~court~~ and no longer.

Section 5. Paragraph (c) of subsection (1) of section 30.15, Florida Statutes, is amended to read:

30.15 Powers, duties, and obligations.—

(1) Sheriffs, in their respective counties, in person or by deputy, shall:

(c) Attend all *sessions* ~~terms~~ of the circuit court and county court held in their counties.

Section 6. Subsection (2) of section 34.13, Florida Statutes, is amended to read:

34.13 Method of prosecution.—

(2) Upon the finding of indictments by the grand jury for crimes cognizable by the county court, the clerk of the court, without any order therefor, shall docket the same on the trial docket of the county court ~~on or before the first day of its next succeeding term~~.

Section 7. Subsection (2) of section 35.05, Florida Statutes, is amended to read:

35.05 Headquarters.—

(2) A district court of appeal may designate other locations within its district as branch headquarters for the conduct of the business of the court ~~in special or regular term~~ and as the official headquarters of its officers or employees pursuant to s. 112.061.

Section 8. Section 38.23, Florida Statutes, is amended to read:

38.23 *Contempt* ~~Contempts~~ defined.—A refusal to obey any legal order, mandate or decree, made or given by any judge ~~either in term time or in vacation~~ relative to any of the business of said court, after due notice thereof, shall be considered a contempt, and punished accordingly. ~~But nothing said or written, or published, in vacation, to or of any judge, or of any decision made by a judge, shall in any case be construed to be a contempt.~~

Section 9. Section 43.43, Florida Statutes, is created to read:

43.43 Terms of courts.—The Supreme Court may establish terms of court for the Supreme Court, the district courts of appeal, and the circuit courts; may provide that district courts and circuit courts may establish their own terms of court; or may dispense with terms of court.

Section 10. Section 43.44, Florida Statutes, is created to read:

43.44 Mandate of an appeals court.—An appellate court has the jurisdiction and power, as the circumstances and justice of the case may require, to reconsider, revise, reform, or modify its own judgments for the purpose of making the same accord with law and justice. Accordingly, an appellate court has the power to recall its own mandate for the purpose of enabling it to exercise such jurisdiction and power in a proper case. A mandate may not be recalled more than 120 days after it is filed with the lower tribunal.

Section 11. Paragraph (b) of subsection (1) of section 112.19, Florida Statutes, is amended to read:

112.19 Law enforcement, correctional, and correctional probation officers; death benefits.—

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

(b) "Law enforcement, correctional, or correctional probation officer" means any officer as defined in s. 943.10(14) or employee of the state or any political subdivision of the state, including any law enforcement officer, correctional officer, correctional probation officer, state attorney investigator, or public defender investigator, whose duties require such officer or employee to investigate, pursue, apprehend, arrest, transport, or maintain custody of persons who are charged with, suspected of committing, or convicted of a crime; and the term includes any member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices. The term also includes any full-time officer or employee of the state or any political subdivision of the state, certified pursuant to chapter 943, whose duties require such officer to serve process or to attend *session* ~~terms~~ of *a* circuit or county court as bailiff.

Section 12. Subsection (2) of section 206.215, Florida Statutes, is amended to read:

206.215 Costs and expenses of proceedings.—

(2) The clerks of the courts performing duties under the provisions aforesaid shall receive the same fees as prescribed by the general law for the performance of similar duties, and witnesses attending any investigation pursuant to subpoena shall receive the same mileage and per diem as if attending as a witness before the circuit court ~~in term time~~.

Section 13. Subsection (4) of section 450.121, Florida Statutes, is amended to read:

450.121 Enforcement of Child Labor Law.—

(4) Grand juries shall have inquisitorial powers to investigate violations of this chapter; also, trial court judges shall specially charge the grand jury~~, at the beginning of each term of the court,~~ to investigate violations of this chapter.

Section 14. Section 831.10, Florida Statutes, is amended to read:

831.10 Second conviction of uttering forged bills.—Whoever, having been convicted of the offense mentioned in s. 831.09 is again convicted of the like offense committed after the former conviction~~, and whoever is at the same term of the court convicted upon three distinct charges of such offense,~~ shall be deemed a common utterer of counterfeit bills, and shall be punished as provided in s. 775.084.

Section 15. Section 831.17, Florida Statutes, is amended to read:

831.17 Violation of s. 831.16; second *or subsequent* conviction.—Whoever having been convicted of either of the offenses mentioned in s. 831.16, is again convicted of either of the same offenses, committed after the former conviction~~, and whoever is at the same term of the court convicted upon three distinct charges of said offenses,~~ commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 16. Subsection (4) of section 877.08, Florida Statutes, is amended to read:

877.08 Coin-operated vending machines and parking meters; defined; prohibited acts, penalties.—

(4) Whoever violates ~~the provisions of~~ subsection (3) a second *or subsequent* time *commits*~~, and is convicted of such second separate offense, either at the same term or a subsequent term of court, shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 17. Subsection (1) of section 902.19, Florida Statutes, is amended to read:

902.19 When prosecutor liable for costs.—

(1) When a person makes a complaint before a county court judge that a crime has been committed and is recognized by the county court judge to appear *before* ~~at the next term of~~ the court having jurisdiction to give evidence of the crime and fails to appear, the person shall be liable for all costs occasioned by his or her complaint, and the county court judge may *enter* ~~obtain~~ a judgment and execution for the costs as in other cases.

Section 18. Subsection (2) of section 903.32, Florida Statutes, is amended to read:

903.32 Defects in bond.—

(2) If no day, or an impossible day, is stated in a bond for the defendant's appearance before a trial court judge for a hearing *or trial*, the defendant shall be bound to appear 10 days after receipt of notice to appear by the defendant, the defendant's counsel, or any surety on the undertaking. ~~If no day, or an impossible day, is stated in a bond for the defendant's appearance for trial, the defendant shall be bound to appear on the first day of the next term of court that will commence more than 3 days after the undertaking is given.~~

Section 19. Section 905.01, Florida Statutes, is amended to read:

905.01 Number and procurement of grand jury; replacement of member*; term of grand jury*.—

(1) The grand jury shall consist of not fewer than 15 nor more than 21 persons. The provisions of law governing the qualifications, disqualifications, excusals, drawing, summoning, supplying deficiencies, compensation, and procurement of petit jurors apply to grand jurors. In addition, an elected public official is not eligible for service on a grand jury.

(2) The chief judge of any circuit court may provide for the replacement of any grand juror who, for good cause, is unable to complete the term of the grand jury. Such replacement shall be made by appropriate order of the chief judge from the list of prospective jurors from which the grand juror to be replaced was selected.

(3) The chief judge of *each* ~~any~~ circuit court *shall regularly order* ~~may dispense with~~ the convening of the grand jury *for a* ~~at any~~ term of *6 months* ~~court by filing a written order with the clerk of court directing that a grand jury not be summoned~~.

Section 20. Section 905.09, Florida Statutes, is amended to read:

905.09 Discharge and recall of grand jury.—A grand jury that has been dismissed may be recalled at any time during the ~~same~~ term of *the grand jury* ~~court~~.

Section 21. Section 905.095, Florida Statutes, is amended to read:

905.095 Extension of grand jury term.—Upon petition of the state attorney or the foreperson of the grand jury acting on behalf of a majority of the grand jurors, the circuit court may extend the term of a grand jury impaneled under this chapter beyond the term ~~of court~~ in which it was originally impaneled. A grand jury whose term has been extended as provided herein shall have the same composition and the same powers and duties it had during its original term. In the event the term of the grand jury is extended under this section, it shall be extended for a time certain, not to exceed a total of 90 days, and only for the purpose of concluding one or more specified investigative matters initiated during its original term.

Section 22. Section 914.03, Florida Statutes, is amended to read:

914.03 Attendance of witnesses.—A witness summoned by a grand jury ~~or in a criminal case~~ shall remain in attendance until excused by the *grand jury. A witness summoned in a criminal case shall remain in attendance until excused by the* court. A witness who departs without permission of the court shall be in criminal contempt of court. ~~A witness shall attend each succeeding term of court until the case is terminated.~~

Section 23. Subsection (2) of section 924.065, Florida Statutes, is amended to read:

924.065 Denial of motion for new trial or arrest of judgment; appeal bond; supersedeas.—

(2) An appeal shall not be a supersedeas to the execution of the judgment, sentence, or order until the appellant has entered into a bond with at least two sureties to secure the payment of the judgment, fine, and any future costs that may be adjudged by the appellate court. The bond shall be conditioned on the appellant's personally answering and abiding by the final order, sentence, or judgment of the appellate court and, if the action is remanded, on the appellant's appearing *before* ~~at the next term of~~ the court in which the case was originally determined and not departing without leave of court.

Section 24. Section 932.47, Florida Statutes, is amended to read:

932.47 Informations filed by prosecuting attorneys.—Informations may be filed by the prosecuting attorney of the circuit court with the clerk of the circuit court ~~in vacation or in term~~ without leave of the court first being obtained.

Section 25. *Eligibility criteria for government-funded pretrial release.—*

(1) It is the policy of this state that only defendants who are indigent and therefore qualify for representation by the public defender are eligible for government-funded pretrial release. Further, it is the policy of this state that, to the greatest extent possible, the resources of the private sector be used to assist in the pretrial release of defendants. It is the intent of the Legislature that this section not be interpreted to limit the discretion of courts with respect to ordering reasonable conditions for pretrial release for any defendant. However, it is the intent of the Legislature that government-funded pretrial release be ordered only as an alternative to release on a defendant's own recognizance or release by the posting of a surety bond.

(2) A pretrial release program established by an ordinance of the county commission, an administrative order of the court, or by any other means in order to assist in the release of defendants from pretrial custody is subject to the eligibility criteria set forth in this section. These eligibility criteria supersede and preempt all conflicting local ordinances, orders, or practices. Each pretrial release program shall certify annually, in writing, to the chief circuit court judge, that it has complied with the reporting requirements of s. 907.043(4), Florida Statutes.

(3) A defendant is eligible to receive government-funded pretrial release only by order of the court after the court finds in writing upon consideration of the defendant's affidavit of indigence that the defendant is indigent or partially indigent as set forth in Rule 3.111, Florida Rules of Criminal Procedure, and that the defendant has not previously failed to appear at any required court proceeding. A defendant may not receive a government-funded pretrial release if the defendant's income is above 300 percent of the then-current federal poverty guidelines prescribed for the size of the household of the defendant by the United States Department of Health and Human Services, unless the defendant is receiving Temporary Assistance for Needy Families-Cash Assistance, poverty-related veterans' benefits, Supplemental Security Income (SSI), food stamps, or Medicaid.

(4) If a defendant seeks to post a surety bond pursuant to a bond schedule established by administrative order as an alternative to government-funded pretrial release, the defendant shall be permitted to do so without any interference or restriction by a pretrial release program.

(5) This section does not prohibit the court from:

(a) Releasing a defendant on the defendant's own recognizance.

(b) Imposing upon the defendant any additional reasonable condition of release as part of release on the defendant's own recognizance or the posting of a surety bond upon a finding of need in the interest of public safety, including, but not limited to, electronic monitoring, drug testing, substance abuse treatment, or attending a batterers' intervention program.

(6) In lieu of using a government-funded program to ensure the court appearance of any defendant, a county may reimburse a licensed surety agent for the premium costs of a surety bail bond that secures the appearance of an indigent defendant at all court proceedings if the court establishes a bail bond amount for the indigent defendant.

(7) A defendant who is not otherwise eligible for government-funded pretrial release under subsection (3) is eligible for government-funded pretrial release 48 hours after the defendant's arrest.

(8) The income eligibility limitations applicable to government-funded pretrial release programs apply only to those counties with a population equal to or greater than 350,000 persons.

(9) This section does not prohibit a law enforcement officer or a code enforcement officer authorized under s. 162.23, Florida Statutes, from issuing a notice to appear in lieu of jail.

Section 26. *(1) Sections 1 through 24 of this act shall take effect January 1, 2012.*

(2) Section 25 of this act pertaining to government-funded pretrial release shall take effect October 1, 2011.

Section 27. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the judiciary; repealing s. 25.051, F.S., relating to regular terms of the Supreme Court; repealing s. 26.21, F.S., relating to terms of the circuit courts; repealing s. 26.22, F.S., relating to terms of the First Judicial Circuit; repealing s. 26.23, F.S., relating to terms of the Second Judicial Circuit; repealing s. 26.24, F.S., relating to terms of the Third Judicial Circuit; repealing s. 26.25, F.S., relating to terms of the Fourth Judicial Circuit; repealing s. 26.26, F.S., relating to terms of the Fifth Judicial Circuit; repealing s. 26.27, F.S., relating to terms of the Sixth Judicial Circuit; repealing s. 26.28, F.S., relating to terms of the Seventh Judicial Circuit; repealing s. 26.29, F.S., relating to terms of the Eighth Judicial Circuit; repealing s. 26.30, F.S., relating to terms of the Ninth Judicial Circuit; repealing s. 26.31, F.S., relating to terms of the Tenth Judicial Circuit; repealing s. 26.32, F.S., relating to terms of the Eleventh Judicial Circuit; repealing s. 26.33, F.S., relating to terms of the Twelfth Judicial Circuit; repealing s. 26.34, F.S., relating to terms of the Thirteenth Judicial Circuit; repealing s. 26.35, F.S., relating to terms of the Fourteenth Judicial Circuit; repealing s. 26.36, F.S., relating to terms of the Fifteenth Judicial Circuit; repealing s. 26.361, F.S., relating to terms of the Sixteenth Judicial Circuit; repealing s. 26.362, F.S., relating to terms of the Seventeenth Judicial Circuit; repealing s. 26.363, F.S., relating to terms of the Eighteenth Judicial Circuit; repealing s. 26.364, F.S., relating to terms of the Nineteenth Judicial Circuit; repealing s. 26.365, F.S., relating to terms of the Twentieth Judicial Circuit; repealing s. 26.37, F.S., relating to requiring a judge to attend the first day of each term of the circuit court; repealing s. 26.38, F.S., relating to a requirement for a judge to state a reason for nonattendance; repealing s. 26.39, F.S., relating to penalty for nonattendance of judge; repealing s. 26.40, F.S., relating to adjournment of the circuit court upon nonattendance of the judge; repealing s. 26.42, F.S., relating to calling all cases on the docket at the end of each term; repealing s. 35.10, F.S., relating to regular terms of the district courts of appeal; repealing s. 35.11, F.S., relating to special terms of the district courts of appeal; repealing s. 907.05, F.S., relating to a requirement that criminal trials be heard in the term of court prior to civil cases; repealing s. 907.055, F.S., relating to a requirement that persons in custody be arraigned and tried in the term of court unless good cause is shown; amending ss. 26.46, 27.04, 30.12, 30.15, 34.13, 35.05, and 38.23, F.S.; conforming provisions to changes made by the act; creating s. 43.43, F.S.; allowing the Supreme Court to set terms of court for the Supreme Court, district courts of appeal, and circuit courts; creating s. 43.44, F.S.; providing that appellate courts may withdraw a mandate within 120 days after its issuance; amending ss. 112.19, 206.215, 450.121, 831.10, 831.17, 877.08, 902.19, 903.32, 905.01, 905.09, 905.095, 914.03, 924.065, and 932.47, F.S.; conforming provisions to changes made by the act; providing state policy and legislative intent; requiring each pretrial release program established by ordinance of a county commission, by administrative order of a court, or by any other means in order to assist in the release of a defendant from pretrial custody to conform to the eligibility criteria set forth in the act; preempting any conflicting local ordinances, orders, or practices; requiring that the defendant satisfy certain eligibility criteria in order to be assigned to a pretrial release program; providing that the act does not prohibit a court from releasing a defendant on the defendant's own recognizance or imposing any other reasonable condition of release on the defendant; authorizing a county to reimburse a licensed surety agent for the premium costs of a bail bond for the pretrial release of an indigent defendant under certain circumstances; providing that a defendant who is not otherwise eligible for government-funded pretrial release becomes eligible for government-

funded pretrial release 48 hours after the defendant's arrest; providing that the income eligibility limitations applicable to government-funded pretrial release programs apply only to certain specified counties; providing that the act does not prohibit a law enforcement officer or a code enforcement officer from issuing a notice to appear in certain conditions; providing effective dates.

MOTION

On motion by Senator Negron, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Negron moved the following amendment to **Amendment 1**:

Amendment 1A (278432) (with title amendment)—Delete lines 327-330 and insert:

Section 26. *Eyewitness identification.—*

(1) SHORT TITLE.—This section may be cited as the "Eyewitness Identification Reform Act."

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

(a) "Eyewitness" means a person whose identification by sight of another person may be relevant in a criminal proceeding.

(b) "Filler" means a person or a photograph of a person who is not suspected of an offense but is included in a lineup.

(c) "Independent administrator" means a person who is not participating in the investigation of a criminal offense and is unaware of which person in the lineup is the suspect.

(d) "Lineup" means a photo lineup or live lineup.

(e) "Lineup administrator" means the person who conducts a lineup.

(f) "Live lineup" means a procedure in which a group of people is displayed to an eyewitness for the purpose of determining if the eyewitness is able to identify the perpetrator of a crime.

(g) "Photo lineup" means a procedure in which an array of photographs is displayed to an eyewitness for the purpose of determining if the eyewitness is able to identify the perpetrator of a crime.

(3) EYEWITNESS IDENTIFICATION PROCEDURES.—Lineups conducted in this state by state, county, municipal, and other law enforcement agencies must meet all of the following requirements:

(a) A lineup must be conducted by an independent administrator. In lieu of using an independent administrator, a photo lineup eyewitness identification procedure may be conducted using an alternative method specified and approved by the Criminal Justice Standards and Training Commission. Any alternative method must be carefully structured to achieve neutral administration and to prevent the administrator from knowing which photograph is being presented to the eyewitness during the identification procedure. Alternative methods may include any of the following:

1. Automated computer programs that can automatically administer the photo lineup directly to an eyewitness and prevent the lineup administrator from seeing which photo the witness is viewing until after the procedure is completed.

2. A procedure in which photographs are placed in folders, randomly numbered, and shuffled and then presented to an eyewitness such that the administrator cannot see or track which photograph is being presented to the witness until after the procedure is completed.

3. Any other procedure that achieves neutral administration and prevents the administrator from knowing which photograph is being presented to the eyewitness during the identification procedure.

(b) Before a lineup, the eyewitness shall be instructed that:

1. The perpetrator might or might not be in the lineup;

2. The lineup administrator does not know the suspect's identity, except that this instruction need not be given when a specified and approved alternative method of neutral administration is utilized;

3. The eyewitness should not feel compelled to make an identification;

4. It is as important to exclude innocent persons as it is to identify the perpetrator; and

5. The investigation will continue with or without an identification.

The eyewitness shall acknowledge, in writing, having received a copy of the lineup instructions. If the eyewitness refuses to sign a document acknowledging receipt of the instructions, the lineup administrator shall document the refusal of the eyewitness to sign the writing and then sign the acknowledgement himself or herself.

(4) REMEDIES.—All of the following remedies are available as consequence of a person not complying with the requirements of this section:

(a)1. A failure on the part of a person to comply with any requirement of this section shall be considered by the court when adjudicating motions to suppress eyewitness identification.

2. A failure on the part of a person to comply with any requirement of this section is admissible in support of claims of eyewitness misidentification, as long as such evidence is otherwise admissible.

(b) When evidence of compliance or noncompliance with the requirements of this section has been presented at trial, the jury shall be instructed that it may consider credible evidence of compliance or noncompliance to determine the reliability of eyewitness identifications.

(5) EDUCATION AND TRAINING.—The Criminal Justice Standards and Training Commission, in consultation with the Department of Law Enforcement, shall create educational materials and conduct training programs on how to conduct lineups in compliance with this section.

Section 27. *(1) Sections 1 through 24 of this act shall take effect January 1, 2012.*

(2) Sections 25 and 26 of this act shall take effect October 1, 2011.

And the title is amended as follows:

Delete line 414 and insert: certain conditions; providing a short title; defining terms; requiring state, county, municipal, and other law enforcement agencies that conduct lineups to follow certain specified procedures; requiring the eyewitness to sign an acknowledgement that he or she received the instructions about the lineup procedures from the law enforcement agency; specifying remedies for failing to adhere to the eyewitness identification procedures; requiring the Criminal Justice Standards and Training Commission to create educational materials and conduct training programs on how to conduct lineups in compliance with the act; providing effective dates.

POINT OF ORDER

Senator Oelrich raised a point of order that pursuant to Rule 7.1 **Amendment 1A (278432)** was not germane to the bill.

The President referred the point of order and the amendment to Senator Thrasher, Chair of the Committee on Rules.

RULING ON POINT OF ORDER

On recommendation of Senator Thrasher, Chair of the Committee on Rules, President Haridopolos ruled the point not well taken. **Amendment 1A (278432)** was adopted.

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

Amendment 1B (535750) (with title amendment)—Delete lines 255-326.

And the title is amended as follows:

Delete lines 392-414 and insert: providing effective dates.

Amendment 1 as amended was adopted.

On motion by Senator Bogdanoff, by two-thirds vote **SB 1398** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gaetz	Rich
Altman	Gardiner	Richter
Benacquisto	Hays	Ring
Bennett	Hill	Sachs
Bogdanoff	Jones	Simmons
Braynon	Joyner	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Fasano	Negron	Thrasher
Flores	Norman	Wise

Nays—3

Dockery	Montford	Oelrich

MOTION

On motion by Senator Thrasher, the rules were waived and time of recess was extended until completion of **CS for CS for CS for SB 1698**.

The Senate resumed consideration of—

CS for CS for CS for SB 1698—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; deleting legislative intent; defining the term "bedroom"; providing for any permit issued and approved by the Department of Health for the installation, modification, or repair of an onsite sewage treatment and disposal system to transfer with the title of the property; providing circumstances in which an onsite sewage treatment and disposal system is not considered abandoned; providing for the validity of an onsite sewage treatment and disposal system permit if rules change before final approval of the constructed system; providing that a system modification, replacement, or upgrade is not required unless a bedroom is added to a single-family home; deleting provisions requiring the Department of Health to administer an evaluation and assessment program of onsite sewage treatment and disposal systems and requiring property owners to have such systems evaluated at least once every 5 years; creating s. 381.00651, F.S.; requiring a county or municipality to adopt by ordinance under certain circumstances the program for the periodic evaluation and assessment of onsite sewage treatment and disposal systems; requiring the county or municipality to notify the Secretary of State of the ordinance; authorizing a county or municipality, in specified circumstances, to opt out of certain requirements by a specified date; prohibiting a county having a first magnitude spring from opting out of the provisions of the act; authorizing a county or municipality to adopt or repeal, after a specified date, an ordinance creating an evaluation and assessment program; providing criteria for evaluations, qualified contractors, repair of systems, exemptions, and notifications; requiring that certain procedures be used for conducting tank and drainfield evaluations; providing for certain procedures in special circumstances; providing for assessment procedures; requiring the county or municipality to develop a system for tracking the evaluations; providing criteria; requiring counties and municipalities to notify the Secretary of Environmental Protection that an evaluation program ordinance is adopted; requiring the department to notify those counties or municipalities of the use of, and access to, certain state and federal program funds; requiring that the department provide certain guidance and technical assistance to a county or municipality upon request; repealing s. 381.00656, F.S., relating to a grant program for the repair of onsite sewage treatment disposal systems; amending s. 381.0066, F.S.; lowering the fees imposed by the department for evaluation reports; providing an effective date.

—which was previously considered this day with pending **Amendment 1 (817346)** by Senator Dean and **Amendment 1A (863746)** by Senator Dean.

On motion by Senator Dean, further consideration of **CS for CS for CS for SB 1698** with pending **Amendment 1 (817346)** and **Amendment 1A (863746)** was deferred.

MOTIONS

On motion by Senator Thrasher, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Friday, May 6.

On motion by Senator Thrasher, a deadline of 8:00 a.m. Friday, May 6, was set for filing amendments to Bills on Third Reading and the bills added to the Special Order Calendar to be considered that day.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 400, CS for SB 782, SB 1204, and CS for SB 1970 which he approved on May 5, 2011.

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment	*For Term Ending*
Board of Trustees, Florida Gulf Coast University	
Appointee: Hart, Larry D., Ft. Myers	01/06/2016

Referred to the Rules Subcommittee on Ethics and Elections.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 137, CS for HB 391, CS for CS for HB 493, HB 501, HB 629, CS for HB 1085, HB 7159; has passed as amended CS for CS for CS for HB 907; has passed by the required constitutional three-fifths vote of the membership CS for HJR 1471; has passed by the required constitutional two-thirds vote of the members present CS for HB 7223; has adopted HM 557 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Higher Education Appropriations Subcommittee, Health & Human Services Access Subcommittee and Representative(s) Renuart—

CS for CS for HB 137—A bill to be entitled An act relating to the Prostate Cancer Awareness Program; amending s. 381.911, F.S.; deleting the funding qualification for the Prostate Cancer Awareness Program; revising the structure and objectives of the Prostate Cancer Awareness Program; authorizing the University of Florida Prostate Disease Center, in collaboration with other organizations and institutions, to increase community education and public awareness of prostate cancer; requiring the University of Florida Prostate Disease Center to establish a prostate cancer advisory council to replace the existing advisory committee; providing for membership and duties of the advisory council; requiring an annual report to the Governor, Legislature, and State Surgeon General; requiring the University of Florida Prostate Disease Center (UFPDC) and the UFPDC Prostate Cancer Advisory

Council to be funded within existing resources of the university; providing an effective date.

—was referred to the Committees on Health Regulation; Budget Subcommittee on Higher Education Appropriations; and Budget.

By Civil Justice Subcommittee and Representative(s) Metz, Weinstein—

CS for HB 391—A bill to be entitled An act relating to expert testimony; amending s. 90.702, F.S.; providing that a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion as to the facts at issue in a case under certain circumstances; requiring the courts of this state to interpret and apply the principles of expert testimony in conformity with specified United States Supreme Court decisions; amending s. 90.704, F.S.; providing that facts or data that are otherwise inadmissible in evidence may not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that the probative value of the facts or data in assisting the jury to evaluate the expert's opinion substantially outweighs the prejudicial effect of the facts or data; providing an effective date.

—was referred to the Committee on Judiciary.

By Economic Affairs Committee, Finance & Tax Committee and Representative(s) Brodeur, Patronis, Abruzzo, Burgin, Corcoran, Ford, Fresen, Gaetz, Ingram, Julien, Tobia—

CS for CS for HB 493—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 125.0104, F.S.; providing definitions relating to the tourist development tax; providing separate statement of tax requirements; providing construction; amending s. 125.0108, F.S.; providing definitions relating to the tourist impact tax; providing separate statement of tax requirements; providing construction; amending s. 212.03, F.S.; providing definitions relating to the transient rentals tax; revising requirements for charging, collecting, and remitting the tax; providing requirements for separate statement of the tax on rental documents; amending s. 212.0305, F.S.; providing definitions relating to the convention development tax; revising requirements for charging, collecting, and remitting the tax; providing requirements for separate statement of the tax on rental documents; amending s. 213.30, F.S.; authorizing the Department of Revenue to compensate county governments for providing certain information to the department; specifying a payment amount; amending ss. 1 and 3, ch. 67-930, Laws of Florida, as amended; providing definitions relating to a municipal resort tax; providing separate statement of tax requirements; providing construction; providing an effective date.

—was referred to the Committees on Community Affairs; Budget Subcommittee on Finance and Tax; and Budget.

By Representative(s) Baxley, Albritton, Brodeur, Broxson, Corcoran, Costello, Drake, Plakon, Porter, Smith, Van Zant, Weatherford—

HB 501—A bill to be entitled An act relating to Choose Life license plates; amending s. 320.08058, F.S.; providing for the annual use fees to be distributed to Choose Life, Inc., rather than the counties; providing for Choose Life, Inc., to redistribute a portion of such funds to nongovernmental, not-for-profit agencies that assist certain pregnant women; authorizing Choose Life, Inc., to use a portion of the funds to administer and promote the Choose Life license plate program; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; and Budget.

By Representative(s) McBurney—

HB 629—A bill to be entitled An act for the relief of the Estate of Cesar Solomon by the Jacksonville Transportation Authority; providing for an appropriation to compensate the Estate of Cesar Solomon for Mr. Solomon's death, which was the result of negligence by a bus driver of the Jacksonville Transportation Authority; providing a limitation on the payment of fees and costs; providing an effective date.

—was referred to the Special Master on Claim Bills; and the Committee on Rules.

By Health & Human Services Quality Subcommittee and Representative(s) Plakon, Dorworth, Gaetz, Randolph, Renuart—

CS for HB 1085—A bill to be entitled An act relating to women's health; creating s. 381.9315, F.S.; creating the "Kelly Smith Gynecologic and Ovarian Cancer Education and Awareness Act"; requiring the Department of Health to disseminate and display information about gynecologic cancers; requiring the department to encourage women to discuss risks of gynecologic cancers with their health care providers; requiring the State Surgeon General to post a link to gynecologic cancer information on the Centers for Disease Control and Prevention's Internet website; encouraging the department to seek any available funds to promote gynecologic cancer awareness; encouraging the department to collaborate with other entities to create a systematic approach to increasing public awareness regarding gynecologic cancers; amending s. 1004.435, F.S.; increasing the membership of the Florida Cancer Control and Research Advisory Council; providing an effective date.

—was referred to the Committee on Health Regulation; and Budget.

By Government Operations Subcommittee and Representative(s) Patronis—

HB 7159—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 112.3215, F.S., which provides an exemption from public records and public meetings requirements for certain audits and investigations conducted by the Commission on Ethics; reorganizing the exemptions; making editorial changes; removing the scheduled repeal of the exemptions; providing an effective date.

—was referred to the Committee on Rules Subcommittee on Ethics and Elections; Rules; and Governmental Oversight and Accountability.

By Economic Affairs Committee, Civil Justice Subcommittee, Finance & Tax Committee and Representative(s) Wood—

CS for CS for CS for HB 907—A bill to be entitled An act relating to the transfer of tax liability; amending s. 213.758, F.S.; providing definitions; revising provisions relating to tax liability when a person transfers or quits a business; providing that the transfer of the assets of a business or stock of goods of a business under certain circumstances is considered a transfer of the business; requiring the Department of Revenue to provide certain notification to a business before a circuit court shall temporarily enjoin business activity by that business; providing that transferees of the business are liable for certain taxes unless specified conditions are met; requiring the department to conduct certain audits relating to the tax liability of transferors and transferees of a business within a specified time period; requiring certain notification by the Department of Revenue to a transferee before a circuit court shall enjoin business activity in an action brought by the Department of Legal Affairs seeking an injunction; specifying a transferor and transferee of the assets of a business are jointly and severally liable for certain tax payments up to a specified maximum amount; specifying the maximum liability of a transferee; providing methods for calculating the fair market value or total purchase price of specified business transfers to determine maximum tax liability of transferees; excluding certain transferees from tax liability when the transfer consists only of specified assets; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain tax information to a transferee against whom tax liability is being asserted pursuant to s. 213.758, F.S.; repealing s. 202.31, F.S., relating to the tax liability and criminal liability of dealers of communications services who make certain transfers related to a communications services business; repealing s. 212.10, F.S., relating to a dealer's tax liability and criminal liability for sales tax when certain transfers of a business occur; providing an effective date.

—was referred to the Committees on Commerce and Tourism; and Judiciary.

By Judiciary Committee and Representative(s) Plakon, Precourt, Adkins, Ahern, Baxley, Bileca, Coley, Corcoran, Costello, Drake, Ford, Gaetz, Metz, Perry, Renuart, Tobia, Van Zant, Weatherford—

CS for HJR 1471—A joint resolution proposing an amendment to Section 3 of Article I of the State Constitution to eradicate remnants of anti-religious bigotry from the State Constitution and to end exclusionary funding practices that discriminate on the basis of religious belief or identity.

—was referred to the Committee on Judiciary; Children, Families, and Elder Affairs; Education Pre-K - 12; and Budget.

By State Affairs Committee, Government Operations Subcommittee and Representative(s) Patronis—

CS for HB 7223—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides an exemption from public records requirements for bids, proposals, or replies submitted to an agency in response to a competitive solicitation; expanding the public records exemption by extending the duration of the exemption; providing a definition; reorganizing the exemption; providing for future repeal and legislative review of the exemption under the Open Government Sunset Review Act; amending s. 286.0113, F.S., which provides an exemption from public meetings requirements for meetings at which a negotiation with a vendor is conducted and which provides an exemption from public records requirements for recordings of exempt meetings; expanding the public meetings exemption to include meetings at which a negotiation with a vendor is conducted pursuant to a competitive solicitation, at which a vendor makes an oral presentation as part of a competitive solicitation, at which a vendor answers questions as part of a competitive solicitation, and at which team members discuss negotiation strategies; expanding the public records exemption to include any records presented at an exempt meeting; providing definitions; reorganizing the exemption; providing for future repeal and legislative review of the public meetings and public records exemptions under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committee on Governmental Oversight and Accountability; and Budget.

By Representative(s) Coley, Adkins, Baxley, Boyd, Brandes, Burgin, Caldwell, Campbell, Corcoran, Costello, Ford, Fresen, Gaetz, Gonzalez, Harrell, Hooper, Julien, Kreegel, Logan, Mayfield, McBurney, Metz, Moraitis, Perry, Pilon, Plakon, Porter, Smith, Stargel, Steube, Wood—

HM 557—A memorial to the Congress of the United States, urging Congress to propose to the states for ratification an amendment to the United States Constitution relating to parental rights.

—was referred to the Committees on Judiciary; Children, Families, and Elder Affairs; and Governmental Oversight and Accountability.

RETURNING MESSAGES — FINAL ACTION

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 and passed as amended; concurred in Senate Amendments 1, 2, and 3 and passed CS for CS for CS for HB 993 and HB 7239 as amended; concurred in Senate Amendment 1 and passed CS for CS for HB 1355 as amended; concurred in Senate Amendment 1 and passed CS for HB 7151 as amended; and concurred in Senate Amendment 1 and passed CS for HB 7185 as amended.

Robert L. "Bob" Ward, Clerk

ENROLLING REPORTS

CS for SB 844 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 5, 2011.

R. Philip Twogood, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 4 was corrected and approved.

CO-INTRODUCERS

Senators Alexander—SR 2216; Altman—SR 2216; Benacquisto—SR 2216; Bennett—SR 2216; Bogdanoff—SR 2216; Braynon—SR 2216; Dean—SR 2216; Detert—SR 2216; Diaz de la Portilla—SR 2216; Dockery—SR 2216; Evers—SR 2216; Fasano—SR 2216; Flores—SR 2216; Gaetz—CS for CS for SB 488; Garcia—SR 2216; Gardiner—SR 2216; Haridopolos—SR 2216; Hays—SR 2216; Hill—SR 2216; Jones—SR 2216; Joyner—SR 2216; Latvala—SR 2216; Lynn—SR 2216; Margolis—SR 2216; Montford—SR 2216; Negron—SR 2216; Norman—SR 2216; Oelrich—SR 2216; Rich—SR 2216; Richter—SR 2216; Sachs—SR 2216; Simmons—SR 2216; Siplin—SR 2216; Sobel—SR 2216; Wise—SR 2216

RECESS

On motion by Senator Thrasher, the Senate recessed at 7:53 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, May 6 or upon call of the President.

Journal of the Senate

Number 23—Regular Session **Friday, May 6, 2011**

CONTENTS

CALL TO ORDER

The Senate was called to order by President Haridopolos at 10:00 a.m. A quorum present—37:

Mr. President	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	
Flores	Norman	

Excused: Senator Bullard

PRAYER

The following prayer was offered by Rev. Canon Ted J. Monica, Rector, Holy Comforter Episcopal Church, Tallahassee:

Lord our God, I ask you to send your holy spirit to be here among the Senators of the great State of Florida. Fill this chamber with your light and your power. Remind us that we have been entrusted to protect and care for the present, and to build the future of this state. Give us courage in doing that which is right and good. Give us gentleness, understanding and patience when working with those who disagree with us. And in all things, Lord God, help us to strive for justice.

Lord God, bless the great State of Florida, and all those who live therein. Amen.

PLEDGE

Senate Pages Mary Katherine Fechtel of Leesburg; Wallace "Wally" Martin of Arcadia; Bryce Sellers of Pace; and Michael Robinson of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. John C. Kagan of Fort Myers, sponsored by Senator Benacquisto, as doctor of the day. Dr. Kagan specializes in Orthopedic Surgery.

ADOPTION OF RESOLUTIONS

On motion by Senator Hays—

By Senator Hays—

SR 2228—A resolution recognizing the members of the For Inspiration and Recognition of Science and Technology (FIRST) Lego League Team 4129, the Hammerheads, for their outstanding achievement at the 2011 World Festival.

WHEREAS, For Inspiration and Recognition of Science and Technology (FIRST) provides an inspirational learning experience that celebrates engineering, science, and technology, and allows participants to develop personal and technical skills that will lead them to future success in related fields, and

WHEREAS, on February 27, 2011, FIRST Lego League (FLL) Team 4129, known as the Hammerheads, competed in the 9- to 14-year-old age group FLL Florida championship tournament at the Florida Institute of Technology in Melbourne, and

WHEREAS, FLL Team 4129, the Hammerheads, placed first in the state tournament and went on to represent Florida at the 2011 World Festival in St. Louis, Missouri, and

WHEREAS, from April 27-30, 2011, FLL Team 4129, the Hammerheads, competed against 80 teams representing 25 countries in three areas: robot, research, and core values, and

WHEREAS, FLL Team 4129, the Hammerheads, placed first in the robot category and third in the all-around, the only team from the United States to place, and

WHEREAS, the members of FLL Team 4129, the Hammerheads, are homeschooled students Brock Bogeajis, Cole Morris, Braden Verkaik, and Garrett Verkaik, all of Eustis, and Jonah Locke, Ashley White, and Jacob White, all of Umatilla, and Eustis High School student Parker Verkaik, and

WHEREAS, the members of FLL Team 4129, the Hammerheads, brought honor and distinction to this state as one of the top-three teams worldwide, NOW, THEREFORE,

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

That the members of the For Inspiration and Recognition of Science and Technology (FIRST) Lego League Team 4129, the Hammerheads, are recognized for their outstanding achievement at the 2011 World Festival.

—was introduced out of order and read by title. On motion by Senator Hays, **SR 2228** was read the second time in full and adopted.

SENATOR BENNETT PRESIDING

SPECIAL PERFORMANCE

Senator Hays recognized an outstanding group of students from district 20: Parker Verkaik, Braden Verkaik, Garrett Verkaik, Brock Bogenajis, Cole Morris, Ashley White, Jacob White, and Jonah Locke. These students represented the state of Florida at the World Festival Robotics Competition in St. Louis, MO.

Their team, "the Hammerheads," placed first in the Robot component of the competition and third in the overall championship. They were the only US team to place in this worldwide competition. They designed their own robot out of Legos and programmed it to do certain missions. A demonstration of these maneuvers was provided in the chamber.

The students competed against other students in their age group (9-14 years old) with over 25 countries and 80 teams represented. The program FIRST (For Inspiration and Recognition of Science and Technology) teaches gracious professionalism and coined the term "coopertition" which also teaches "what we learn is more important than what we win," a very important life skill.

SPECIAL GUESTS

Senator Hays recognized Lieutenant Governor Jennifer Carroll who was present in the chamber.

THE PRESIDENT PRESIDING

On motion by Senator Sachs—

By Senators Sachs, Haridopolos, Altman, Benacquisto, Bennett, Bogdanoff, Braynon, Dean, Detert, Diaz de la Portilla, Dockery, Evers, Fasano, Flores, Gaetz, Garcia, Gardiner, Hays, Hill, Jones, Joyner, Latvala, Lynn, Margolis, Montford, Negron, Norman, Oelrich, Rich, Richter, Ring, Simmons, Siplin, Sobel, Storms, Thrasher, and Wise—

SR 2190—A resolution recognizing October 2011 as "Breast Cancer Awareness Month" in Florida.

WHEREAS, with the exception of skin cancer, breast cancer is the most frequently diagnosed cancer in women and is the second leading cause of cancer death in women, and

WHEREAS, Florida ranks third in the nation in both the number of new breast cancer cases per year, more than 14,000, and the number of related deaths, estimated at 2,650 in 2010, and

WHEREAS, a woman living in Florida has a one-in-eight chance of developing breast cancer, and

WHEREAS, since 1990, female breast cancer deaths have steadily decreased, largely due to progress in early detection and improved treatment, with mammography remaining the single most effective method of early detection, identifying cancer several years before physical symptoms develop, and

WHEREAS, early detection, through routine clinical exams and mammography screening beginning at age 40 in compliance with the American Cancer Society recommended guidelines, is the key to detecting breast cancer early, when treatment is most successful, and

WHEREAS, the 5-year survival rate for breast cancer when it is found in its earliest stages is 98 percent; however, that rate drops to 23 percent if the cancer is detected later, in a stage of metastases, and

WHEREAS, breast cancer awareness events and programs, such as the American Cancer Society's "Making Strides Against Breast Cancer" events and its "Reach to Recovery" program are essential in promoting an understanding of the risks associated with breast cancer and encouraging women to take preventive steps to minimize those risks and to undergo early detection procedures, and

WHEREAS, support for the Mary Brogan Breast and Cervical Cancer Early Detection Program will promote early breast cancer detection through regular screening, NOW, THEREFORE,

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

That October 2011 is recognized as "Breast Cancer Awareness Month" in Florida.

—was introduced out of order and read by title. On motion by Senator Sachs, **SR 2190** was read the second time in full and adopted.

At the request of Senator Flores—

By Senator Flores—

SR 2202—A resolution recognizing the week of May 8-14, 2011, as "Food Allergy Awareness Week" in Florida.

WHEREAS, 12 million Americans have food allergies, including 3 million children under 18 years of age, and

WHEREAS, research shows that the prevalence of food allergies is increasing among children, and

WHEREAS, eight foods cause 90 percent of all food-related allergic reactions in the United States, with symptoms including hives, vomiting, diarrhea, respiratory distress, and swelling of the throat, and

WHEREAS, nationwide, food-related allergic reactions cause as many as 125,000 visits to the emergency room each year and often occur when an individual unknowingly eats a food containing an ingredient to which he or she is allergic, and

WHEREAS, the most serious allergic reaction is anaphylaxis, which is rapid in onset and may cause death, NOW, THEREFORE,

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

That May 8-14, 2011, is recognized as "Food Allergy Awareness Week" in Florida and all residents of this state are encouraged to become involved in efforts to raise the awareness of restaurateurs and the public at large of the dangers associated with food-related allergic reactions.

—**SR 2202** was introduced, read and adopted by publication.

At the request of Senator Flores—

By Senator Flores—

SR 2218—A resolution recognizing the "Difference Makers in Education" for their support of the Council for Educational Change's statewide educational programs.

WHEREAS, the Council for Educational Change is a Florida-based, 501(c)(3) not-for-profit organization, with 9 years of service to the educational community which has impacted the lives of more than 1.2 million students, and

WHEREAS, Council for Educational Change programs are leading the way to improvements in education by preparing and empowering school leaders, developing business and educational partnerships, and applying research to address critical issues in education, and

WHEREAS, were it not for the generous support of Difference Makers in Education, the Council for Educational Change would not be able to sustain its programs, which include Partnership to Advance School Success (PASS), Executive PASS, the Florida Leadership Academy, and Teacher Development and Retention programs, and

WHEREAS, these Difference Makers in Education are: E. Pace Barnes, Richard and Billy Birnie, the Irving and Joan M. Bolotin Fund, Joan and Vincent Carosella, Tom Cerra, Mel and Iris Chasen, Richard and Mary Dalton, Paula and Joel Friedland, Barbara Havenick, Edward

and Carole Iwanicki, Norman Jaffe, Evelyn A. Lunsford, Gene Marshall, Leonard Miller, Linda Potash, Richard Baron and Associates, P.A., the Robert and Mary Graham Family Fund, the Silbiger Family Foundation, and Stanley G. Tate, NOW, THEREFORE,

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

That these "Difference Makers in Education" are recognized for their support of the statewide educational programs of the Council for Educational Change.

—**SR 2218** was introduced, read and adopted by publication.

BILLS ON THIRD READING

Consideration of **CS for CS for SB 818**, **CS for CS for HB 1255**, **SB 788**, **HB 7101**, **CS for SB 1246**, **CS for HB 7107**, **CS for HB 7109**, **CS for CS for SB 1122**, and **CS for CS for CS for HB 883** was deferred.

CS for HJR 1471—A joint resolution proposing an amendment to Section 3 of Article I of the State Constitution to eradicate remnants of anti-religious bigotry from the State Constitution and to end exclusionary funding practices that discriminate on the basis of religious belief or identity.

WHEREAS, Floridians highly value tolerance and liberty in all forms, and

WHEREAS, Floridians strongly support the right of each person to practice religion according to the dictates of his or her own conscience, and

WHEREAS, Florida is a religiously diverse state with over a quarter of its population identifying as Roman Catholic and with the largest Jewish population in the Southern United States, and

WHEREAS, the public policy of the State of Florida is to support the protection and advancement of religious liberty, and

WHEREAS, Florida's Blaine Amendment language, the last sentence of Article I, Section 3, of the current State Constitution, was originally adopted in 1885 following a failed attempt to adopt similar language in the United States Constitution, and

WHEREAS, Florida's Blaine Amendment language was borne in an atmosphere of, and exists as a result of, anti-Catholic bigotry and animus, and

WHEREAS, the genesis of Florida's Blaine Amendment language reflects an attempt to stifle and disrupt the constitutional rights and development of the emerging Catholic minority community in America, and

WHEREAS, the Constitutional Convention that adopted the Constitution of 1885 created a more religiously and racially discriminatory document than its predecessor, with the first inclusion of the Blaine Amendment language alongside the racist separate-but-equal doctrine, and

WHEREAS, the racist separate-but-equal doctrine has been duly abolished and all vestiges thereof rightfully removed from the State Constitution, and the people of Florida should now be given the opportunity to remove the discriminatory Blaine Amendment language, a lasting stain upon the state's history that stands in opposition to the people's will and counter to our time-honored traditions of religious liberty and freedom, and

WHEREAS, religiously affiliated hospitals, schools, adoption agencies, and other benevolent institutions have been of longstanding service to the people of Florida and have provided numerous services to those in need, and

WHEREAS, until 2004, no Florida court had ever applied the State Constitution in a reported case in a manner more restrictive of the use of state funds than have federal courts applying the Establishment Clause of the First Amendment to the United States Constitution, and

WHEREAS, Florida's Blaine Amendment is currently being enforced against religious groups and organizations of all denominations, stifling their development and inhibiting the free exercise of religious liberty, and

WHEREAS, courts have prohibited religiously affiliated schools from participating in state-funded education programs and religious organizations from participating in state-funded services to incarcerated persons, and

WHEREAS, such application of the Blaine Amendment language jeopardizes the participation of religiously affiliated hospitals and other benevolent institutions in Medicaid and other public programs, and

WHEREAS, those institutionalized in hospitals and prisons are among those most in need of spiritual nurture and encouragement as well as being often dependent on state-subsidized human services, and

WHEREAS, the enforcement of the Blaine Amendment language, barring religious organizations access to state funding and state-funded business on an equal basis with nonreligious organizations, violates the founding principles of the United States and this state as contained in the Declaration of Independence and the Preamble to the State Constitution, and

WHEREAS, the Establishment Clause of the First Amendment to the United States Constitution does not require any such absolute restrictions on the use of public funds, and

WHEREAS, the Establishment Clause permits the use of public funds in religious hospitals, schools, and other benevolent institutions, and

WHEREAS, the Establishment Clause and the religion clauses of the State Constitution, other than the Blaine Amendment, are intended to protect the religious liberties and sentiments of Floridians without inhibiting the free exercise of religion, and

WHEREAS, their religious convictions motivate some Floridians to establish religiously affiliated schools, hospitals, adoption agencies, and other benevolent institutions that provide valuable services to society and to receive or utilize such valuable services from these benevolent providers, which could be subsidized by the state through public programs, and

WHEREAS, it is not necessary to prohibit all economic relations with religious organizations and providers in order to prevent an establishment of religion that would infringe on the religious liberties of Floridians, and

WHEREAS, in 2000, a plurality of the United States Supreme Court acknowledged that this "doctrine, born of bigotry, should be buried now," and

WHEREAS, it is necessary to amend the State Constitution to correct the aforementioned disconnect between the true sentiments and principles of Floridians and the discriminatory origins, intentions, and present application of the Blaine Amendment, in furtherance of a deeply rooted commitment to freedom and liberty, where rights and restrictions ought to be based on the merits of one's words and actions rather than on religious affiliation or identity, NOW, THEREFORE,

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

That the following amendment to Section 3 of Article I of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE I

DECLARATION OF RIGHTS

SECTION 3. Religious freedom.—There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace, or safety. *Except to the extent required by the First Amendment to the United States Constitution, neither the government nor any agent of the government may deny to any individual or entity the benefits of any program, funding, or other support on the basis*

of religious identity or belief. ~~No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.~~

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE I, SECTION 3

RELIGIOUS FREEDOM.—Proposing an amendment to the State Constitution to provide, consistent with the United States Constitution, that no individual or entity may be denied, on the basis of religious identity or belief, governmental benefits, funding, or other support and to delete the prohibition against using revenues from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

—was read the third time in full.

SENATOR THRASHER PRESIDING

THE PRESIDENT PRESIDING

On motion by Senator Altman, **CS for HJR 1471** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Evers	Norman
Alexander	Fasano	Oelrich
Altman	Gaetz	Richter
Benacquisto	Gardiner	Simmons
Bennett	Hays	Siplin
Dean	Jones	Storms
Detert	Latvala	Thrasher
Diaz de la Portilla	Lynn	Wise
Dockery	Negron	

Nays—10

Braynon	Montford	Smith
Hill	Rich	Sobel
Joyner	Ring	
Margolis	Sachs	

Vote after roll call:

Yea—Bogdanoff, Flores, Garcia

CS for HB 7107—A bill to be entitled An act relating to Medicaid managed care; creating pt. IV of ch. 409, F.S., entitled "Medicaid Managed Care"; creating s. 409.961, F.S.; providing for statutory construction; providing applicability of specified provisions throughout the part; providing rulemaking authority for specified agencies; creating s. 409.962, F.S.; providing definitions; creating s. 409.963, F.S.; designating the Agency for Health Care Administration as the single state agency to administer the Medicaid program; providing for specified agency responsibilities; requiring client consent for release of medical records; creating s. 409.964, F.S.; establishing the Medicaid program as the statewide, integrated managed care program for all covered services; authorizing the agency to apply for and implement waivers; providing for public notice and comment; creating s. 409.965, F.S.; providing for mandatory enrollment; providing for exemptions; creating s. 409.966, F.S.; providing requirements for eligible plans that provide services in the Medicaid managed care program; establishing provider service network requirements for eligible plans; providing for eligible plan selection; requiring the agency to use an invitation to negotiate; requiring the agency to compile and publish certain information; establishing eight regions for separate procurement of plans; providing quality criteria for plan selection; providing limitations on serving recipients during the pendency of procurement litigation; creating s. 409.967, F.S.; providing for managed care plan accountability; establishing contract terms; providing for contract extension under certain circumstances; establishing payments to noncontract providers; establishing requirements for access; requiring plans to establish and maintain an electronic database; establishing requirements for the database; requiring plans to provide encounter data; requiring the agency to maintain an encounter data system; requiring the agency to establish performance standards for plans; providing program integrity requirements; establishing a grievance resolution process; providing penalties for early termination of contracts or reduction in enrollment levels; establishing prompt payment requirements; requiring plans to accept electronic claims; requiring fair payment to providers with a controlling interest in a provider service network by other plans; requiring the agency and prepaid plans to use a uniform method for certain financial reports; providing income-sharing ratios; providing a timeframe for a plan to pay an additional rebate under certain circumstances; requiring the agency to return prepaid plan overpayments; creating s. 409.968, F.S.; establishing managed care plan payments; providing payment requirements for provider service networks; requiring the agency to conduct annual cost reconciliations to determine certain cost savings and report the results of the reconciliations to the fee-for-service provider; providing a timeframe for the provider service to respond to the report; creating s. 409.969, F.S.; requiring enrollment in managed care plans by all nonexempt Medicaid recipients; creating requirements for plan selection by recipients; providing for choice counseling; establishing choice counseling vendor requirements; authorizing disenrollment under certain circumstances; defining the term "good cause" for purposes of disenrollment; providing time limits on an internal grievance process; providing requirements for agency determination regarding disenrollment; requiring recipients to stay in plans for a specified time; creating s. 409.97, F.S.; authorizing the agency to accept the transfer of certain revenues from local governments; requiring the agency to contract with a representative of certain entities participating in the low-income pool for the provision of enhanced access to care; providing for support of these activities by the low-income pool as authorized in the General Appropriations Act; establishing the Access to Care Partnership; requiring the agency to seek necessary waivers and plan amendments; providing requirements for prepaid plans to submit data; authorizing the agency to implement a tiered hospital rate system; creating s. 409.971, F.S.; creating the managed medical assistance program; providing deadlines to begin and finalize implementation of the program; creating s. 409.972, F.S.; providing eligibility requirements for mandatory and voluntary enrollment; creating s. 409.973, F.S.; establishing minimum benefits for managed care plans to cover; authorizing plans to customize benefit packages; requiring plans to establish a program to encourage healthy behaviors; requiring plans to establish a primary care initiative; providing requirements for primary care initiatives; requiring plans to report certain primary care data to the agency; creating s. 409.974, F.S.; establishing a deadline for issuing invitations to negotiate; establishing a specified number or range of eligible plans to be selected in each region; establishing quality selection criteria; establishing requirements for participation by specialty plans; establishing the Children's Medical Service Network as an eligible plan; creating s. 409.975, F.S.; providing for managed care plan accountability; authorizing plans to limit providers in networks; requiring plans to include essential Medicaid providers in their networks unless an alternative arrangement is approved by the agency; identifying statewide essential providers; specifying provider payments under certain circumstances; requiring plans to include certain statewide essential providers in their networks; requiring good faith negotiations; specifying provider payments under certain circumstances; allowing plans to exclude essential providers under certain circumstances; requiring plans to offer a contract to home medical equipment and supply providers under certain circumstances; establishing the Florida medical school quality network; requiring the agency to contract with a representative of certain entities to establish a clinical outcome improvement program in all plans; providing for support of these activities by certain expenditures and federal matching funds; requiring the agency to seek necessary waivers and plan amendments; providing for eligibility for the quality network; requiring plans to monitor the quality and performance history of providers; establishing the MomCare network; requiring the agency to contract with a representative of all Healthy Start Coalitions to provide certain services to recipients; providing for support of these activities by certain expenditures and federal matching funds; requiring plans to enter into agreements with local Healthy Start Coalitions for certain purposes; requiring specified programs and procedures be established by plans; establishing a screening standard for the Early and Periodic Screening, Diagnosis, and Treatment Service; requiring managed care

plans and hospitals to negotiate rates, methods, and terms of payment; providing a limit on payments to hospitals; establishing plan requirements for medically needy recipients; creating s. 409.976, F.S.; providing for managed care plan payment; requiring the agency to establish payment rates for statewide inpatient psychiatric programs; requiring payments to managed care plans to be reconciled to reimburse actual payments to statewide inpatient psychiatric programs; creating s. 409.977, F.S.; establishing choice counseling requirements; providing for automatic enrollment in a managed care plan for certain recipients; establishing opt-out opportunities for recipients; creating s. 409.978, F.S.; requiring the agency to be responsible for administering the long-term care managed care program; providing implementation dates for the long-term care managed care program; providing duties of the Department of Elderly Affairs relating to assisting the agency in implementing the program; creating s. 409.979, F.S.; providing eligibility requirements for the long-term care managed care program; creating s. 409.98, F.S.; establishing the benefits covered under a managed care plan participating in the long-term care managed care program; creating s. 409.981, F.S.; providing criteria for eligible plans; designating regions for plan implementation throughout the state; providing criteria for the selection of plans to participate in the long-term care managed care program; providing that participation by the Program of All-Inclusive Care for the Elderly is pursuant to an agency contract; creating s. 409.982, F.S.; requiring the agency to establish uniform accounting and reporting methods for plans; providing for mandatory participation in plans by certain service providers; authorizing the exclusion of certain providers from plans for failure to meet quality or performance criteria; requiring plans to monitor participating providers using specified criteria; requiring certain providers to be included in plan networks; providing provider payment specifications for nursing homes and hospices; creating s. 409.983, F.S.; providing for negotiation of rates between the agency and the plans participating in the long-term care managed care program; providing specific criteria for calculating and adjusting plan payments; allowing the CARES program to assign plan enrollees to a level of care; providing incentives for adjustments of payment rates; requiring the agency to establish nursing facility-specific and hospice services payment rates; creating s. 409.984, F.S.; providing that before contracting with another vendor, the agency shall offer to contract with the aging resource centers to provide choice counseling for the long-term care managed care program; providing criteria for automatic assignments of plan enrollees who fail to choose a plan; providing for hospice selection within a specified timeframe; providing for a choice of residential setting under certain circumstances; creating s. 409.9841, F.S.; creating the long-term care managed care technical advisory workgroup; providing duties; providing membership; providing for reimbursement for per diem and travel expenses; providing for repeal by a specified date; creating s. 409.985, F.S.; providing that the agency shall operate the Comprehensive Assessment and Review for Long-Term Care Services program through an interagency agreement with the Department of Elderly Affairs; providing duties of the program; defining the term "nursing facility care"; creating s. 409.986, F.S.; providing authority and agency duties regarding long-term care programs for persons with developmental disabilities; authorizing the agency to delegate specific duties to and collaborate with the Agency for Persons with Disabilities; requiring the agency to make payments for long-term care for persons with developmental disabilities under certain conditions; creating s. 409.987, F.S.; providing eligibility requirements for long-term care plans; creating s. 409.988, F.S.; specifying covered benefits for long-term care plans; creating s. 409.989, F.S.; establishing criteria for eligible plans; specifying minimum and maximum number of plans and selection criteria; authorizing participation by the Children's Medical Services Network in long-term care plans under certain conditions; creating s. 409.99, F.S.; providing requirements for managed care plan accountability; specifying limitations on providers in plan networks; providing for evaluation and payment of network providers; requiring managed care plans to establish family advisory committees and offer consumer-directed care services; creating s. 409.991, F.S.; providing for payment of managed care plans; providing duties for the Agency for Persons with Disabilities to assign plan enrollees into a payment-rate level of care; establishing level-of-care criteria; providing payment requirements for intensive behavior residential habilitation providers and intermediate care facilities for the developmentally disabled; creating s. 409.992, F.S.; providing requirements for enrollment and choice counseling; specifying enrollment exceptions for certain Medicaid recipients; providing an effective date.

—as amended May 5 was read the third time by title.

On motion by Senator Negron, **CS for HB 7107** as amended was passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Evers	Negron
Alexander	Fasano	Norman
Altman	Flores	Oelrich
Benacquisto	Gaetz	Richter
Bennett	Garcia	Simmons
Bogdanoff	Gardiner	Storms
Dean	Hays	Thrasher
Detert	Jones	Wise
Diaz de la Portilla	Latvala	
Dockery	Lynn	

Nays—11

Braynon	Montford	Siplin
Hill	Rich	Smith
Joyner	Ring	Sobel
Margolis	Sachs	

CS for HB 7109—A bill to be entitled An act relating to Medicaid; amending s. 393.0661, F.S.; requiring the Agency for Persons with Disabilities to establish a transition plan for current Medicaid recipients of home and community-based services under certain circumstances; providing for expiration of the section on a specified date; amending s. 393.0662, F.S.; requiring the Agency for Persons with Disabilities to complete the transition for current Medicaid recipients of home and community-based services to the iBudget system by a specified date; requiring the Agency for Persons with Disabilities to develop a transition plan for current Medicaid recipients of home and community-based services to managed care plans; providing for expiration of the section on a specified date; amending s. 408.040, F.S.; providing for suspension of certain conditions precedent to the issuance of a certificate of need for a nursing home, effective on a specified date; amending s. 408.0435, F.S.; extending the certificate-of-need moratorium for additional community nursing home beds; designating ss. 409.016-409.803, F.S., as pt. I of ch. 409, F.S., and entitling the part "Social and Economic Assistance"; designating ss. 409.810-409.821, F.S., as pt. II of ch. 409, F.S., and entitling the part "Kidcare"; designating ss. 409.901-409.9205, F.S., as part III of ch. 409, F.S., and entitling the part "Medicaid"; amending s. 409.905, F.S.; requiring the Agency for Health Care Administration to set reimbursements rates for hospitals that provide Medicaid services based on allowable-cost reporting from the hospitals; providing the methodology for the rate calculation and adjustments; requiring the rates to be subject to certain limits or ceilings; providing that exemptions to the limits or ceilings may be provided in the General Appropriations Act; deleting provisions relating to agency adjustments to a hospital's inpatient per diem rate; directing the agency to develop a plan to convert inpatient hospital rates to a prospective payment system that categorizes each case into diagnosis-related groups; requiring a report to the Governor and Legislature; amending s. 409.907, F.S.; providing additional requirements for provider agreements for Medicare crossover providers; providing that the agency is not obligated to enroll certain providers as Medicare crossover providers; specifying additional requirements for certain providers; providing the agency may establish additional criteria for providers to promote program integrity; amending s. 409.911, F.S.; providing for expiration of the Medicaid Low-Income Pool Council; amending s. 409.912, F.S.; providing payment requirements for provider service networks; providing for the expiration of various provisions relating to agency contracts and agreements with certain entities on specified dates to conform to the reorganization of Medicaid managed care; requiring the agency to contract on a prepaid or fixed-sum basis with certain prepaid dental health plans; eliminating obsolete provisions and updating provisions, to conform; amending ss. 409.91195 and 409.91196, F.S.; conforming cross-references; repealing s. 409.91207, F.S., relating to the medical home pilot project; amending s. 409.91211, F.S.; conforming cross-references; providing for future repeal of s. 409.91211, F.S., relating to the Medicaid managed care pilot program; amending s. 409.9122, F.S.; providing for the expiration of provisions relating to mandatory enrollment in a Medicaid managed care plan or MediPass on specified dates to conform to the reorganization of Medicaid managed care; eliminating obsolete provisions; requiring the

agency to develop a process to enable any recipient with access to employer-sponsored coverage to opt out of eligible plans in the Medicaid program; requiring the agency, contingent on federal approval, to enable recipients with access to other coverage or related products that provide access to specified health care services to opt out of eligible plans in the Medicaid program; requiring the agency to maintain and operate the Medicaid Encounter Data System; requiring the agency to conduct a review of encounter data and publish the results of the review before adjusting rates for prepaid plans; authorizing the agency to establish a designated payment for specified Medicare Advantage Special Needs members; authorizing the agency to develop a designated payment for Medicaid-only covered services for which the state is responsible; requiring the agency to establish, and managed care plans to use, a uniform method of accounting for and reporting medical and nonmedical costs; authorizing the agency to create exceptions to mandatory enrollment in managed care under specified circumstances; requiring the agency to contract with a provider service network to function as a third-party administrator and managing entity for the MediPass program; providing contract provisions; providing for the expiration of such contract requirements on a specified date; requiring the agency to contract with a single provider service network to function as a third-party administrator and managing entity for the Medically Needy program; providing contract provisions; providing for the expiration of such contract requirements on a specified date; amending s. 430.04, F.S.; eliminating obsolete provisions; requiring the Department of Elderly Affairs to develop a transition plan for specified elders and disabled adults receiving long-term care Medicaid services when eligible plans become available; providing for expiration of the plan; amending s. 430.2053, F.S.; eliminating obsolete provisions; providing additional duties of aging resource centers; providing an additional exception to direct services that may not be provided by an aging resource center; providing an expiration date for certain services administered through aging resource centers; providing for the cessation of specified payments by the department as eligible plans become available; providing for a memorandum of understanding between the agency and aging resource centers under certain circumstances; eliminating provisions requiring reports; repealing s. 430.701, F.S., relating to legislative findings and intent and approval for action relating to provider enrollment levels; repealing s. 430.702, F.S., relating to the Long-Term Care Community Diversion Pilot Project Act; repealing s. 430.703, F.S., relating to definitions; repealing s. 430.7031, F.S., relating to the nursing home transition program; repealing s. 430.704, F.S., relating to evaluation of long-term care through the pilot projects; repealing s. 430.705, F.S., relating to implementation of long-term care community diversion pilot projects; repealing s. 430.706, F.S., relating to quality of care; repealing s. 430.707, F.S., relating to contracts; repealing s. 430.708, F.S., relating to certificate of need; repealing s. 430.709, F.S., relating to reports and evaluations; renumbering ss. 409.9301, 409.942, 409.944, 409.945, 409.946, 409.953, and 409.9531, F.S., as ss. 402.81, 402.82, 402.83, 402.84, 402.85, 402.86, and 402.87, F.S., respectively; amending ss. 443.111 and 641.386, F.S.; conforming cross-references; directing the agency to develop a plan to implement the enrollment of the medically needy into managed care; amending s. 766.118, F.S.; providing a limitation on noneconomic damages for negligence of practitioners providing services and care to Medicaid recipients; providing effective dates and a contingent effective date.

—as amended May 5 was read the third time by title.

On motion by Senator Negron, **CS for HB 7109** as amended was passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Dockery	Lynn
Alexander	Evers	Negron
Altman	Fasano	Norman
Benacquisto	Flores	Oelrich
Bennett	Gaetz	Richter
Bogdanoff	Garcia	Simmons
Dean	Gardiner	Storms
Detert	Hays	Wise
Diaz de la Portilla	Jones	

Nays—12

Braynon	Montford	Siplin
Hill	Rich	Smith
Joyner	Ring	Sobel
Margolis	Sachs	Thrasher

Vote after roll call:

Nay to Yea—Thrasher

CS for CS for HB 1255—A bill to be entitled An act relating to education accountability; amending s. 1001.20, F.S.; deleting a provision that requires the Florida Virtual School to be administratively housed within the Office of Technology and Information Services within the Office of the Commissioner of Education; amending s. 1001.42, F.S.; revising the powers and duties of district school boards relating to student access to Florida Virtual School courses; creating s. 1001.421, F.S.; prohibiting district school board members and their relatives from soliciting or accepting certain gifts; amending s. 1002.37, F.S.; conforming provisions to changes made by the act; amending s. 1002.38, F.S.; providing that school grades shall be based on statewide assessments for purposes of the Opportunity Scholarship Program; amending s. 1002.39, F.S.; providing requirements for determining the end of the term of a John M. McKay Scholarship; amending s. 1002.45, F.S.; revising provisions relating to virtual instruction program provider qualifications; amending s. 1002.66, F.S.; providing an additional instructional service for children with disabilities in the Voluntary Prekindergarten Education Program; amending s. 1002.67, F.S.; requiring that the State Board of Education periodically review and revise the performance standards for the statewide kindergarten screening; amending s. 1002.69, F.S.; authorizing nonpublic schools to administer the statewide kindergarten screening to kindergarten students who were enrolled in the Voluntary Prekindergarten Education Program; revising provisions relating to the minimum kindergarten readiness rate and criteria for good cause exemptions from meeting the requirement; requiring prekindergarten enrollment screening and post-assessment under certain circumstances; amending s. 1002.71, F.S.; providing that a child may reenroll more than once in a prekindergarten program if granted a good cause exemption; amending s. 1002.73, F.S.; requiring the Department of Education to adopt procedures relating to prekindergarten enrollment screening, the standardized post-assessment, and reporting of the results of readiness measures; amending s. 1003.01, F.S.; providing an additional special education service; amending s. 1003.4156, F.S.; revising the general requirements for middle grades promotion; providing that a student with a disability may have end-of-course assessment results waived under certain circumstances; providing that a middle grades student may be exempt from reading remediation requirements under certain circumstances; creating s. 1003.4203, F.S.; authorizing each district school board to develop and implement a digital curriculum for students in grades 6 through 12; requiring the Department of Education to develop a model digital curriculum; authorizing partnerships with private businesses and consultants; amending s. 1003.428, F.S.; revising provisions relating to the general requirements for high school graduation; providing that a high school student may be exempt from reading remediation requirements under certain circumstances; amending s. 1003.429, F.S.; revising provisions relating to the selection of accelerated high school graduation options; amending s. 1003.491, F.S.; revising provisions relating to the development, contents, and approval of the strategic plan to address workforce needs; amending s. 1003.493, F.S.; revising requirements for career and professional academies and enrollment of students; creating s. 1003.4935, F.S.; requiring each district school board to develop a plan to implement a career and professional academy in at least one middle school; providing requirements for middle school career and professional academies and academy courses; amending s. 1003.573, F.S.; revising provisions relating to the use of restraint and seclusion on students with disabilities; requiring that certain information be included in incident reports; revising provisions relating to school district policies and procedures to include setting goals for the reduction of restraint and seclusion; requiring the State Board of Education to adopt rules defining terms and identifying additional variables to be documented in incident reports and standards for documentation and reporting; providing for application of specified provisions of the act; amending s. 1012.582, F.S.; conforming provisions to changes made by the act; amending s. 1003.575, F.S.; providing requirements for completion of an assistive technology assessment;

amending s. 1008.22, F.S.; revising provisions relating to the student assessment program for public schools; requiring that the Commissioner of Education direct school districts to participate in certain international assessment programs; authorizing a school principal to exempt certain students from the end-of-course assessment in civics education; revising provisions relating to administration and reporting of results of assessments; amending s. 1008.30, F.S.; revising provisions relating to evaluation of college readiness and providing for postsecondary preparatory instruction; requiring the State Board of Education to adopt certain rules; amending s. 1008.33, F.S.; revising provisions relating to public school improvement; requiring the Department of Education to categorize public schools based on a school's grade that relies on statewide assessments; amending s. 1008.34, F.S.; revising the basis for the designation of school grades; including achievement scores and learning gains for students who are hospital or homebound; amending s. 1011.01, F.S.; revising provisions relating to the annual operating budgets of district school boards and Florida College System institution boards of trustees; amending s. 1011.03, F.S.; revising provisions relating to adopted district school board budgets; creating s. 1011.035, F.S.; requiring each school district to post budgetary information on its website; amending s. 1011.62, F.S.; revising provisions relating to the funding model for exceptional student education programs; requiring the Department of Education to revise the descriptions of services and to implement the revisions; amending s. 1012.39, F.S.; revising provisions relating to the qualifications for nondegreed teachers of career education; providing effective dates.

—as amended May 2 was read the third time by title.

On motion by Senator Wise, **CS for CS for HB 1255** as amended was passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Fasano	Norman
Alexander	Flores	Oelrich
Altman	Gaetz	Richter
Benacquisto	Garcia	Ring
Bennett	Gardiner	Simmons
Bogdanoff	Hays	Siplin
Dean	Jones	Storms
Detert	Latvala	Thrasher
Diaz de la Portilla	Lynn	Wise
Dockery	Margolis	
Evers	Negron	

Nays—8

Braynon	Montford	Smith
Hill	Rich	Sobel
Joyner	Sachs	

Vote after roll call:

Yea to Nay—Dockery

CS for CS for SB 1122—A bill to be entitled An act relating to growth management; amending s. 163.3161, F.S.; redesignating the "Local Government Comprehensive Planning and Land Development Regulation Act" as the "Community Planning Act"; revising and providing intent and purpose of act; amending 163.3162, F.S.; revising provisions related to agricultural enclaves; amending s. 163.3164, F.S.; revising definitions; amending s. 163.3167, F.S.; revising the scope of the act; revising and providing duties of local governments and municipalities relating to comprehensive plans; removing regional planning agencies from the responsibility of preparing comprehensive plans; prohibiting initiative or referendum processes in regard to development orders, local comprehensive plan amendments, and map amendments; prohibiting local governments from requiring a super majority vote on comprehensive plan amendments; deleting retroactive effect; creating s. 163.3168, F.S.; encouraging local governments to apply for certain innovative planning tools; authorizing the state land planning agency and other appropriate state and regional agencies to use direct and indirect technical assistance; amending s. 163.3171, F.S.; providing legislative intent; amending s. 163.3174, F.S.; deleting certain notice requirements relating to the establishment of local planning agencies by a governing body; amending s. 163.3175, F.S.; providing additional factors for local government consideration in impacts to military installations; clarifying requirements for adopting criteria to address compatibility of lands relating to military installations; amending s. 163.3177, F.S.; revising and providing duties of local governments; revising and providing required and optional elements of comprehensive plans; revising requirements of schedules of capital improvements; revising and providing provisions relating to capital improvements elements; revising and providing required sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge elements; revising and providing required conservation elements; revising and providing required housing elements; revising and providing required coastal management elements; revising major objectives of, and procedures relating to, the local comprehensive planning process; revising and providing required and optional elements of future land use plans; providing required transportation elements; revising and providing required conservation elements; revising and providing required housing elements; revising and providing required coastal management elements; revising and providing required intergovernmental coordination elements; amending s. 163.31777, F.S.; revising requirements relating to public schools' interlocal agreements; deleting duties of the Office of Educational Facilities, the state land planning agency, and local governments relating to such agreements; deleting an exemption; amending s. 163.3178, F.S.; deleting a deadline for local governments to amend coastal management elements and future land use maps; amending s. 163.3180, F.S.; revising and providing provisions relating to concurrency; revising concurrency requirements; revising application and findings; revising local government requirements; revising and providing requirements relating to transportation concurrency, transportation concurrency exception areas, urban infill, urban redevelopment, urban service, downtown revitalization areas, transportation concurrency management areas, long-term transportation and school concurrency management systems, development of regional impact, school concurrency, service areas, financial feasibility, interlocal agreements, and multimodal transportation districts; revising duties of the Office of Program Policy Analysis and Government Accountability and the state land planning agency; providing requirements for local plans; providing for the limiting the liability of local governments under certain conditions; reenacting s. 163.31801(5), F.S., and amending s. 163.31801, F.S.; prohibiting new impact fees by local governments for a specified period of time; amending s. 163.3182, F.S.; revising definitions; revising provisions relating to transportation sufficiency plans and projects; amending s. 163.3184, F.S.; providing a definition for "reviewing agencies"; amending the definition of "in compliance"; removing references to procedural rules established by the state land planning agency; deleting provisions relating to community vision and urban boundary plan amendments, urban infill and redevelopment plan amendments, and housing incentive strategy plan amendments; amending s. 163.3187, F.S.; deleting provisions relating to the amendment of adopted comprehensive plan and providing the process for adoption of small-scale comprehensive plan amendments; amending s. 163.3191, F.S., relating to the evaluation and appraisal of comprehensive plans; providing and revising local government requirements including notice, amendments, compliance, mediation, reports, and scoping meetings; amending s. 163.3194, F.S.; regulating development orders for signs authorized by s. 479.07, F.S.; providing definitions; amending s. 163.3235, F.S.; revising requirements for periodic reviews of a development agreements; amending s. 163.3239, F.S.; revising recording requirements; amending s. 163.3243, F.S.; revising parties who may file an action for injunctive relief; amending s. 163.3245, F.S.; revising provisions relating to optional sector plans; authorizing the adoption of sector plans under certain circumstances; amending s. 163.3247, F.S.; revising provisions relating to the Century Commission for a Sustainable Florida; revising the findings and intent to include the necessity for a specific strategic plan addressing the state's growth management system; revising the planning timeframes to include a 10-year horizon; revising membership of the commission; deleting obsolete provisions regarding initial appointments; providing for the election of a chair and excluding certain members from serving as chair during a specified period; requiring that the commission meet at least six times per fiscal year; deleting a provision that requires the commission to meet in different regions in the state; requiring that the executive director establish a meeting calendar with the commission's approval; authorizing the commission to form subcommittees by vote; providing for a majority vote of members on commission actions; providing for reimbursement for per diem and travel expenses; revising provisions relating to the commission's powers and duties; requiring that the commission, in

cooperation with interested state agencies, local governments, and nongovernmental stakeholders, develop a strategic plan and submit the plan to the Governor and the Legislature by a specified date; requiring that the commission also submit progress reports by specified dates; requiring that the commission make presentations to the Governor and the Legislature; providing that an executive director be appointed by the Secretary of Community Affairs and ratified by the commission; requiring that the Department of Community Affairs provide a specific line item in its annual legislative budget request to fund the commission during a specified period; authorizing the department to obtain additional funding through external grants; requiring that the department provide sufficient funding and staff support to assist the commission in its duties; providing for future expiration and the abolishment of the commission; creating s. 163.3248, F.S.; providing for the designation of rural land stewardship areas; providing purposes and requirements for the establishment of such areas; providing for the creation of rural land stewardship overlay zoning district and transferable rural land use credits; providing certain limitations relating to such credits; providing for incentives; providing legislative intent; amending s. 163.32465, F.S.; revising legislative findings related to local government comprehensive planning; revising the process for amending a comprehensive plan; making the expedited review process applicable statewide and removing its status as a pilot program; revising the process and requirements for expedited review of plan amendments; amending s. 186.504, F.S.; revising membership requirements of regional planning councils; amending s. 367.021, F.S.; providing definitions for the terms "large landowner" and "need"; amending s. 380.06, F.S.; revising exemptions; revising provisions to conform to changes made by this act; repealing rules 9J-5 and 9J-11.023, Florida Administrative Code, relating to minimum criteria for review of local government comprehensive plans and plan amendments, evaluation and appraisal reports, land development regulations, and determinations of compliance; amending s. 380.0685, F.S.; revising the uses of the park admission surcharge; amending ss. 70.51, 163.06, 163.2517, 163.3217, 163.3220, 163.3221, 163.3229, 163.360, 163.516, 171.203, 186.513, 186.515, 189.415, 190.004, 190.005, 193.501, 287.042, 288.063, 288.975, 290.0475, 311.07, 331.319, 339.155, 339.2819, 369.303, 369.321, 378.021, 380.031, 380.061, 380.065, 380.115, 403.50665, 420.9071, 403.973, 420.5095, 420.615, 420.9071, 420.9076, 720.403, 1013.30, and 1013.33, F.S.; making conforming changes; repealing administrative rules; expanding a permit extension; providing a finding of important state interest; requiring the state land planning agency to review certain administrative and judicial proceedings; providing procedures for such review; affirming statutory construction with respect to other legislation passed at the same session; providing a directive of the Division of Statutory Revision; providing effective dates.

—as amended May 5 was read the third time by title.

Pending further consideration of **CS for CS for SB 1122** as amended, on motion by Senator Bennett, by two-thirds vote **CS for HB 7129** was withdrawn from the Committees on Community Affairs; Environmental Preservation and Conservation; and Budget.

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

CS for HB 7129—A bill to be entitled An act relating to growth management; amending s. 163.3161, F.S.; redesignating the "Local Government Comprehensive Planning and Land Development Regulation Act" as the "Community Planning Act"; revising and providing intent and purpose of act; amending s. 163.3164, F.S.; revising definitions; amending s. 163.3167, F.S.; revising scope of the act; revising and providing duties of local governments and municipalities relating to comprehensive plans; deleting retroactive effect; creating s. 163.3168, F.S.; encouraging local governments to apply for certain innovative planning tools; authorizing the state land planning agency and other appropriate state and regional agencies to use direct and indirect technical assistance; amending s. 163.3171, F.S.; providing legislative intent; amending s. 163.3174, F.S.; deleting certain notice requirements relating to the establishment of local planning agencies by a governing body; amending s. 163.3175, F.S.; providing that certain comments, underlying studies, and reports provided by a military installation's commanding officer are not binding on local governments; providing additional factors for local government consideration in impacts to military installations; clarifying requirements for adopting criteria to address compatibility of lands relating to military installations; amending s. 163.3177, F.S.; revising and providing duties of local governments; revising and providing required and optional elements of comprehensive plans; revising requirements of schedules of capital improvements; revising and providing provisions relating to capital improvements elements; revising major objectives of, and procedures relating to, the local comprehensive planning process; revising and providing required and optional elements of future land use plans; providing required transportation elements; revising and providing required conservation elements; revising and providing required housing elements; revising and providing required coastal management elements; revising and providing required intergovernmental coordination elements; amending s. 163.31777, F.S.; revising requirements relating to public schools' interlocal agreements; deleting duties of the Office of Educational Facilities, the state land planning agency, and local governments relating to such agreements; deleting an exemption; amending s. 163.3178, F.S.; deleting a deadline for local governments to amend coastal management elements and future land use maps; amending s. 163.3180, F.S.; revising and providing provisions relating to concurrency; revising concurrency requirements; revising application and findings; revising local government requirements; revising and providing requirements relating to transportation concurrency, transportation concurrency exception areas, urban infill, urban redevelopment, urban service, downtown revitalization areas, transportation concurrency management areas, long-term transportation and school concurrency management systems, development of regional impact, school concurrency, service areas, financial feasibility, interlocal agreements, and multimodal transportation districts; revising duties of the Office of Program Policy Analysis and the state land planning agency; providing requirements for local plans; providing for the limiting the liability of local governments under certain conditions; amending s. 163.3182, F.S.; revising definitions; revising provisions relating to transportation deficiency plans and projects; amending s. 163.3184, F.S.; providing a definition; providing requirements for comprehensive plans and plan amendments; providing a expedited state review process for adoption of comprehensive plan amendments; providing requirements for the adoption of comprehensive plan amendments; creating the state-coordinated review process; providing and revising provisions relating to the review process; revising requirements relating to local government transmittal of proposed plan or amendments; providing for comment by reviewing agencies; deleting provisions relating to regional, county, and municipal review; revising provisions relating to state land planning agency review; revising provisions relating to local government review of comments; deleting and revising provisions relating to notice of intent and processes for compliance and noncompliance; providing procedures for administrative challenges to plans and plan amendments; providing for compliance agreements; providing for mediation and expeditious resolution; revising powers and duties of the administration commission; revising provisions relating to areas of critical state concern; providing for concurrent zoning; amending s. 163.3187, F.S.; deleting provisions relating to the amendment of adopted comprehensive plan and providing the process for adoption of small-scale comprehensive plan amendments; repealing s. 163.3189, F.S., relating to process for amendment of adopted comprehensive plan; amending s. 163.3191, F.S., relating to the evaluation and appraisal of comprehensive plans; providing and revising local government requirements including notice, amendments, compliance, mediation, reports, and scoping meetings; amending s. 163.3229, F.S.; revising limitations on duration of development agreements; amending s. 163.3235, F.S.; revising requirements for periodic reviews of a development agreements; amending s. 163.3239, F.S.; revising recording requirements; amending s. 163.3243, F.S.; revising parties who may file an action for injunctive relief; amending s. 163.3245, F.S.; revising provisions relating to optional sector plans; authorizing the adoption of sector plans under certain circumstances; amending s. 163.3246, F.S.; revising provisions relating to the local government comprehensive planning certification program; conforming provisions to changes made by the act; deleting reporting requirements of the Office of Program Policy Analysis and Government Accountability; repealing s. 163.32465, F.S., relating to state review of local comprehensive plans in urban areas; amending s. 163.3247, F.S.; providing for future repeal and abolition of the Century Commission for a Sustainable Florida; creating s. 163.3248, F.S.; providing for the designation of rural land stewardship areas; providing purposes and requirements for the establishment of such areas; providing for the creation of rural land stewardship overlay zoning district and transferable rural land use credits; providing certain limitation relating to such credits; providing for incentives; providing eligibility for incentives; providing legislative intent; amending s. 380.06, F.S.; revising requirements relating to the issuance of permits for development by local governments; revising criteria for the determination of substantial deviation; providing for extension of certain expiration dates; revising exemptions governing developments of regional impact; revising provisions to conform to changes

made by this act; amending s. 380.0651, F.S.; revising provisions relating to statewide guidelines and standards for certain multiscreen movie theaters, industrial plants, industrial parks, distribution, warehousing and wholesaling facilities, and hotels and motels; revising criteria for the determination of when to treat two or more developments as a single development; amending s. 331.303, F.S.; conforming a cross-reference; amending s. 380.115, F.S.; subjecting certain developments required to undergo development-of-regional-impact review to certain procedures; amending s. 380.065, F.S.; deleting certain reporting requirements; conforming provisions to changes made by the act; amending s. 380.0685, F.S., relating to use of surcharges for beach renourishment and restoration; repealing Rules 9J-5 and 9J-11.023, Florida Administrative Code, relating to minimum criteria for review of local government comprehensive plans and plan amendments, evaluation and appraisal reports, land development regulations, and determinations of compliance; amending ss. 70.51, 163.06, 163.2517, 163.3162, 163.3217, 163.3220, 163.3221, 163.3229, 163.360, 163.516, 171.203, 186.513, 189.415, 190.004, 190.005, 193.501, 287.042, 288.063, 288.975, 290.0475, 311.07, 331.319, 339.155, 339.2819, 369.303, 369.321, 378.021, 380.115, 380.031, 380.061, 403.50665, 403.973, 420.5095, 420.615, 420.5095, 420.9071, 420.9076, 720.403, 1013.30, 1013.33, and 1013.35, F.S.; revising provisions to conform to changes made by this act; extending permits and other authorizations extended under s. 14, ch. 2009-96, Laws of Florida; extending certain previously granted buildout dates; requiring a permitholder to notify the authorizing agency of its intended use of the extension; exempting certain permits from eligibility for an extension; providing for applicability of rules governing permits; declaring that certain provisions do not impair the authority of counties and municipalities under certain circumstances; requiring the state land planning agency to review certain administrative and judicial proceedings; providing procedures for such review; providing that all local governments shall be governed by certain provisions of general law; providing a directive of the Division of Statutory Revision; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1122** as amended and by two-thirds vote read the second time by title.

Senator Bennett moved the following amendment:

Amendment 1 (195750) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (26) of section 70.51, Florida Statutes, is amended to read:

70.51 Land use and environmental dispute resolution.—

(26) A special magistrate's recommendation under this section constitutes data in support of, and a support document for, a comprehensive plan or comprehensive plan amendment, but is not, in and of itself, dispositive of a determination of compliance with chapter 163. ~~Any comprehensive plan amendment necessary to carry out the approved recommendation of a special magistrate under this section is exempt from the twice-a-year limit on plan amendments and may be adopted by the local government amendments in s. 163.3184(16)(d).~~

Section 2. Paragraphs (h) through (l) of subsection (3) of section 163.06, Florida Statutes, are redesignated as paragraphs (g) through (k), respectively, and present paragraph (g) of that subsection is amended to read:

163.06 Miami River Commission.—

(3) The policy committee shall have the following powers and duties:

~~(g) Coordinate a joint planning area agreement between the Department of Community Affairs, the city, and the county under the provisions of s. 163.3177(11)(a), (b), and (c).~~

Section 3. Subsection (4) of section 163.2517, Florida Statutes, is amended to read:

163.2517 Designation of urban infill and redevelopment area.—

(4) In order for a local government to designate an urban infill and redevelopment area, it must amend its comprehensive land use plan under s. 163.3187 to delineate the boundaries of the urban infill and redevelopment area within the future land use element of its comprehensive plan pursuant to its adopted urban infill and redevelopment plan. The state land planning agency shall review the boundary delineation of the urban infill and redevelopment area in the future land use element under s. 163.3184. However, an urban infill and redevelopment plan adopted by a local government is not subject to review for compliance as defined by s. 163.3184(1)(b), and the local government is not required to adopt the plan as a comprehensive plan amendment. ~~An amendment to the local comprehensive plan to designate an urban infill and redevelopment area is exempt from the twice-a-year amendment limitation of s. 163.3187.~~

Section 4. Section 163.3161, Florida Statutes, is amended to read:

163.3161 Short title; intent and purpose.—

(1) This part shall be known and may be cited as the "*Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act."

(2) ~~In conformity with, and in furtherance of, the purpose of the Florida Environmental Land and Water Management Act of 1972, chapter 380,~~ It is the purpose of this act to utilize and strengthen the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to guide and *manage* ~~control~~ future development *consistent with the proper role of local government*.

(3) *It is the intent of this act to focus the state role in managing growth under this act to protecting the functions of important state resources and facilities.*

(4) It is the intent of this act that *the ability of* ~~its adoption is necessary so that~~ local governments *to* ~~can~~ preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; ~~prevent the overcrowding of land and avoid undue concentration of population;~~ facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

(5)~~(4)~~ It is the intent of this act to encourage and *ensure* ~~assure~~ cooperation between and among municipalities and counties and to encourage and assure coordination of planning and development activities of units of local government with the planning activities of regional agencies and state government in accord with applicable provisions of law.

(6)~~(5)~~ It is the intent of this act that adopted comprehensive plans shall have the legal status set out in this act and that no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act.

(7)~~(6)~~ It is the intent of this act that the activities of units of local government in the preparation and adoption of comprehensive plans, or elements or portions therefor, shall be conducted in conformity with ~~the provisions of~~ this act.

(8)~~(7)~~ The provisions of this act in their interpretation and application are declared to be the minimum requirements necessary to accomplish the stated intent, purposes, and objectives of this act; to protect human, environmental, social, and economic resources; and to maintain, through orderly growth and development, the character and stability of present and future land use and development in this state.

(9)~~(8)~~ It is the intent of the Legislature that the repeal of ss. 163.160 through 163.315 by s. 19 of chapter 85-55, Laws of Florida, *and amendments to this part by this chapter law,* ~~shall~~ not be interpreted to limit or restrict the powers of municipal or county officials, but ~~shall~~ be interpreted as a recognition of their broad statutory and constitutional powers to plan for and regulate the use of land. It is, further, the intent

of the Legislature to reconfirm that ss. *163.3161-163.3248* ~~163.3161 through 163.3215~~ have provided and do provide the necessary statutory direction and basis for municipal and county officials to carry out their comprehensive planning and land development regulation powers, duties, and responsibilities.

(10)~~(9)~~ It is the intent of the Legislature that all governmental entities in this state recognize and respect judicially acknowledged or constitutionally protected private property rights. It is the intent of the Legislature that all rules, ordinances, regulations, *comprehensive plans and amendments thereto,* and programs adopted under the authority of this act must be developed, promulgated, implemented, and applied with sensitivity for private property rights and not be unduly restrictive, and property owners must be free from actions by others which would harm their property *or which would constitute an inordinate burden on property rights as those terms are defined in s. 70.001(3)(e) and (f)*. Full and just compensation or other appropriate relief must be provided to any property owner for a governmental action that is determined to be an invalid exercise of the police power which constitutes a taking, as provided by law. Any such relief must *ultimately* be determined in a judicial action.

(11) It is the intent of this part that the traditional economic base of this state, agriculture, tourism, and military presence, be recognized and protected. Further, it is the intent of this part to encourage economic diversification, workforce development, and community planning.

(12) It is the intent of this part that new statutory requirements created by the Legislature will not require a local government whose plan has been found to be in compliance with this part to adopt amendments implementing the new statutory requirements until the evaluation and appraisal period provided in s. 163.3191, unless otherwise specified in law. However, any new amendments must comply with the requirements of this part.

Section 5. Subsections (2) through (5) of section 163.3162, Florida Statutes, are renumbered as subsections (1) through (4), respectively, and present subsections (1) and (5) of that section are amended to read:

163.3162 Agricultural Lands and Practices ~~Act~~.—

~~(1) SHORT TITLE.—This section may be cited as the "Agricultural Lands and Practices Act."~~

(4)~~(5)~~ AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—The owner of a parcel of land defined as an agricultural enclave under s. 163.3164~~(33)~~ may apply for an amendment to the local government comprehensive plan pursuant to s. *163.3184* ~~163.3187~~. Such amendment is presumed *not* to be *urban sprawl as defined in s. 163.3164 if it includes* ~~consistent with rule 9J-5.006(5), Florida Administrative Code, and may include~~ land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. This presumption may be rebutted by clear and convincing evidence. Each application for a comprehensive plan amendment under this subsection for a parcel larger than 640 acres must include appropriate new urbanism concepts such as clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights in order to discourage urban sprawl while protecting landowner rights.

(a) The local government and the owner of a parcel of land that is the subject of an application for an amendment shall have 180 days following the date that the local government receives a complete application to negotiate in good faith to reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. Within 30 days after the local government's receipt of such an application, the local government and owner must agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment, which schedule may thereafter be altered only with the written consent of the local government and the owner. Compliance with the schedule in the written agreement constitutes good faith negotiations for purposes of paragraph (c).

(b) Upon conclusion of good faith negotiations under paragraph (a), regardless of whether the local government and owner reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel, the amendment must be transmitted to the state land planning agency for review pursuant to s. 163.3184. If the local government fails to transmit the amendment within 180 days after receipt of a complete application, the amendment must be immediately transferred to the state land planning agency for such review ~~at the first available transmittal cycle~~. A plan amendment transmitted to the state land planning agency submitted under this subsection is presumed *not* to be *urban sprawl as defined in s. 163.3164* ~~consistent with rule 9J-5.006(5), Florida Administrative Code~~. This presumption may be rebutted by clear and convincing evidence.

(c) If the owner fails to negotiate in good faith, a plan amendment submitted under this subsection is not entitled to the rebuttable presumption under this subsection in the negotiation and amendment process.

(d) Nothing within this subsection relating to agricultural enclaves shall preempt or replace any protection currently existing for any property located within the boundaries of the following areas:

1. The Wekiva Study Area, as described in s. 369.316; or

2. The Everglades Protection Area, as defined in s. 373.4592(2).

Section 6. Section 163.3164, Florida Statutes, is amended to read:

163.3164 *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act; definitions.—As used in this act:

(1) *"Adaptation action area" or "adaptation area" means a designation in the coastal management element of a local government's comprehensive plan which identifies one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning.*

(2) "Administration Commission" means the Governor and the Cabinet, and for purposes of this chapter the commission shall act on a simple majority vote, except that for purposes of imposing the sanctions provided in s. 163.3184*(8)*~~(11)~~, affirmative action shall require the approval of the Governor and at least three other members of the commission.

(3) "Affordable housing" has the same meaning as in s. 420.0004(3).

(4)~~(33)~~ "Agricultural enclave" means an unincorporated, undeveloped parcel that:

(a) Is owned by a single person or entity;

(b) Has been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years prior to the date of any comprehensive plan amendment application;

(c) Is surrounded on at least 75 percent of its perimeter by:

1. Property that has existing industrial, commercial, or residential development; or

2. Property that the local government has designated, in the local government's comprehensive plan, zoning map, and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such property is existing industrial, commercial, or residential development;

(d) Has public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180; and

(e) Does not exceed 1,280 acres; however, if the property is surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, then the area shall be determined to be urban and the parcel may not exceed 4,480 acres.

(5) "Antiquated subdivision" means a subdivision that was recorded or approved more than 20 years ago and that has substantially failed to be built and the continued buildout of the subdivision in accordance with the subdivision's zoning and land use purposes would cause an imbalance of land uses and would be detrimental to the local and regional economies and environment, hinder current planning practices, and lead to inefficient and fiscally irresponsible development patterns as determined by the respective jurisdiction in which the subdivision is located.

(6)~~(2)~~ "Area" or "area of jurisdiction" means the total area qualifying under ~~the provisions of~~ this act, whether this be all of the lands lying within the limits of an incorporated municipality, lands in and adjacent to incorporated municipalities, all unincorporated lands within a county, or areas comprising combinations of the lands in incorporated municipalities and unincorporated areas of counties.

(7) "Capital improvement" means physical assets constructed or purchased to provide, improve, or replace a public facility and which are typically large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multiyear financing. For the purposes of this part, physical assets that have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements.

(8)~~(3)~~ "Coastal area" means the 35 coastal counties and all coastal municipalities within their boundaries ~~designated coastal by the state land planning agency~~.

(9) "Compatibility" means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

(10)~~(4)~~ "Comprehensive plan" means a plan that meets the requirements of ss. 163.3177 and 163.3178.

(11) "Deepwater ports" means the ports identified in s. 403.021(9).

(12) "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.

(13)~~(5)~~ "Developer" means any person, including a governmental agency, undertaking any development as defined in this act.

(14)~~(6)~~ "Development" has the *same* meaning *as* ~~given it~~ in s. 380.04.

(15)~~(7)~~ "Development order" means any order granting, denying, or granting with conditions an application for a development permit.

(16)~~(8)~~ "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

(17)~~(25)~~ "Downtown revitalization" means the physical and economic renewal of a central business district of a community as designated by local government, and includes both downtown development and redevelopment.

(18) "Floodprone areas" means areas inundated during a 100-year flood event or areas identified by the National Flood Insurance Program as an A Zone on flood insurance rate maps or flood hazard boundary maps.

(19) "Goal" means the long-term end toward which programs or activities are ultimately directed.

(20)~~(9)~~ "Governing body" means the board of county commissioners of a county, the commission or council of an incorporated municipality, or any other chief governing body of a unit of local government, however designated, or the combination of such bodies where joint utilization of ~~the provisions of~~ this act is accomplished as provided herein.

(21)~~(10)~~ "Governmental agency" means:

(a) The United States or any department, commission, agency, or other instrumentality thereof.

(b) This state or any department, commission, agency, or other instrumentality thereof.

(c) Any local government, as defined in this section, or any department, commission, agency, or other instrumentality thereof.

(d) Any school board or other special district, authority, or governmental entity.

(22) "Intensity" means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services.

(23) "Internal trip capture" means trips generated by a mixed-use project that travel from one on-site land use to another on-site land use without using the external road network.

(24)~~(11)~~ "Land" means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

(25)~~(22)~~ "Land development regulation commission" means a commission designated by a local government to develop and recommend, to the local governing body, land development regulations which implement the adopted comprehensive plan and to review land development regulations, or amendments thereto, for consistency with the adopted plan and report to the governing body regarding its findings. The responsibilities of the land development regulation commission may be performed by the local planning agency.

(26)~~(23)~~ "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition *does* ~~shall~~ not apply in s. 163.3213.

(27)~~(12)~~ "Land use" means the development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.

(28) "Level of service" means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

(29)~~(13)~~ "Local government" means any county or municipality.

(30)~~(14)~~ "Local planning agency" means the agency designated to prepare the comprehensive plan or plan amendments required by this act.

(31)~~(15)~~ ~~A~~ "Newspaper of general circulation" means a newspaper published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

(32) "New town" means an urban activity center and community designated on the future land use map of sufficient size, population and land use composition to support a variety of economic and social activities consistent with an urban area designation. New towns shall include basic economic activities; all major land use categories, with the possible exception of agricultural and industrial; and a centrally provided full range of public facilities and services that demonstrate internal trip capture. A new town shall be based on a master development plan.

(33) "Objective" means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.

(34)~~(16)~~ "Parcel of land" means any quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to

be used, or developed as, a unit or which has been used or developed as a unit.

(35)~~(17)~~ "Person" means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

(36) "Policy" means the way in which programs and activities are conducted to achieve an identified goal.

(37)~~(28)~~ "Projects that promote public transportation" means projects that directly affect the provisions of public transit, including transit terminals, transit lines and routes, separate lanes for the exclusive use of public transit services, transit stops (shelters and stations), office buildings or projects that include fixed-rail or transit terminals as part of the building, and projects which are transit oriented and designed to complement reasonably proximate planned or existing public facilities.

(38)~~(24)~~ "Public facilities" means major capital improvements, including~~, but not limited to,~~ transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational~~, and health systems and~~ facilities~~, and spoil disposal sites for maintenance dredging located in the intracoastal waterways, except for spoil disposal sites owned or used by ports listed in s. 403.021(9)(b)~~.

(39)~~(18)~~ "Public notice" means notice as required by s. 125.66(2) for a county or by s. 166.041(3)(a) for a municipality. The public notice procedures required in this part are established as minimum public notice procedures.

(40)~~(19)~~ "Regional planning agency" means the *council created pursuant to chapter 186* ~~agency designated by the state land planning agency to exercise responsibilities under law in a particular region of the state~~.

(41) "Seasonal population" means part-time inhabitants who use, or may be expected to use, public facilities or services, but are not residents and includes tourists, migrant farmworkers, and other short-term and long-term visitors.

(42)~~(31)~~ "~~Optional~~ Sector plan" means *the* ~~an optional~~ process authorized by s. 163.3245 in which one or more local governments *engage in long-term planning for a large area and* ~~by agreement with the state land planning agency are allowed to~~ address *regional* ~~development of regional impact~~ issues *through adoption of detailed specific area plans within the planning area* ~~within certain designated geographic areas identified in the local comprehensive plan~~ as a means of fostering innovative planning and development strategies ~~in s. 163.3177(11)(a) and (b)~~, furthering the purposes of this part and part I of chapter 380, reducing overlapping data and analysis requirements, protecting regionally significant resources and facilities, and addressing extrajurisdictional impacts. *The term includes an optional sector plan that was adopted before the effective date of this act.*

(43)~~(20)~~ "State land planning agency" means the ~~Department of Community Affairs~~ *Department of Economic Opportunity*.

(44)~~(21)~~ "Structure" has the *same* meaning *as in* ~~given it by~~ s. 380.031(19).

(45) "Suitability" means the degree to which the existing characteristics and limitations of land and water are compatible with a proposed use or development.

(46) "Transit-oriented development" means a project or projects, in areas identified in a local government comprehensive plan, that is or will be served by existing or planned transit service. These designated areas shall be compact, moderate to high density developments, of mixed-use character, interconnected with other land uses, bicycle and pedestrian friendly, and designed to support frequent transit service operating through, collectively or separately, rail, fixed guideway, streetcar, or bus systems on dedicated facilities or available roadway connections.

(47)~~(30)~~ "Transportation corridor management" means the coordination of the planning of designated future transportation corridors with land use planning within and adjacent to the corridor to promote orderly growth, to meet the concurrency requirements of this chapter, and to maintain the integrity of the corridor for transportation purposes.

(48)~~(27)~~ "Urban infill" means the development of vacant parcels in otherwise built-up areas where public facilities such as sewer systems, roads, schools, and recreation areas are already in place and the average residential density is at least five dwelling units per acre, the average nonresidential intensity is at least a floor area ratio of 1.0 and vacant, developable land does not constitute more than 10 percent of the area.

(49)~~(26)~~ "Urban redevelopment" means demolition and reconstruction or substantial renovation of existing buildings or infrastructure within urban infill areas, existing urban service areas, or community redevelopment areas created pursuant to part III.

(50)~~(29)~~ "Urban service area" means ~~built-up~~ areas *identified in the comprehensive plan* where public facilities and services, including, but not limited to, central water and sewer capacity and roads, are already in place or are *identified in the capital improvements element. The term includes any areas identified in the comprehensive plan as urban service areas, regardless of local government limitation* ~~committed in the first 3 years of the capital improvement schedule~~. ~~In addition, for counties that qualify as dense urban land areas under subsection (34), the nonrural area of a county which has adopted into the county charter a rural area designation or areas identified in the comprehensive plan as urban service areas or urban growth boundaries on or before July 1, 2009, are also urban service areas under this definition.~~

(51) "Urban sprawl" means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

~~(32) "Financial feasibility" means that sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5 year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level-of-service standards are achieved and maintained within the period covered by the 5 year schedule of capital improvements. A comprehensive plan shall be deemed financially feasible for transportation and school facilities throughout the planning period addressed by the capital improvements schedule if it can be demonstrated that the level of service standards will be achieved and maintained by the end of the planning period even if in a particular year such improvements are not concurrent as required by s. 163.3180.~~

~~(34) "Dense urban land area" means:~~

~~(a) A municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;~~

~~(b) A county, including the municipalities located therein, which has an average of at least 1,000 people per square mile of land area; or~~

~~(c) A county, including the municipalities located therein, which has a population of at least 1 million.~~

~~The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.091. The Office of Economic and Demographic Research shall submit to the state land planning agency a list of jurisdictions that meet the total population and density criteria necessary for designation as a dense urban land area by July 1, 2009, and every year thereafter. The state land planning agency shall publish the list of jurisdictions on its Internet website within 7 days after the list is received. The designation of jurisdictions that qualify or do not qualify as a dense urban land area is effective upon publication on the state land planning agency's Internet website.~~

Section 7. Section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.—

(1) The several incorporated municipalities and counties shall have power and responsibility:

(a) To plan for their future development and growth.

(b) To adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth.

(c) To implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations or elements thereof.

(d) To establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of this act.

The powers and authority set out in this act may be employed by municipalities and counties individually or jointly by mutual agreement in accord with ~~the provisions of~~ this act and in such combinations as their common interests may dictate and require.

(2) Each local government shall *maintain* ~~prepare~~ a comprehensive plan of the type and in the manner set out in this part or prepare amendments to its existing comprehensive plan to conform it to the requirements of this part and in the manner set out in this part. ~~In accordance with s. 163.3184, each local government shall submit to the state land planning agency its complete proposed comprehensive plan or its complete comprehensive plan as proposed to be amended.~~

~~(3) When a local government has not prepared all of the required elements or has not amended its plan as required by subsection (2), the regional planning agency having responsibility for the area in which the local government lies shall prepare and adopt by rule, pursuant to chapter 120, the missing elements or adopt by rule amendments to the existing plan in accordance with this act by July 1, 1989, or within 1 year after the dates specified or provided in subsection (2) and the state land planning agency review schedule, whichever is later. The regional planning agency shall provide at least 90 days' written notice to any local government whose plan it is required by this subsection to prepare, prior to initiating the planning process. At least 90 days before the adoption by the regional planning agency of a comprehensive plan, or element or portion thereof, pursuant to this subsection, the regional planning agency shall transmit a copy of the proposed comprehensive plan, or element or portion thereof, to the local government and the state land planning agency for written comment. The state land planning agency shall review and comment on such plan, or element or portion thereof, in accordance with s. 163.3184(6). Section 163.3184(6), (7), and (8) shall be applicable to the regional planning agency as if it were a governing body. Existing comprehensive plans shall remain in effect until they are amended pursuant to subsection (2), this subsection, s. 163.3187, or s. 163.3189.~~

(3)~~(4)~~ A municipality established after the effective date of this act shall, within 1 year after incorporation, establish a local planning agency, pursuant to s. 163.3174, and prepare and adopt a comprehensive plan of the type and in the manner set out in this act within 3 years after the date of such incorporation. A county comprehensive plan shall be deemed controlling until the municipality adopts a comprehensive plan in accord with ~~the provisions of~~ this act. ~~If, upon the expiration of the 3-year time limit, the municipality has not adopted a comprehensive plan, the regional planning agency shall prepare and adopt a comprehensive plan for such municipality.~~

(4)~~(5)~~ Any comprehensive plan, or element or portion thereof, adopted pursuant to ~~the provisions of~~ this act, which but for its adoption after the deadlines established pursuant to previous versions of this act would have been valid, shall be valid.

~~(6) When a regional planning agency is required to prepare or amend a comprehensive plan, or element or portion thereof, pursuant to subsections (3) and (4), the regional planning agency and the local government may agree to a method of compensating the regional planning agency for any verifiable, direct costs incurred. If an agreement is not reached within 6 months after the date the regional planning agency assumes planning responsibilities for the local government pursuant to subsections (3) and (4) or by the time the plan or element, or portion thereof, is completed, whichever is earlier, the regional planning agency shall file invoices for verifiable, direct costs involved with the governing body. Upon the failure of the local government to pay such invoices within 90 days, the regional planning agency may, upon filing proper vouchers with the Chief Financial Officer, request payment by the Chief Financial Officer from unencumbered revenue or other tax sharing funds due such local government from the state for work actually performed, and the Chief Financial Officer shall pay such vouchers; however, the amount of such payment shall not exceed 50 percent of such funds due such local government in any one year.~~

~~(7) A local government that is being requested to pay costs may seek an administrative hearing pursuant to ss. 120.569 and 120.57 to challenge the amount of costs and to determine if the statutory prerequisites for payment have been complied with. Final agency action shall be taken by the state land planning agency. Payment shall be withheld as to disputed amounts until proceedings under this subsection have been completed.~~

(5)~~(8)~~ Nothing in this act shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to chapter 380 or who has been issued a final local development order and development has commenced and is continuing in good faith.

(6)~~(9)~~ The Reedy Creek Improvement District shall exercise the authority of this part as it applies to municipalities, consistent with the legislative act under which it was established, for the total area under its jurisdiction.

(7)~~(10)~~ Nothing in this part shall supersede any provision of ss. 341.8201-341.842.

~~(11) Each local government is encouraged to articulate a vision of the future physical appearance and qualities of its community as a component of its local comprehensive plan. The vision should be developed through a collaborative planning process with meaningful public participation and shall be adopted by the governing body of the jurisdiction. Neighboring communities, especially those sharing natural resources or physical or economic infrastructure, are encouraged to create collective visions for greater than local areas. Such collective visions shall apply in each city or county only to the extent that each local government chooses to make them applicable. The state land planning agency shall serve as a clearinghouse for creating a community vision of the future and may utilize the Growth Management Trust Fund, created by s. 186.911, to provide grants to help pay the costs of local visioning programs. When a local vision of the future has been created, a local government should review its comprehensive plan, land development regulations, and capital improvement program to ensure that these instruments will help to move the community toward its vision in a manner consistent with this act and with the state comprehensive plan. A local or regional vision must be consistent with the state vision, when adopted, and be internally consistent with the local or regional plan of which it is a component. The state land planning agency shall not adopt minimum criteria for evaluating or judging the form or content of a local or regional vision.~~

(8)~~(12)~~ An initiative or referendum process in regard to any development order or in regard to any local comprehensive plan amendment or map amendment ~~that affects five or fewer parcels of land~~ is prohibited.

(9)~~(13)~~ Each local government shall address in its comprehensive plan, as enumerated in this chapter, the water supply sources necessary to meet and achieve the existing and projected water use demand for the established planning period, considering the applicable plan developed pursuant to s. 373.709.

(10)~~(14)~~(a) If a local government grants a development order pursuant to its adopted land development regulations and the order is not the subject of a pending appeal and the timeframe for filing an appeal has expired, the development order may not be invalidated by a subsequent judicial determination that such land development regulations, or any portion thereof that is relevant to the development order, are invalid because of a deficiency in the approval standards.

(b) This subsection does not preclude or affect the timely institution of any other remedy available at law or equity, including a common law writ of certiorari proceeding pursuant to Rule 9.190, Florida Rules of

Appellate Procedure, or an original proceeding pursuant to s. 163.3215, as applicable.

~~(c) This subsection applies retroactively to any development order granted on or after January 1, 2002.~~

Section 8. Section 163.3168, Florida Statutes, is created to read:

163.3168 Planning innovations and technical assistance.—

(1) The Legislature recognizes the need for innovative planning and development strategies to promote a diverse economy and vibrant rural and urban communities, while protecting environmentally sensitive areas. The Legislature further recognizes the substantial advantages of innovative approaches to development directed to meet the needs of urban, rural, and suburban areas.

(2) Local governments are encouraged to apply innovative planning tools, including, but not limited to, visioning, sector planning, and rural land stewardship area designations to address future new development areas, urban service area designations, urban growth boundaries, and mixed-use, high-density development in urban areas.

(3) The state land planning agency shall help communities find creative solutions to fostering vibrant, healthy communities, while protecting the functions of important state resources and facilities. The state land planning agency and all other appropriate state and regional agencies may use various means to provide direct and indirect technical assistance within available resources. If plan amendments may adversely impact important state resources or facilities, upon request by the local government, the state land planning agency shall coordinate multiagency assistance, if needed, in developing an amendment to minimize impacts on such resources or facilities.

(4) The state land planning agency shall provide, on its website, guidance on the submittal and adoption of comprehensive plans, plan amendments, and land development regulations. Such guidance shall not be adopted as a rule and is exempt from s. 120.54(1)(a).

Section 9. Subsection (4) of section 163.3171, Florida Statutes, is amended to read:

163.3171 Areas of authority under this act.—

(4) ~~The state land planning agency and a~~ Local *governments may* ~~government shall have the power to~~ enter into agreements with each other and ~~to agree together to enter into agreements~~ with a landowner, developer, or governmental agency as may be necessary or desirable to effectuate the provisions and purposes of ss. 163.3177(6)(h)*,* ~~and (11)(a), (b), and (c), and~~ 163.3245*, and 163.3248. It is the Legislature's intent that joint agreements entered into under the authority of this section be liberally, broadly, and flexibly construed to facilitate intergovernmental cooperation between cities and counties and to encourage planning in advance of jurisdictional changes. Joint agreements, executed before or after the effective date of this act, include, but are not limited to, agreements that contemplate municipal adoption of plans or plan amendments for lands in advance of annexation of such lands into the municipality, and may permit municipalities and counties to exercise nonexclusive extrajurisdictional authority within incorporated and unincorporated areas. The state land planning agency may not interpret, invalidate, or declare inoperative such joint agreements, and the validity of joint agreements may not be a basis for finding plans or plan amendments not in compliance pursuant to chapter law.*

Section 10. Subsection (1) of section 163.3174, Florida Statutes, is amended to read:

163.3174 Local planning agency.—

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. Notwithstanding any special act to the contrary, all local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. However, this subsection does not prevent the governing body of the local government from granting voting status to the school board member. The governing body may designate itself as the local planning agency pursuant to this subsection with the addition of a nonvoting school board representative. ~~The governing body shall notify the state land planning agency of the establishment of its local planning agency.~~ All local planning agencies shall provide opportunities for involvement by applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

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

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

Section 11. Subsections (5), (6), and (9) of section 163.3175, Florida Statutes, are amended to read:

163.3175 Legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations.—

(5) The commanding officer or his or her designee may provide comments to the affected local government on the impact such proposed changes may have on the mission of the military installation. Such comments may include:

(a) If the installation has an airfield, whether such proposed changes will be incompatible with the safety and noise standards contained in the Air Installation Compatible Use Zone (AICUZ) adopted by the military installation for that airfield;

(b) Whether such changes are incompatible with the Installation Environmental Noise Management Program (IENMP) of the United States Army;

(c) Whether such changes are incompatible with the findings of a Joint Land Use Study (JLUS) for the area if one has been completed; and

(d) Whether the military installation's mission will be adversely affected by the proposed actions of the county or affected local government.

The commanding officer's comments, underlying studies, and reports are not binding on the local government.

(6) The affected local government shall take into consideration any comments provided by the commanding officer or his or her designee pursuant to subsection (4) *and must also be sensitive to private property rights and not be unduly restrictive on those rights*. The affected local government shall forward a copy of any comments regarding comprehensive plan amendments to the state land planning agency.

(9) If a local government, as required under s. 163.3177(6)(a), does not adopt criteria and address compatibility of lands adjacent to or closely proximate to existing military installations in its future land use plan element by June 30, 2012, the local government, the military installation, the state land planning agency, and other parties as identified by the regional planning council, including, but not limited to, private landowner representatives, shall enter into mediation conducted pursuant to s. 186.509. If the local government comprehensive plan does not contain criteria addressing compatibility by December 31, 2013, the agency may notify the Administration Commission. The Administration Commission may impose sanctions pursuant to s. 163.3184*(8)*~~(11)~~. *Any*

local government that amended its comprehensive plan to address military installation compatibility requirements after 2004 and was found to be in compliance is deemed to be in compliance with this subsection until the local government conducts its evaluation and appraisal review pursuant to s. 163.3191 and determines that amendments are necessary to meet updated general law requirements.

Section 12. Section 163.3177, Florida Statutes, is amended to read:

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

(1) The comprehensive plan shall *provide the* ~~consist of materials in such descriptive form, written or graphic, as may be appropriate to the prescription of~~ principles, guidelines, ~~and~~ standards*, and strategies* for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area *that reflects community commitments to implement the plan and its elements*. *These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.*

(a) The comprehensive plan shall consist of elements as described in this section, and may include optional elements.

(b) A local government may include, as part of its adopted plan, documents adopted by reference but not incorporated verbatim into the plan. The adoption by reference must identify the title and author of the document and indicate clearly what provisions and edition of the document is being adopted.

(c) The format of these principles and guidelines is at the discretion of the local government, but typically is expressed in goals, objectives, policies, and strategies.

(d) The comprehensive plan shall identify procedures for monitoring, evaluating, and appraising implementation of the plan.

(e) When a federal, state, or regional agency has implemented a regulatory program, a local government is not required to duplicate or exceed that regulatory program in its local comprehensive plan.

(f) All mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the comprehensive plan or plan amendment. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue.

1. Surveys, studies, and data utilized in the preparation of the comprehensive plan may not be deemed a part of the comprehensive plan unless adopted as a part of it. Copies of such studies, surveys, data, and supporting documents for proposed plans and plan amendments shall be made available for public inspection, and copies of such plans shall be made available to the public upon payment of reasonable charges for reproduction. Support data or summaries are not subject to the compliance review process, but the comprehensive plan must be clearly based on appropriate data. Support data or summaries may be used to aid in the determination of compliance and consistency.

2. Data must be taken from professionally accepted sources. The application of a methodology utilized in data collection or whether a particular methodology is professionally accepted may be evaluated. However, the evaluation may not include whether one accepted methodology is better than another. Original data collection by local governments is not required. However, local governments may use original data so long as methodologies are professionally accepted.

3. The comprehensive plan shall be based upon permanent and seasonal population estimates and projections, which shall either be those provided by the University of Florida's Bureau of Economic and Business Research or generated by the local government based upon a professionally acceptable methodology. The plan must be based on at least the minimum amount of land required to accommodate the medium projections of the University of Florida's Bureau of Economic and Business Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission.

(2) Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent*. Where data is relevant to several elements, consistent data shall be used, including population estimates and projections unless alternative data can be justified for a plan amendment through new supporting data and analysis. Each map depicting future conditions must reflect the principles, guidelines, and standards within all elements and each such map must be contained within the comprehensive plan*~~, and the comprehensive plan shall be financially feasible. Financial feasibility shall be determined using professionally accepted methodologies and applies to the 5-year planning period, except in the case of a long-term transportation or school concurrency management system, in which case a 10-year or 15-year period applies~~.

(3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities and set forth:

1. A component that outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component that outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.

2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.

3. Standards to ensure the availability of public facilities and the adequacy of those facilities *to meet established* ~~including~~ acceptable levels of service.

~~4. Standards for the management of debt.~~

4.~~5.~~ A schedule of capital improvements which includes *any* publicly funded projects *of federal, state, or local government*, and which may include privately funded projects for which the local government has no fiscal responsibility. *Projects*~~,~~ necessary to ensure that *any* adopted level-of-service standards are achieved and maintained *for the 5-year period must be identified as either funded or unfunded and given a level of priority for funding*. ~~For capital improvements that will be funded by the developer, financial feasibility shall be demonstrated by being guaranteed in an enforceable development agreement or interlocal agreement pursuant to paragraph (10)(h), or other enforceable agreement. These development agreements and interlocal agreements shall be reflected in the schedule of capital improvements if the capital improvement is necessary to serve development within the 5-year schedule. If the local government uses planned revenue sources that require referenda or other actions to secure the revenue source, the plan must, in the event the referenda are not passed or actions do not secure the planned revenue source, identify other existing revenue sources that will be used to fund the capital projects or otherwise amend the plan to ensure financial feasibility.~~

5.~~6.~~ The schedule must include transportation improvements included in the applicable metropolitan planning organization's transportation improvement program adopted pursuant to s. 339.175(8) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must ~~also~~ be coordinated with the

applicable metropolitan planning organization's long-range transportation plan adopted pursuant to s. 339.175(7).

(b)~~1.~~ The capital improvements element must be reviewed *by the local government* on an annual basis. *Modifications* ~~and modified as necessary in accordance with s. 163.3187 or s. 163.3189 in order~~ to *update the* ~~maintain a financially feasible~~ 5-year *capital improvement* schedule ~~of capital improvements. Corrections and modifications concerning costs; revenue sources; or acceptance of facilities pursuant to dedications which are consistent with the plan~~ may be accomplished by ordinance and *may* ~~shall~~ not be deemed to be amendments to the local comprehensive plan. ~~A copy of the ordinance shall be transmitted to the state land planning agency. An amendment to the comprehensive plan is required to update the schedule on an annual basis or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule. All public facilities must be consistent with the capital improvements element. The annual update to the capital improvements element of the comprehensive plan need not comply with the financial feasibility requirement until December 1, 2011. Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, 2011, and every year thereafter, unless and until the local government has adopted the annual update and it has been transmitted to the state land planning agency.~~

~~2. Capital improvements element amendments adopted after the effective date of this act shall require only a single public hearing before the governing board which shall be an adoption hearing as described in s. 163.3184(7). Such amendments are not subject to the requirements of s. 163.3184(3)-(6).~~

~~(c) If the local government does not adopt the required annual update to the schedule of capital improvements, the state land planning agency must notify the Administration Commission. A local government that has a demonstrated lack of commitment to meeting its obligations identified in the capital improvements element may be subject to sanctions by the Administration Commission pursuant to s. 163.3184(11).~~

~~(d) If a local government adopts a long-term concurrency management system pursuant to s. 163.3180(9), it must also adopt a long term capital improvements schedule covering up to a 10-year or 15-year period, and must update the long term schedule annually. The long term schedule of capital improvements must be financially feasible.~~

~~(e) At the discretion of the local government and notwithstanding the requirements of this subsection, a comprehensive plan, as revised by an amendment to the plan's future land use map, shall be deemed to be financially feasible and to have achieved and maintained level of service standards as required by this section with respect to transportation facilities if the amendment to the future land use map is supported by a:~~

~~1. Condition in a development order for a development of regional impact or binding agreement that addresses proportionate share mitigation consistent with s. 163.3180(12); or~~

~~2. Binding agreement addressing proportionate fair-share mitigation consistent with s. 163.3180(16)(f) and the property subject to the amendment to the future land use map is located within an area designated in a comprehensive plan for urban infill, urban redevelopment, downtown revitalization, urban infill and redevelopment, or an urban service area. The binding agreement must be based on the maximum amount of development identified by the future land use map amendment or as may be otherwise restricted through a special area plan policy or map notation in the comprehensive plan.~~

~~(f) A local government's comprehensive plan and plan amendments for land uses within all transportation concurrency exception areas that are designated and maintained in accordance with s. 163.3180(5) shall be deemed to meet the requirement to achieve and maintain level of service standards for transportation.~~

(4)(a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; with the appropriate water management district's regional water supply plans approved pursuant to s. 373.709; *and* with adopted rules pertaining to designated areas of critical state concern~~; and with the state comprehensive plan~~ shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region ~~and to the state comprehensive plan~~, as the case may require and as such adopted plans or plans in preparation may exist.

(b) When all or a portion of the land in a local government jurisdiction is or becomes part of a designated area of critical state concern, the local government shall clearly identify those portions of the local comprehensive plan that shall be applicable to the critical area and shall indicate the relationship of the proposed development of the area to the rules for the area of critical state concern.

(5)(a) Each local government comprehensive plan must include at least two planning periods, one covering at least the first 5-year period occurring after the plan's adoption and one covering at least a 10-year period. *Additional planning periods for specific components, elements, land use amendments, or projects shall be permissible and accepted as part of the planning process.*

(b) The comprehensive plan and its elements shall contain *guidelines or policies* ~~policy recommendations~~ for the implementation of the plan and its elements.

(6) In addition to the requirements of subsections (1)-(5) ~~and (12)~~, the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, ~~public buildings and grounds, other~~ public facilities, and other categories of the public and private uses of land. *The approximate acreage and the general range of density or intensity of use shall be provided for the gross land area included in each existing land use category. The element shall establish the long-term end toward which land use programs and activities are ultimately directed.* ~~Counties are encouraged to designate rural land stewardship areas, pursuant to paragraph (11)(d), as overlays on the future land use map.~~

1. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives.

2. The future land use plan *and plan amendments* shall be based upon surveys, studies, and data regarding the area, *as applicable,* including:

a. The amount of land required to accommodate anticipated growth.~~;~~

b. The projected *permanent and seasonal* population of the area.~~;~~

c. The character of undeveloped land.~~;~~

d. The availability of water supplies, public facilities, and services.~~;~~

e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.~~;~~

f. The compatibility of uses on lands adjacent to or closely proximate to military installations.~~;~~

g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.~~;~~

h. The discouragement of urban sprawl.~~; energy efficient land use patterns accounting for existing and future electric power generation and transmission systems; greenhouse gas reduction strategies; and, in rural communities,~~

i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.

j. The need to modify land uses and development patterns within antiquated subdivisions. ~~The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act.~~

3. The future land use plan element shall include criteria to be used to*:*

a. Achieve the compatibility of lands adjacent or closely proximate to military installations, considering factors identified in s. 163.3175(5).~~, and~~

b. Achieve the compatibility of lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.

c. Encourage preservation of recreational and commercial working waterfronts for water dependent uses in coastal communities.

d. Encourage the location of schools proximate to urban residential areas to the extent possible.

e. Coordinate future land uses with the topography and soil conditions, and the availability of facilities and services.

f. Ensure the protection of natural and historic resources.

g. Provide for the compatibility of adjacent land uses.

h. Provide guidelines for the implementation of mixed use development including the types of uses allowed, the percentage distribution among the mix of uses, or other standards, and the density and intensity of each use.

4. ~~In addition, for rural communities,~~ The amount of land designated for future planned *uses* ~~industrial use~~ shall *provide a balance of uses that foster vibrant, viable communities and economic development opportunities and address outdated development patterns, such as antiquated subdivisions. The amount of land designated for future land uses should allow the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business and* ~~be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and~~ may not be limited solely by the projected population ~~of the rural community~~*. The element shall accommodate at least the minimum amount of land required to accommodate the medium projections of the University of Florida's Bureau of Economic and Business Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission.*

5. The future land use plan of a county may ~~also~~ designate areas for possible future municipal incorporation.

6. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. ~~For coastal counties, the future land use element must include, without limitation, regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in s. 342.07.~~

7. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. ~~The failure by a local government to comply with these school siting requirements will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category is eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria~~.

8. Future land use map amendments shall be based upon the following analyses:

a. An analysis of the availability of facilities and services.

b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.

c. An analysis of the minimum amount of land needed as determined by the local government.

9. The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.

a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

(I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

(II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

(III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

(IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

(V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

(VI) Fails to maximize use of existing public facilities and services.

(VII) Fails to maximize use of future public facilities and services.

(VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

(IX) Fails to provide a clear separation between rural and urban uses.

(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

(XI) Fails to encourage a functional mix of uses.

(XII) Results in poor accessibility among linked or related land uses.

(XIII) Results in the loss of significant amounts of functional open space.

b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

(I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

(II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

(III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

(IV) Promotes conservation of water and energy.

(V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

(VI) Preserves open space and natural lands and provides for public open space and recreation needs.

(VII) Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area.

(VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

10. The future land use element shall include a future land use map or map series.

a. The proposed distribution, extent, and location of the following uses shall be shown on the future land use map or map series:

(I) Residential.

(II) Commercial.

(III) Industrial.

(IV) Agricultural.

(V) Recreational.

(VI) Conservation.

(VII) Educational.

(VIII) Public.

b. The following areas shall also be shown on the future land use map or map series, if applicable:

(I) Historic district boundaries and designated historically significant properties.

(II) Transportation concurrency management area boundaries or transportation concurrency exception area boundaries.

(III) Multimodal transportation district boundaries.

(IV) Mixed use categories.

c. The following natural resources or conditions shall be shown on the future land use map or map series, if applicable:

(I) Existing and planned public potable waterwells, cones of influence, and wellhead protection areas.

(II) Beaches and shores, including estuarine systems.

(III) Rivers, bays, lakes, floodplains, and harbors.

(IV) Wetlands.

(V) Minerals and soils.

(VI) Coastal high hazard areas.

11. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of lands adjacent or closely proximate to existing military installations, or lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02, in their future land use plan element shall transmit the update or amendment to the state land planning agency by June 30, 2012.

(b) A transportation element addressing mobility issues in relationship to the size and character of the local government. The purpose of the transportation element shall be to plan for a multimodal transportation system that places emphasis on public transportation systems, where feasible. The element shall provide for a safe, convenient multimodal transportation system, coordinated with the future land use map or map series and designed to support all elements of the comprehensive plan. A local government that has all or part of its jurisdiction included within the metropolitan planning area of a metropolitan planning organization (M.P.O.) pursuant to s. 339.175 shall prepare and adopt a transportation element consistent with this subsection. Local governments that are not located within the metropolitan planning area of an M.P.O. shall address traffic circulation, mass transit, and ports, and aviation and related facilities consistent with this subsection, except that local governments with a population of 50,000 or less shall only be required to address transportation circulation. The element shall be coordinated with the plans and programs of any applicable metropolitan planning organization, transportation authority, Florida Transportation Plan, and Department of Transportation's adopted work program.

1. Each local government's transportation element shall address

~~(b) A~~ traffic circulation*, including* ~~element consisting of~~ the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways. Transportation corridors, as defined in s. 334.03, may be designated in the *transportation* ~~traffic circulation~~ element pursuant to s. 337.273. If the transportation corridors are designated, the local government may adopt a transportation corridor management ordinance. *The element shall include a map or map series showing the general location of the existing and proposed transportation system features and shall be coordinated with the future land use map or map series. The element shall reflect the data, analysis, and associated principles and strategies relating to:*

a. The existing transportation system levels of service and system needs and the availability of transportation facilities and services.

b. The growth trends and travel patterns and interactions between land use and transportation.

c. Existing and projected intermodal deficiencies and needs.

d. The projected transportation system levels of service and system needs based upon the future land use map and the projected integrated transportation system.

e. How the local government will correct existing facility deficiencies, meet the identified needs of the projected transportation system, and advance the purpose of this paragraph and the other elements of the comprehensive plan.

2. Local governments within a metropolitan planning area designated as an M.P.O. pursuant to s. 339.175 shall also address:

a. All alternative modes of travel, such as public transportation, pedestrian, and bicycle travel.

b. Aviation, rail, seaport facilities, access to those facilities, and intermodal terminals.

c. The capability to evacuate the coastal population before an impending natural disaster.

d. Airports, projected airport and aviation development, and land use compatibility around airports, which includes areas defined in ss. 333.01 and 333.02.

e. An identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.

3. Municipalities having populations greater than 50,000, and counties having populations greater than 75,000, shall include mass-transit provisions showing proposed methods for the moving of people, rights-of-way, terminals, and related facilities and shall address:

a. The provision of efficient public transit services based upon existing and proposed major trip generators and attractors, safe and convenient public transit terminals, land uses, and accommodation of the special needs of the transportation disadvantaged.

b. Plans for port, aviation, and related facilities coordinated with the general circulation and transportation element.

c. Plans for the circulation of recreational traffic, including bicycle facilities, exercise trails, riding facilities, and such other matters as may be related to the improvement and safety of movement of all types of recreational traffic.

4. At the option of a local government, an airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under s. 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable M.P.O. long-range transportation plans; the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level-of-service standards for facilities subject to concurrency; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, do not constitute a development of regional impact. Notwithstanding any other general law, an airport that has received a development-of-regional-impact development order pursuant to s. 380.06, but which is no longer required to undergo development-of-regional-impact review pursuant to this subsection, may rescind its development-of-regional-impact order upon written notification to the applicable local government. Upon receipt by the local government, the development-of-regional-impact development order shall be deemed rescinded. ~~The traffic circulation element shall incorporate transportation strategies to address reduction in greenhouse gas emissions from the transportation sector.~~

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge.

1. Each local government shall address in the data and analyses required by this section those facilities that provide service within the local government's jurisdiction. Local governments that provide facilities to serve areas within other local government jurisdictions shall also address those facilities in the data and analyses required by this section, using data from the comprehensive plan for those areas for the purpose of projecting facility needs as required in this subsection. For shared facilities, each local government shall indicate the proportional capacity of the systems allocated to serve its jurisdiction.

2. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs*, including correcting existing facility deficiencies. The element shall address coordinating the extension of, or increase in the capacity of, facilities to meet future needs while maximizing the use of existing facilities and discouraging urban sprawl; conservation of potable water resources; and protecting the functions of natural groundwater recharge areas and natural drainage features*. ~~The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks.~~

3. Within 18 months after the governing board approves an updated regional water supply plan, the element must incorporate the alternative water supply project or projects selected by the local government from those identified in the regional water supply plan pursuant to s. 373.709(2)(a) or proposed by the local government under s. 373.709(8)(b). If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated regional water supply plan. The element must identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.709(2)(a) within the local government's jurisdiction and include a work plan, covering at least a 10-year planning period, for building public, private, and regional water supply facilities, including development of alternative water supplies, which are identified in the element as necessary to serve existing and new development. The work plan shall be updated, at a minimum, every 5 years within 18 months after the governing board of a water management district approves an updated regional water supply plan. ~~Amendments to incorporate the work plan do not count toward the limitation on the frequency of adoption of amendments to the comprehensive plan.~~ Local governments, public and private utilities, regional water supply authorities, special districts, and water management districts are encouraged to cooperatively plan for the development of multijurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of groundwater and surface water supplies.

(d) A conservation element for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources, including factors that affect energy conservation.

1. The following natural resources, where present within the local government's boundaries, shall be identified and analyzed and existing recreational or conservation uses, known pollution problems, including hazardous wastes, and the potential for conservation, recreation, use, or protection shall also be identified:

a. Rivers, bays, lakes, wetlands including estuarine marshes, groundwaters, and springs, including information on quality of the resource available.

b. Floodplains.

c. Known sources of commercially valuable minerals.

d. Areas known to have experienced soil erosion problems.

e. Areas that are the location of recreationally and commercially important fish or shellfish, wildlife, marine habitats, and vegetative communities, including forests, indicating known dominant species present and species listed by federal, state, or local government agencies as endangered, threatened, or species of special concern.

2. The element must contain principles, guidelines, and standards for conservation that provide long-term goals and which:

a. Protects air quality.

b. Conserves, appropriately uses, and protects the quality and quantity of current and projected water sources and waters that flow into estuarine waters or oceanic waters and protect from activities and land uses known to affect adversely the quality and quantity of identified water

sources, including natural groundwater recharge areas, wellhead protection areas, and surface waters used as a source of public water supply.

c. Provides for the emergency conservation of water sources in accordance with the plans of the regional water management district.

d. Conserves, appropriately uses, and protects minerals, soils, and native vegetative communities, including forests, from destruction by development activities.

e. Conserves, appropriately uses, and protects fisheries, wildlife, wildlife habitat, and marine habitat and restricts activities known to adversely affect the survival of endangered and threatened wildlife.

f. Protects existing natural reservations identified in the recreation and open space element.

g. Maintains cooperation with adjacent local governments to conserve, appropriately use, or protect unique vegetative communities located within more than one local jurisdiction.

h. Designates environmentally sensitive lands for protection based on locally determined criteria which further the goals and objectives of the conservation element.

i. Manages hazardous waste to protect natural resources.

j. Protects and conserves wetlands and the natural functions of wetlands.

k. Directs future land uses that are incompatible with the protection and conservation of wetlands and wetland functions away from wetlands. The type, intensity or density, extent, distribution, and location of allowable land uses and the types, values, functions, sizes, conditions, and locations of wetlands are land use factors that shall be considered when directing incompatible land uses away from wetlands. Land uses shall be distributed in a manner that minimizes the effect and impact on wetlands. The protection and conservation of wetlands by the direction of incompatible land uses away from wetlands shall occur in combination with other principles, guidelines, standards, and strategies in the comprehensive plan. Where incompatible land uses are allowed to occur, mitigation shall be considered as one means to compensate for loss of wetlands functions.

3. ~~Local governments shall assess their~~ Current *and*~~, as well as~~ projected~~, water~~ needs and sources for at least a 10-year period *based on the demands for industrial, agricultural, and potable water use and the quality and quantity of water available to meet these demands shall be analyzed. The analysis shall consider the existing levels of water conservation, use, and protection and applicable policies of the regional water management district and further must consider*~~, considering~~ the appropriate regional water supply plan approved pursuant to s. 373.709, or, in the absence of an approved regional water supply plan, the district water management plan approved pursuant to s. 373.036(2). This information shall be submitted to the appropriate agencies. ~~The land use map or map series contained in the future land use element shall generally identify and depict the following:~~

~~1. Existing and planned waterwells and cones of influence where applicable.~~

~~2. Beaches and shores, including estuarine systems.~~

~~3. Rivers, bays, lakes, flood plains, and harbors.~~

~~4. Wetlands.~~

~~5. Minerals and soils.~~

~~6. Energy conservation.~~

~~The land uses identified on such maps shall be consistent with applicable state law and rules.~~

(e) A recreation and open space element indicating a comprehensive system of public and private sites for recreation, including, but not limited to, natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, waterways, and other recreational facilities.

(f)1. A housing element consisting of ~~standards, plans, and~~ principles*, guidelines, standards, and strategies* to be followed in:

a. The provision of housing for all current and anticipated future residents of the jurisdiction.

b. The elimination of substandard dwelling conditions.

c. The structural and aesthetic improvement of existing housing.

d. The provision of adequate sites for future housing, including affordable workforce housing as defined in s. 380.0651(3)*(h)*~~(j)~~, housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities.

e. Provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation, or replacement.

f. The formulation of housing implementation programs.

g. The creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction.

~~h. Energy efficiency in the design and construction of new housing.~~

~~i. Use of renewable energy resources.~~

~~j. Each county in which the gap between the buying power of a family of four and the median county home sale price exceeds $170,000, as determined by the Florida Housing Finance Corporation, and which is not designated as an area of critical state concern shall adopt a plan for ensuring affordable workforce housing. At a minimum, the plan shall identify adequate sites for such housing. For purposes of this sub-subparagraph, the term "workforce housing" means housing that is affordable to natural persons or families whose total household income does not exceed 140 percent of the area median income, adjusted for household size.~~

~~k. As a precondition to receiving any state affordable housing funding or allocation for any project or program within the jurisdiction of a county that is subject to sub-subparagraph j., a county must, by July 1 of each year, provide certification that the county has complied with the requirements of sub-subparagraph j.~~

2. The *principles, guidelines, standards, and strategies* ~~goals, objectives, and policies~~ of the housing element must be based on the data and analysis prepared on housing needs, including *an inventory taken from the latest decennial United States Census or more recent estimates, which shall include the number and distribution of dwelling units by type, tenure, age, rent, value, monthly cost of owner-occupied units, and rent or cost to income ratio, and shall show the number of dwelling units that are substandard. The inventory shall also include the methodology used to estimate the condition of housing, a projection of the anticipated number of households by size, income range, and age of residents derived from the population projections, and the minimum housing need of the current and anticipated future residents of the jurisdiction* ~~the affordable housing needs assessment~~.

3. The housing element must express principles, guidelines, standards, and strategies that reflect, as needed, the creation and preservation of affordable housing for all current and anticipated future residents of the jurisdiction, elimination of substandard housing conditions, adequate sites, and distribution of housing for a range of incomes and types, including mobile and manufactured homes. The element must provide for specific programs and actions to partner with private and nonprofit sectors to address housing needs in the jurisdiction, streamline the permitting process, and minimize costs and delays for affordable housing, establish standards to address the quality of housing, stabilization of neighborhoods, and identification and improvement of historically significant housing.

4. State and federal housing plans prepared on behalf of the local government must be consistent with the goals, objectives, and policies of the housing element. Local governments are encouraged to use job training, job creation, and economic solutions to address a portion of their affordable housing concerns.

~~2. To assist local governments in housing data collection and analysis and assure uniform and consistent information regarding the state's housing needs, the state land planning agency shall conduct an affordable housing needs assessment for all local jurisdictions on a schedule that coordinates the implementation of the needs assessment with the evaluation and appraisal reports required by s. 163.3191. Each local government shall utilize the data and analysis from the needs assessment as one basis for the housing element of its local comprehensive plan. The agency shall allow a local government the option to perform its own needs assessment, if it uses the methodology established by the agency by rule.~~

(g)~~1.~~ For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the *principles, guidelines, standards, and strategies* ~~policies~~ that shall guide the local government's decisions and program implementation with respect to the following objectives:

1.~~a.~~ *Maintain, restore, and enhance* ~~Maintenance, restoration, and enhancement of~~ the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.

2.~~b.~~ *Preserve the* continued existence of viable populations of all species of wildlife and marine life.

3.~~c.~~ *Protect* the orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.

4.~~d.~~ *Avoid* ~~Avoidance of~~ irreversible and irretrievable loss of coastal zone resources.

5.~~e.~~ *Use* ecological planning principles and assumptions ~~to be used~~ in the determination of *the* suitability ~~and extent~~ of permitted development.

~~f. Proposed management and regulatory techniques.~~

6.~~g.~~ *Limit* ~~Limitation of~~ public expenditures that subsidize development in ~~high-hazard~~ coastal *high-hazard* areas.

7.~~h.~~ *Protect* ~~Protection of~~ human life against the effects of natural disasters.

8.~~i.~~ *Direct* the orderly development, maintenance, and use of ports identified in s. 403.021(9) to facilitate deepwater commercial navigation and other related activities.

9.~~j.~~ *Preserve historic and archaeological resources, which include the* ~~Preservation, including~~ sensitive adaptive use of *these* ~~historic and archaeological~~ resources.

10. At the option of the local government, develop an adaptation action area designation for those low-lying coastal zones that are experiencing coastal flooding due to extreme high tides and storm surge and are vulnerable to the impacts of rising sea level. Local governments that adopt an adaptation action area may consider policies within the coastal management element to improve resilience to coastal flooding resulting from high-tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea level rise. Criteria for the adaptation action area may include, but need not be limited to, areas for which the land elevations are below, at, or near mean higher high water, which have an hydrologic connection to coastal waters, or which are designated as evacuation zones for storm surge.

~~2. As part of this element, a local government that has a coastal management element in its comprehensive plan is encouraged to adopt recreational surface water use policies that include applicable criteria for and consider such factors as natural resources, manatee protection needs, protection of working waterfronts and public access to the water, and recreation and economic demands. Criteria for manatee protection in the recreational surface water use policies should reflect applicable guidance outlined in the Boat Facility Siting Guide prepared by the Fish and Wildlife Conservation Commission. If the local government elects to adopt recreational surface water use policies by comprehensive plan amendment, such comprehensive plan amendment is exempt from the provisions of s. 163.3187(1). Local governments that wish to adopt recreational surface water use policies may be eligible for assistance with the development of such policies through the Florida Coastal Management Program. The Office of Program Policy Analysis and Government Accountability shall submit a report on the adoption of recreational surface water use policies under this subparagraph to the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and the House of Representatives no later than December 1, 2010.~~

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.709, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan must demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element must provide procedures for identifying and implementing joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. ~~The intergovernmental coordination element must provide for recognition of campus master plans prepared pursuant to s. 1013.30 and airport master plans under paragraph (k).~~

~~c.~~ The intergovernmental coordination element shall provide for a dispute resolution process, as established pursuant to s. 186.509, for bringing intergovernmental disputes to closure in a timely manner.

c.~~d.~~ The intergovernmental coordination element shall provide for interlocal agreements as established pursuant to s. 333.03(1)(b).

2. The intergovernmental coordination element shall also state principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element must describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement.

3. Within 1 year after adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements. *The element must:*

a. Ensure that the local government addresses through coordination mechanisms the impacts of development proposed in the local comprehensive plan upon development in adjacent municipalities, the county, adjacent counties, the region, and the state. The area of concern for municipalities shall include adjacent municipalities, the county, and counties adjacent to the municipality. The area of concern for counties shall include all municipalities within the county, adjacent counties, and adjacent municipalities.

b. Ensure coordination in establishing level of service standards for public facilities with any state, regional, or local entity having operational and maintenance responsibility for such facilities.

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

~~4. Local governments shall execute an interlocal agreement with the district school board, the county, and nonexempt municipalities pursuant to s. 163.31777. The local government shall amend the intergovernmental coordination element to ensure that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement. Plan amendments that comply with this subparagraph are exempt from the provisions of s. 163.3187(1).~~

~~5. By January 1, 2004, any county having a population greater than 100,000, and the municipalities and special districts within that county, shall submit a report to the Department of Community Affairs which identifies:~~

~~a. All existing or proposed interlocal service delivery agreements relating to education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.~~

~~b. Any deficits or duplication in the provision of services within its jurisdiction, whether capital or operational. Upon request, the Department of Community Affairs shall provide technical assistance to the local governments in identifying deficits or duplication.~~

~~6. Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate regional planning council, coordinate a meeting of all local governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.~~

~~7. Each local government shall update its intergovernmental coordination element based upon the findings in the report submitted pursuant to subparagraph 5. The report may be used as supporting data and analysis for the intergovernmental coordination element.~~

~~(i) The optional elements of the comprehensive plan in paragraphs (7)(a) and (b) are required elements for those municipalities having populations greater than 50,000, and those counties having populations greater than 75,000, as determined under s. 186.901.~~

~~(j) For each unit of local government within an urbanized area designated for purposes of s. 339.175, a transportation element, which must be prepared and adopted in lieu of the requirements of paragraph (b) and paragraphs (7)(a), (b), (c), and (d) and which shall address the following issues:~~

~~1. Traffic circulation, including major thoroughfares and other routes, including bicycle and pedestrian ways.~~

~~2. All alternative modes of travel, such as public transportation, pedestrian, and bicycle travel.~~

~~3. Parking facilities.~~

~~4. Aviation, rail, seaport facilities, access to those facilities, and intermodal terminals.~~

~~5. The availability of facilities and services to serve existing land uses and the compatibility between future land use and transportation elements.~~

~~6. The capability to evacuate the coastal population prior to an impending natural disaster.~~

~~7. Airports, projected airport and aviation development, and land use compatibility around airports, which includes areas defined in ss. 333.01 and 333.02.~~

~~8. An identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.~~

~~9. May include transportation corridors, as defined in s. 334.03, intended for future transportation facilities designated pursuant to s. 337.273. If transportation corridors are designated, the local government may adopt a transportation corridor management ordinance.~~

~~10. The incorporation of transportation strategies to address reduction in greenhouse gas emissions from the transportation sector.~~

~~(k) An airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under s. 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable metropolitan planning organization long range transportation plans; and the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level of service standards for facilities subject to concurrency; and may address airport related or aviation related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport related or aviation related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, shall not be a development of regional impact. Notwithstanding any other general law, an airport that has received a development-of-regional-impact development order pursuant to s. 380.06, but which is no longer required to undergo development of regional impact review pursuant to this subsection, may abandon its development of regional impact order upon written notification to the applicable local government. Upon receipt by the local government, the development of regional impact development order is void.~~

~~(7) The comprehensive plan may include the following additional elements, or portions or phases thereof:~~

~~(a) As a part of the circulation element of paragraph (6)(b) or as a separate element, a mass transit element showing proposed methods for the moving of people, rights of way, terminals, related facilities, and fiscal considerations for the accomplishment of the element.~~

~~(b) As a part of the circulation element of paragraph (6)(b) or as a separate element, plans for port, aviation, and related facilities coordinated with the general circulation and transportation element.~~

~~(c) As a part of the circulation element of paragraph (6)(b) and in coordination with paragraph (6)(c), where applicable, a plan element for the circulation of recreational traffic, including bicycle facilities, exercise trails, riding facilities, and such other matters as may be related to the improvement and safety of movement of all types of recreational traffic.~~

~~(d) As a part of the circulation element of paragraph (6)(b) or as a separate element, a plan element for the development of offstreet parking facilities for motor vehicles and the fiscal considerations for the accomplishment of the element.~~

~~(e) A public buildings and related facilities element showing locations and arrangements of civic and community centers, public schools, hospitals, libraries, police and fire stations, and other public buildings. This plan element should show particularly how it is proposed to effect coordination with governmental units, such as school boards or hospital authorities, having public development and service responsibilities, capabilities, and potential but not having land development regulatory authority. This element may include plans for architecture and landscape treatment of their grounds.~~

~~(f) A recommended community design element which may consist of design recommendations for land subdivision, neighborhood development and redevelopment, design of open space locations, and similar matters to the end that such recommendations may be available as aids and guides to developers in the future planning and development of land in the area.~~

~~(g) A general area redevelopment element consisting of plans and programs for the redevelopment of slums and blighted locations in the area and for community redevelopment, including housing sites, business and industrial sites, public buildings sites, recreational facilities, and other purposes authorized by law.~~

~~(h) A safety element for the protection of residents and property of the area from fire, hurricane, or manmade or natural catastrophe, including such necessary features for protection as evacuation routes and their control in an emergency, water supply requirements, minimum road widths, clearances around and elevations of structures, and similar matters.~~

~~(i) An historical and scenic preservation element setting out plans and programs for those structures or lands in the area having historical, archaeological, architectural, scenic, or similar significance.~~

~~(j) An economic element setting forth principles and guidelines for the commercial and industrial development, if any, and the employment and personnel utilization within the area. The element may detail the type of commercial and industrial development sought, correlated to the present and projected employment needs of the area and to other elements of the plans, and may set forth methods by which a balanced and stable economic base will be pursued.~~

~~(k) Such other elements as may be peculiar to, and necessary for, the area concerned and as are added to the comprehensive plan by the governing body upon the recommendation of the local planning agency.~~

~~(l) Local governments that are not required to prepare coastal management elements under s. 163.3178 are encouraged to adopt hazard mitigation/postdisaster redevelopment plans. These plans should, at a minimum, establish long-term policies regarding redevelopment, infrastructure, densities, nonconforming uses, and future land use patterns. Grants to assist local governments in the preparation of these hazard mitigation/postdisaster redevelopment plans shall be available through the Emergency Management Preparedness and Assistance Account in the Grants and Donations Trust Fund administered by the department, if such account is created by law. The plans must be in compliance with the requirements of this act and chapter 252.~~

~~(8) All elements of the comprehensive plan, whether mandatory or optional, shall be based upon data appropriate to the element involved. Surveys and studies utilized in the preparation of the comprehensive plan shall not be deemed a part of the comprehensive plan unless adopted as a part of it. Copies of such studies, surveys, and supporting documents shall be made available to public inspection, and copies of such plans shall be made available to the public upon payment of reasonable charges for reproduction.~~

~~(9) The state land planning agency shall, by February 15, 1986, adopt by rule minimum criteria for the review and determination of compliance of the local government comprehensive plan elements required by this act. Such rules shall not be subject to rule challenges under s. 120.56(2) or to drawout proceedings under s. 120.54(3)(c)2. Such rules shall become effective only after they have been submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature no later than 30 days prior to the next regular session of the Legislature. In its review the Legislature may reject, modify, or take no action relative to the rules. The agency shall conform the rules to the changes made by the Legislature, or, if no action was taken, the agency rules shall become effective. The rule shall include criteria for determining whether:~~

~~(a) Proposed elements are in compliance with the requirements of part II, as amended by this act.~~

~~(b) Other elements of the comprehensive plan are related to and consistent with each other.~~

~~(c) The local government comprehensive plan elements are consistent with the state comprehensive plan and the appropriate regional policy plan pursuant to s. 186.508.~~

~~(d) Certain bays, estuaries, and harbors that fall under the jurisdiction of more than one local government are managed in a consistent and coordinated manner in the case of local governments required to include a coastal management element in their comprehensive plans pursuant to paragraph (6)(g).~~

~~(e) Proposed elements identify the mechanisms and procedures for monitoring, evaluating, and appraising implementation of the plan. Specific measurable objectives are included to provide a basis for evaluating effectiveness as required by s. 163.3191.~~

~~(f) Proposed elements contain policies to guide future decisions in a consistent manner.~~

~~(g) Proposed elements contain programs and activities to ensure that comprehensive plans are implemented.~~

~~(h) Proposed elements identify the need for and the processes and procedures to ensure coordination of all development activities and services with other units of local government, regional planning agencies, water management districts, and state and federal agencies as appropriate.~~

~~The state land planning agency may adopt procedural rules that are consistent with this section and chapter 120 for the review of local government comprehensive plan elements required under this section. The state land planning agency shall provide model plans and ordinances and, upon request, other assistance to local governments in the adoption and implementation of their revised local government comprehensive plans. The review and comment provisions applicable prior to October 1, 1985, shall continue in effect until the criteria for review and determination are adopted pursuant to this subsection and the comprehensive plans required by s. 163.3167(2) are due.~~

~~(10) The Legislature recognizes the importance and significance of chapter 9J-5, Florida Administrative Code, the Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance of the Department of Community Affairs that will be used to determine compliance of local comprehensive plans. The Legislature reserved unto itself the right to review chapter 9J-5, Florida Administrative Code, and to reject, modify, or take no action relative to this rule. Therefore, pursuant to subsection (9), the Legislature hereby has reviewed chapter 9J-5, Florida Administrative Code, and expresses the following legislative intent:~~

~~(a) The Legislature finds that in order for the department to review local comprehensive plans, it is necessary to define the term "consistency." Therefore, for the purpose of determining whether local comprehensive plans are consistent with the state comprehensive plan and the appropriate regional policy plan, a local plan shall be consistent with such plans if the local plan is "compatible with" and "furthers" such plans. The term "compatible with" means that the local plan is not in conflict with the state comprehensive plan or appropriate regional policy plan. The term "furthers" means to take action in the direction of realizing goals or policies of the state or regional plan. For the purposes of determining consistency of the local plan with the state comprehensive plan or the appropriate regional policy plan, the state or regional plan shall be construed as a whole and no specific goal and policy shall be construed or applied in isolation from the other goals and policies in the plans.~~

~~(b) Each local government shall review all the state comprehensive plan goals and policies and shall address in its comprehensive plan the goals and policies which are relevant to the circumstances or conditions in its jurisdiction. The decision regarding which particular state comprehensive plan goals and policies will be furthered by the expenditure of a local government's financial resources in any given year is a decision which rests solely within the discretion of the local government. Intergovernmental coordination, as set forth in paragraph (6)(h), shall be utilized to the extent required to carry out the provisions of chapter 9J-5, Florida Administrative Code.~~

~~(c) The Legislature declares that if any portion of chapter 9J-5, Florida Administrative Code, is found to be in conflict with this part, the appropriate statutory provision shall prevail.~~

~~(d) Chapter 9J-5, Florida Administrative Code, does not mandate the creation, limitation, or elimination of regulatory authority, nor does it authorize the adoption or require the repeal of any rules, criteria, or standards of any local, regional, or state agency.~~

~~(e) It is the Legislature's intent that support data or summaries thereof shall not be subject to the compliance review process, but the Legislature intends that goals and policies be clearly based on appropriate data. The department may utilize support data or summaries thereof to aid in its determination of compliance and consistency. The Legislature intends that the department may evaluate the application of a methodology utilized in data collection or whether a particular methodology is professionally accepted. However, the department shall not~~

~~evaluate whether one accepted methodology is better than another. Chapter 9J-5, Florida Administrative Code, shall not be construed to require original data collection by local governments; however, Local governments are not to be discouraged from utilizing original data so long as methodologies are professionally accepted.~~

~~(f) The Legislature recognizes that under this section, local governments are charged with setting levels of service for public facilities in their comprehensive plans in accordance with which development orders and permits will be issued pursuant to s. 163.3202(2)(g). Nothing herein shall supersede the authority of state, regional, or local agencies as otherwise provided by law.~~

~~(g) Definitions contained in chapter 9J-5, Florida Administrative Code, are not intended to modify or amend the definitions utilized for purposes of other programs or rules or to establish or limit regulatory authority. Local governments may establish alternative definitions in local comprehensive plans, as long as such definitions accomplish the intent of this chapter, and chapter 9J-5, Florida Administrative Code.~~

~~(h) It is the intent of the Legislature that public facilities and services needed to support development shall be available concurrent with the impacts of such development in accordance with s. 163.3180. In meeting this intent, public facility and service availability shall be deemed sufficient if the public facilities and services for a development are phased, or the development is phased, so that the public facilities and those related services which are deemed necessary by the local government to operate the facilities necessitated by that development are available concurrent with the impacts of the development. The public facilities and services, unless already available, are to be consistent with the capital improvements element of the local comprehensive plan as required by paragraph (3)(a) or guaranteed in an enforceable development agreement. This shall include development agreements pursuant to this chapter or in an agreement or a development order issued pursuant to chapter 380. Nothing herein shall be construed to require a local government to address services in its capital improvements plan or to limit a local government's ability to address any service in its capital improvements plan that it deems necessary.~~

~~(i) The department shall take into account the factors delineated in rule 9J-5.002(2), Florida Administrative Code, as it provides assistance to local governments and applies the rule in specific situations with regard to the detail of the data and analysis required.~~

~~(j) Chapter 9J-5, Florida Administrative Code, has become effective pursuant to subsection (9). The Legislature hereby directs the department to adopt amendments as necessary which conform chapter 9J-5, Florida Administrative Code, with the requirements of this legislative intent by October 1, 1986.~~

~~(k) In order for local governments to prepare and adopt comprehensive plans with knowledge of the rules that are applied to determine consistency of the plans with this part, there should be no doubt as to the legal standing of chapter 9J-5, Florida Administrative Code, at the close of the 1986 legislative session. Therefore, the Legislature declares that changes made to chapter 9J-5 before October 1, 1986, are not subject to rule challenges under s. 120.56(2), or to drawout proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5, Florida Administrative Code, as amended, is subject to rule challenges under s. 120.56(3), as nothing herein indicates approval or disapproval of any portion of chapter 9J-5 not specifically addressed herein. Any amendments to chapter 9J-5, Florida Administrative Code, exclusive of the amendments adopted prior to October 1, 1986, pursuant to this act, shall be subject to the full chapter 120 process. All amendments shall have effective dates as provided in chapter 120 and submission to the President of the Senate and Speaker of the House of Representatives shall not be required.~~

~~(l) The state land planning agency shall consider land use compatibility issues in the vicinity of all airports in coordination with the Department of Transportation and adjacent to or in close proximity to all military installations in coordination with the Department of Defense.~~

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

~~(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land use efficiencies within existing urban areas and which also allows for the conversion of rural lands to other uses, where appropriate and consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed use development, and sector planning.~~

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

~~(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, water management districts, and regional planning councils, shall provide assistance to local governments in the implementation of this paragraph and rule 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained herein and in rule 9J-5.006(5)(l), Florida Administrative Code. Assistance may include, but is not limited to:~~

~~a. Assistance from the Department of Environmental Protection and water management districts in creating the geographic information systems land cover database and aerial photogrammetry needed to prepare for a rural land stewardship area;~~

~~b. Support for local government implementation of rural land stewardship concepts by providing information and assistance to local governments regarding land acquisition programs that may be used by the local government or landowners to leverage the protection of greater acreage and maximize the effectiveness of rural land stewardship areas; and~~

~~c. Expansion of the role of the Department of Community Affairs as a resource agency to facilitate establishment of rural land stewardship areas in smaller rural counties that do not have the staff or planning budgets to create a rural land stewardship area.~~

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

~~3. A local government, in conjunction with a regional planning council, a stakeholder organization of private land owners, or another local government, shall notify the department in writing of its intent to designate a rural land stewardship area. The written notification shall describe the basis for the designation, including the extent to which the rural land stewardship area enhances rural land values, controls urban sprawl, provides necessary open space for agriculture and protection of~~

~~the natural environment, promotes rural economic activity, and maintains rural character and the economic viability of agriculture.~~

~~4. A rural land stewardship area shall be not less than 10,000 acres and shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184 and shall provide for the following:~~

~~a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.~~

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

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

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

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

~~5. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government. At the time of designation of a stewardship receiving area, a listed species survey will be performed. If listed species occur on the receiving area site, the developer shall coordinate with each appropriate local, state, or federal agency to determine if adequate provisions have been made to protect those species in accordance with applicable regulations. In determining the adequacy of provisions for the protection of listed species and their habitats, the rural land stewardship area shall be considered as a whole, and the impacts to areas to be developed as receiving areas shall be considered together with the environmental benefits of areas protected as sending areas in fulfilling this criteria.~~

~~6. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, establish the methodology for the creation, conveyance, and use of transferable rural land use credits, otherwise referred to as stewardship credits, the application of which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferable rural land use credits within the rural land stewardship area must enable the realization of the long term vision and goals for the 25 year or greater projected population of the rural land stewardship area, which may take into consideration the anticipated effect of the proposed receiving areas. Transferable rural land use credits are subject to the following limitations:~~

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

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

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

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

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

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

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

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

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

~~j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the natural resource or other beneficial use characteristics of the land and according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land or, in locations where the retention of open space and agricultural land is a priority, to such lands.~~

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

~~7. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:~~

~~a. Opportunity to accumulate transferable mitigation credits.~~

~~b. Extended permit agreements.~~

~~c. Opportunities for recreational leases and ecotourism.~~

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

~~e. Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of conservation objectives.~~

8. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph.

(c) The Legislature finds that mixed use, high density development is appropriate for urban infill and redevelopment areas. Mixed use projects accommodate a variety of uses, including residential and commercial, and usually at higher densities that promote pedestrian-friendly, sustainable communities. The Legislature recognizes that mixed use, high density development improves the quality of life for residents and businesses in urban areas. The Legislature finds that mixed use, high density redevelopment and infill benefits residents by creating a livable community with alternative modes of transportation. Furthermore, the Legislature finds that local zoning ordinances often discourage mixed use, high density development in areas that are appropriate for urban infill and redevelopment. The Legislature intends to discourage single use zoning in urban areas which often leads to lower density, land intensive development outside an urban service area. Therefore, the Department of Community Affairs shall provide technical assistance to local governments in order to encourage mixed use, high density urban infill and redevelopment projects.

(f) The Legislature finds that a program for the transfer of development rights is a useful tool to preserve historic buildings and create public open spaces in urban areas. A program for the transfer of development rights allows the transfer of density credits from historic properties and public open spaces to areas designated for high density development. The Legislature recognizes that high density development is integral to the success of many urban infill and redevelopment projects. The Legislature intends to encourage high density urban infill and redevelopment while preserving historic structures and open spaces. Therefore, the Department of Community Affairs shall provide technical assistance to local governments in order to promote the transfer of development rights within urban areas for high density infill and redevelopment projects.

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

(h) The department may adopt rules necessary to implement the provisions of this subsection.

(12) A public school facilities element adopted to implement a school concurrency program shall meet the requirements of this subsection. Each county and each municipality within the county, unless exempt or subject to a waiver, must adopt a public school facilities element that is consistent with those adopted by the other local governments within the county and enter the interlocal agreement pursuant to s. 163.31777.

(a) The state land planning agency may provide a waiver to a county and to the municipalities within the county if the capacity rate for all schools within the school district is no greater than 100 percent and the projected 5 year capital outlay full time equivalent student growth rate is less than 10 percent. The state land planning agency may allow for a projected 5-year capital outlay full-time equivalent student growth rate to exceed 10 percent when the projected 10 year capital outlay full time equivalent student enrollment is less than 2,000 students and the capacity rate for all schools within the school district in the tenth year will not exceed the 100-percent limitation. The state land planning agency may allow for a single school to exceed the 100-percent limitation if it can be demonstrated that the capacity rate for that single school is not greater than 105 percent. In making this determination, the state land planning agency shall consider the following criteria:

1. Whether the exceedance is due to temporary circumstances;

2. Whether the projected 5 year capital outlay full time equivalent student growth rate for the school district is approaching the 10 percent threshold;

3. Whether one or more additional schools within the school district are at or approaching the 100 percent threshold; and

4. The adequacy of the data and analysis submitted to support the waiver request.

(b) A municipality in a nonexempt county is exempt if the municipality meets all of the following criteria for having no significant impact on school attendance:

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

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

3. The municipality has no public schools located within its boundaries.

(c) A public school facilities element shall be based upon data and analyses that address, among other items, how level of service standards will be achieved and maintained. Such data and analyses must include, at a minimum, such items as: the interlocal agreement adopted pursuant to s. 163.31777 and the 5-year school district facilities work program adopted pursuant to s. 1013.35; the educational plant survey prepared pursuant to s. 1013.31 and an existing educational and ancillary plant map or map series; information on existing development and development anticipated for the next 5 years and the long term planning period; an analysis of problems and opportunities for existing schools and schools anticipated in the future; an analysis of opportunities to collocate future schools with other public facilities such as parks, libraries, and community centers; an analysis of the need for supporting public facilities for existing and future schools; an analysis of opportunities to locate schools to serve as community focal points; projected future population and associated demographics, including development patterns year by year for the upcoming 5 year and long term planning periods; and anticipated educational and ancillary plants with land area requirements.

(d) The element shall contain one or more goals which establish the long-term end toward which public school programs and activities are ultimately directed.

(e) The element shall contain one or more objectives for each goal, setting specific, measurable, intermediate ends that are achievable and mark progress toward the goal.

(f) The element shall contain one or more policies for each objective which establish the way in which programs and activities will be conducted to achieve an identified goal.

(g) The objectives and policies shall address items such as:

1. The procedure for an annual update process;

2. The procedure for school site selection;

3. The procedure for school permitting;

4. Provision for infrastructure necessary to support proposed schools, including potable water, wastewater, drainage, solid waste, transportation, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization;

5. Provision for colocation of other public facilities, such as parks, libraries, and community centers, in proximity to public schools;

6. Provision for location of schools proximate to residential areas and to complement patterns of development, including the location of future school sites so they serve as community focal points;

7. Measures to ensure compatibility of school sites and surrounding land uses;

8. Coordination with adjacent local governments and the school district on emergency preparedness issues, including the use of public schools to serve as emergency shelters; and

9. Coordination with the future land use element.

(h) The element shall include one or more future conditions maps which depict the anticipated location of educational and ancillary plants,

~~including the general location of improvements to existing schools or new schools anticipated over the 5-year or long-term planning period. The maps will of necessity be general for the long-term planning period and more specific for the 5-year period. Maps indicating general locations of future schools or school improvements may not prescribe a land use on a particular parcel of land.~~

~~(i) The state land planning agency shall establish a phased schedule for adoption of the public school facilities element and the required updates to the public schools interlocal agreement pursuant to s. 163.31777. The schedule shall provide for each county and local government within the county to adopt the element and update to the agreement no later than December 1, 2008. Plan amendments to adopt a public school facilities element are exempt from the provisions of s. 163.3187(1).~~

~~(j) The state land planning agency may issue a notice to the school board and the local government to show cause why sanctions should not be enforced for failure to enter into an approved interlocal agreement as required by s. 163.31777 or for failure to implement provisions relating to public school concurrency. If the state land planning agency finds that insufficient cause exists for the school board's or local government's failure to enter into an approved interlocal agreement as required by s. 163.31777 or for the school board's or local government's failure to implement the provisions relating to public school concurrency, the state land planning agency shall submit its finding to the Administration Commission which may impose on the local government any of the sanctions set forth in s. 163.3184(11)(a) and (b) and may impose on the district school board any of the sanctions set forth in s. 1008.32(4).~~

~~(13) Local governments are encouraged to develop a community vision that provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources. At the request of a local government, the applicable regional planning council shall provide assistance in the development of a community vision.~~

~~(a) As part of the process of developing a community vision under this section, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.~~

~~(b) The local government must, at a minimum, discuss five of the following topics as part of the workshops and public meetings required under paragraph (a):~~

~~1. Future growth in the area using population forecasts from the Bureau of Economic and Business Research;~~

~~2. Priorities for economic development;~~

~~3. Preservation of open space, environmentally sensitive lands, and agricultural lands;~~

~~4. Appropriate areas and standards for mixed-use development;~~

~~5. Appropriate areas and standards for high-density commercial and residential development;~~

~~6. Appropriate areas and standards for economic development opportunities and employment centers;~~

~~7. Provisions for adequate workforce housing;~~

~~8. An efficient, interconnected multimodal transportation system; and~~

~~9. Opportunities to create land use patterns that accommodate the issues listed in subparagraphs 1.-8.~~

~~(c) As part of the workshops and public meetings, the local government must discuss strategies for addressing the topics discussed under paragraph (b), including:~~

~~1. Strategies to preserve open space and environmentally sensitive lands, and to encourage a healthy agricultural economy, including innovative planning and development strategies, such as the transfer of development rights;~~

~~2. Incentives for mixed-use development, including increased height and intensity standards for buildings that provide residential use in combination with office or commercial space;~~

~~3. Incentives for workforce housing;~~

~~4. Designation of an urban service boundary pursuant to subsection (2); and~~

~~5. Strategies to provide mobility within the community and to protect the Strategic Intermodal System, including the development of a transportation corridor management plan under s. 337.273.~~

~~(d) The community vision must reflect the community's shared concept for growth and development of the community, including visual representations depicting the desired land use patterns and character of the community during a 10-year planning timeframe. The community vision must also take into consideration economic viability of the vision and private property interests.~~

~~(e) After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the community vision as a component in the plan. This plan amendment must be transmitted and adopted pursuant to the procedures in ss. 163.3184 and 163.3189 at public hearings of the governing body other than those identified in paragraph (a).~~

~~(f) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.~~

~~(g) A local government that has developed a community vision or completed a visioning process after July 1, 2000, and before July 1, 2005, which substantially accomplishes the goals set forth in this subsection and the appropriate goals, policies, or objectives have been adopted as part of the comprehensive plan or reflected in subsequently adopted land development regulations and the plan amendment incorporating the community vision as a component has been found in compliance is eligible for the incentives in s. 163.3184(17).~~

~~(14) Local governments are also encouraged to designate an urban service boundary. This area must be appropriate for compact, contiguous urban development within a 10-year planning timeframe. The urban service area boundary must be identified on the future land use map or map series. The local government shall demonstrate that the land included within the urban service boundary is served or is planned to be served with adequate public facilities and services based on the local government's adopted level of service standards by adopting a 10-year facilities plan in the capital improvements element which is financially feasible. The local government shall demonstrate that the amount of land within the urban service boundary does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning timeframe.~~

~~(a) As part of the process of establishing an urban service boundary, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.~~

~~(b)1. After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the urban service boundary. This plan amendment must be transmitted and adopted pursuant to the procedures in ss. 163.3184 and 163.3189 at meetings of the governing body other than those required under paragraph (a).~~

~~2. This subsection does not prohibit new development outside an urban service boundary. However, a local government that establishes an urban service boundary under this subsection is encouraged to require a full cost accounting analysis for any new development outside the boundary and to consider the results of that analysis when adopting a plan amendment for property outside the established urban service boundary.~~

~~(c) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.~~

~~(d) A local government that has adopted an urban service boundary before July 1, 2005, which substantially accomplishes the goals set forth in this subsection is not required to comply with paragraph (a) or subparagraph 1. of paragraph (b) in order to be eligible for the incentives under s. 163.3184(17). In order to satisfy the provisions of this paragraph, the local government must secure a determination from the state land planning agency that the urban service boundary adopted before July 1, 2005, substantially complies with the criteria of this subsection, based on data and analysis submitted by the local government to support this determination. The determination by the state land planning agency is not subject to administrative challenge.~~

(7)~~(15)~~(a) The Legislature finds that:

1. There are a number of rural agricultural industrial centers in the state that process, produce, or aid in the production or distribution of a variety of agriculturally based products, including, but not limited to, fruits, vegetables, timber, and other crops, and juices, paper, and building materials. Rural agricultural industrial centers have a significant amount of existing associated infrastructure that is used for processing, producing, or distributing agricultural products.

2. Such rural agricultural industrial centers are often located within or near communities in which the economy is largely dependent upon agriculture and agriculturally based products. The centers significantly enhance the economy of such communities. However, these agriculturally based communities are often socioeconomically challenged and designated as rural areas of critical economic concern. If such rural agricultural industrial centers are lost and not replaced with other job-creating enterprises, the agriculturally based communities will lose a substantial amount of their economies.

3. The state has a compelling interest in preserving the viability of agriculture and protecting rural agricultural communities and the state from the economic upheaval that would result from short-term or long-term adverse changes in the agricultural economy. To protect these communities and promote viable agriculture for the long term, it is essential to encourage and permit diversification of existing rural agricultural industrial centers by providing for jobs that are not solely dependent upon, but are compatible with and complement, existing agricultural industrial operations and to encourage the creation and expansion of industries that use agricultural products in innovative ways. However, the expansion and diversification of these existing centers must be accomplished in a manner that does not promote urban sprawl into surrounding agricultural and rural areas.

(b) As used in this subsection, the term "rural agricultural industrial center" means a developed parcel of land in an unincorporated area on which there exists an operating agricultural industrial facility or facilities that employ at least 200 full-time employees in the aggregate and process and prepare for transport a farm product, as defined in s. 163.3162, or any biomass material that could be used, directly or indirectly, for the production of fuel, renewable energy, bioenergy, or alternative fuel as defined by law. The center may also include land contiguous to the facility site which is not used for the cultivation of crops, but on which other existing activities essential to the operation of such facility or facilities are located or conducted. The parcel of land must be located within, or within 10 miles of, a rural area of critical economic concern.

(c)1. A landowner whose land is located within a rural agricultural industrial center may apply for an amendment to the local government comprehensive plan for the purpose of designating and expanding the existing agricultural industrial uses of facilities located within the center or expanding the existing center to include industrial uses or facilities that are not dependent upon but are compatible with agriculture and the existing uses and facilities. A local government comprehensive plan amendment under this paragraph must:

a. Not increase the physical area of the existing rural agricultural industrial center by more than 50 percent or 320 acres, whichever is greater.

b. Propose a project that would, upon completion, create at least 50 new full-time jobs.

c. Demonstrate that sufficient infrastructure capacity exists or will be provided to support the expanded center at the level-of-service standards adopted in the local government comprehensive plan.

d. Contain goals, objectives, and policies that will ensure that any adverse environmental impacts of the expanded center will be adequately addressed and mitigation implemented or demonstrate that the local government comprehensive plan contains such provisions.

2. Within 6 months after receiving an application as provided in this paragraph, the local government shall transmit the application to the state land planning agency for review pursuant to this chapter together with any needed amendments to the applicable sections of its comprehensive plan to include goals, objectives, and policies that provide for the expansion of rural agricultural industrial centers and discourage urban sprawl in the surrounding areas. Such goals, objectives, and policies must promote and be consistent with the findings in this subsection. An amendment that meets the requirements of this subsection is presumed *not* to be *urban sprawl as defined in s. 163.3164 and shall be considered within 90 days after any review required by the state land planning agency if required by s. 163.3184.* ~~consistent with rule 9J-5.006(5), Florida Administrative Code~~. This presumption may be rebutted by a preponderance of the evidence.

(d) This subsection does not apply to an optional sector plan adopted pursuant to s. 163.3245, a rural land stewardship area designated pursuant to *s. 163.3248* ~~subsection (11)~~, or any comprehensive plan amendment that includes an inland port terminal or affiliated port development.

(e) Nothing in this subsection shall be construed to confer the status of rural area of critical economic concern, or any of the rights or benefits derived from such status, on any land area not otherwise designated as such pursuant to s. 288.0656(7).

Section 13. Section 163.31777, Florida Statutes, is amended to read:

163.31777 Public schools interlocal agreement.—

(1)~~(a)~~ The county and municipalities located within the geographic area of a school district shall enter into an interlocal agreement with the district school board which jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. ~~The interlocal agreements shall be submitted to the state land planning agency and the Office of Educational Facilities in accordance with a schedule published by the state land planning agency.~~

~~(b) The schedule must establish staggered due dates for submission of interlocal agreements that are executed by both the local government and the district school board, commencing on March 1, 2003, and concluding by December 1, 2004, and must set the same date for all governmental entities within a school district. However, if the county where the school district is located contains more than 20 municipalities, the state land planning agency may establish staggered due dates for the submission of interlocal agreements by these municipalities. The schedule must begin with those areas where both the number of districtwide capital-outlay full-time-equivalent students equals 80 percent or more of the current year's school capacity and the projected 5-year student growth is 1,000 or greater, or where the projected 5-year student growth rate is 10 percent or greater.~~

~~(c) If the student population has declined over the 5-year period preceding the due date for submittal of an interlocal agreement by the local government and the district school board, the local government and the district school board may petition the state land planning agency for a waiver of one or more requirements of subsection (2). The waiver must be granted if the procedures called for in subsection (2) are unnecessary because of the school district's declining school age population, considering the district's 5-year facilities work program prepared pursuant to s. 1013.35. The state land planning agency may modify or revoke the waiver upon a finding that the conditions upon which the waiver was granted no longer exist. The district school board and local governments must submit an interlocal agreement within 1 year after notification by the state land planning agency that the conditions for a waiver no longer exist.~~

~~(d) Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177 before the effective date of this section must be updated and executed pursuant to the requirements of this section, if necessary. Amendments to interlocal agreements adopted pursuant to this section must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with this section.~~ Local governments and the district school board in each school district are encouraged to adopt a single interlocal agreement to which all join as parties. ~~The state land planning agency shall assemble and make available model interlocal agreements meeting the requirements of this section and notify local governments and, jointly with the Department of Education, the district school boards of the requirements of this section, the dates for compliance, and the sanctions for noncompliance. The state land planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the potential for sanctions.~~

(2) At a minimum, the interlocal agreement must address ~~interlocal agreement requirements in s. 163.3180(13)(g), except for exempt local governments as provided in s. 163.3177(12), and must address~~ the following issues:

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new, proposed expansion, or redevelopment of existing schools. The process must address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding the effect of comprehensive plan amendments on school capacity. The capacity reporting must be consistent with laws and rules relating to measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the district school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

~~(3)(a) The Office of Educational Facilities shall submit any comments or concerns regarding the executed interlocal agreement to the state land planning agency within 30 days after receipt of the executed interlocal agreement. The state land planning agency shall review the executed interlocal agreement to determine whether it is consistent with the requirements of subsection (2), the adopted local government comprehensive plan, and other requirements of law. Within 60 days after receipt of an executed interlocal agreement, the state land planning agency shall publish a notice of intent in the Florida Administrative Weekly and shall post a copy of the notice on the agency's Internet site. The notice of intent must state whether the interlocal agreement is consistent or inconsistent with the requirements of subsection (2) and this subsection, as appropriate.~~

~~(b) The state land planning agency's notice is subject to challenge under chapter 120; however, an affected person, as defined in s. 163.3184(1)(a), has standing to initiate the administrative proceeding, and this proceeding is the sole means available to challenge the consistency of an interlocal agreement required by this section with the criteria contained in subsection (2) and this subsection. In order to have standing, each person must have submitted oral or written comments, recommendations, or objections to the local government or the school board before the adoption of the interlocal agreement by the school board and local government. The district school board and local governments are parties to any such proceeding. In this proceeding, when the state land planning agency finds the interlocal agreement to be consistent with the criteria in subsection (2) and this subsection, the interlocal agreement shall be determined to be consistent with subsection (2) and this subsection if the local government's and school board's determination of consistency is fairly debatable. When the state planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (2) and this subsection, the local government's and school board's determination of consistency shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.~~

~~(c) If the state land planning agency enters a final order that finds that the interlocal agreement is inconsistent with the requirements of subsection (2) or this subsection, it shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to s. 163.3184(11) and may impose sanctions against the district school board by directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.~~

~~(4) If an executed interlocal agreement is not timely submitted to the state land planning agency for review, the state land planning agency shall, within 15 working days after the deadline for submittal, issue to the local government and the district school board a Notice to Show Cause why sanctions should not be imposed for failure to submit an executed interlocal agreement by the deadline established by the agency. The agency shall forward the notice and the responses to the Administration Commission, which may enter a final order citing the failure to comply and imposing sanctions against the local government and district school board by directing the appropriate agencies to withhold at least 5 percent of state funds pursuant to s. 163.3184(11) and by directing the Department of Education to withhold from the district school board at least 5 percent of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.~~

~~(5) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before the effective date of this section is not required to amend the element or any interlocal agreement to conform with the provisions of this section if the element is adopted prior to or within 1 year after the effective date of this section and remains in effect until the county conducts its evaluation and appraisal report and identifies changes necessary to more fully conform to the provisions of this section.~~

~~(6) Except as provided in subsection (7), municipalities meeting the exemption criteria in s. 163.3177(12) are exempt from the requirements of subsections (1), (2), and (3).~~

~~(7) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under s. 163.3177(12). If the municipality continues to meet these criteria, the municipality shall continue to be exempt from the interlocal agreement requirement. Each municipality exempt under s. 163.3177(12) must comply with the provisions of this section within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.~~

Section 14. Subsection (9) of section 163.3178, Florida Statutes, is amended to read:

163.3178 Coastal management.—

(9)(a) ~~Local governments may elect to comply with rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code, through the process provided in this section.~~ A proposed comprehensive plan amendment shall be found in compliance with state coastal high-hazard provisions ~~pursuant to rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code,~~ if:

1. The adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale; *or*

2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or

3. Appropriate mitigation is provided that will satisfy ~~the provisions of~~ subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation *may* ~~shall~~ not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.

(b) For those local governments that have not established a level of service for out-of-county hurricane evacuation by July 1, 2008, ~~but elect to comply with rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code,~~ by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.

(c) This subsection shall become effective immediately and shall apply to all local governments. No later than July 1, 2008, local governments shall amend their future land use map and coastal management element to include the new definition of coastal high-hazard area and to depict the coastal high-hazard area on the future land use map.

Section 15. Section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(1)~~(a)~~ Sanitary sewer, solid waste, drainage, *and* potable water~~, parks and recreation, schools, and transportation facilities, including mass transit, where applicable,~~ are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without ~~appropriate study and~~ approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

(a) If concurrency is applied to other public facilities, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service, to guide its application. In order for a local government to rescind any optional concurrency provisions, a comprehensive plan amendment is required. An amendment rescinding optional concurrency issues is not subject to state review.

(b) The local government comprehensive plan must demonstrate, for required or optional concurrency requirements, that the levels of service adopted can be reasonably met. Infrastructure needed to ensure that adopted level-of-service standards are achieved and maintained for the 5-year period of the capital improvement schedule must be identified pursuant to the requirements of s. 163.3177(3). The comprehensive plan must include principles, guidelines, standards, and strategies for the establishment of a concurrency management system.

~~(b) Local governments shall use professionally accepted techniques for measuring level of service for automobiles, bicycles, pedestrians, transit, and trucks. These techniques may be used to evaluate increased accessibility by multiple modes and reductions in vehicle miles of travel in an area or zone. The Department of Transportation shall develop methodologies to assist local governments in implementing this multimodal level of service analysis. The Department of Community Affairs and the Department of Transportation shall provide technical assistance to local governments in applying these methodologies.~~

(2)~~(a)~~ Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent. A local government may meet the concurrency requirement for sanitary sewer through the use of onsite sewage treatment and disposal systems approved by the Department of Health to serve new development.

~~(b) Consistent with the public welfare, and except as otherwise provided in this section, parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance by the local government of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities shall be dedicated or be acquired by the local government prior to issuance by the local government of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed no later than the local government's approval to commence construction.~~

~~(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation.~~

(3) Governmental entities that are not responsible for providing, financing, operating, or regulating public facilities needed to serve development may not establish binding level-of-service standards on governmental entities that do bear those responsibilities. ~~This subsection does not limit the authority of any agency to recommend or make objections, recommendations, comments, or determinations during reviews conducted under s. 163.3184.~~

(4)~~(a)~~ The concurrency requirement as implemented in local comprehensive plans applies to state and other public facilities and development to the same extent that it applies to all other facilities and development, as provided by law.

~~(b) The concurrency requirement as implemented in local comprehensive plans does not apply to public transit facilities. For the purposes of this paragraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this paragraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.~~

~~(c) The concurrency requirement, except as it relates to transportation facilities and public schools, as implemented in local government comprehensive plans, may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan. The waiver shall be adopted as a plan amendment pursuant to the process set forth in s. 163.3187(3)(a). A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within these urban infill and redevelopment areas.~~

(5)*(a) If concurrency is applied to transportation facilities, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service to guide its application.*

(b) Local governments shall use professionally accepted studies to evaluate the appropriate levels of service. Local governments should

consider the number of facilities that will be necessary to meet level-of-service demands when determining the appropriate levels of service. The schedule of facilities that are necessary to meet the adopted level of service shall be reflected in the capital improvement element.

(c) Local governments shall use professionally accepted techniques for measuring levels of service when evaluating potential impacts of a proposed development.

(d) The premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level of service standard. A comprehensive plan that imposes transportation concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3). The capital improvements element shall identify facilities necessary to meet adopted levels of service during a 5-year period.

(e) If a local government applies transportation concurrency in its jurisdiction, it is encouraged to develop policy guidelines and techniques to address potential negative impacts on future development:

1. In urban infill and redevelopment, and urban service areas.

2. With special part-time demands on the transportation system.

3. With de minimis impacts.

4. On community desired types of development, such as redevelopment, or job creation projects.

(f) Local governments are encouraged to develop tools and techniques to complement the application of transportation concurrency such as:

1. Adoption of long-term strategies to facilitate development patterns that support multimodal solutions, including urban design, and appropriate land use mixes, including intensity and density.

2. Adoption of an areawide level of service not dependent on any single road segment function.

3. Exempting or discounting impacts of locally desired development, such as development in urban areas, redevelopment, job creation, and mixed use on the transportation system.

4. Assigning secondary priority to vehicle mobility and primary priority to ensuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit.

5. Establishing multimodal level of service standards that rely primarily on nonvehicular modes of transportation where existing or planned community design will provide adequate level of mobility.

6. Reducing impact fees or local access fees to promote development within urban areas, multimodal transportation districts, and a balance of mixed use development in certain areas or districts, or for affordable or workforce housing.

(g) Local governments are encouraged to coordinate with adjacent local governments for the purpose of using common methodologies for measuring impacts on transportation facilities.

(h) Local governments that implement transportation concurrency must:

1. Consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system.

2. Exempt public transit facilities from concurrency. For the purposes of this subparagraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this subparagraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.

3. Allow an applicant for a development-of-regional-impact development order, a rezoning, or other land use development permit to satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06, when applicable, if:

a. The applicant enters into a binding agreement to pay for or construct its proportionate share of required improvements.

b. The proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. c.(I) The local government has provided a means by which the landowner will be assessed a proportionate share of the cost of providing the transportation facilities necessary to serve the proposed development. An applicant shall not be held responsible for the additional cost of reducing or eliminating deficiencies.

(II) When an applicant contributes or constructs its proportionate share pursuant to this subparagraph, a local government may not require payment or construction of transportation facilities whose costs would be greater than a development's proportionate share of the improvements necessary to mitigate the development's impacts.

(A) The proportionate-share contribution shall be calculated based upon the number of trips from the proposed development expected to reach roadways during the peak hour from the stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain or achieve the adopted level of service, multiplied by the construction cost, at the time of development payment, of the improvement necessary to maintain or achieve the adopted level of service.

(B) In using the proportionate-share formula provided in this subparagraph, the applicant, in its traffic analysis, shall identify those roads or facilities that have a transportation deficiency in accordance with the transportation deficiency as defined in sub-subparagraph e. The proportionate-share formula provided in this subparagraph shall be applied only to those facilities that are determined to be significantly impacted by the project traffic under review. If any road is determined to be transportation deficient without the project traffic under review, the costs of correcting that deficiency shall be removed from the project's proportionate-share calculation and the necessary transportation improvements to correct that deficiency shall be considered to be in place for purposes of the proportionate-share calculation. The improvement necessary to correct the transportation deficiency is the funding responsibility of the entity that has maintenance responsibility for the facility. The development's proportionate share shall be calculated only for the needed transportation improvements that are greater than the identified deficiency.

(C) When the provisions of this subparagraph have been satisfied for a particular stage or phase of development, all transportation impacts from that stage or phase for which mitigation was required and provided shall be deemed fully mitigated in any transportation analysis for a subsequent stage or phase of development. Trips from a previous stage or phase that did not result in impacts for which mitigation was required or provided may be cumulatively analyzed with trips from a subsequent stage or phase to determine whether an impact requires mitigation for the subsequent stage or phase.

(D) In projecting the number of trips to be generated by the development under review, any trips assigned to a toll-financed facility shall be eliminated from the analysis.

(E) The applicant shall receive a credit on a dollar-for-dollar basis for impact fees, mobility fees, and other transportation concurrency mitigation requirements paid or payable in the future for the project. The credit shall be reduced up to 20 percent by the percentage share that the project's traffic represents of the added capacity of the selected improvement, or by the amount specified by local ordinance, whichever yields the greater credit.

d. This subsection does not require a local government to approve a development that is not otherwise qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.

e. As used in this subsection, the term "transportation deficiency" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing, committed, and vested trips, plus addi-

tional projected background trips from any source other than the development project under review, and trips that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida's Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

~~(a) The Legislature finds that under limited circumstances, countervailing planning and public policy goals may come into conflict with the requirement that adequate public transportation facilities and services be available concurrent with the impacts of such development. The Legislature further finds that the unintended result of the concurrency requirement for transportation facilities is often the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. The Legislature also finds that in urban centers transportation cannot be effectively managed and mobility cannot be improved solely through the expansion of roadway capacity, that the expansion of roadway capacity is not always physically or financially possible, and that a range of transportation alternatives is essential to satisfy mobility needs, reduce congestion, and achieve healthy, vibrant centers.~~

~~(b)1. The following are transportation concurrency exception areas:~~

~~a. A municipality that qualifies as a dense urban land area under s. 163.3164;~~

~~b. An urban service area under s. 163.3164 that has been adopted into the local comprehensive plan and is located within a county that qualifies as a dense urban land area under s. 163.3164; and~~

~~c. A county, including the municipalities located therein, which has a population of at least 900,000 and qualifies as a dense urban land area under s. 163.3164, but does not have an urban service area designated in the local comprehensive plan.~~

~~2. A municipality that does not qualify as a dense urban land area pursuant to s. 163.3164 may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:~~

~~a. Urban infill as defined in s. 163.3164;~~

~~b. Community redevelopment areas as defined in s. 163.340;~~

~~c. Downtown revitalization areas as defined in s. 163.3164;~~

~~d. Urban infill and redevelopment under s. 163.2517; or~~

~~e. Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s. 163.3177(14).~~

~~3. A county that does not qualify as a dense urban land area pursuant to s. 163.3164 may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:~~

~~a. Urban infill as defined in s. 163.3164;~~

~~b. Urban infill and redevelopment under s. 163.2517; or~~

~~c. Urban service areas as defined in s. 163.3164.~~

~~4. A local government that has a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. shall, within 2 years after the designated area becomes exempt, adopt into its local comprehensive plan land use and transportation strategies to support and fund mobility within the exception area, including alternative modes of transportation. Local governments are encouraged to adopt complementary land use and transportation strategies that reflect the region's shared vision for its future. If the state land planning agency finds insufficient cause for the failure to adopt into its comprehensive plan land use and transportation strategies to support and fund mobility within the designated exception area after 2 years, it shall submit the finding to the Administration Commission, which may impose any of the sanctions set forth in s. 163.3184(11)(a) and (b) against the local government.~~

~~5. Transportation concurrency exception areas designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. do not apply to designated transportation concurrency districts located within a county that has a population of at least 1.5 million, has implemented and uses a transportation-related concurrency assessment to support alternative modes of transportation, including, but not limited to, mass transit, and does not levy transportation impact fees within the concurrency district.~~

~~6. Transportation concurrency exception areas designated under subparagraph 1., subparagraph 2., or subparagraph 3. do not apply in any county that has exempted more than 40 percent of the area inside the urban service area from transportation concurrency for the purpose of urban infill.~~

~~7. A local government that does not have a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:~~

~~a. Urban infill development;~~

~~b. Urban redevelopment;~~

~~c. Downtown revitalization;~~

~~d. Urban infill and redevelopment under s. 163.2517; or~~

~~e. An urban service area specifically designated as a transportation concurrency exception area which includes lands appropriate for compact, contiguous urban development, which does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning period, and which is served or is planned to be served with public facilities and services as provided by the capital improvements element.~~

~~(c) The Legislature also finds that developments located within urban infill, urban redevelopment, urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517, which pose only special part-time demands on the transportation system, are exempt from the concurrency requirement for transportation facilities. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.~~

~~(d) Except for transportation concurrency exception areas designated pursuant to subparagraph (b)1., subparagraph (b)2., or subparagraph (b)3., the following requirements apply:~~

~~1. The local government shall both adopt into the comprehensive plan and implement long-term strategies to support and fund mobility within the designated exception area, including alternative modes of transportation. The plan amendment must also demonstrate how strategies will support the purpose of the exception and how mobility within the designated exception area will be provided.~~

~~2. The strategies must address urban design; appropriate land use mixes, including intensity and density; and network connectivity plans needed to promote urban infill, redevelopment, or downtown revitalization. The comprehensive plan amendment designating the concurrency exception area must be accompanied by data and analysis supporting the local government's determination of the boundaries of the transportation concurrency exception area.~~

~~(e) Before designating a concurrency exception area pursuant to subparagraph (b)7., the state land planning agency and the Department of Transportation shall be consulted by the local government to assess the impact that the proposed exception area is expected to have on the adopted level of service standards established for regional transportation facilities identified pursuant to s. 186.507, including the Strategic Intermodal System and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall provide a plan for the mitigation of impacts to the Strategic Intermodal System, including, if appropriate, access management, parallel reliever roads, transportation demand management, and other measures.~~

~~(f) The designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees. This subsection does not affect any contract or agreement entered into or development order rendered before the creation of the transportation concurrency exception area except as provided in s. 380.06(29)(e).~~

~~(g) The Office of Program Policy Analysis and Government Accountability shall submit to the President of the Senate and the Speaker of the House of Representatives by February 1, 2015, a report on transportation concurrency exception areas created pursuant to this subsection. At a minimum, the report shall address the methods that local governments have used to implement and fund transportation strategies to achieve the purposes of designated transportation concurrency exception areas, and the effects of the strategies on mobility, congestion, urban design, the density and intensity of land use mixes, and network connectivity plans used to promote urban infill, redevelopment, or downtown revitalization.~~

~~(6) The Legislature finds that a de minimis impact is consistent with this part. A de minimis impact is an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the local government. No impact will be de minimis if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility; provided however, that an impact of a single family home on an existing lot will constitute a de minimis impact on all roadways regardless of the level of the deficiency of the roadway. Further, no impact will be de minimis if it would exceed the adopted level-of-service standard of any affected designated hurricane evacuation routes. Each local government shall maintain sufficient records to ensure that the 110 percent criterion is not exceeded. Each local government shall submit annually, with its updated capital improvements element, a summary of the de minimis records. If the state land planning agency determines that the 110 percent criterion has been exceeded, the state land planning agency shall notify the local government of the exceedance and that no further de minimis exceptions for the applicable roadway may be granted until such time as the volume is reduced below the 110 percent. The local government shall provide proof of this reduction to the state land planning agency before issuing further de minimis exceptions.~~

~~(7) In order to promote infill development and redevelopment, one or more transportation concurrency management areas may be designated in a local government comprehensive plan. A transportation concurrency management area must be a compact geographic area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A local government may establish an areawide level-of-service standard for such a transportation concurrency management area based upon an analysis that provides for a justification for the areawide level of service, how urban infill development or redevelopment will be promoted, and how mobility will be accomplished within the transportation concurrency management area. Prior to the designation of a concurrency management area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed concurrency management area is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). Transportation concurrency management areas existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last. The state land planning agency shall amend chapter 9J-5, Florida Administrative Code, to be consistent with this subsection.~~

~~(8) When assessing the transportation impacts of proposed urban redevelopment within an established existing urban service area, 110 percent of the actual transportation impact caused by the previously existing development must be reserved for the redevelopment, even if the previously existing development has a lesser or nonexisting impact pursuant to the calculations of the local government. Redevelopment requiring less than 110 percent of the previously existing capacity shall not be prohibited due to the reduction of transportation levels of service below the adopted standards. This does not preclude the appropriate assessment of fees or accounting for the impacts within the concurrency management system and capital improvements program of the affected local government. This paragraph does not affect local government requirements for appropriate development permits.~~

~~(9)(a) Each local government may adopt as a part of its plan, long-term transportation and school concurrency management systems with a planning period of up to 10 years for specially designated districts or areas where significant backlogs exist. The plan may include interim level of service standards on certain facilities and shall rely on the local government's schedule of capital improvements for up to 10 years as a basis for issuing development orders that authorize commencement of construction in these designated districts or areas. The concurrency management system must be designed to correct existing deficiencies and set priorities for addressing backlogged facilities. The concurrency management system must be financially feasible and consistent with other portions of the adopted local plan, including the future land use map.~~

~~(b) If a local government has a transportation or school facility backlog for existing development which cannot be adequately addressed in a 10-year plan, the state land planning agency may allow it to develop a plan and long-term schedule of capital improvements covering up to 15 years for good and sufficient cause, based on a general comparison between that local government and all other similarly situated local jurisdictions, using the following factors:~~

~~1. The extent of the backlog.~~

~~2. For roads, whether the backlog is on local or state roads.~~

~~3. The cost of eliminating the backlog.~~

~~4. The local government's tax and other revenue raising efforts.~~

~~(c) The local government may issue approvals to commence construction notwithstanding this section, consistent with and in areas that are subject to a long-term concurrency management system.~~

~~(d) If the local government adopts a long-term concurrency management system, it must evaluate the system periodically. At a minimum, the local government must assess its progress toward improving levels of service within the long-term concurrency management district or area in the evaluation and appraisal report and determine any changes that are necessary to accelerate progress in meeting acceptable levels of service.~~

~~(10) Except in transportation concurrency exception areas, with regard to roadway facilities on the Strategic Intermodal System designated in accordance with s. 339.63, local governments shall adopt the level of service standard established by the Department of Transportation by rule. However, if the Office of Tourism, Trade, and Economic Development concurs in writing with the local government that the proposed development is for a qualified job creation project under s. 288.0656 or s. 403.973, the affected local government, after consulting with the Department of Transportation, may provide for a waiver of transportation concurrency for the project. For all other roads on the State Highway System, local governments shall establish an adequate level-of-service standard that need not be consistent with any level-of-service standard established by the Department of Transportation. In establishing adequate level-of-service standards for any arterial roads, or collector roads as appropriate, which traverse multiple jurisdictions, local governments shall consider compatibility with the roadway facility's adopted level-of-service standards in adjacent jurisdictions. Each local government within a county shall use a professionally accepted methodology for measuring impacts on transportation facilities for the purposes of implementing its concurrency management system. Counties are encouraged to coordinate with adjacent counties, and local governments within a county are encouraged to coordinate, for the purpose of using common methodologies for measuring impacts on transportation facilities for the purpose of implementing their concurrency management systems.~~

~~(11) In order to limit the liability of local governments, a local government may allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to sa-~~

~~tisfy transportation concurrency, when all the following factors are shown to exist:~~

~~(a) The local government with jurisdiction over the property has adopted a local comprehensive plan that is in compliance.~~

~~(b) The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the adopted local plan, as determined by the local government.~~

~~(c) The local plan includes a financially feasible capital improvements element that provides for transportation facilities adequate to serve the proposed development, and the local government has not implemented that element.~~

~~(d) The local government has provided a means by which the landowner will be assessed a fair share of the cost of providing the transportation facilities necessary to serve the proposed development.~~

~~(e) The landowner has made a binding commitment to the local government to pay the fair share of the cost of providing the transportation facilities to serve the proposed development.~~

~~(12)(a) A development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by payment of a proportionate-share contribution for local and regionally significant traffic impacts, if:~~

~~1. The development of regional impact which, based on its location or mix of land uses, is designed to encourage pedestrian or other nonautomotive modes of transportation;~~

~~2. The proportionate share contribution for local and regionally significant traffic impacts is sufficient to pay for one or more required mobility improvements that will benefit a regionally significant transportation facility;~~

~~3. The owner and developer of the development of regional impact pays or assures payment of the proportionate-share contribution; and~~

~~4. If the regionally significant transportation facility to be constructed or improved is under the maintenance authority of a governmental entity, as defined by s. 334.03(12), other than the local government with jurisdiction over the development of regional impact, the developer is required to enter into a binding and legally enforceable commitment to transfer funds to the governmental entity having maintenance authority or to otherwise assure construction or improvement of the facility.~~

~~The proportionate-share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate-share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement. Proportionate-share mitigation shall be limited to ensure that a development of regional impact meeting the requirements of this subsection mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs. This subsection also applies to Florida Quality Developments pursuant to s. 380.061 and to detailed specific area plans implementing optional sector plans pursuant to s. 163.3245.~~

~~(b) As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level of service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.~~

~~(13) School concurrency shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area unless exempt from the public school facilities element pursuant to s. 163.3177(12).~~

(6)(a) If concurrency is applied to public education facilities, ~~The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended.~~ all local governments within a county, except as provided in paragraph *(i)* ~~(f)~~, shall *include principles, guidelines, standards, and strategies, including adopted levels of service, in their comprehensive plans and* ~~adopt and transmit to the state land planning agency the necessary plan amendments, along with the~~ interlocal *agreements. If the county and one or more municipalities have adopted school concurrency into its comprehensive plan and interlocal agreement that represents at least 80 percent of the total countywide population, the failure of one or more municipalities to adopt the concurrency and enter into the interlocal agreement does not preclude implementation of school concurrency within jurisdictions of the school district that have opted to implement concurrency.* ~~agreement, for a compliance review pursuant to s. 163.3184(7) and (8). The minimum requirements for school concurrency are the following:~~

~~(a) Public school facilities element.—A local government shall adopt and transmit to the state land planning agency a plan or plan amendment which includes a public school facilities element which is consistent with the requirements of s. 163.3177(12) and which is determined to be in compliance as defined in s. 163.3184(1)(b).~~ All local government *provisions included in comprehensive plans regarding school concurrency* ~~public school facilities plan elements~~ within a county must be consistent with each other as well as the requirements of this part.

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

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

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

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

(e)~~4. For the purpose of determining whether levels of service have been achieved, for the first 3 years of school concurrency implementation,~~ A school district that includes relocatable facilities in its inventory of student stations shall include the capacity of such relocatable facilities as provided in s. 1013.35(2)(b)2.f., provided the relocatable facilities were purchased after 1998 and the relocatable facilities meet the standards for long-term use pursuant to s. 1013.20.

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

*(f)*1. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid disruption of existing educational and growth management processes, local governments are encouraged*, if they elect to adopt school concurrency,* to ~~initially~~ apply school concurrency to development ~~only~~ on a districtwide basis so that a concurrency determination for a specific development will be based upon the availability of school capacity districtwide. ~~To ensure that development is coordinated with schools having available capacity, within 5 years after adoption of school concurrency,~~ *2. If a* local *government elects to*

~~governments shall~~ apply school concurrency on a less than districtwide basis, *by* ~~such as~~ using school attendance zones or concurrency service areas:~~, as provided in subparagraph 2.~~

a.~~2.~~ ~~For local governments applying school concurrency on a less than districtwide basis, such as utilizing school attendance zones or larger school concurrency service areas,~~ Local governments and school boards shall have the burden to demonstrate that the utilization of school capacity is maximized to the greatest extent possible in the comprehensive plan and amendment, taking into account transportation costs and court-approved desegregation plans, as well as other factors. In addition, in order to achieve concurrency within the service area boundaries selected by local governments and school boards, the service area boundaries, together with the standards for establishing those boundaries, shall be identified and included as supporting data and analysis for the comprehensive plan.

b.~~3.~~ Where school capacity is available on a districtwide basis but school concurrency is applied on a less than districtwide basis in the form of concurrency service areas, if the adopted level-of-service standard cannot be met in a particular service area as applied to an application for a development permit and if the needed capacity for the particular service area is available in one or more contiguous service areas, as adopted by the local government, then the local government may not deny an application for site plan or final subdivision approval or the functional equivalent for a development or phase of a development on the basis of school concurrency, and if issued, development impacts shall be *subtracted from the* ~~shifted to~~ contiguous service *area's* ~~areas with schools having available~~ capacity *totals*. *Students from the development may not be required to go to the adjacent service area unless the school board rezones the area in which the development occurs.*

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

~~1.~~ A comprehensive plan *that imposes* ~~amendment seeking to impose~~ school concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3) ~~and rule 9J-5.016, Florida Administrative Code~~. The capital improvements element shall *identify facilities necessary to meet adopted levels of service during a 5-year period consistent with the school board's educational* ~~set forth a financially feasible public school capital~~ facilities *plan* ~~program, established in conjunction with the school board, that demonstrates that the adopted level-of-service standards will be achieved and maintained~~.

(h)1. In order to limit the liability of local governments, a local government may allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy school concurrency, if all the following factors are shown to exist:

a. The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the adopted local plan, as determined by the local government.

b. The local government's capital improvements element and the school board's educational facilities plan provide for school facilities adequate to serve the proposed development, and the local government or school board has not implemented that element or the project includes a plan that demonstrates that the capital facilities needed as a result of the project can be reasonably provided.

c. The local government and school board have provided a means by which the landowner will be assessed a proportionate share of the cost of providing the school facilities necessary to serve the proposed development.

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

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

2.~~(e) Availability standard. Consistent with the public welfare,~~ *If* a local government *applies school concurrency, it* may not deny an application for site plan, final subdivision approval, or the functional equivalent for a development or phase of a development authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local school concurrency management system where adequate school facilities will be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval, or the functional equivalent. School concurrency is satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in *sub-subparagraph a.* ~~subparagraph 1~~. Options for proportionate-share mitigation of impacts on public school facilities must be established in the *comprehensive plan* ~~public school facilities element~~ and the interlocal agreement pursuant to s. 163.31777.

a.~~1.~~ Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; the construction of a charter school that complies with the requirements of s. 1002.33(18); or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a development agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased the overall residential density. The district school board must be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

b.~~2.~~ If the *interlocal agreement* ~~education facilities plan~~ and the *local government comprehensive plan* ~~public educational facilities element~~ authorize a contribution of land; the construction, expansion, or payment for land acquisition; the construction or expansion of a public school facility, or a portion thereof; or the construction of a charter school that complies with the requirements of s. 1002.33(18), as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

c.~~3.~~ Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified in *the* ~~a financially feasible~~ 5-year *school board's educational facilities* ~~district work~~ plan that satisfies the demands created by the development in accordance with a binding developer's agreement.

~~4. If a development is precluded from commencing because there is inadequate classroom capacity to mitigate the impacts of the development, the development may nevertheless commence if there are accelerated facilities in an approved capital improvement element scheduled for construction in year four or later of such plan which, when built, will mitigate the proposed development, or if such accelerated facilities will be in the next annual update of the capital facilities element, the developer enters into a binding, financially guaranteed agreement with the school district to construct an accelerated facility within the first 3 years of an approved capital improvement plan, and the cost of the school facility is equal to or greater than the development's proportionate share. When the completed school facility is conveyed to the school district, the developer shall receive impact fee credits usable within the zone where the facility is constructed or any attendance zone contiguous with or adjacent to the zone where the facility is constructed.~~

3.~~5.~~ This paragraph does not limit the authority of a local government to deny a development permit or its functional equivalent pursuant to its home rule regulatory powers, except as provided in this part.

(i)~~(f) Intergovernmental coordination.~~

~~1. When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2., except that~~ A municipality is not required to be a signatory to the interlocal agreement required by *paragraph (j)* ~~ss. 163.3177(6)(h)2. and 163.31777(6)~~, as a prerequisite for imposition of school concurrency, and as a nonsignatory, *may* ~~shall~~ not participate in the adopted local school concurrency system, if the municipality meets all of the following criteria for having no significant impact on school attendance:

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

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

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

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

~~2. A municipality which qualifies as having no significant impact on school attendance pursuant to the criteria of subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria pursuant to s. 163.31777(6). If the municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777, in order to fully participate in the school concurrency system. If such a municipality fails to do so, it will be subject to the enforcement provisions of s. 163.3191.~~

(j)(~~g~~) ~~Interlocal agreement for school concurrency.~~ When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement that satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and 163.31777 and the requirements of this subsection. The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. ~~The interlocal agreement shall be submitted to the state land planning agency by the local government as a part of the compliance review, along with the other necessary amendments to the comprehensive plan required by this part. In addition to the requirements of ss. 163.3177(6)(h) and 163.31777,~~ The interlocal agreement shall meet the following requirements:

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

~~2. Establish a process for the development of siting criteria which encourages the location of public schools proximate to urban residential areas to the extent possible and seeks to collocate schools with other public facilities such as parks, libraries, and community centers to the extent possible.~~

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

~~4. Establish a process for the preparation, amendment, and joint approval by each local government and the school board of a public school capital facilities program which is financially feasible, and a process and schedule for incorporation of the public school capital facilities program into the local government comprehensive plans on an annual basis.~~

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

4.~~6.~~ Establish a uniform districtwide procedure for implementing school concurrency which provides for:

a. The evaluation of development applications for compliance with school concurrency requirements, including information provided by the school board on affected schools, impact on levels of service, and programmed improvements for affected schools and any options to provide sufficient capacity;

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

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

~~7. Include provisions relating to amendment of the agreement.~~

5.~~8.~~ A process and uniform methodology for determining proportionate-share mitigation pursuant to *paragraph (h)* ~~subparagraph (e)1~~.

(k)(~~h~~) ~~Local government authority.~~ This subsection does not limit the authority of a local government to grant or deny a development permit or its functional equivalent prior to the implementation of school concurrency.

~~(14) The state land planning agency shall, by October 1, 1998, adopt by rule minimum criteria for the review and determination of compliance of a public school facilities element adopted by a local government for purposes of imposition of school concurrency.~~

~~(15)(a) Multimodal transportation districts may be established under a local government comprehensive plan in areas delineated on the future land use map for which the local comprehensive plan assigns secondary priority to vehicle mobility and primary priority to assuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit. Such districts must incorporate community design features that will reduce the number of automobile trips or vehicle miles of travel and will support an integrated, multimodal transportation system. Prior to the designation of multimodal transportation districts, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed multimodal district area is expected to have on the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). Multimodal transportation districts existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.~~

~~(b) Community design elements of such a district include: a complementary mix and range of land uses, including educational, recreational, and cultural uses; interconnected networks of streets designed to encourage walking and bicycling, with traffic calming where desirable; appropriate densities and intensities of use within walking distance of transit stops; daily activities within walking distance of residences, allowing independence to persons who do not drive; public uses, streets, and squares that are safe, comfortable, and attractive for the pedestrian, with adjoining buildings open to the street and with parking not interfering with pedestrian, transit, automobile, and truck travel modes.~~

~~(c) Local governments may establish multimodal level-of-service standards that rely primarily on nonvehicular modes of transportation within the district, when justified by an analysis demonstrating that the existing and planned community design will provide an adequate level of mobility within the district based upon professionally accepted multimodal level of service methodologies. The analysis must also demonstrate that the capital improvements required to promote community design are financially feasible over the development or redevelopment timeframe for the district and that community design features within the district provide convenient interconnection for a multimodal transportation system. Local governments may issue development permits in reliance upon all planned community design capital improvements that are financially feasible over the development or redevelopment timeframe for the district, without regard to the period of time between development or redevelopment and the scheduled construction of the capital improvements. A determination of financial feasibility shall be based upon currently available funding or funding sources that could reasonably be expected to become available over the planning period.~~

~~(d) Local governments may reduce impact fees or local access fees for development within multimodal transportation districts based on the reduction of vehicle trips per household or vehicle miles of travel expected from the development pattern planned for the district.~~

~~(16) It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. The methodology used to calculate proportionate fair share mitigation under this section shall be as provided for in subsection (12).~~

~~(a) By December 1, 2006, each local government shall adopt by ordinance a methodology for assessing proportionate fair share mitigation options. By December 1, 2005, the Department of Transportation shall develop a model transportation concurrency management ordinance with methodologies for assessing proportionate fair-share mitigation options.~~

~~(b)1. In its transportation concurrency management system, a local government shall, by December 1, 2006, include methodologies that will be applied to calculate proportionate fair share mitigation. A developer may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate fair share mitigation if transportation facilities or facility segments identified as mitigation for traffic impacts are specifically identified for funding in the 5 year schedule of capital improvements in the capital improvements element of the local plan or the long term concurrency management system or if such contributions or payments to such facilities or segments are reflected in the 5 year schedule of capital improvements in the next regularly scheduled update of the capital improvements element. Updates to the 5 year capital improvements element which reflect proportionate fair-share contributions may not be found not in compliance based on ss. 163.3164(32) and 163.3177(3) if additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.~~

~~2. Proportionate fair-share mitigation shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair share mitigation is used to address the same capital infrastructure improvements contemplated by the local government's impact fee ordinance.~~

~~(c) Proportionate fair-share mitigation includes, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities and may include public funds as determined by the local government. Proportionate fair share mitigation may be directed toward one or more specific transportation improvements reasonably related to the mobility demands created by the development and such improvements may address one or more modes of travel. The fair market value of the proportionate fair-share mitigation shall not differ based on the form of mitigation. A local government may not require a development to pay more than its proportionate fair-share contribution regardless of the method of mitigation. Proportionate fair-share mitigation shall be limited to ensure that a development meeting the requirements of this section mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs.~~

~~(d) This subsection does not require a local government to approve a development that is not otherwise qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.~~

~~(e) Mitigation for development impacts to facilities on the Strategic Intermodal System made pursuant to this subsection requires the concurrence of the Department of Transportation.~~

~~(f) If the funds in an adopted 5 year capital improvements element are insufficient to fully fund construction of a transportation improvement required by the local government's concurrency management system, a local government and a developer may still enter into a binding proportionate-share agreement authorizing the developer to construct that amount of development on which the proportionate share is calculated if the proportionate share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvements funded by the proportionate share component must be adopted into the 5-year capital improvements schedule of the comprehensive plan at the next annual capital improvements element update. The funding of any improvements that significantly benefit the impacted transportation system satisfies concurrency requirements as a mitigation of the development's impact upon the overall transportation system even if there remains a failure of concurrency on other impacted facilities.~~

~~(g) Except as provided in subparagraph (b)1., this section may not prohibit the Department of Community Affairs from finding other portions of the capital improvements element amendments not in compliance as provided in this chapter.~~

~~(h) The provisions of this subsection do not apply to a development of regional impact satisfying the requirements of subsection (12).~~

~~(i) As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level of service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.~~

~~(17) A local government and the developer of affordable workforce housing units developed in accordance with s. 380.06(19) or s. 380.0651(3) may identify an employment center or centers in close proximity to the affordable workforce housing units. If at least 50 percent of the units are occupied by an employee or employees of an identified employment center or centers, all of the affordable workforce housing units are exempt from transportation concurrency requirements, and the local government may not reduce any transportation trip generation entitlements of an approved development of regional impact development order. As used in this subsection, the term "close proximity" means 5 miles from the nearest point of the development of regional impact to the nearest point of the employment center, and the term "employment center" means a place of employment that employs at least 25 or more full time employees.~~

Section 16. Section 163.3182, Florida Statutes, is amended to read:

163.3182 Transportation *deficiencies* ~~concurrency backlogs~~.—

(1) DEFINITIONS.—For purposes of this section, the term:

(a) "Transportation *deficiency* ~~concurrency backlog~~ area" means the geographic area within the unincorporated portion of a county or within the municipal boundary of a municipality designated in a local government comprehensive plan for which a transportation *development* ~~concurrency backlog~~ authority is created pursuant to this section. A transportation *deficiency* ~~concurrency backlog~~ area created within the corporate boundary of a municipality shall be made pursuant to an interlocal agreement between a county, a municipality or municipalities, and any affected taxing authority or authorities.

(b) "Authority" or "transportation *development* ~~concurrency backlog~~ authority" means the governing body of a county or municipality within which an authority is created.

(c) "Governing body" means the council, commission, or other legislative body charged with governing the county or municipality within which *an* ~~a transportation concurrency backlog~~ authority is created pursuant to this section.

(d) "Transportation *deficiency* ~~concurrency backlog~~" means an identified *need* ~~deficiency~~ where the existing *and projected* extent of traffic volume exceeds the level of service standard adopted in a local government comprehensive plan for a transportation facility.

(e) "Transportation *sufficiency* ~~concurrency backlog~~ plan" means the plan adopted as part of a local government comprehensive plan by the governing body of a county or municipality acting as a transportation *development* ~~concurrency backlog~~ authority.

(f) "Transportation ~~concurrency backlog~~ project" means any designated transportation project identified for construction within the jurisdiction of a transportation *development* ~~concurrency backlog~~ authority.

(g) "Debt service millage" means any millage levied pursuant to s. 12, Art. VII of the State Constitution.

(h) "Increment revenue" means the amount calculated pursuant to subsection (5).

(i) "Taxing authority" means a public body that levies or is authorized to levy an ad valorem tax on real property located within a transportation *deficiency* ~~concurrency backlog~~ area, except a school district.

(2) CREATION OF TRANSPORTATION *DEVELOPMENT* ~~CONCURRENCY BACKLOG~~ AUTHORITIES.—

(a) A county or municipality may create a transportation *development* ~~concurrency backlog~~ authority if it has an identified transportation *deficiency* ~~concurrency backlog~~.

(b) Acting as the transportation *development* ~~concurrency backlog~~ authority within the authority's jurisdictional boundary, the governing body of a county or municipality shall adopt and implement a plan to eliminate all identified transportation *deficiencies* ~~concurrency backlogs~~ within the authority's jurisdiction using funds provided pursuant to subsection (5) and as otherwise provided pursuant to this section.

(c) The Legislature finds and declares that there exist in many counties and municipalities areas that have significant transportation deficiencies and inadequate transportation facilities; that many insufficiencies and inadequacies severely limit or prohibit the satisfaction of transportation *level of service* ~~concurrency~~ standards; that the transportation insufficiencies and inadequacies affect the health, safety, and welfare of the residents of these counties and municipalities; that the transportation insufficiencies and inadequacies adversely affect economic development and growth of the tax base for the areas in which these insufficiencies and inadequacies exist; and that the elimination of transportation deficiencies and inadequacies and the satisfaction of transportation concurrency standards are paramount public purposes for the state and its counties and municipalities.

(3) POWERS OF A TRANSPORTATION *DEVELOPMENT* ~~CONCURRENCY BACKLOG~~ AUTHORITY.—Each transportation *development* ~~concurrency backlog~~ authority *created pursuant to this section* has the powers necessary or convenient to carry out the purposes of this section, including the following powers in addition to others granted in this section:

(a) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this section.

(b) To undertake and carry out transportation ~~concurrency backlog~~ projects for transportation facilities *designed to relieve transportation deficiencies* ~~that have a concurrency backlog~~ within the authority's jurisdiction. *Transportation* ~~Concurrency backlog~~ projects may include transportation facilities that provide for alternative modes of travel including sidewalks, bikeways, and mass transit which are related to a *deficient* ~~backlogged~~ transportation facility.

(c) To invest any transportation ~~concurrency backlog~~ funds held in reserve, sinking funds, or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to the control of the authority and to redeem such bonds as have been issued pursuant to this section at the redemption price established therein, or to purchase such bonds at less than redemption price. All such bonds redeemed or purchased shall be canceled.

(d) To borrow money, including, but not limited to, issuing debt obligations such as, but not limited to, bonds, notes, certificates, and similar debt instruments; to apply for and accept advances, loans, grants, contributions, and any other forms of financial assistance from the Federal Government or the state, county, or any other public body or from any sources, public or private, for the purposes of this part; to give such security as may be required; to enter into and carry out contracts or agreements; and to include in any contracts for financial assistance with the Federal Government for or with respect to a transportation ~~concurrency backlog~~ project and related activities such conditions imposed under federal laws as the transportation *development* ~~concurrency backlog~~ authority considers reasonable and appropriate and which are not inconsistent with the purposes of this section.

(e) To make or have made all surveys and plans necessary to the carrying out of the purposes of this section; to contract with any persons, public or private, in making and carrying out such plans; and to adopt, approve, modify, or amend such transportation *sufficiency* ~~concurrency backlog~~ plans.

(f) To appropriate such funds and make such expenditures as are necessary to carry out the purposes of this section, and to enter into agreements with other public bodies, which agreements may extend over any period notwithstanding any provision or rule of law to the contrary.

(4) TRANSPORTATION *SUFFICIENCY* ~~CONCURRENCY BACKLOG~~ PLANS.—

~~(a)~~ Each transportation *development* ~~concurrency backlog~~ authority shall adopt a transportation *sufficiency* ~~concurrency backlog~~ plan as a part of the local government comprehensive plan within 6 months after the creation of the authority. The plan must:

(a)~~1.~~ Identify all transportation facilities that have been designated as deficient and require the expenditure of moneys to upgrade, modify, or mitigate the deficiency.

(b)~~2.~~ Include a priority listing of all transportation facilities that have been designated as deficient and do not satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and the applicable local government comprehensive plan.

(c)~~3.~~ Establish a schedule for financing and construction of transportation ~~concurrency backlog~~ projects that will eliminate transportation *deficiencies* ~~concurrency backlogs~~ within the jurisdiction of the authority within 10 years after the transportation *sufficiency* ~~concurrency backlog~~ plan adoption. The schedule shall be adopted as part of the local government comprehensive plan.

~~(b) The adoption of the transportation concurrency backlog plan shall be exempt from the provisions of s. 163.3187(1).~~

Notwithstanding such schedule requirements, as long as the schedule provides for the elimination of all transportation *deficiencies* ~~concurrency backlogs~~ within 10 years after the adoption of the *transportation sufficiency* ~~concurrency backlog~~ plan, the final maturity date of any debt incurred to finance or refinance the related projects may be no later than 40 years after the date the debt is incurred and the authority may continue operations and administer the trust fund established as provided in subsection (5) for as long as the debt remains outstanding.

(5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation *development* ~~concurrency backlog~~ authority shall establish a local transportation ~~concurrency backlog~~ trust fund upon creation of the authority. Each local trust fund shall be administered by the transportation *development* ~~concurrency backlog~~ authority within which ~~a~~ transportation *deficiencies have* ~~concurrency backlog has~~ been identified. Each local trust fund must continue to be funded under this section for as long as the projects set forth in the related transportation *sufficiency* ~~con-~~

~~currency backlog~~ plan remain to be completed or until any debt incurred to finance or refinance the related projects is no longer outstanding, whichever occurs later. Beginning in the first fiscal year after the creation of the authority, each local trust fund shall be funded by the proceeds of an ad valorem tax increment collected within each transportation *deficiency* ~~concurrency backlog~~ area to be determined annually and shall be a minimum of 25 percent of the difference between the amounts set forth in paragraphs (a) and (b), except that if all of the affected taxing authorities agree under an interlocal agreement, a particular local trust fund may be funded by the proceeds of an ad valorem tax increment greater than 25 percent of the difference between the amounts set forth in paragraphs (a) and (b):

(a) The amount of ad valorem tax levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the jurisdiction of the transportation *development* ~~concurrency backlog~~ authority and within the transportation *deficiency* ~~backlog~~ area; and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property within the transportation *deficiency* ~~concurrency backlog~~ area as shown on the most recent assessment roll used in connection with the taxation of such property of each taxing authority prior to the effective date of the ordinance funding the trust fund.

(6) EXEMPTIONS.—

(a) The following public bodies or taxing authorities are exempt from ~~the provisions of~~ this section:

1. A special district that levies ad valorem taxes on taxable real property in more than one county.

2. A special district for which the sole available source of revenue is the authority to levy ad valorem taxes at the time an ordinance is adopted under this section. However, revenues or aid that may be dispensed or appropriated to a district as defined in s. 388.011 at the discretion of an entity other than such district *are* ~~shall~~ not ~~be~~ deemed available.

3. A library district.

4. A neighborhood improvement district created under the Safe Neighborhoods Act.

5. A metropolitan transportation authority.

6. A water management district created under s. 373.069.

7. A community redevelopment agency.

(b) A transportation *development* ~~concurrency exemption~~ authority may also exempt from this section a special district that levies ad valorem taxes within the transportation *deficiency* ~~concurrency backlog~~ area pursuant to s. 163.387(2)(d).

(7) TRANSPORTATION CONCURRENCY SATISFACTION.—Upon adoption of a transportation *sufficiency* ~~concurrency backlog~~ plan as a part of the local government comprehensive plan, and the plan going into effect, the area subject to the plan shall be deemed to have achieved and maintained transportation level-of-service standards~~, and to have met requirements for financial feasibility for transportation facilities, and for the purpose of proposed development transportation concurrency has been satisfied~~. Proportionate fair-share mitigation shall be limited to ensure that a development inside a transportation *deficiency* ~~concurrency backlog~~ area is not responsible for the additional costs of eliminating *deficiencies* ~~backlogs~~.

(8) DISSOLUTION.—Upon completion of all transportation ~~concurrency backlog~~ projects *identified in the transportation sufficiency plan* and repayment or defeasance of all debt issued to finance or refinance such projects, a transportation *development* ~~concurrency backlog~~ authority shall be dissolved, and its assets and liabilities transferred to the county or municipality within which the authority is located. All remaining assets of the authority must be used for implementation of transportation projects within the jurisdiction of the authority. The local government comprehensive plan shall be amended to remove the transportation concurrency backlog plan.

Section 17. Section 163.3184, Florida Statutes, is amended to read:

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

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

(a) "Affected person" includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; owners of real property abutting real property that is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

(b) "In compliance" means consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, ~~and~~ 163.3245, *and 163.3248* ~~with the state comprehensive plan~~, with the appropriate strategic regional policy plan, ~~and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part~~ and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

(c) "Reviewing agencies" means:

1. The state land planning agency;

2. The appropriate regional planning council;

3. The appropriate water management district;

4. The Department of Environmental Protection;

5. The Department of State;

6. The Department of Transportation;

7. In the case of plan amendments relating to public schools, the Department of Education;

8. In the case of plans or plan amendments that affect a military installation listed in s. 163.3175, the commanding officer of the affected military installation;

9. In the case of county plans and plan amendments, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; and

10. In the case of municipal plans and plan amendments, the county in which the municipality is located.

(2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

(a) Plan amendments adopted by local governments shall follow the expedited state review process in subsection (3), except as set forth in paragraphs (b) and (c).

(b) Plan amendments that qualify as small-scale development amendments may follow the small-scale review process in s. 163.3187.

(c) Plan amendments that are in an area of critical state concern designated pursuant to s. 380.05; propose a rural land stewardship area pursuant to s. 163.3248; propose a sector plan pursuant to s. 163.3245; update a comprehensive plan based on an evaluation and appraisal pursuant to s. 163.3191; or are new plans for newly incorporated municipalities adopted pursuant to s. 163.3167 shall follow the state coordinated review process in subsection (4).

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—

(a) The process for amending a comprehensive plan described in this subsection shall apply to all amendments except as provided in paragraphs (2)(b) and (c) and shall be applicable statewide.

(b)1. The local government, after the initial public hearing held pursuant to subsection (11), shall transmit within 10 days the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.

2. The reviewing agencies and any other local government or governmental agency specified in subparagraph 1. may provide comments regarding the amendment or amendments to the local government. State agencies shall only comment on important state resources and facilities that will be adversely impacted by the amendment if adopted. Comments provided by state agencies shall state with specificity how the plan amendment will adversely impact an important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. Such comments, if not resolved, may result in a challenge by the state land planning agency to the plan amendment. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later than 30 days from the date on which the agency or government received the amendment or amendments. Reviewing agencies shall also send a copy of their comments to the state land planning agency.

3. Comments to the local government from a regional planning council, county, or municipality shall be limited as follows:

a. The regional planning council review and comments shall be limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A regional planning council may not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council.

b. County comments shall be in the context of the relationship and effect of the proposed plan amendments on the county plan.

c. Municipal comments shall be in the context of the relationship and effect of the proposed plan amendments on the municipal plan.

d. Military installation comments shall be provided in accordance with s. 163.3175.

4. Comments to the local government from state agencies shall be limited to the following subjects as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted:

a. The Department of Environmental Protection shall limit its comments to the subjects of air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration.

b. The Department of State shall limit its comments to the subjects of historic and archeological resources.

c. The Department of Transportation shall limit its comments to issues within the agency's jurisdiction as it relates to transportation resources and facilities of state importance.

d. The Fish and Wildlife Conservation Commission shall limit its comments to subjects relating to fish and wildlife habitat and listed species and their habitat.

e. The Department of Agriculture and Consumer Services shall limit its comments to the subjects of agriculture, forestry, and aquaculture issues.

f. The Department of Education shall limit its comments to the subject of public school facilities.

g. The appropriate water management district shall limit its comments to flood protection and floodplain management, wetlands and other surface waters, and regional water supply.

h. The state land planning agency shall limit its comments to important state resources and facilities outside the jurisdiction of other commenting state agencies and may include comments on countervailing planning policies and objectives served by the plan amendment that should be balanced against potential adverse impacts to important state resources and facilities.

(c)1. The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, the amendments shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 days after the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under subparagraph (b)2.

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.

4. An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

(4) STATE COORDINATED REVIEW PROCESS.—

(a)~~(2)~~ Coordination.—*The state land planning agency shall only use the state coordinated review process described in this subsection for review of comprehensive plans and plan amendments described in paragraph (2)(c).* Each comprehensive plan or plan amendment proposed to be adopted pursuant to this *subsection* ~~part~~ shall be transmitted, adopted, and reviewed in the manner prescribed in this *subsection* ~~section~~. The state land planning agency shall have responsibility for plan review, coordination, and the preparation and transmission of comments, pursuant to this *subsection* ~~section~~, to the local governing body responsible for the comprehensive plan *or plan amendment*. ~~The state land planning agency shall maintain a single file concerning any proposed or adopted plan amendment submitted by a local government for any review under this section. Copies of all correspondence, papers, notes, memoranda, and other documents received or generated by the state land planning agency must be placed in the appropriate file. Paper copies of all electronic mail correspondence must be placed in the file. The file and its contents must be available for public inspection and copying as provided in chapter 119.~~

(b)~~(3)~~ Local government transmittal of proposed plan or amendment.—

~~(a)~~ Each local governing body *proposing a plan or plan amendment specified in paragraph (2)(c)* shall transmit the complete proposed comprehensive plan or plan amendment to the *reviewing agencies* ~~state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, the Department of State, and the Department of Transportation, and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services,~~ immediately following *the first* ~~a~~ public hearing pursuant to subsection *(11). The transmitted document shall clearly indicate on the cover sheet that this plan amendment is subject to the state coordinated review process of s. 163.3184(4)*~~(15) as specified in the state land planning agency's procedural rules~~. The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for the plan or plan amendment. ~~The local government may request a review by the state land planning agency pursuant to subsection (6) at the time of the transmittal of an amendment.~~

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

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

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

~~(e) At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact the provisions of any proposed plan amendment transmitted pursuant to this subsection. Zoning changes approved by the local government are contingent upon the comprehensive plan or plan amendment transmitted becoming effective.~~

(c)~~(4)~~ *Reviewing agency comments* ~~INTERGOVERNMENTAL REVIEW.~~—The ~~governmental~~ agencies specified in *paragraph (b) may* ~~paragraph (3)(a) shall~~ provide comments *regarding the plan or plan amendments in accordance with subparagraphs (3)(b)2.-4. However, comments on plans or plan amendments required to be reviewed under the state coordinated review process shall be sent* to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan *or plan* amendment *from the local government. If the state land planning agency comments on a plan or plan amendment adopted under the state coordinated review process, it shall provide comments according to paragraph (d). Any other unit of local government or government agency specified in paragraph (b) may provide comments to the state land planning agency in accordance with subparagraphs (3)(b)2.-4. within 30 days after receipt by the state land planning agency of the complete proposed plan or plan amendment.* ~~If the plan or plan amendment includes or relates to the public school facilities element pursuant to s. 163.3177(12), the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of Education for review and comment. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment.~~ Written comments submitted by the public *shall be sent directly to the local government* ~~within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).~~

~~(5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW. The review of the regional planning council pursuant to subsection (4) shall be limited to effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government. However, any inconsistency between a local plan or plan amendment and a strategic regional policy plan must not be the sole basis for a notice of intent to find a local plan or plan amendment not in compliance with this act. A regional planning council shall not review and comment on a proposed comprehensive plan it prepared itself unless the plan has been changed by the local government subsequent to the preparation of the plan by the regional planning agency. The review of the county land planning agency pursuant to subsection (4) shall be primarily in the context of the relationship and effect of the proposed plan amendment on any county comprehensive plan element. Any review by municipalities will be primarily in the context of the relationship and effect on the municipal plan.~~

(d)~~(6)~~ State land planning agency review.—

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

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

1.~~(c) The state land planning agency shall establish by rule a schedule for receipt of comments from the various government agencies, as well as written public comments, pursuant to subsection (4).~~ If the state land planning agency elects to review *a plan or plan* ~~the~~ amendment ~~or the agency is required to review the amendment as~~ specified in paragraph *(2)(c)*~~(a)~~, the agency shall issue a report giving its objections, recommendations, and comments regarding the proposed *plan or plan* amendment within 60 days after receipt of the ~~complete~~ proposed *plan or plan* amendment ~~by the state land planning agency~~. *Notwithstanding the limitation on comments in sub-subparagraph (3)(b)4.g., the state land planning agency may make objections, recommendations, and comments in its report regarding whether the plan or plan amendment is in compliance and whether the plan or plan amendment will adversely impact important state resources and facilities. Any objection regarding an important state resource or facility that will be adversely impacted by the adopted plan or plan amendment shall also state with specificity how the plan or plan amendment will adversely impact the important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts.* When a federal, state, or regional agency has implemented a permitting program, ~~the state land planning agency shall not require~~ a local government *is not required* to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. *This subparagraph does not* ~~Nothing contained herein shall~~ prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections, recommendations, and comments ~~or making compliance determinations~~

regarding densities and intensities consistent with ~~the provisions of~~ this part. In preparing its comments, the state land planning agency shall only base its considerations on written, and not oral, comments~~, from any source~~.

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

(e)~~(7)~~ Local government review of comments; adoption of plan or amendments and transmittal.—

1.~~(a)~~ The local government shall review the *report* ~~written comments~~ submitted to it by the state land planning agency, *if any,* and *written comments submitted to it by* any other person, agency, or government. ~~Any comments, recommendations, or objections and any reply to them shall be public documents, a part of the permanent record in the matter, and admissible in any proceeding in which the comprehensive plan or plan amendment may be at issue.~~ The local government, upon receipt of *the report* ~~written comments~~ from the state land planning agency, shall *hold its second public hearing, which shall be a hearing to determine whether to adopt the comprehensive plan or one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails to hold the second hearing within 180 days after receipt of the state land planning agency's report, the amendments shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.*

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 days after the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under paragraph (c).

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of a plan or plan amendment package. For purposes of completeness, a plan or plan amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.

4. After the state land planning agency makes a determination of completeness regarding the adopted plan or plan amendment, the state land planning agency shall have 45 days to determine if the plan or plan amendment is in compliance with this act. Unless the plan or plan amendment is substantially changed from the one commented on, the state land planning agency's compliance determination shall be limited to objections raised in the objections, recommendations, and comments report. During the period provided for in this subparagraph, the state land planning agency shall issue, through a senior administrator or the secretary, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. Publication by the state land planning agency of the notice of intent on the state land planning agency's Internet site shall be prima facie evidence of compliance with the publication requirements of this subparagraph.

5. A plan or plan amendment adopted under the state coordinated review process shall go into effect pursuant to the state land planning agency's notice of intent. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

(5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN AMENDMENTS.—

(a) Any affected person as defined in paragraph (1)(a) may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendments are in compliance as defined in paragraph (1)(b). This petition must be filed with the division within 30 days after the local government adopts the amendment. The state land planning agency may not intervene in a proceeding initiated by an affected person.

(b) The state land planning agency may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendment is in compliance as defined in paragraph (1)(b). The state land planning agency's petition must clearly state the reasons for the challenge. Under the expedited state review process, this petition must be filed with the division within 30 days after the state land planning agency notifies the local government that the plan amendment package is complete according to subparagraph (3)(c)3. Under the state coordinated review process, this petition must be filed with the division within 45 days after the state land planning agency notifies the local government that the plan amendment package is complete according to subparagraph (3)(c)3.

1. The state land planning agency's challenge to plan amendments adopted under the expedited state review process shall be limited to the comments provided by the reviewing agencies pursuant to subparagraphs (3)(b)2.-4., upon a determination by the state land planning agency that an important state resource or facility will be adversely impacted by the adopted plan amendment. The state land planning agency's petition shall state with specificity how the plan amendment will adversely impact the important state resource or facility. The state land planning agency may challenge a plan amendment that has substantially changed from the version on which the agencies provided comments but only upon a determination by the state land planning agency that an important state resource or facility will be adversely impacted.

2. If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of Management Services, which shall conduct a proceeding under ss. 120.569 and 120.57 in the county of and convenient to the affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government, and any affected person who intervenes. No new issue may be alleged as a reason to find a plan or plan amendment not in compliance in an administrative pleading filed more than 21 days after publication of notice unless the party seeking that issue establishes good cause for not alleging the issue within that time period. Good cause does not include excusable neglect.

(c) An administrative law judge shall hold a hearing in the affected local jurisdiction on whether the plan or plan amendment is in compliance.

1. In challenges filed by an affected person, the comprehensive plan or plan amendment shall be determined to be in compliance if the local government's determination of compliance is fairly debatable.

2.a. In challenges filed by the state land planning agency, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct, and the local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance.

b. In challenges filed by the state land planning agency, the local government's determination that elements of its plan are related to and consistent with each other shall be sustained if the determination is fairly debatable.

3. In challenges filed by the state land planning agency that require a determination by the agency that an important state resource or facility will be adversely impacted by the adopted plan or plan amendment, the local government may contest the agency's determination of an important

state resource or facility. The state land planning agency shall prove its determination by clear and convincing evidence.

(d) If the administrative law judge recommends that the amendment be found not in compliance, the judge shall submit the recommended order to the Administration Commission for final agency action. The Administration Commission shall enter a final order within 45 days after its receipt of the recommended order.

(e) If the administrative law judge recommends that the amendment be found in compliance, the judge shall submit the recommended order to the state land planning agency.

1. If the state land planning agency determines that the plan amendment should be found not in compliance, the agency shall refer, within 30 days after receipt of the recommended order, the recommended order and its determination to the Administration Commission for final agency action.

2. If the state land planning agency determines that the plan amendment should be found in compliance, the agency shall enter its final order not later than 30 days after receipt of the recommended order.

(f) Parties to a proceeding under this subsection may enter into compliance agreements using the process in subsection (6).

(6) COMPLIANCE AGREEMENT.—

(a) At any time after the filing of a challenge, the state land planning agency and the local government may voluntarily enter into a compliance agreement to resolve one or more of the issues raised in the proceedings. Affected persons who have initiated a formal proceeding or have intervened in a formal proceeding may also enter into a compliance agreement with the local government. All parties granted intervenor status shall be provided reasonable notice of the commencement of a compliance agreement negotiation process and a reasonable opportunity to participate in such negotiation process. Negotiation meetings with local governments or intervenors shall be open to the public. The state land planning agency shall provide each party granted intervenor status with a copy of the compliance agreement within 10 days after the agreement is executed. The compliance agreement shall list each portion of the plan or plan amendment that has been challenged, and shall specify remedial actions that the local government has agreed to complete within a specified time in order to resolve the challenge, including adoption of all necessary plan amendments. The compliance agreement may also establish monitoring requirements and incentives to ensure that the conditions of the compliance agreement are met.

(b) Upon the filing of a compliance agreement executed by the parties to a challenge and the local government with the Division of Administrative Hearings, any administrative proceeding under ss. 120.569 and 120.57 regarding the plan or plan amendment covered by the compliance agreement shall be stayed.

(c) Before its execution of a compliance agreement, the local government must approve the compliance agreement at a public hearing advertised at least 10 days before the public hearing in a newspaper of general circulation in the area in accordance with the advertisement requirements of chapter 125 or chapter 166, as applicable.

(d) The local government shall hold a single public hearing for adopting remedial amendments.

(e) For challenges to amendments adopted under the expedited review process, if the local government adopts a comprehensive plan amendment pursuant to a compliance agreement, an affected person or the state land planning agency may file a revised challenge with the Division of Administrative Hearings within 15 days after the adoption of the remedial amendment.

(f) For challenges to amendments adopted under the state coordinated process, the state land planning agency, upon receipt of a plan or plan amendment adopted pursuant to a compliance agreement, shall issue a cumulative notice of intent addressing both the remedial amendment and the plan or plan amendment that was the subject of the agreement.

1. If the local government adopts a comprehensive plan or plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings and the administrative law judge shall realign the parties in the pending proceeding under ss. 120.569 and 120.57, which shall thereafter be governed by the process contained in paragraph (5)(a) and subparagraph (5)(c)1., including provisions relating to challenges by an affected person, burden of proof, and issues of a recommended order and a final order. Parties to the original proceeding at the time of realignment may continue as parties without being required to file additional pleadings to initiate a proceeding, but may timely amend their pleadings to raise any challenge to the amendment that is the subject of the cumulative notice of intent, and must otherwise conform to the rules of procedure of the Division of Administrative Hearings. Any affected person not a party to the realigned proceeding may challenge the plan amendment that is the subject of the cumulative notice of intent by filing a petition with the agency as provided in subsection (5). The agency shall forward the petition filed by the affected person not a party to the realigned proceeding to the Division of Administrative Hearings for consolidation with the realigned proceeding. If the cumulative notice of intent is not challenged, the state land planning agency shall request that the Division of Administrative Hearings relinquish jurisdiction to the state land planning agency for issuance of a final order.

2. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent is issued that finds the plan amendment not in compliance, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings, which shall consolidate the proceeding with the pending proceeding and immediately set a date for a hearing in the pending proceeding under ss. 120.569 and 120.57. Affected persons who are not a party to the underlying proceeding under ss. 120.569 and 120.57 may challenge the plan amendment adopted pursuant to the compliance agreement by filing a petition pursuant to paragraph (5)(a).

(g) This subsection does not prohibit a local government from amending portions of its comprehensive plan other than those that are the subject of a challenge. However, such amendments to the plan may not be inconsistent with the compliance agreement.

(h) This subsection does not require settlement by any party against its will or preclude the use of other informal dispute resolution methods in the course of or in addition to the method described in this subsection.

(7) MEDIATION AND EXPEDITIOUS RESOLUTION.-

(a) At any time after the matter has been forwarded to the Division of Administrative Hearings, the local government proposing the amendment may demand formal mediation or the local government proposing the amendment or an affected person who is a party to the proceeding may demand informal mediation or expeditious resolution of the amendment proceedings by serving written notice on the state land planning agency if a party to the proceeding, all other parties to the proceeding, and the administrative law judge.

(b) Upon receipt of a notice pursuant to paragraph (a), the administrative law judge shall set the matter for final hearing no more than 30 days after receipt of the notice. Once a final hearing has been set, no continuance in the hearing, and no additional time for post-hearing submittals, may be granted without the written agreement of the parties absent a finding by the administrative law judge of extraordinary circumstances. Extraordinary circumstances do not include matters relating to workload or need for additional time for preparation, negotiation, or mediation.

(c) Absent a showing of extraordinary circumstances, the administrative law judge shall issue a recommended order, in a case proceeding under subsection (5), within 30 days after filing of the transcript, unless the parties agree in writing to a longer time.

(d) Absent a showing of extraordinary circumstances, the Administration Commission shall issue a final order, in a case proceeding under subsection (5), within 45 days after the issuance of the recommended order, unless the parties agree in writing to a longer time. ~~have 120 days to adopt or adopt with changes the proposed comprehensive plan or s. 163.3191 plan amendments. In the case of comprehensive plan amendments other than those proposed pursuant to s. 163.3191, the local government shall have 60 days to adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment. The adoption of the proposed plan or plan amendment or~~

~~the determination not to adopt a plan amendment, other than a plan amendment proposed pursuant to s. 163.3191, shall be made in the course of a public hearing pursuant to subsection (15). The local government shall transmit the complete adopted comprehensive plan or plan amendment, including the names and addresses of persons compiled pursuant to paragraph (15)(c), to the state land planning agency as specified in the agency's procedural rules within 10 working days after adoption. The local governing body shall also transmit a copy of the adopted comprehensive plan or plan amendment to the regional planning agency and to any other unit of local government or governmental agency in the state that has filed a written request with the governing body for a copy of the plan or plan amendment.~~

~~(b) If the adopted plan amendment is unchanged from the proposed plan amendment transmitted pursuant to subsection (3) and an affected person as defined in paragraph (1)(a) did not raise any objection, the state land planning agency did not review the proposed plan amendment, and the state land planning agency did not raise any objections during its review pursuant to subsection (6), the local government may state in the transmittal letter that the plan amendment is unchanged and was not the subject of objections.~~

~~(8) NOTICE OF INTENT.—~~

~~(a) If the transmittal letter correctly states that the plan amendment is unchanged and was not the subject of review or objections pursuant to paragraph (7)(b), the state land planning agency has 20 days after receipt of the transmittal letter within which to issue a notice of intent that the plan amendment is in compliance.~~

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

~~1. The state land planning agency's written comments to the local government pursuant to subsection (6); or~~

~~2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.~~

~~(c)1. During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government. The advertisement shall be placed in that portion of the newspaper where legal notices appear. The advertisement shall be published in a newspaper that meets the size and circulation requirements set forth in paragraph (15)(c) and that has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section. The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. The agency shall, no later than the date the notice of intent is transmitted to the newspaper, send by regular mail a courtesy informational statement to persons who provide their names and addresses to the local government at the transmittal hearing or at the adoption hearing where the local government has provided the names and addresses of such persons to the department at the time of transmittal of the adopted amendment. The informational statements shall include the name of the newspaper in which the notice of intent will appear, the approximate date of publication, the ordinance number of the plan or plan amendment, and a statement that affected persons have 21 days after the actual date of publication of the notice to file a petition.~~

~~2. A local government that has an Internet site shall post a copy of the state land planning agency's notice of intent on the site within 5 days after receipt of the mailed copy of the agency's notice of intent.~~

~~(9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.—~~

~~(a) If the state land planning agency issues a notice of intent to find that the comprehensive plan or plan amendment transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189, or s. 163.3191 is in compliance with this act, any affected person may file a petition with the agency pursuant to ss. 120.569 and 120.57 within 21 days after the publication of notice. In this proceeding, the local plan or plan amendment shall be determined to be in compliance if the local government's determination of compliance is fairly debatable.~~

~~(b) The hearing shall be conducted by an administrative law judge of the Division of Administrative Hearings of the Department of Management Services, who shall hold the hearing in the county of and convenient to the affected local jurisdiction and submit a recommended order to the state land planning agency. The state land planning agency shall allow for the filing of exceptions to the recommended order and shall issue a final order after receipt of the recommended order if the state land planning agency determines that the plan or plan amendment is in compliance. If the state land planning agency determines that the plan or plan amendment is not in compliance, the agency shall submit the recommended order to the Administration Commission for final agency action.~~

~~(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN COMPLIANCE.—~~

~~(a) If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of Management Services, which shall conduct a proceeding under ss. 120.569 and 120.57 in the county of and convenient to the affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government, and any affected person who intervenes. No new issue may be alleged as a reason to find a plan or plan amendment not in compliance in an administrative pleading filed more than 21 days after publication of notice unless the party seeking that issue establishes good cause for not alleging the issue within that time period. Good cause shall not include excusable neglect. In the proceeding, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct. The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance. The local government's determination that elements of its plans are related to and consistent with each other shall be sustained if the determination is fairly debatable.~~

~~(b) The administrative law judge assigned by the division shall submit a recommended order to the Administration Commission for final agency action.~~

~~(c) Prior to the hearing, the state land planning agency shall afford an opportunity to mediate or otherwise resolve the dispute. If a party to the proceeding requests mediation or other alternative dispute resolution, the hearing may not be held until the state land planning agency advises the administrative law judge in writing of the results of the mediation or other alternative dispute resolution. However, the hearing may not be delayed for longer than 90 days for mediation or other alternative dispute resolution unless a longer delay is agreed to by the parties to the proceeding. The costs of the mediation or other alternative dispute resolution shall be borne equally by all of the parties to the proceeding.~~

(8)~~(11)~~ ADMINISTRATION COMMISSION.—

(a) If the Administration Commission, upon a hearing pursuant to subsection *(5)*~~(9) or subsection (10)~~, finds that the comprehensive plan or plan amendment is not in compliance with this act, the commission shall specify remedial actions *that* ~~which~~ would bring the comprehensive plan or plan amendment into compliance.

(b) The commission may specify the sanctions provided in subparagraphs 1. and 2. to which the local government will be subject if it elects to make the amendment effective notwithstanding the determination of noncompliance.

1. The commission may direct state agencies not to provide funds to increase the capacity of roads, bridges, or water and sewer systems within the boundaries of those local governmental entities which have comprehensive plans or plan elements that are determined not to be in compliance. The commission order may also specify that the local government *is* ~~shall~~ not ~~be~~ eligible for grants administered under the following programs:

a.~~1.~~ The Florida Small Cities Community Development Block Grant Program, as authorized by ss. 290.0401-290.049.

b.~~2.~~ The Florida Recreation Development Assistance Program, as authorized by chapter 375.

c.~~3.~~ Revenue sharing pursuant to ss. 206.60, 210.20, and 218.61 and chapter 212, to the extent not pledged to pay back bonds.

2.~~(b)~~ If the local government is one which is required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), the commission order may also specify that the local government is not eligible for funding pursuant to s. 161.091. The commission order may also specify that the fact that the coastal management element has been determined to be not in compliance shall be a consideration when the department considers permits under s. 161.053 and when the Board of Trustees of the Internal Improvement Trust Fund considers whether to sell, convey any interest in, or lease any sovereignty lands or submerged lands until the element is brought into compliance.

3.~~(c)~~ The sanctions provided by *subparagraphs 1. and 2. do* ~~paragraphs (a) and (b) shall~~ not apply to a local government regarding any plan amendment, except for plan amendments that amend plans that have not been finally determined to be in compliance with this part, and except as provided in *paragraph (b)* ~~s. 163.3189(2) or s. 163.3191(11)~~.

(9)~~(12)~~ GOOD FAITH FILING.—The signature of an attorney or party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay, or for economic advantage, competitive reasons, or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the administrative law judge, upon motion or his or her own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

(10)~~(13)~~ EXCLUSIVE PROCEEDINGS.—The proceedings under this section shall be the sole proceeding or action for a determination of whether a local government's plan, element, or amendment is in compliance with this act.

~~(14) AREAS OF CRITICAL STATE CONCERN. No proposed local government comprehensive plan or plan amendment which is applicable to a designated area of critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in this section.~~

(11)~~(15)~~ PUBLIC HEARINGS.—

(a) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment pursuant to *subparagraph* ~~subsection~~ (3)*(b)1. and paragraph (4)(b)* and for adoption of a comprehensive plan or plan amendment pursuant to *subparagraphs(3)(c)1. and (4)(e)1.* ~~subsection (7)~~ shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing. The adoption of a comprehensive plan or plan amendment shall be by ordinance. For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.

(b) The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment as follows:

1. The first public hearing shall be held at the transmittal stage ~~pursuant to subsection (3)~~. It shall be held on a weekday at least 7 days after the day that the first advertisement is published *pursuant to the requirements of chapter 125 or chapter 166*.

2. The second public hearing shall be held at the adoption stage ~~pursuant to subsection (7)~~. It shall be held on a weekday at least 5 days after the day that the second advertisement is published *pursuant to the requirements of chapter 125 or chapter 166*.

(c) Nothing in this part is intended to prohibit or limit the authority of local governments to require a person requesting an amendment to pay some or all of the cost of the public notice.

(12) CONCURRENT ZONING.—At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection. Zoning changes approved by the local government are contingent upon the comprehensive plan or plan amendment transmitted becoming effective.

(13) AREAS OF CRITICAL STATE CONCERN.—No proposed local government comprehensive plan or plan amendment that is applicable to a designated area of critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in paragraph (1)(b).

~~(c) The local government shall provide a sign in form at the transmittal hearing and at the adoption hearing for persons to provide their names and mailing addresses. The sign-in form must advise that any person providing the requested information will receive a courtesy informational statement concerning publications of the state land planning agency's notice of intent. The local government shall add to the sign in form the name and address of any person who submits written comments concerning the proposed plan or plan amendment during the time period between the commencement of the transmittal hearing and the end of the adoption hearing. It is the responsibility of the person completing the form or providing written comments to accurately, completely, and legibly provide all information needed in order to receive the courtesy informational statement.~~

~~(d) The agency shall provide a model sign in form for providing the list to the agency which may be used by the local government to satisfy the requirements of this subsection.~~

~~(e) If the proposed comprehensive plan or plan amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category or changes the actual future land use map designation of a parcel or parcels of land, the required advertisements shall be in the format prescribed by s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a municipality.~~

~~(16) COMPLIANCE AGREEMENTS.~~

~~(a) At any time following the issuance of a notice of intent to find a comprehensive plan or plan amendment not in compliance with this part or after the initiation of a hearing pursuant to subsection (9), the state land planning agency and the local government may voluntarily enter into a compliance agreement to resolve one or more of the issues raised in the proceedings. Affected persons who have initiated a formal proceeding or have intervened in a formal proceeding may also enter into the compliance agreement. All parties granted intervenor status shall be provided reasonable notice of the commencement of a compliance agreement negotiation process and a reasonable opportunity to participate in such negotiation process. Negotiation meetings with local governments or intervenors shall be open to the public. The state land planning agency shall provide each party granted intervenor status with a copy of the compliance agreement within 10 days after the agreement is executed. The compliance agreement shall list each portion of the plan or plan amendment which is not in compliance, and shall specify remedial actions which the local government must complete within a specified time in order to bring the plan or plan amendment into compliance, including adoption of all necessary plan amendments. The compliance agreement may also establish monitoring requirements and~~

~~incentives to ensure that the conditions of the compliance agreement are met.~~

~~(b) Upon filing by the state land planning agency of a compliance agreement executed by the agency and the local government with the Division of Administrative Hearings, any administrative proceeding under ss. 120.569 and 120.57 regarding the plan or plan amendment covered by the compliance agreement shall be stayed.~~

~~(c) Prior to its execution of a compliance agreement, the local government must approve the compliance agreement at a public hearing advertised at least 10 days before the public hearing in a newspaper of general circulation in the area in accordance with the advertisement requirements of subsection (15).~~

~~(d) A local government may adopt a plan amendment pursuant to a compliance agreement in accordance with the requirements of paragraph (15)(a). The plan amendment shall be exempt from the requirements of subsections (2)-(7). The local government shall hold a single adoption public hearing pursuant to the requirements of subparagraph (15)(b)2. and paragraph (15)(c). Within 10 working days after adoption of a plan amendment, the local government shall transmit the amendment to the state land planning agency as specified in the agency's procedural rules, and shall submit one copy to the regional planning agency and to any other unit of local government or government agency in the state that has filed a written request with the governing body for a copy of the plan amendment, and one copy to any party to the proceeding under ss. 120.569 and 120.57 granted intervenor status.~~

~~(e) The state land planning agency, upon receipt of a plan amendment adopted pursuant to a compliance agreement, shall issue a cumulative notice of intent addressing both the compliance agreement amendment and the plan or plan amendment that was the subject of the agreement, in accordance with subsection (8).~~

~~(f)1. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings and the administrative law judge shall realign the parties in the pending proceeding under ss. 120.569 and 120.57, which shall thereafter be governed by the process contained in paragraphs (9)(a) and (b), including provisions relating to challenges by an affected person, burden of proof, and issues of a recommended order and a final order, except as provided in subparagraph 2. Parties to the original proceeding at the time of realignment may continue as parties without being required to file additional pleadings to initiate a proceeding, but may timely amend their pleadings to raise any challenge to the amendment which is the subject of the cumulative notice of intent, and must otherwise conform to the rules of procedure of the Division of Administrative Hearings. Any affected person not a party to the realigned proceeding may challenge the plan amendment which is the subject of the cumulative notice of intent by filing a petition with the agency as provided in subsection (9). The agency shall forward the petition filed by the affected person not a party to the realigned proceeding to the Division of Administrative Hearings for consolidation with the realigned proceeding.~~

~~2. If any of the issues raised by the state land planning agency in the original subsection (10) proceeding are not resolved by the compliance agreement amendments, any intervenor in the original subsection (10) proceeding may require those issues to be addressed in the pending consolidated realigned proceeding under ss. 120.569 and 120.57. As to those unresolved issues, the burden of proof shall be governed by subsection (10).~~

~~3. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment not in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings, which shall consolidate the proceeding with the pending proceeding and immediately set a date for hearing in the pending proceeding under ss. 120.569 and 120.57. Affected persons who are not a party to the underlying proceeding under ss. 120.569 and 120.57 may challenge the plan amendment adopted pursuant to the compliance agreement by filing a petition pursuant to subsection (10).~~

~~(g) If the local government fails to adopt a comprehensive plan amendment pursuant to a compliance agreement, the state land planning agency shall notify the Division of Administrative Hearings, which shall set the hearing in the pending proceeding under ss. 120.569 and 120.57 at the earliest convenient time.~~

~~(h) This subsection does not prohibit a local government from amending portions of its comprehensive plan other than those which are the subject of the compliance agreement. However, such amendments to the plan may not be inconsistent with the compliance agreement.~~

~~(i) Nothing in this subsection is intended to limit the parties from entering into a compliance agreement at any time before the final order in the proceeding is issued, provided that the provisions of paragraph (e) shall apply regardless of when the compliance agreement is reached.~~

~~(j) Nothing in this subsection is intended to force any party into settlement against its will or to preclude the use of other informal dispute resolution methods, such as the services offered by the Florida Growth Management Dispute Resolution Consortium, in the course of or in addition to the method described in this subsection.~~

~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.—A local government that has adopted a community vision and urban service boundary under s. 163.3177(13) and (14) may adopt a plan amendment related to map amendments solely to property within an urban service boundary in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high-hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.~~

~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.—A municipality that has a designated urban infill and redevelopment area under s. 163.2517 may adopt a plan amendment related to map amendments solely to property within a designated urban infill and redevelopment area in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.~~

~~(19) HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS. Any local government that identifies in its comprehensive plan the types of housing developments and conditions for which it will consider plan amendments that are consistent with the local housing incentive strategies identified in s. 420.9076 and authorized by the local government may expedite consideration of such plan amendments. At least 30 days prior to adopting a plan amendment pursuant to this subsection, the local government shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include the local government's evaluation of site suitability and availability of facilities and services. A plan amendment considered under this subsection shall require only a single public hearing before the local governing body, which shall be a plan amendment adoption hearing as described in subsection (7). The public notice of the hearing required under subparagraph (15)(b)2. must include a statement that the local government intends to use the expedited adoption process authorized~~

~~under this subsection. The state land planning agency shall issue its notice of intent required under subsection (8) within 30 days after determining that the amendment package is complete. Any further proceedings shall be governed by subsections (9)-(16).~~

Section 18. Section 163.3187, Florida Statutes, is amended to read:

163.3187 *Process for adoption of small-scale comprehensive plan* amendment ~~of adopted comprehensive plan~~.—

~~(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:~~

~~(a) In the case of an emergency, comprehensive plan amendments may be made more often than twice during the calendar year if the additional plan amendment receives the approval of all of the members of the governing body. "Emergency" means any occurrence or threat thereof whether accidental or natural, caused by humankind, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or public funds.~~

~~(b) Any local government comprehensive plan amendments directly related to a proposed development of regional impact, including changes which have been determined to be substantial deviations and including Florida Quality Developments pursuant to s. 380.061, may be initiated by a local planning agency and considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in this section and applicable local ordinances.~~

(1)~~(c)~~ Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted ~~only~~ under the following conditions:

(a)~~1.~~ The proposed amendment involves a use of 10 acres or fewer and:

(b)~~a.~~ The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government *does* ~~shall~~ not exceed~~:~~

~~(I)~~ a maximum of 120 acres in a *calendar year.* ~~local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph. Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.~~

~~(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).~~

~~(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.~~

~~b. The proposed amendment does not involve the same property granted a change within the prior 12 months.~~

~~c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.~~

(c)~~d.~~ The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity. *However, text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible under this section.*

(d)~~e.~~ The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). ~~Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).~~

~~f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre or the proposed future land use category allows a maximum residential density of the same or less than the maximum residential density allowable under the existing future land use category, except that this limitation does not apply to small scale amendments involving the construction of affordable housing units meeting the criteria of s. 420.0004(3) on property which will be the subject of a land use restriction agreement, or small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).~~

~~2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.~~

~~b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.~~

(2)~~3.~~ Small scale development amendments adopted pursuant to this *section* ~~paragraph~~ require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184*(11)*~~(7)~~, and are not subject to the requirements of s. 163.3184(3)-~~(6)~~ unless the local government elects to have them subject to those requirements.

(3)~~4.~~ If the small scale development amendment involves a site within ~~an area that is designated by the Governor as~~ a rural area of critical economic concern *as defined* under s. 288.0656*(2)(d)*~~(7)~~ for the duration of such designation, the 10-acre limit listed in *subsection (1)* ~~subparagraph 1.~~ shall be increased by 100 percent to 20 acres. The local government approving the small scale plan amendment shall certify to the Office of Tourism, Trade, and Economic Development that the plan amendment furthers the economic objectives set forth in the executive order issued under s. 288.0656(7), and the property subject to the plan amendment shall undergo public review to ensure that all concurrency requirements and federal, state, and local environmental permit requirements are met.

~~(d) Any comprehensive plan amendment required by a compliance agreement pursuant to s. 163.3184(16) may be approved without regard to statutory limits on the frequency of adoption of amendments to the comprehensive plan.~~

~~(e) A comprehensive plan amendment for location of a state correctional facility. Such an amendment may be made at any time and does not count toward the limitation on the frequency of plan amendments.~~

~~(f) The capital improvements element annual update required in s. 163.3177(3)(b)1. and any amendments directly related to the schedule.~~

~~(g) Any local government comprehensive plan amendments directly related to proposed redevelopment of brownfield areas designated under s. 376.80 may be approved without regard to statutory limits on the~~

~~frequency of consideration of amendments to the local comprehensive plan.~~

~~(h) Any comprehensive plan amendments for port transportation facilities and projects that are eligible for funding by the Florida Seaport Transportation and Economic Development Council pursuant to s. 311.07.~~

~~(i) A comprehensive plan amendment for the purpose of designating an urban infill and redevelopment area under s. 163.2517 may be approved without regard to the statutory limits on the frequency of amendments to the comprehensive plan.~~

~~(j) Any comprehensive plan amendment to establish public school concurrency pursuant to s. 163.3180(13), including, but not limited to, adoption of a public school facilities element and adoption of amendments to the capital improvements element and intergovernmental coordination element. In order to ensure the consistency of local government public school facilities elements within a county, such elements shall be prepared and adopted on a similar time schedule.~~

~~(k) A local comprehensive plan amendment directly related to providing transportation improvements to enhance life safety on Controlled Access Major Arterial Highways identified in the Florida Intrastate Highway System, in counties as defined in s. 125.011, where such roadways have a high incidence of traffic accidents resulting in serious injury or death. Any such amendment shall not include any amendment modifying the designation on a comprehensive development plan land use map nor any amendment modifying the allowable densities or intensities of any land.~~

~~(l) A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. 163.3177(12) and future land-use map amendments for school siting may be approved notwithstanding statutory limits on the frequency of adopting plan amendments.~~

~~(m) A comprehensive plan amendment that addresses criteria or compatibility of land uses adjacent to or in close proximity to military installations in a local government's future land use element does not count toward the limitation on the frequency of the plan amendments.~~

~~(n) Any local government comprehensive plan amendment establishing or implementing a rural land stewardship area pursuant to the provisions of s. 163.3177(11)(d).~~

~~(o) A comprehensive plan amendment that is submitted by an area designated by the Governor as a rural area of critical economic concern under s. 288.0656(7) and that meets the economic development objectives may be approved without regard to the statutory limits on the frequency of adoption of amendments to the comprehensive plan.~~

~~(p) Any local government comprehensive plan amendment that is consistent with the local housing incentive strategies identified in s. 420.9076 and authorized by the local government.~~

~~(q) Any local government plan amendment to designate an urban service area as a transportation concurrency exception area under s. 163.3180(5)(b)2. or 3. and an area exempt from the development of regional impact process under s. 380.06(29).~~

(4)~~(2)~~ Comprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to s. 163.3177~~(2)~~. Corrections, updates, or modifications of current costs which were set out as part of the comprehensive plan shall not, for the purposes of this act, be deemed to be amendments.

~~(3)(a) The state land planning agency shall not review or issue a notice of intent for small scale development amendments which satisfy the requirements of paragraph (1)(c).~~

(5)(a) Any affected person may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57 to request a hearing to challenge the compliance of a small scale development amendment with this act within 30 days following the local government's adoption of the amendment *and*~~,~~ shall serve a copy of the petition on the local government~~, and shall furnish a copy to the state land planning agency~~. An administrative law judge shall hold a hearing in the affected jurisdiction not less than 30 days nor more than 60 days following the filing of a petition and the assignment of an administrative law judge. The parties to a hearing held pursuant to this subsection shall be the petitioner, the local government, and any intervenor. In the proceeding, the *plan amendment shall be determined to be in compliance if the* local government's determination that the small scale development amendment is in compliance is *fairly debatable* ~~presumed to be correct~~. ~~The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the amendment is not in compliance with the requirements of this act. In any proceeding initiated pursuant to this subsection,~~ The state land planning agency may *not* intervene *in any proceeding initiated pursuant to this section*.

(b)1. If the administrative law judge recommends that the small scale development amendment be found not in compliance, the administrative law judge shall submit the recommended order to the Administration Commission for final agency action. If the administrative law judge recommends that the small scale development amendment be found in compliance, the administrative law judge shall submit the recommended order to the state land planning agency.

2. If the state land planning agency determines that the plan amendment is not in compliance, the agency shall submit, within 30 days following its receipt, the recommended order to the Administration Commission for final agency action. If the state land planning agency determines that the plan amendment is in compliance, the agency shall enter a final order within 30 days following its receipt of the recommended order.

(c) Small scale development amendments *may* ~~shall~~ not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments *may* ~~shall~~ not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining *that* the adopted small scale development amendment is in compliance.

(d) In all challenges under this subsection, when a determination of compliance as defined in s. 163.3184(1)(b) is made, consideration shall be given to the plan amendment as a whole and whether the plan amendment furthers the intent of this part.

~~(4) Each governing body shall transmit to the state land planning agency a current copy of its comprehensive plan not later than December 1, 1985. Each governing body shall also transmit copies of any amendments it adopts to its comprehensive plan so as to continually update the plans on file with the state land planning agency.~~

~~(5) Nothing in this part is intended to prohibit or limit the authority of local governments to require that a person requesting an amendment pay some or all of the cost of public notice.~~

~~(6)(a) No local government may amend its comprehensive plan after the date established by the state land planning agency for adoption of its evaluation and appraisal report unless it has submitted its report or addendum to the state land planning agency as prescribed by s. 163.3191, except for plan amendments described in paragraph (1)(b) or paragraph (1)(h).~~

~~(b) A local government may amend its comprehensive plan after it has submitted its adopted evaluation and appraisal report and for a period of 1 year after the initial determination of sufficiency regardless of whether the report has been determined to be insufficient.~~

~~(c) A local government may not amend its comprehensive plan, except for plan amendments described in paragraph (1)(b), if the 1 year period after the initial sufficiency determination of the report has expired and the report has not been determined to be sufficient.~~

~~(d) When the state land planning agency has determined that the report has sufficiently addressed all pertinent provisions of s. 163.3191, the local government may amend its comprehensive plan without the limitations imposed by paragraph (a) or paragraph (c).~~

~~(e) Any plan amendment which a local government attempts to adopt in violation of paragraph (a) or paragraph (c) is invalid, but such invalidity may be overcome if the local government readopts the amendment and transmits the amendment to the state land planning agency pursuant to s. 163.3184(7) after the report is determined to be sufficient.~~

Section 19. *Section 163.3189, Florida Statutes, is repealed.*

Section 20. Section 163.3191, Florida Statutes, is amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(1) At least once every 7 years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements in this part since the last update of the comprehensive plan, and notify the state land planning agency as to its determination.

(2) If the local government determines amendments to its comprehensive plan are necessary to reflect changes in state requirements, the local government shall prepare and transmit within 1 year such plan amendment or amendments for review pursuant to s. 163.3184.

(3) Local governments are encouraged to comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions. Plan amendments transmitted pursuant to this section shall be reviewed in accordance with s. 163.3184.

(4) If a local government fails to submit its letter prescribed by subsection (1) or update its plan pursuant to subsection (2), it may not amend its comprehensive plan until such time as it complies with this section.

~~(1) The planning program shall be a continuous and ongoing process. Each local government shall adopt an evaluation and appraisal report once every 7 years assessing the progress in implementing the local government's comprehensive plan. Furthermore, it is the intent of this section that:~~

~~(a) Adopted comprehensive plans be reviewed through such evaluation process to respond to changes in state, regional, and local policies on planning and growth management and changing conditions and trends, to ensure effective intergovernmental coordination, and to identify major issues regarding the community's achievement of its goals.~~

~~(b) After completion of the initial evaluation and appraisal report and any supporting plan amendments, each subsequent evaluation and appraisal report must evaluate the comprehensive plan in effect at the time of the initiation of the evaluation and appraisal report process.~~

~~(c) Local governments identify the major issues, if applicable, with input from state agencies, regional agencies, adjacent local governments, and the public in the evaluation and appraisal report process. It is also the intent of this section to establish minimum requirements for information to ensure predictability, certainty, and integrity in the growth management process. The report is intended to serve as a summary audit of the actions that a local government has undertaken and identify changes that it may need to make. The report should be based on the local government's analysis of major issues to further the community's goals consistent with statewide minimum standards. The report is not intended to require a comprehensive rewrite of the elements within the local plan, unless a local government chooses to do so.~~

~~(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:~~

~~(a) Population growth and changes in land area, including annexation, since the adoption of the original plan or the most recent update amendments.~~

~~(b) The extent of vacant and developable land.~~

~~(c) The financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted level of service standards and sustain concurrency management systems through the capital improvements element, as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities.~~

~~(d) The location of existing development in relation to the location of development as anticipated in the original plan, or in the plan as amended by the most recent evaluation and appraisal report update amendments, such as within areas designated for urban growth.~~

~~(e) An identification of the major issues for the jurisdiction and, where pertinent, the potential social, economic, and environmental impacts.~~

~~(f) Relevant changes to the state comprehensive plan, the requirements of this part, the minimum criteria contained in chapter 9J-5, Florida Administrative Code, and the appropriate strategic regional policy plan since the adoption of the original plan or the most recent evaluation and appraisal report update amendments.~~

~~(g) An assessment of whether the plan objectives within each element, as they relate to major issues, have been achieved. The report shall include, as appropriate, an identification as to whether unforeseen or unanticipated changes in circumstances have resulted in problems or opportunities with respect to major issues identified in each element and the social, economic, and environmental impacts of the issue.~~

~~(h) A brief assessment of successes and shortcomings related to each element of the plan.~~

~~(i) The identification of any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report. Such identification shall include, as appropriate, new population projections, new revised planning timeframes, a revised future conditions map or map series, an updated capital improvements element, and any new and revised goals, objectives, and policies for major issues identified within each element. This paragraph shall not require the submittal of the plan amendments with the evaluation and appraisal report.~~

~~(j) A summary of the public participation program and activities undertaken by the local government in preparing the report.~~

~~(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to s. 1013.35. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. For those counties or municipalities that do not have a public schools interlocal agreement or public school facilities element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county or municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facilities element, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777 in order to fully participate in the school concurrency system.~~

~~(l) The extent to which the local government has been successful in identifying alternative water supply projects and traditional water supply projects, including conservation and reuse, necessary to meet the water needs identified in s. 373.709(2)(a) within the local government's jurisdiction. The report must evaluate the degree to which the local government has implemented the work plan for building public, private, and regional water supply facilities, including development of alternative water supplies, identified in the element as necessary to serve existing and new development.~~

~~(m) If any of the jurisdiction of the local government is located within the coastal high hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.~~

~~(n) An assessment of whether the criteria adopted pursuant to s. 163.3177(6)(a) were successful in achieving compatibility with military installations.~~

~~(o) The extent to which a concurrency exception area designated pursuant to s. 163.3180(5), a concurrency management area designated pursuant to s. 163.3180(7), or a multimodal transportation district designated pursuant to s. 163.3180(15) has achieved the purpose for which it was created and otherwise complies with the provisions of s. 163.3180.~~

~~(p) An assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination with the municipalities and counties, as appropriate pursuant to s. 163.3180(10).~~

~~(3) Voluntary scoping meetings may be conducted by each local government or several local governments within the same county that agree to meet together. Joint meetings among all local governments in a county are encouraged. All scoping meetings shall be completed at least 1 year prior to the established adoption date of the report. The purpose of the meetings shall be to distribute data and resources available to assist in the preparation of the report, to provide input on major issues in each community that should be addressed in the report, and to advise on the extent of the effort for the components of subsection (2). If scoping meetings are held, the local government shall invite each state and regional reviewing agency, as well as adjacent and other affected local governments. A preliminary list of new data and major issues that have emerged since the adoption of the original plan, or the most recent evaluation and appraisal report based update amendments, should be developed by state and regional entities and involved local governments for distribution at the scoping meeting. For purposes of this subsection, a "scoping meeting" is a meeting conducted to determine the scope of review of the evaluation and appraisal report by parties to which the report relates.~~

~~(4) The local planning agency shall prepare the evaluation and appraisal report and shall make recommendations to the governing body regarding adoption of the proposed report. The local planning agency shall prepare the report in conformity with its public participation procedures adopted as required by s. 163.3181. During the preparation of the proposed report and prior to making any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with public notice, on the proposed report. At a minimum, the format and content of the proposed report shall include a table of contents; numbered pages; element headings; section headings within elements; a list of included tables, maps, and figures; a title and sources for all included tables; a preparation date; and the name of the preparer. Where applicable, maps shall include major natural and artificial geographic features; city, county, and state lines; and a legend indicating a north arrow, map scale, and the date.~~

~~(5) Ninety days prior to the scheduled adoption date, the local government may provide a proposed evaluation and appraisal report to the state land planning agency and distribute copies to state and regional commenting agencies as prescribed by rule, adjacent jurisdictions, and interested citizens for review. All review comments, including comments by the state land planning agency, shall be transmitted to the local government and state land planning agency within 30 days after receipt of the proposed report.~~

~~(6) The governing body, after considering the review comments and recommended changes, if any, shall adopt the evaluation and appraisal report by resolution or ordinance at a public hearing with public notice. The governing body shall adopt the report in conformity with its public participation procedures adopted as required by s. 163.3181. The local government shall submit to the state land planning agency three copies of the report, a transmittal letter indicating the dates of public hearings, and a copy of the adoption resolution or ordinance. The local government shall provide a copy of the report to the reviewing agencies which provided comments for the proposed report, or to all the reviewing agencies if a proposed report was not provided pursuant to subsection (5), including the adjacent local governments. Within 60 days after receipt, the state land planning agency shall review the adopted report and make a preliminary sufficiency determination that shall be forwarded by the agency to the local government for its consideration. The state land planning agency shall issue a final sufficiency determination within 90 days after receipt of the adopted evaluation and appraisal report.~~

~~(7) The intent of the evaluation and appraisal process is the preparation of a plan update that clearly and concisely achieves the purpose of this section. Toward this end, the sufficiency review of the state land planning agency shall concentrate on whether the evaluation and appraisal report sufficiently fulfills the components of subsection (2). If the state land planning agency determines that the report is insufficient, the governing body shall adopt a revision of the report and submit the revised report for review pursuant to subsection (6).~~

~~(8) The state land planning agency may delegate the review of evaluation and appraisal reports, including all state land planning agency duties under subsections (4)-(7), to the appropriate regional planning council. When the review has been delegated to a regional planning council, any local government in the region may elect to have its report reviewed by the regional planning council rather than the state land planning agency. The state land planning agency shall by agreement provide for uniform and adequate review of reports and shall retain oversight for any delegation of review to a regional planning council.~~

~~(9) The state land planning agency may establish a phased schedule for adoption of reports. The schedule shall provide each local government at least 7 years from plan adoption or last established adoption date for a report and shall allot approximately one seventh of the reports to any 1 year. In order to allow the municipalities to use data and analyses gathered by the counties, the state land planning agency shall schedule municipal report adoption dates between 1 year and 18 months later than the report adoption date for the county in which those municipalities are located. A local government may adopt its report no earlier than 90 days prior to the established adoption date. Small municipalities which were scheduled by chapter 9J-33, Florida Administrative Code, to adopt their evaluation and appraisal report after February 2, 1999, shall be rescheduled to adopt their report together with the other municipalities in their county as provided in this subsection.~~

~~(10) The governing body shall amend its comprehensive plan based on the recommendations in the report and shall update the comprehensive plan based on the components of subsection (2), pursuant to the provisions of ss. 163.3184, 163.3187, and 163.3189. Amendments to update a comprehensive plan based on the evaluation and appraisal report shall be adopted during a single amendment cycle within 18 months after the report is determined to be sufficient by the state land planning agency, except the state land planning agency may grant an extension for adoption of a portion of such amendments. The state land planning agency may grant a 6 month extension for the adoption of such amendments if the request is justified by good and sufficient cause as determined by the agency. An additional extension may also be granted if the request will result in greater coordination between transportation and land use, for the purposes of improving Florida's transportation system, as determined by the agency in coordination with the Metropolitan Planning Organization program. Beginning July 1, 2006, failure to timely adopt and transmit update amendments to the comprehensive plan based on the evaluation and appraisal report shall result in a local government being prohibited from adopting amendments to the comprehensive plan until the evaluation and appraisal report update amendments have been adopted and transmitted to the state land planning agency. The prohibition on plan amendments shall commence when the update amendments to the comprehensive plan are past due. The comprehensive plan as amended shall be in compliance as defined in s. 163.3184(1)(b). Within 6 months after the effective date of the update amendments to the comprehensive plan, the local government shall provide to the state land planning agency and to all agencies designated by rule a complete copy of the updated comprehensive plan.~~

~~(11) The Administration Commission may impose the sanctions provided by s. 163.3184(11) against any local government that fails to adopt and submit a report, or that fails to implement its report through timely and sufficient amendments to its local plan, except for reasons of excusable delay or valid planning reasons agreed to by the state land planning agency or found present by the Administration Commission. Sanctions for untimely or insufficient plan amendments shall be prospective only and shall begin after a final order has been issued by the Administration Commission and a reasonable period of time has been allowed for the local government to comply with an adverse determination by the Administration Commission through adoption of plan amendments that are in compliance. The state land planning agency may initiate, and an affected person may intervene in, such a proceeding by filing a petition with the Division of Administrative Hearings, which shall appoint an administrative law judge and conduct a hearing pursuant to ss. 120.569 and 120.57(1) and shall submit a recommended order to the Administration Commission. The affected local government~~

~~shall be a party to any such proceeding. The commission may implement this subsection by rule.~~

(5)~~(12)~~ The state land planning agency *may* ~~shall~~ not adopt rules to implement this section, other than procedural rules *or a schedule indicating when local governments must comply with the requirements of this section*.

~~(13) The state land planning agency shall regularly review the evaluation and appraisal report process and submit a report to the Governor, the Administration Commission, the Speaker of the House of Representatives, the President of the Senate, and the respective community affairs committees of the Senate and the House of Representatives. The first report shall be submitted by December 31, 2004, and subsequent reports shall be submitted every 5 years thereafter. At least 9 months before the due date of each report, the Secretary of Community Affairs shall appoint a technical committee of at least 15 members to assist in the preparation of the report. The membership of the technical committee shall consist of representatives of local governments, regional planning councils, the private sector, and environmental organizations. The report shall assess the effectiveness of the evaluation and appraisal report process.~~

~~(14) The requirement of subsection (10) prohibiting a local government from adopting amendments to the local comprehensive plan until the evaluation and appraisal report update amendments have been adopted and transmitted to the state land planning agency does not apply to a plan amendment proposed for adoption by the appropriate local government as defined in s. 163.3178(2)(k) in order to integrate a port comprehensive master plan with the coastal management element of the local comprehensive plan as required by s. 163.3178(2)(k) if the port comprehensive master plan or the proposed plan amendment does not cause or contribute to the failure of the local government to comply with the requirements of the evaluation and appraisal report.~~

Section 21. Paragraph (b) of subsection (2) of section 163.3217, Florida Statutes, is amended to read:

163.3217 Municipal overlay for municipal incorporation.—

(2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL OVERLAY.—

(b)~~1.~~ A municipal overlay shall be adopted as an amendment to the local government comprehensive plan as prescribed by s. 163.3184.

~~2. A county may consider the adoption of a municipal overlay without regard to the provisions of s. 163.3187(1) regarding the frequency of adoption of amendments to the local comprehensive plan.~~

Section 22. Subsection (3) of section 163.3220, Florida Statutes, is amended to read:

163.3220 Short title; legislative intent.—

(3) In conformity with, in furtherance of, and to implement the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act and the Florida State Comprehensive Planning Act of 1972, it is the intent of the Legislature to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.

Section 23. Subsections (2) and (11) of section 163.3221, Florida Statutes, are amended to read:

163.3221 Florida Local Government Development Agreement Act; definitions.—As used in ss. 163.3220-163.3243:

(2) "Comprehensive plan" means a plan adopted pursuant to the *Community* ~~"Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act.~~"~~

(11) "Local planning agency" means the agency designated to prepare a comprehensive plan or plan amendment pursuant to the *Community* ~~"Florida Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act.~~"~~

Section 24. Section 163.3229, Florida Statutes, is amended to read:

163.3229 Duration of a development agreement and relationship to local comprehensive plan.—The duration of a development agreement *may* ~~shall~~ not exceed *30* ~~20~~ years*, unless it is*~~. It may be~~ extended by mutual consent of the governing body and the developer, subject to a public hearing in accordance with s. 163.3225. No development agreement shall be effective or be implemented by a local government unless the local government's comprehensive plan and plan amendments implementing or related to the agreement are ~~found~~ in compliance ~~by the state land planning agency in accordance~~ with s. 163.3184~~, s. 163.3187, or s. 163.3189~~.

Section 25. Section 163.3235, Florida Statutes, is amended to read:

163.3235 Periodic review of a development agreement.—A local government shall review land subject to a development agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. ~~For each annual review conducted during years 6 through 10 of a development agreement, the review shall be incorporated into a written report which shall be submitted to the parties to the agreement and the state land planning agency. The state land planning agency shall adopt rules regarding the contents of the report, provided that the report shall be limited to the information sufficient to determine the extent to which the parties are proceeding in good faith to comply with the terms of the development agreement.~~ If the local government finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the agreement may be revoked or modified by the local government.

Section 26. Section 163.3239, Florida Statutes, is amended to read:

163.3239 Recording and effectiveness of a development agreement.—Within 14 days after a local government enters into a development agreement, the local government shall record the agreement with the clerk of the circuit court in the county where the local government is located. ~~A copy of the recorded development agreement shall be submitted to the state land planning agency within 14 days after the agreement is recorded.~~ A development agreement *is* ~~shall~~ not ~~be~~ effective until it is properly recorded in the public records of the county ~~and until 30 days after having been received by the state land planning agency pursuant to this section~~. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

Section 27. Section 163.3243, Florida Statutes, is amended to read:

163.3243 Enforcement.—Any party *or*~~, any~~ aggrieved or adversely affected person as defined in s. 163.3215(2)~~, or the state land planning agency~~ may file an action for injunctive relief in the circuit court where the local government is located to enforce the terms of a development agreement or to challenge compliance of the agreement with ~~the provisions of~~ ss. 163.3220-163.3243.

Section 28. Section 163.3245, Florida Statutes, is amended to read:

163.3245 ~~Optional~~ Sector plans.—

(1) In recognition of the benefits of ~~conceptual~~ long-range planning for ~~the buildout of an area, and detailed planning for~~ specific areas, ~~as a demonstration project, the requirements of s. 380.06 may be addressed as identified by this section for up to five~~ local governments or combinations of local governments *may* ~~which~~ adopt into *their* ~~the~~ comprehensive *plans a* ~~plan an optional~~ sector plan in accordance with this section. This section is intended to *promote and encourage long-term planning for conservation, development, and agriculture on a landscape scale; to* further the intent of s. 163.3177(11), which supports innovative and flexible planning and development strategies, and the purposes of this part~~,~~ and part I of chapter 380*; to facilitate protection of regionally significant resources, including, but not limited to, regionally significant water courses and wildlife corridors;*~~,~~ and to avoid duplication of effort in terms of the level of data and analysis required for a development of regional impact, while ensuring the adequate mitigation of impacts to applicable regional resources and facilities, including those within the jurisdiction of other local governments, as would otherwise be provided. ~~Optional~~ Sector plans are intended for substantial geographic areas *that include* ~~including~~ at least *15,000* ~~5,000~~ acres of one or more local gov-

ernmental jurisdictions and are to emphasize urban form and protection of regionally significant resources and *public* facilities. *A* ~~The state land planning agency may approve optional sector plans of less than 5,000 acres based on local circumstances if it is determined that the plan would further the purposes of this part and part I of chapter 380. Preparation of an optional sector plan is authorized by agreement between the state land planning agency and the applicable local governments under s. 163.3171(4). An optional sector plan may be adopted through one or more comprehensive plan amendments under s. 163.3184. However, an optional~~ sector plan may not be *adopted* ~~authorized~~ in an area of critical state concern.

(2) *Upon the request of a local government having jurisdiction,* ~~The state land planning agency may enter into an agreement to authorize preparation of an optional sector plan upon the request of one or more local governments based on consideration of problems and opportunities presented by existing development trends; the effectiveness of current comprehensive plan provisions; the potential to further the state comprehensive plan, applicable strategic regional policy plans, this part, and part I of chapter 380; and those factors identified by s. 163.3177(10)(i).~~ the applicable regional planning council shall conduct a scoping meeting with affected local governments and those agencies identified in s. 163.3184*(1)(c)*~~(4)~~ before *preparation of the sector plan* ~~execution of the agreement authorized by this section~~. The purpose of this meeting is to assist the state land planning agency and the local government in the identification of the relevant planning issues to be addressed and the data and resources available to assist in the preparation of *the sector plan* ~~subsequent plan amendments~~. *If a scoping meeting is conducted,* the regional planning council shall make written recommendations to the state land planning agency and affected local governments *on the issues requested by the local government. The scoping meeting shall be noticed and open to the public. If the entire planning area proposed for the sector plan is within the jurisdiction of two or more local governments, some or all of them may enter into a joint planning agreement pursuant to s. 163.3171 with respect to*~~, including whether a sustainable sector plan would be appropriate. The agreement must define~~ the geographic area to be subject to the sector plan, the planning issues that will be emphasized, *procedures* ~~requirements~~ for intergovernmental coordination to address extrajurisdictional impacts, supporting application materials including data and analysis, ~~and~~ procedures for public participation*, or other issues*. ~~An agreement may address previously adopted sector plans that are consistent with the standards in this section. Before executing an agreement under this subsection, the local government shall hold a duly noticed public workshop to review and explain to the public the optional sector planning process and the terms and conditions of the proposed agreement. The local government shall hold a duly noticed public hearing to execute the agreement. All meetings between the department and the local government must be open to the public.~~

(3) ~~Optional~~ Sector planning encompasses two levels: adoption *pursuant to* ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term *master plan for the entire planning area as part of the comprehensive plan, and adoption by local development order of two or more* ~~buildout overlay to the comprehensive plan, having no immediate effect on the issuance of development orders or the applicability of s. 380.06, and adoption under s. 163.3184 of~~ detailed specific area plans that implement the ~~conceptual~~ long-term *master plan* ~~buildout overlay and authorize issuance of development orders,~~ and within which s. 380.06 is waived. ~~Until such time as a detailed specific area plan is adopted, the underlying future land use designations apply.~~

(a) In addition to the other requirements of this chapter, a *long-term master plan pursuant to this section* ~~conceptual long-term buildout overlay~~ must include *maps, illustrations, and text supported by data and analysis to address the following*:

1. A ~~long-range conceptual~~ framework map that*,* at a minimum*, generally depicts* ~~identifies anticipated~~ areas of urban, agricultural, rural, and conservation land use*, identifies allowed uses in various parts of the planning area, specifies maximum and minimum densities and intensities of use, and provides the general framework for the development pattern in developed areas with graphic illustrations based on a hierarchy of places and functional place-making components*.

2. A general identification of the water supplies needed and available sources of water, including water resource development and water supply development projects, and water conservation measures needed to meet the projected demand of the future land uses in the long-term master plan.

3. A general identification of the transportation facilities to serve the future land uses in the long-term master plan, including guidelines to be used to establish each modal component intended to optimize mobility.

4.~~2.~~ *A general* identification of *other* regionally significant public facilities ~~consistent with chapter 9J-2, Florida Administrative Code, irrespective of local governmental jurisdiction~~ necessary to support ~~buildout of~~ the ~~anticipated~~ future land uses*, which may include central utilities provided onsite within the planning area, and policies setting forth the procedures to be used to mitigate the impacts of future land uses on public facilities*.

5.~~3.~~ *A general* identification of regionally significant natural resources *within the planning area based on the best available data and policies setting forth the procedures for protection or conservation of specific resources consistent with the overall conservation and development strategy for the planning area* ~~consistent with chapter 9J-2, Florida Administrative Code~~.

6.~~4.~~ *General* principles and guidelines *addressing* ~~that address~~ the urban form and *the* interrelationships of ~~anticipated~~ future land uses*; the protection and, as appropriate, restoration and management of lands identified for permanent preservation through recordation of conservation easements consistent with s. 704.06, which shall be phased or staged in coordination with detailed specific area plans to reflect phased or staged development within the planning area;* ~~and a discussion, at the applicant's option, of the extent, if any, to which the plan will address restoring key ecosystems,~~ achieving a more clean, healthy environment*;*~~,~~ limiting urban sprawl*; providing a range of housing types;*~~,~~ protecting wildlife and natural areas*;*~~,~~ advancing the efficient use of land and other resources*;*~~, and~~ creating quality communities *of a design that promotes travel by multiple transportation modes;* and *enhancing the prospects for the creation of* jobs.

7.~~5.~~ Identification of general procedures *and policies* to *facilitate* ~~ensure~~ intergovernmental coordination to address extrajurisdictional impacts from the *future land uses* ~~long-range conceptual framework map~~.

A long-term master plan adopted pursuant to this section may be based upon a planning period longer than the generally applicable planning period of the local comprehensive plan, shall specify the projected population within the planning area during the chosen planning period, and may include a phasing or staging schedule that allocates a portion of the local government's future growth to the planning area through the planning period. A long-term master plan adopted pursuant to this section is not required to demonstrate need based upon projected population growth or on any other basis.

(b) In addition to the other requirements of this chapter, ~~including those in paragraph (a),~~ the detailed specific area plans *shall be consistent with the long-term master plan and* must include *conditions and commitments that provide for*:

1. *Development or conservation of* an area of ~~adequate size to accommodate a level of development which achieves a functional relationship between a full range of land uses within the area and to encompass~~ at least 1,000 acres *consistent with the long-term master plan*. The *local government* ~~state land planning agency~~ may approve detailed specific area plans of less than 1,000 acres based on local circumstances if it is determined that the *detailed specific area* plan furthers the purposes of this part and part I of chapter 380.

2. Detailed identification and analysis of the *maximum and minimum densities and intensities of use and the* distribution, extent, and location of future land uses.

3. Detailed identification of water resource development and water supply development projects and related infrastructure and water conservation measures to address water needs of development in the detailed specific area plan.

4. Detailed identification of the transportation facilities to serve the future land uses in the detailed specific area plan.

5.~~3.~~ Detailed identification of *other* regionally significant public facilities, including public facilities outside the jurisdiction of the host local government, ~~anticipated~~ impacts of future land uses on those facilities,

and required improvements consistent with *the long-term master plan* ~~chapter 9J-2, Florida Administrative Code~~.

6.~~4.~~ Public facilities necessary *to serve development in the detailed specific area plan* ~~for the short term~~, including developer contributions in a ~~financially feasible~~ 5-year capital improvement schedule of the affected local government.

7.~~5.~~ Detailed analysis and identification of specific measures to *ensure* ~~assure~~ the protection *and, as appropriate, restoration and management of lands within the boundary of the detailed specific area plan identified for permanent preservation through recordation of conservation easements consistent with s. 704.06, which easements shall be effective before or concurrent with the effective date of the detailed specific area plan* ~~of regionally significant natural resources~~ and other important resources both within and outside the host jurisdiction~~, including those regionally significant resources identified in chapter 9J-2, Florida Administrative Code~~.

8.~~6.~~ *Detailed* principles and guidelines *addressing* ~~that address~~ the urban form and *the* interrelationships of ~~anticipated~~ future land uses*;* ~~and a discussion, at the applicant's option, of the extent, if any, to which the plan will address restoring key ecosystems,~~ achieving a more clean, healthy environment*;*~~,~~ limiting urban sprawl*; providing a range of housing types;*~~,~~ protecting wildlife and natural areas*,*~~,~~ advancing the efficient use of land and other resources*,*~~, and~~ creating quality communities *of a design that promotes travel by multiple transportation modes;* and *enhancing the prospects for the creation of* jobs.

9.~~7.~~ Identification of specific procedures to *facilitate* ~~ensure~~ intergovernmental coordination to address extrajurisdictional impacts *from* ~~of~~ the detailed specific area plan.

A detailed specific area plan adopted by local development order pursuant to this section may be based upon a planning period longer than the generally applicable planning period of the local comprehensive plan and shall specify the projected population within the specific planning area during the chosen planning period. A detailed specific area plan adopted pursuant to this section is not required to demonstrate need based upon projected population growth or on any other basis. All lands identified in the long-term master plan for permanent preservation shall be subject to a recorded conservation easement consistent with s. 704.06 before or concurrent with the effective date of the final detailed specific area plan to be approved within the planning area.

(c) In its review of a long-term master plan, the state land planning agency shall consult with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and the applicable water management district regarding the design of areas for protection and conservation of regionally significant natural resources and for the protection and, as appropriate, restoration and management of lands identified for permanent preservation.

(d) In its review of a long-term master plan, the state land planning agency shall consult with the Department of Transportation, the applicable metropolitan planning organization, and any urban transit agency regarding the location, capacity, design, and phasing or staging of major transportation facilities in the planning area.

(e) Whenever a local government issues a development order approving a detailed specific area plan, a copy of such order shall be rendered to the state land planning agency and the owner or developer of the property affected by such order, as prescribed by rules of the state land planning agency for a development order for a development of regional impact. Within 45 days after the order is rendered, the owner, the developer, or the state land planning agency may appeal the order to the Florida Land and Water Adjudicatory Commission by filing a petition alleging that the detailed specific area plan is not consistent with the comprehensive plan or with the long-term master plan adopted pursuant to this section. The appellant shall furnish a copy of the petition to the opposing party, as the case may be, and to the local government that issued the order. The filing of the petition stays the effectiveness of the order until after completion of the appeal process. However, if a development order approving a detailed specific area plan has been challenged by an aggrieved or adversely affected party in a judicial proceeding pursuant to s. 163.3215, and a party to such proceeding serves notice to the state land planning agency, the state land planning agency shall dismiss its appeal to the commission and shall have the right to intervene in the pending judicial proceeding pursuant to s. 163.3215. Proceedings for administrative review of an order approving a detailed specific area plan shall be conducted consistent with s. 380.07(6). The commission shall issue a decision granting or denying permission to develop pursuant to the long-term master plan and the standards of this part and may attach conditions or restrictions to its decisions.

(f)~~(c)~~ This subsection *does* ~~may~~ not ~~be construed to~~ prevent preparation and approval of the ~~optional~~ sector plan and detailed specific area plan concurrently or in the same submission.

(4) *Upon the long-term master plan becoming legally effective:*

(a) Any long-range transportation plan developed by a metropolitan planning organization pursuant to s. 339.175(7) must be consistent, to the maximum extent feasible, with the long-term master plan, including, but not limited to, the projected population and the approved uses and densities and intensities of use and their distribution within the planning area. The transportation facilities identified in adopted plans pursuant to subparagraphs (3)(a)3. and (b)4. must be developed in coordination with the adopted M.P.O. long-range transportation plan.

(b) The water needs, sources and water resource development, and water supply development projects identified in adopted plans pursuant to subparagraphs (3)(a)2. and (b)3. shall be incorporated into the applicable district and regional water supply plans adopted in accordance with ss. 373.036 and 373.709. Accordingly, and notwithstanding the permit durations stated in s. 373.236, an applicant may request and the applicable district may issue consumptive use permits for durations commensurate with the long-term master plan or detailed specific area plan, considering the ability of the master plan area to contribute to regional water supply availability and the need to maximize reasonable-beneficial use of the water resource. The permitting criteria in s. 373.223 shall be applied based upon the projected population and the approved densities and intensities of use and their distribution in the long-term master plan; however, the allocation of the water may be phased over the permit duration to correspond to actual projected needs. This paragraph does not supersede the public interest test set forth in s. 373.223. ~~The host local government shall submit a monitoring report to the state land planning agency and applicable regional planning council on an annual basis after adoption of a detailed specific area plan. The annual monitoring report must provide summarized information on development orders issued, development that has occurred, public facility improvements made, and public facility improvements anticipated over the upcoming 5 years.~~

(5) When ~~a plan amendment adopting~~ a detailed specific area plan has become effective *for a portion of the planning area governed by a long-term master plan adopted pursuant to this section* ~~under ss. 163.3184 and 163.3189(2)~~, ~~the provisions of~~ s. 380.06 *does* ~~do~~ not apply to development within the geographic area of the detailed specific area plan. However, any development-of-regional-impact development order that is vested from the detailed specific area plan may be enforced *pursuant to* ~~under~~ s. 380.11.

(a) The local government adopting the detailed specific area plan is primarily responsible for monitoring and enforcing the detailed specific area plan. Local governments *may* ~~shall~~ not issue any permits or approvals or provide any extensions of services to development that are not consistent with the detailed *specific* ~~sector~~ area plan.

(b) If the state land planning agency has reason to believe that a violation of any detailed specific area plan~~, or of any agreement entered into under this section,~~ has occurred or is about to occur, it may institute an administrative or judicial proceeding to prevent, abate, or control the conditions or activity creating the violation, using the procedures in s. 380.11.

(c) In instituting an administrative or judicial proceeding involving *a* ~~an optional~~ sector plan or detailed specific area plan, including a proceeding pursuant to paragraph (b), the complaining party shall comply with the requirements of s. 163.3215(4), (5), (6), and (7)*, except as provided by paragraph (3)(e).*

(d) The detailed specific area plan shall establish a buildout date until which the approved development is not subject to downzoning, unit density reduction, or intensity reduction, unless the local government can

demonstrate that implementation of the plan is not continuing in good faith based on standards established by plan policy, that substantial changes in the conditions underlying the approval of the detailed specific area plan have occurred, that the detailed specific area plan was based on substantially inaccurate information provided by the applicant, or that the change is clearly established to be essential to the public health, safety, or welfare.

(6) Concurrent with or subsequent to review and adoption of a long-term master plan pursuant to paragraph (3)(a), an applicant may apply for master development approval pursuant to s. 380.06(21) for the entire planning area in order to establish a buildout date until which the approved uses and densities and intensities of use of the master plan are not subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that implementation of the master plan is not continuing in good faith based on standards established by plan policy, that substantial changes in the conditions underlying the approval of the master plan have occurred, that the master plan was based on substantially inaccurate information provided by the applicant, or that change is clearly established to be essential to the public health, safety, or welfare. Review of the application for master development approval shall be at a level of detail appropriate for the long-term and conceptual nature of the long-term master plan and, to the maximum extent possible, may only consider information provided in the application for a long-term master plan. Notwithstanding s. 380.06, an increment of development in such an approved master development plan must be approved by a detailed specific area plan pursuant to paragraph (3)(b) and is exempt from review pursuant to s. 380.06.

~~(6) Beginning December 1, 1999, and each year thereafter, the department shall provide a status report to the Legislative Committee on Intergovernmental Relations regarding each optional sector plan authorized under this section.~~

(7) A developer within an area subject to a long-term master plan that meets the requirements of paragraph (3)(a) and subsection (6) or a detailed specific area plan that meets the requirements of paragraph (3)(b) may enter into a development agreement with a local government pursuant to ss. 163.3220-163.3243. The duration of such a development agreement may be through the planning period of the long-term master plan or the detailed specific area plan, as the case may be, notwithstanding the limit on the duration of a development agreement pursuant to s. 163.3229.

(8) Any owner of property within the planning area of a proposed long-term master plan may withdraw his consent to the master plan at any time prior to local government adoption, and the local government shall exclude such parcels from the adopted master plan. Thereafter, the long-term master plan, any detailed specific area plan, and the exemption from development-of-regional-impact review under this section do not apply to the subject parcels. After adoption of a long-term master plan, an owner may withdraw his or her property from the master plan only with the approval of the local government by plan amendment adopted and reviewed pursuant to s. 163.3184.

(9) The adoption of a long-term master plan or a detailed specific area plan pursuant to this section does not limit the right to continue existing agricultural or silvicultural uses or other natural resource-based operations or to establish similar new uses that are consistent with the plans approved pursuant to this section.

(10) The state land planning agency may enter into an agreement with a local government that, on or before July 1, 2011, adopted a large-area comprehensive plan amendment consisting of at least 15,000 acres that meets the requirements for a long-term master plan in paragraph (3)(a), after notice and public hearing by the local government, and thereafter, notwithstanding s. 380.06, this part, or any planning agreement or plan policy, the large-area plan shall be implemented through detailed specific area plans that meet the requirements of paragraph (3)(b) and shall otherwise be subject to this section.

(11) Notwithstanding this section, a detailed specific area plan to implement a conceptual long-term buildout overlay, adopted by a local government and found in compliance before July 1, 2011, shall be governed by this section.

(12) Notwithstanding s. 380.06, this part, or any planning agreement or plan policy, a landowner or developer who has received approval of a master development-of-regional-impact development order pursuant to s. 380.06(21) may apply to implement this order by filing one or more applications to approve a detailed specific area plan pursuant to paragraph (3)(b).

(13)~~(7)~~ This section may not be construed to abrogate the rights of any person under this chapter.

Section 29. Subsections (9), (12), and (14) of section 163.3246, Florida Statutes, are amended to read:

163.3246 Local government comprehensive planning certification program.—

(9)(a) Upon certification all comprehensive plan amendments associated with the area certified must be adopted and reviewed in the manner described in *s.* ~~ss.~~ 163.3184*(5)-(11)*~~(1), (2), (7), (14), (15), and (16) and 163.3187~~, such that state and regional agency review is eliminated. *Plan amendments that qualify as small scale development amendments may follow the small scale review process in s. 163.3187.* The department may not issue any objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by s. 163.3184(1)(a), may file a petition for administrative review pursuant to the requirements of s. *163.3184(5)* ~~163.3187(3)(a)~~ to challenge the compliance of an adopted plan amendment.

(b) Plan amendments that change the boundaries of the certification area; propose a rural land stewardship area pursuant to s. *163.3248* ~~163.3177(11)(d)~~; propose *a* ~~an optional~~ sector plan pursuant to s. 163.3245; ~~propose a school facilities element;~~ update a comprehensive plan based on an evaluation and appraisal *review* ~~report~~; impact lands outside the certification boundary; implement new statutory requirements that require specific comprehensive plan amendments; or increase hurricane evacuation times or the need for shelter capacity on lands within the coastal high-hazard area shall be reviewed pursuant to *s.* ~~ss.~~ 163.3184 ~~and 163.3187~~.

(12) A local government's certification shall be reviewed by the local government and the department as part of the evaluation and appraisal process pursuant to s. 163.3191. Within 1 year after the deadline for the local government to update its comprehensive plan based on the evaluation and appraisal report, the department shall renew or revoke the certification. The local government's ~~failure to adopt a timely evaluation and appraisal report, failure to adopt an evaluation and appraisal report found to be sufficient, or~~ failure to timely adopt *necessary* amendments *to update its comprehensive plan* based on an evaluation and appraisal*, which are* ~~report~~ found to be in compliance by the department*,* shall be cause for revoking the certification agreement. The department's decision to renew or revoke shall be considered agency action subject to challenge under s. 120.569.

~~(14) The Office of Program Policy Analysis and Government Accountability shall prepare a report evaluating the certification program, which shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2007.~~

Section 30. *Section 163.32465, Florida Statutes, is repealed.*

Section 31. Subsection (6) is added to section 163.3247, Florida Statutes, to read:

163.3247 Century Commission for a Sustainable Florida.—

(6) EXPIRATION.-This section is repealed and the commission is abolished June 30, 2013.

Section 32. Section 163.3248, Florida Statutes, is created to read:

163.3248 Rural land stewardship areas.—

(1) Rural land stewardship areas are designed to establish a long-term incentive based strategy to balance and guide the allocation of land so as to accommodate future land uses in a manner that protects the natural environment, stimulate economic growth and diversification, and encourage the retention of land for agriculture and other traditional rural land uses.

(2) Upon written request by one or more landowners of the subject lands to designate lands as a rural land stewardship area, or pursuant to a private-sector-initiated comprehensive plan amendment filed by, or with the consent of the owners of the subject lands, local governments may adopt a future land use overlay to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques to support a diverse economic and employment base. The future land use overlay may not require a demonstration of need based on population projections or any other factors.

(3) Rural land stewardship areas may be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion and diversification of economic activity and employment opportunities within the rural areas; maintenance of the viability of the state's agricultural economy; and protection of private property rights in rural areas of the state. Rural land stewardship areas may be multicounty in order to encourage coordinated regional stewardship planning.

(4) A local government or one or more property owners may request assistance and participation in the development of a plan for the rural land stewardship area from the state land planning agency, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the appropriate water management district, the Department of Transportation, the regional planning council, private land owners, and stakeholders.

(5) A rural land stewardship area shall be not less than 10,000 acres, shall be located outside of municipalities and established urban service areas, and shall be designated by plan amendment by each local government with jurisdiction over the rural land stewardship area. The plan amendment or amendments designating a rural land stewardship area are subject to review pursuant to s. 163.3184 and shall provide for the following:

(a) Criteria for the designation of receiving areas which shall, at a minimum, provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with significant environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; and the establishment of receiving area service boundaries that provide for a transition from receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services.

(b) Innovative planning and development strategies to be applied within rural land stewardship areas pursuant to this section.

(c) A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection, which provide for a functional mix of land uses through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

(d) A mix of densities and intensities that would not be characterized as urban sprawl through the use of innovative strategies and creative land use techniques.

(6) A receiving area may be designated only pursuant to procedures established in the local government's land development regulations. If receiving area designation requires the approval of the county board of county commissioners, such approval shall be by resolution with a simple majority vote. Before the commencement of development within a stewardship receiving area, a listed species survey must be performed for the area proposed for development. If listed species occur on the receiving area development site, the applicant must coordinate with each appropriate local, state, or federal agency to determine if adequate provisions have been made to protect those species in accordance with applicable regulations. In determining the adequacy of provisions for the protection of listed species and their habitats, the rural land stewardship area shall be considered as a whole, and the potential impacts and protective measures taken within areas to be developed as receiving areas shall be considered in conjunction with and compensated by lands set aside and protective measures taken within the designated sending areas.

(7) Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, establish a rural land stewardship overlay zoning district, which shall provide the methodology for the creation, conveyance, and use of transferable rural land use credits, hereinafter referred to as stewardship credits, the assignment and application of which does not constitute a right to develop land or increase the density of land, except as provided by this section. The total amount of stewardship credits within the rural land stewardship area must enable the realization of the long-term vision and goals for the rural land stewardship area, which may take into consideration the anticipated effect of the proposed receiving areas. The estimated amount of receiving area shall be projected based on available data, and the development potential represented by the stewardship credits created within the rural land stewardship area must correlate to that amount.

(8) Stewardship credits are subject to the following limitations:

(a) Stewardship credits may exist only within a rural land stewardship area.

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

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

(d) Neither the creation of the rural land stewardship area by plan amendment nor the adoption of the rural land stewardship zoning overlay district by the local government may displace the underlying permitted uses or the density or intensity of land uses assigned to a parcel of land within the rural land stewardship area that existed before adoption of the plan amendment or zoning overlay district; however, once stewardship credits have been transferred from a designated sending area for use within a designated receiving area, the underlying density assigned to the designated sending area ceases to exist.

(e) The underlying permitted uses, density, or intensity on each parcel of land located within a rural land stewardship area may not be increased or decreased by the local government, except as a result of the conveyance or stewardship credits, as long as the parcel remains within the rural land stewardship area.

(f) Stewardship credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is used.

(g) An increase in the density or intensity of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of stewardship credits and do not require a plan amendment. A change in the type of agricultural use on property within a rural land stewardship area is not considered a change in use or intensity of use and does not require any transfer of stewardship credits.

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

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

(j) Stewardship credits may be assigned at different ratios of credits per acre according to the natural resource or other beneficial use characteristics of the land and according to the land use remaining after the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land or, in locations where the retention of open space and agricultural land is a priority, to such lands.

(k) Stewardship credits may be transferred from a sending area only after a stewardship easement is placed on the sending area land with

assigned stewardship credits. A stewardship easement is a covenant or restrictive easement running with the land which specifies the allowable uses and development restrictions for the portion of a sending area from which stewardship credits have been transferred. The stewardship easement must be jointly held by the county and the Department of Environmental Protection, the Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

(9) Owners of land within rural land stewardship sending areas should be provided other incentives, in addition to the use or conveyance of stewardship credits, to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, the Fish and Wildlife Conservation Commission, and local governments to achieve mutually agreed upon objectives. Such incentives may include, but are not limited to, the following:

(a) Opportunity to accumulate transferable wetland and species habitat mitigation credits for use or sale.

(b) Extended permit agreements.

(c) Opportunities for recreational leases and ecotourism.

(d) Compensation for the achievement of specified land management activities of public benefit, including, but not limited to, facility siting and corridors, recreational leases, water conservation and storage, water reuse, wastewater recycling, water supply and water resource development, nutrient reduction, environmental restoration and mitigation, public recreation, listed species protection and recovery, and wildlife corridor management and enhancement.

(e) Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of specified conservation objectives.

(10) This section constitutes an overlay of land use options that provide economic and regulatory incentives for landowners outside of established and planned urban service areas to conserve and manage vast areas of land for the benefit of the state's citizens and natural environment while maintaining and enhancing the asset value of their landholdings. It is the intent of the Legislature that this section be implemented pursuant to law and rulemaking is not authorized.

(11) It is the intent of the Legislature that the rural land stewardship area located in Collier County, which was established pursuant to the requirements of a final order by the Governor and Cabinet, duly adopted as a growth management plan amendment by Collier County, and found in compliance with this chapter, be recognized as a statutory rural land stewardship area and be afforded the incentives in this section.

Section 33. Paragraph (a) of subsection (2) of section 163.360, Florida Statutes, is amended to read:

163.360 Community redevelopment plans.—

(2) The community redevelopment plan shall:

(a) Conform to the comprehensive plan for the county or municipality as prepared by the local planning agency under the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act.

Section 34. Paragraph (a) of subsection (3) and subsection (8) of section 163.516, Florida Statutes, are amended to read:

163.516 Safe neighborhood improvement plans.—

(3) The safe neighborhood improvement plan shall:

(a) Be consistent with the adopted comprehensive plan for the county or municipality pursuant to the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act. No district plan shall be implemented unless the local governing body has determined said plan is consistent.

(8) Pursuant to *s.* ~~ss.~~ 163.3184~~, 163.3187, and 163.3189~~, the governing body of a municipality or county shall hold two public hearings to consider the board-adopted safe neighborhood improvement plan as an amendment or modification to the municipality's or county's adopted local comprehensive plan.

Section 35. Paragraph (f) of subsection (6), subsection (9), and paragraph (c) of subsection (11) of section 171.203, Florida Statutes, are amended to read:

171.203 Interlocal service boundary agreement.—The governing body of a county and one or more municipalities or independent special districts within the county may enter into an interlocal service boundary agreement under this part. The governing bodies of a county, a municipality, or an independent special district may develop a process for reaching an interlocal service boundary agreement which provides for public participation in a manner that meets or exceeds the requirements of subsection (13), or the governing bodies may use the process established in this section.

(6) An interlocal service boundary agreement may address any issue concerning service delivery, fiscal responsibilities, or boundary adjustment. The agreement may include, but need not be limited to, provisions that:

(f) Establish a process for land use decisions consistent with part II of chapter 163, including those made jointly by the governing bodies of the county and the municipality, or allow a municipality to adopt land use changes consistent with part II of chapter 163 for areas that are scheduled to be annexed within the term of the interlocal agreement; however, the county comprehensive plan and land development regulations shall control until the municipality annexes the property and amends its comprehensive plan accordingly. ~~Comprehensive plan amendments to incorporate the process established by this paragraph are exempt from the twice-per-year limitation under s. 163.3187.~~

(9) Each local government that is a party to the interlocal service boundary agreement shall amend the intergovernmental coordination element of its comprehensive plan, as described in s. 163.3177(6)(h)1., no later than 6 months following entry of the interlocal service boundary agreement consistent with s. 163.3177(6)(h)1. ~~Plan amendments required by this subsection are exempt from the twice-per-year limitation under s. 163.3187.~~

(11)

~~(c) Any amendment required by paragraph (a) is exempt from the twice-per-year limitation under s. 163.3187.~~

Section 36. Section 186.513, Florida Statutes, is amended to read:

186.513 Reports.—Each regional planning council shall prepare and furnish an annual report on its activities to the state land planning agency as defined in s. 163.3164~~(20)~~ and the local general-purpose governments within its boundaries and, upon payment as may be established by the council, to any interested person. The regional planning councils shall make a joint report and recommendations to appropriate legislative committees.

Section 37. Section 186.515, Florida Statutes, is amended to read:

186.515 Creation of regional planning councils under chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and 186.515 is intended to repeal or limit the provisions of chapter 163; however, the local general-purpose governments serving as voting members of the governing body of a regional planning council created pursuant to ss. 186.501-186.507, 186.513, and 186.515 are not authorized to create a regional planning council pursuant to chapter 163 unless an agency, other than a regional planning council created pursuant to ss. 186.501-186.507, 186.513, and 186.515, is designated to exercise the powers and duties in any one or more of ss. 163.3164~~(19)~~ and 380.031(15); in which case, such a regional planning council is also without authority to exercise the powers and duties in s. 163.3164~~(19)~~ or s. 380.031(15).

Section 38. Subsection (1) of section 189.415, Florida Statutes, is amended to read:

189.415 Special district public facilities report.—

(1) It is declared to be the policy of this state to foster coordination between special districts and local general-purpose governments as those local general-purpose governments develop comprehensive plans

under the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act, pursuant to part II of chapter 163.

Section 39. Subsection (3) of section 190.004, Florida Statutes, is amended to read:

190.004 Preemption; sole authority.—

(3) The establishment of an independent community development district as provided in this act is not a development order within the meaning of chapter 380. All governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a community development district. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government.

Section 40. Paragraph (a) of subsection (1) of section 190.005, Florida Statutes, is amended to read:

190.005 Establishment of district.—

(1) The exclusive and uniform method for the establishment of a community development district with a size of 1,000 acres or more shall be pursuant to a rule, adopted under chapter 120 by the Florida Land and Water Adjudicatory Commission, granting a petition for the establishment of a community development district.

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the Florida Land and Water Adjudicatory Commission. The petition shall contain:

1. A metes and bounds description of the external boundaries of the district. Any real property within the external boundaries of the district which is to be excluded from the district shall be specifically described, and the last known address of all owners of such real property shall be listed. The petition shall also address the impact of the proposed district on any real property within the external boundaries of the district which is to be excluded from the district.

2. The written consent to the establishment of the district by all landowners whose real property is to be included in the district or documentation demonstrating that the petitioner has control by deed, trust agreement, contract, or option of 100 percent of the real property to be included in the district, and when real property to be included in the district is owned by a governmental entity and subject to a ground lease as described in s. 190.003(14), the written consent by such governmental entity.

3. A designation of five persons to be the initial members of the board of supervisors, who shall serve in that office until replaced by elected members as provided in s. 190.006.

4. The proposed name of the district.

5. A map of the proposed district showing current major trunk water mains and sewer interceptors and outfalls if in existence.

6. Based upon available data, the proposed timetable for construction of the district services and the estimated cost of constructing the proposed services. These estimates shall be submitted in good faith but *are* ~~shall~~ not ~~be~~ binding and may be subject to change.

7. A designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the district by the future land use plan element of the effective local government comprehensive plan of which all mandatory elements have been adopted by the applicable general-purpose local government in compliance with the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act.

8. A statement of estimated regulatory costs in accordance with the requirements of s. 120.541.

Section 41. Paragraph (i) of subsection (6) of section 193.501, Florida Statutes, is amended to read:

193.501 Assessment of lands subject to a conservation easement, environmentally endangered lands, or lands used for outdoor recreational or park purposes when land development rights have been conveyed or conservation restrictions have been covenanted.—

(6) The following terms whenever used as referred to in this section have the following meanings unless a different meaning is clearly indicated by the context:

(i) "Qualified as environmentally endangered" means land that has unique ecological characteristics, rare or limited combinations of geological formations, or features of a rare or limited nature constituting habitat suitable for fish, plants, or wildlife, and which, if subject to a development moratorium or one or more conservation easements or development restrictions appropriate to retaining such land or water areas predominantly in their natural state, would be consistent with the conservation, recreation and open space, and, if applicable, coastal protection elements of the comprehensive plan adopted by formal action of the local governing body pursuant to s. 163.3161, the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act; or surface waters and wetlands, as determined by the methodology ratified in s. 373.4211.

Section 42. Subsection (15) of section 287.042, Florida Statutes, is amended to read:

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

(15) To enter into joint agreements with governmental agencies, as defined in s. 163.3164~~(10)~~, for the purpose of pooling funds for the purchase of commodities or information technology that can be used by multiple agencies.

(a) Each agency that has been appropriated or has existing funds for such purchase, shall, upon contract award by the department, transfer their portion of the funds into the department's Operating Trust Fund for payment by the department. The funds shall be transferred by the Executive Office of the Governor pursuant to the agency budget amendment request provisions in chapter 216.

(b) Agencies that sign the joint agreements are financially obligated for their portion of the agreed-upon funds. If an agency becomes more than 90 days delinquent in paying the funds, the department shall certify to the Chief Financial Officer the amount due, and the Chief Financial Officer shall transfer the amount due to the Operating Trust Fund of the department from any of the agency's available funds. The Chief Financial Officer shall report these transfers and the reasons for the transfers to the Executive Office of the Governor and the legislative appropriations committees.

Section 43. Subsection (4) of section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(4) The Office of Tourism, Trade, and Economic Development may adopt criteria by which transportation projects are to be reviewed and certified in accordance with s. 288.061. In approving transportation projects for funding, the Office of Tourism, Trade, and Economic Development shall consider factors including, but not limited to, the cost per job created or retained considering the amount of transportation funds requested; the average hourly rate of wages for jobs created; the reliance on the program as an inducement for the project's location decision; the amount of capital investment to be made by the business; the demonstrated local commitment; the location of the project in an enterprise zone designated pursuant to s. 290.0055; the location of the project in a spaceport territory as defined in s. 331.304; the unemployment rate of the surrounding area; *and* the poverty rate of the community~~; and the adoption of an economic element as part of its local comprehensive plan in accordance with s. 163.3177(7)(j)~~. The Office of Tourism, Trade, and Economic Development may contact any agency it deems appropriate for additional input regarding the approval of projects.

Section 44. Paragraph (a) of subsection (2), subsection (10), and paragraph (d) of subsection (12) of section 288.975, Florida Statutes, are amended to read:

288.975 Military base reuse plans.—

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

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

(10) Within 60 days after receipt of a proposed military base reuse plan, these entities shall review and provide comments to the host local government. The commencement of this review period shall be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. No later than 180 days after receipt and consideration of all comments, and the holding of at least two public hearings, the host local government shall adopt the military base reuse plan. The host local government shall comply with the notice requirements set forth in s. 163.3184*(11)*~~(15)~~ to ensure full public participation in this planning process.

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

(d) Within 45 days after receiving the report from the state land planning agency, the Administration Commission shall take action to resolve the issues in dispute. In deciding upon a proper resolution, the Administration Commission shall consider the nature of the issues in dispute, any requests for a formal administrative hearing pursuant to chapter 120, the compliance of the parties with this section, the extent of the conflict between the parties, the comparative hardships and the public interest involved. If the Administration Commission incorporates in its final order a term or condition that requires any local government to amend its local government comprehensive plan, the local government shall amend its plan within 60 days after the issuance of the order. ~~Such amendment or amendments shall be exempt from the limitation of the frequency of plan amendments contained in s. 163.3187(1), and~~ A public hearing on such amendment or amendments pursuant to s. 163.3184*(11)*~~(15)~~(b)1. *is* ~~shall~~ not ~~be~~ required. The final order of the Administration Commission is subject to appeal pursuant to s. 120.68. If the order of the Administration Commission is appealed, the time for the local government to amend its plan shall be tolled during the pendency of any local, state, or federal administrative or judicial proceeding relating to the military base reuse plan.

Section 45. Subsection (4) of section 290.0475, Florida Statutes, is amended to read:

290.0475 Rejection of grant applications; penalties for failure to meet application conditions.—Applications received for funding under all program categories shall be rejected without scoring only in the event that any of the following circumstances arise:

(4) The application is not consistent with the local government's comprehensive plan adopted pursuant to s. 163.3184~~(7)~~.

Section 46. Paragraph (c) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)

(c) To be eligible for consideration by the council pursuant to this section, a project must be consistent with the port comprehensive master plan which is incorporated as part of the approved local government comprehensive plan as required by s. 163.3178(2)(k) or other provisions of the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act, part II of chapter 163.

Section 47. Subsection (1) of section 331.319, Florida Statutes, is amended to read:

331.319 Comprehensive planning; building and safety codes.—The board of directors may:

(1) Adopt, and from time to time review, amend, supplement, or repeal, a comprehensive general plan for the physical development of the area within the spaceport territory in accordance with the objectives and purposes of this act and consistent with the comprehensive plans of the applicable county or counties and municipality or municipalities adopted pursuant to the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act, part II of chapter 163.

Section 48. Paragraph (e) of subsection (5) of section 339.155, Florida Statutes, is amended to read:

339.155 Transportation planning.—

(5) ADDITIONAL TRANSPORTATION PLANS.—

(e) The regional transportation plan developed pursuant to this section must, at a minimum, identify regionally significant transportation facilities located within a regional transportation area and contain a prioritized list of regionally significant projects. ~~The level-of-service standards for facilities to be funded under this subsection shall be adopted by the appropriate local government in accordance with s. 163.3180(10).~~ The projects shall be adopted into the capital improvements schedule of the local government comprehensive plan pursuant to s. 163.3177(3).

Section 49. Paragraph (a) of subsection (4) of section 339.2819, Florida Statutes, is amended to read:

339.2819 Transportation Regional Incentive Program.—

(4)(a) Projects to be funded with Transportation Regional Incentive Program funds shall, at a minimum:

1. Support those transportation facilities that serve national, statewide, or regional functions and function as an integrated regional transportation system.

2. Be identified in the capital improvements element of a comprehensive plan that has been determined to be in compliance with part II of chapter 163, after July 1, 2005~~, or to implement a long-term concurrency management system adopted by a local government in accordance with s. 163.3180(9)~~. Further, the project shall be in compliance with local government comprehensive plan policies relative to corridor management.

3. Be consistent with the Strategic Intermodal System Plan developed under s. 339.64.

4. Have a commitment for local, regional, or private financial matching funds as a percentage of the overall project cost.

Section 50. Subsection (5) of section 369.303, Florida Statutes, is amended to read:

369.303 Definitions.—As used in this part:

(5) "Land development regulation" means a regulation covered by the definition in s. 163.3164~~(23)~~ and any of the types of regulations described in s. 163.3202.

Section 51. Subsections (5) and (7) of section 369.321, Florida Statutes, are amended to read:

369.321 Comprehensive plan amendments.—Except as otherwise expressly provided, by January 1, 2006, each local government within the Wekiva Study Area shall amend its local government comprehensive plan to include the following:

(5) Comprehensive plans and comprehensive plan amendments adopted by the local governments to implement this section shall be reviewed by the Department of Community Affairs pursuant to s. 163.3184~~, and shall be exempt from the provisions of s. 163.3187(1)~~.

(7) During the period prior to the adoption of the comprehensive plan amendments required by this act, any local comprehensive plan amendment adopted by a city or county that applies to land located within the Wekiva Study Area shall protect surface and groundwater resources and be reviewed by the Department of Community Affairs~~, pursuant to chapter 163 and chapter 9J-5, Florida Administrative Code,~~ using best available data, including the information presented to the Wekiva River Basin Coordinating Committee.

Section 52. Subsection (1) of section 378.021, Florida Statutes, is amended to read:

378.021 Master reclamation plan.—

(1) The Department of Environmental Protection shall amend the master reclamation plan that provides guidelines for the reclamation of lands mined or disturbed by the severance of phosphate rock prior to July 1, 1975, which lands are not subject to mandatory reclamation under part II of chapter 211. In amending the master reclamation plan, the Department of Environmental Protection shall continue to conduct an onsite evaluation of all lands mined or disturbed by the severance of phosphate rock prior to July 1, 1975, which lands are not subject to mandatory reclamation under part II of chapter 211. The master reclamation plan when amended by the Department of Environmental Protection shall be consistent with local government plans prepared pursuant to the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act.

Section 53. Subsection (10) of section 380.031, Florida Statutes, is amended to read:

380.031 Definitions.—As used in this chapter:

(10) "Local comprehensive plan" means any or all local comprehensive plans or elements or portions thereof prepared, adopted, or amended pursuant to the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act, as amended.

Section 54. Paragraph (d) of subsection (2), paragraph (b) of subsection (6), paragraphs (c), (e), and (f) of subsection (19), subsection (24), paragraph (e) of subsection (28), and paragraphs (a), (d), and (e) of subsection (29) of section 380.06, Florida Statutes, are amended, and subsection (30) is added to that section, to read:

380.06 Developments of regional impact.—

(2) STATEWIDE GUIDELINES AND STANDARDS.—

(d) The guidelines and standards shall be applied as follows:

1. Fixed thresholds.—

a. A development that is below 100 percent of all numerical thresholds in the guidelines and standards shall not be required to undergo development-of-regional-impact review.

b. A development that is at or above 120 percent of any numerical threshold shall be required to undergo development-of-regional-impact review.

c. Projects certified under s. 403.973 which create at least 100 jobs and meet the criteria of the Office of Tourism, Trade, and Economic Development as to their impact on an area's economy, employment, and prevailing wage and skill levels that are at or below 100 percent of the numerical thresholds for industrial plants, industrial parks, distribution, warehousing or wholesaling facilities, office development or multiuse projects other than residential, as described in s. 380.0651(3)(c)~~, (d),~~ and *(f)*~~(h)~~, are not required to undergo development-of-regional-impact review.

2. Rebuttable presumption.—It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.

Section 55. Paragraph (b) of subsection (6), paragraph (g) of subsection (15), paragraphs (b), (c), and (e) of subsection (19), subsection (24), paragraph (e) of subsection (28), and paragraphs (a), (d), and (e) of subsection (29) of section 380.06, Florida Statutes, are amended, and subsection (30) is added to that section, to read:

(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT PLAN AMENDMENTS.—

(b) Any local government comprehensive plan amendments related to a proposed development of regional impact, including any changes proposed under subsection (19), may be initiated by a local planning agency or the developer and must be considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in s. 163.3187 ~~or s. 163.3189~~ and applicable local ordinances, without regard to ~~statutory or~~ local ~~ordinance~~ limits on the frequency of consideration of amendments to the local comprehensive plan. ~~Nothing in~~ This paragraph *does not* ~~shall be deemed to~~ require favorable consideration of a plan amendment solely because it is related to a development of regional impact. The procedure for processing such comprehensive plan amendments is as follows:

1. If a developer seeks a comprehensive plan amendment related to a development of regional impact, the developer must so notify in writing the regional planning agency, the applicable local government, and the state land planning agency no later than the date of preapplication conference or the submission of the proposed change under subsection (19).

2. When filing the application for development approval or the proposed change, the developer must include a written request for comprehensive plan amendments that would be necessitated by the development-of-regional-impact approvals sought. That request must include data and analysis upon which the applicable local government can determine whether to transmit the comprehensive plan amendment pursuant to s. 163.3184.

3. The local government must advertise a public hearing on the transmittal within 30 days after filing the application for development approval or the proposed change and must make a determination on the transmittal within 60 days after the initial filing unless that time is extended by the developer.

4. If the local government approves the transmittal, procedures set forth in s. 163.3184*(4)(b)-(d)*~~(3)-(6)~~ must be followed.

5. Notwithstanding subsection (11) or subsection (19), the local government may not hold a public hearing on the application for development approval or the proposed change or on the comprehensive plan amendments sooner than 30 days from receipt of the response from the state land planning agency pursuant to s. 163.3184*(4)(d)*~~(6). The 60-day time period for local governments to adopt, adopt with changes, or not adopt plan amendments pursuant to s. 163.3184(7) shall not apply to concurrent plan amendments provided for in this subsection.~~

6. The local government must hear both the application for development approval or the proposed change and the comprehensive plan amendments at the same hearing. However, the local government must take action separately on the application for development approval or the proposed change and on the comprehensive plan amendments.

7. Thereafter, the appeal process for the local government development order must follow the provisions of s. 380.07, and the compliance process for the comprehensive plan amendments must follow the provisions of s. 163.3184.

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(g) A local government shall not issue permits for development subsequent to the buildout date contained in the development order unless:

1. The proposed development has been evaluated cumulatively with existing development under the substantial deviation provisions of subsection (19) subsequent to the termination or expiration date;

2. The proposed development is consistent with an abandonment of development order that has been issued in accordance with the provisions of subsection (26);

3. The development of regional impact is essentially built out, in that all the mitigation requirements in the development order have been satisfied, all developers are in compliance with all applicable terms and conditions of the development order except the buildout date, and the amount of proposed development that remains to be built is less than *40* ~~20~~ percent of any applicable development-of-regional-impact threshold; or

4. The project has been determined to be an essentially built-out development of regional impact through an agreement executed by the developer, the state land planning agency, and the local government, in accordance with s. 380.032, which will establish the terms and conditions under which the development may be continued. If the project is determined to be essentially built out, development may proceed pursuant to the s. 380.032 agreement after the termination or expiration date contained in the development order without further development-of-regional-impact review subject to the local government comprehensive plan and land development regulations or subject to a modified development-of-regional-impact analysis. As used in this paragraph, an "essentially built-out" development of regional impact means:

a. The developers are in compliance with all applicable terms and conditions of the development order except the buildout date; and

b.(I) The amount of development that remains to be built is less than the substantial deviation threshold specified in paragraph (19)(b) for each individual land use category, or, for a multiuse development, the sum total of all unbuilt land uses as a percentage of the applicable substantial deviation threshold is equal to or less than 100 percent; or

(II) The state land planning agency and the local government have agreed in writing that the amount of development to be built does not create the likelihood of any additional regional impact not previously reviewed.

The single-family residential portions of a development may be considered "essentially built out" if all of the workforce housing obligations and all of the infrastructure and horizontal development have been completed, at least 50 percent of the dwelling units have been completed, and more than 80 percent of the lots have been conveyed to third-party individual lot owners or to individual builders who own no more than 40 lots at the time of the determination. The mobile home park portions of a development may be considered "essentially built out" if all the infrastructure and horizontal development has been completed, and at least 50 percent of the lots are leased to individual mobile home owners.

(19) SUBSTANTIAL DEVIATIONS.—

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by *15* ~~10~~ percent or *500* ~~330~~ spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by *15* ~~10~~ percent or *1,500* ~~1,100~~ spectators, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.

~~3. An increase in industrial development area by 10 percent or 35 acres, whichever is greater.~~

~~4. An increase in the average annual acreage mined by 10 percent or 11 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 10 percent or 330,000 gallons, whichever is greater. A net increase in the size of the mine by 10 percent or 825 acres, whichever is less. For purposes of calculating any net increases in size, only additions and deletions of lands that have not been mined shall be considered. An increase in the size of a heavy mineral mine as defined in s. 378.403(7) will only constitute a substantial deviation if the average annual acreage mined is more than 550 acres and consumes more than 3.3 million gallons of water per day.~~

3.~~5.~~ An increase in land area for office development by *15* ~~10~~ percent or an increase of gross floor area of office development by *15* ~~10~~ percent or *100,000* ~~66,000~~ gross square feet, whichever is greater.

4.~~6.~~ An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.

5.~~7.~~ An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

6.~~8.~~ An increase in commercial development by *60,000* ~~55,000~~ square feet of gross floor area or of parking spaces provided for customers for *425* ~~330~~ cars or a 10-percent increase ~~of either of these~~, whichever is greater.

~~9. An increase in hotel or motel rooms by 10 percent or 83 rooms, whichever is greater.~~

7.~~10.~~ An increase in a recreational vehicle park area by 10 percent or 110 vehicle spaces, whichever is less.

8.~~11.~~ A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

9.~~12.~~ A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded.

10.~~13.~~ A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

11.~~14.~~ Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The refinement of the boundaries and configuration of such areas shall be considered under sub-subparagraph (e)2.j.

The substantial deviation numerical standards in subparagraphs 3., *6., and* ~~5., 8.,~~ 9.~~, and 12.~~, excluding residential uses, and in subparagraph *10.* ~~13.~~, are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 3., *4.* 5., 6., ~~7., 8.,~~ 9., ~~12.,~~ and *10.* ~~13.~~ are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(c) An extension of the date of buildout of a development, or any phase thereof, by more than 7 years is presumed to create a substantial deviation subject to further development-of-regional-impact review.

1. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years is presumed not to create a substantial deviation. The extension of the date of buildout of an area-wide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation.

2. In recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, buildout, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension. Associated mitigation requirements are extended for the same period unless, prior to December 1, 2011, a governmental entity notifies a developer which has commenced any construction within the phase for which the mitigation is required that the local government has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer. The 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The developer must notify the local government in writing by December 31, 2011, in order to receive the 4-year extension.

For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time. ~~In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection.~~

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)*1.-10.*~~1. 13.~~ and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

j. Changes that modify boundaries and configuration of areas described in subparagraph (b)*11.*~~14.~~ due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.

k. Any other change which the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-j. and which does not create the likelihood of any additional regional impact.

This subsection does not require the filing of a notice of proposed change but shall require an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., or sub-subparagraph k., and it believes the change creates a reasonable likelihood of new or additional regional impacts.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), (e), and (f) and residential use.

6. If a local government agrees to a proposed change, a change in the transportation proportionate share calculation and mitigation plan in an

adopted development order as a result of recalculation of the proportionate share contribution meeting the requirements of s. 163.3180(5)(h) in effect as of the date of such change shall be presumed not to create a substantial deviation. For purposes of this subsection, the proposed change in the proportionate share calculation or mitigation plan shall not be considered an additional regional transportation impact.

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-13. and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

j. Changes that modify boundaries and configuration of areas described in subparagraph (b)14. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.

k. Any other change which the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-j. and which does not create the likelihood of any additional regional impact.

This subsection does not require the filing of a notice of proposed change but shall require an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., or sub-subparagraph k., and it believes the change creates a reasonable likelihood of new or additional regional impacts.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), *and* (e)~~, and (f)~~ and residential use.

(19) (f)1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order.

2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within 60 days after submittal of the proposed changes, unless that time is extended by the developer.

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45 days after submittal by the developer of the proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer.

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and subparagraph (e)3. shall be applicable in determining whether further development-of-regional-impact review is required. *The local government may also deny the proposed change based on matters relating to local issues, such as if the land on which the change is sought is plat restricted in a way that would be incompatible with the proposed change, and the local government does not wish to change the plat restriction as part of the proposed change.*

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The requirement that a change be otherwise approved shall not be construed to require additional local review or approval if the change is allowed by applicable local ordinances without further local review or approval. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)1. or subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.

(24) STATUTORY EXEMPTIONS.—

(a) Any proposed hospital is exempt from ~~the provisions of~~ this section.

(b) Any proposed electrical transmission line or electrical power plant is exempt from ~~the provisions of~~ this section.

(c) Any proposed addition to an existing sports facility complex is exempt from ~~the provisions of~~ this section if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled hours of operation of the existing facility.

2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility.

3. The sports facility complex property is owned by a public body prior to July 1, 1983.

This exemption does not apply to any pari-mutuel facility.

(d) Any proposed addition or cumulative additions subsequent to July 1, 1988, to an existing sports facility complex owned by a state university is exempt if the increased seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.

(e) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body prior to July 1, 1973, is exempt from ~~the provisions of~~ this section if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year's capacity.

(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators is exempt from ~~the provisions of~~ this section, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and not to exceed a total of 10 percent in any 5-year period, and provided that the sports facility notifies the appropriate local government within which the facility is located of the increase at least 6 months prior to the initial use of the increased seating, in order to permit the appropriate local government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan shall be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.

(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility is exempt from ~~the provisions of~~ this section, if the following conditions exist:

1.a. The sports facility had a permanent seating capacity on January 1, 1991, of at least 41,000 spectator seats;

b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or

c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and

2. The local government having jurisdiction of the sports facility includes in the development order or development permit approving such expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer and stormwater drainage provisions of the approved local comprehensive plan and local land development regulations relating to those provisions.

Any owner or developer who intends to rely on this statutory exemption shall provide to the department a copy of the local government application for a development permit. Within 45 days of receipt of the application, the department shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the department's opinion, the prescribed conditions exist for an exemption under this paragraph. The local government shall render the development order approving each such expansion to the department. The owner, developer, or department may appeal the local government development order pursuant to s. 380.07, within 45 days after the order is rendered. The scope of review shall be limited to the determination of whether the conditions prescribed in this paragraph exist. If any sports facility expansion undergoes development-of-regional-impact review, all previous expansions which were exempt under this paragraph shall be included in the development-of-regional-impact review.

(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) are exempt from ~~the provisions of~~ this section when such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with ~~the provisions of~~ s. 163.3178.

(i) Any proposed facility for the storage of any petroleum product or any expansion of an existing facility is exempt from ~~the provisions of~~ this section.

(j) Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use.

(k) Waterport and marina development, including dry storage facilities, are exempt from ~~the provisions of~~ this section.

(l) Any proposed development within an urban service boundary established under s. 163.3177(14), which is not otherwise exempt pursuant to subsection (29), is exempt from ~~the provisions of~~ this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary, has entered into a binding agreement with jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities~~, and has adopted a proportionate share methodology pursuant to s. 163.3180(16)~~.

(m) Any proposed development within a rural land stewardship area created under s. *163.3248* ~~163.3177(11)(d) is exempt from the provisions of this section if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16)~~.

(n) The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, is exempt from this section.

(o) Any self-storage warehousing that does not allow retail or other services is exempt from this section.

(p) Any proposed nursing home or assisted living facility is exempt from this section.

(q) Any development identified in an airport master plan and adopted into the comprehensive plan pursuant to s. 163.3177(6)(k) is exempt from this section.

(r) Any development identified in a campus master plan and adopted pursuant to s. 1013.30 is exempt from this section.

(s) Any development in a *detailed* specific area plan which is prepared *and adopted* pursuant to s. 163.3245 ~~and adopted into the comprehensive plan~~ is exempt from this section.

(t) Any proposed solid mineral mine and any proposed addition to, expansion of, or change to an existing solid mineral mine is exempt from this section. A mine owner will enter into a binding agreement with the Department of Transportation to mitigate impacts to strategic intermodal system facilities pursuant to the transportation thresholds in 380.06(19) or rule 9J-2.045(6), Florida Administrative Code. Proposed changes to any previously approved solid mineral mine development-of-regional-impact development orders having vested rights is not subject to further review or approval as a development-of-regional-impact or notice-of-proposed-change review or approval pursuant to subsection (19), except for those applications pending as of July 1, 2011, which shall be governed by s. 380.115(2). Notwithstanding the foregoing, however, pursuant to s. 380.115(1), previously approved solid mineral mine development-of-regional-impact development orders shall continue to enjoy vested rights and continue to be effective unless rescinded by the developer. All local government regulations of proposed solid mineral mines shall be applicable to any new solid mineral mine or to any proposed addition to, expansion of, or change to an existing solid mineral mine.

(u) Notwithstanding any provisions in an agreement with or among a local government, regional agency, or the state land planning agency or in a local government's comprehensive plan to the contrary, a project no longer subject to development-of-regional-impact review under revised thresholds is not required to undergo such review.

(v)~~(t)~~ Any development within a county with a research and education authority created by special act and that is also within a research and development park that is operated or managed by a research and development authority pursuant to part V of chapter 159 is exempt from this section.

If a use is exempt from review as a development of regional impact under paragraphs *(a)-(u)* ~~(a)-(s)~~, but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development of regional impact that includes a landowner, tenant, or user that has entered into a funding agreement with the Office of Tourism, Trade, and Economic Development under the Innovation Incentive Program and the agreement contemplates a state award of at least $50 million.

(28) PARTIAL STATUTORY EXEMPTIONS.—

(e) The vesting provision of s. 163.3167*(5)*~~(8)~~ relating to an authorized development of regional impact *does* ~~shall~~ not apply to those projects partially exempt from the development-of-regional-impact review process under paragraphs (a)-(d).

(29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

(a) The following are exempt from this section:

1. Any proposed development in a municipality that *has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000* ~~qualifies as a dense urban land area as defined in s. 163.3164~~;

2. Any proposed development within a county*, including the municipalities located in the county,* that *has an average of at least 1,000 people per square mile of land area* ~~qualifies as a dense urban land area as defined in s. 163.3164~~ and ~~that~~ is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan; ~~or~~

3. Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, *that has an average of at least 1,000 people per square mile of land area* ~~which qualifies as a dense urban land area under s. 163.3164~~, but which does not have an urban service area designated in the comprehensive plan*; or*

4. Any proposed development within a county, including the municipalities located therein, which has a population of at least 1 million and is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan.

The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions meet the density criteria in subparagraphs 1.-4. by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.091. The Office of Economic and Demographic Research shall annually submit to the state land planning agency by July 1 a list of jurisdictions that meet the total population and density criteria. The state land planning agency shall publish the list of jurisdictions on its Internet website within 7 days after the list is received. The designation of jurisdictions that meet the criteria of subparagraphs 1.-4. is effective upon publication on the state land planning agency's Internet website. If a municipality that has previously met the criteria no longer meets the criteria, the state land planning agency shall maintain the municipality on the list and indicate the year the jurisdiction last met the criteria. However, any proposed development of regional impact not within the established boundaries of a municipality at the time the municipality last met the criteria must meet the requirements of this section until such time as the municipality as a whole meets the criteria. Any county that meets the criteria shall remain on the list in accordance with the provisions of this paragraph. Any jurisdiction that was placed on the dense urban land area list before the effective date of this act shall remain on the list in accordance with the provisions of this paragraph.

(d) A development that is located partially outside an area that is exempt from the development-of-regional-impact program must undergo development-of-regional-impact review pursuant to this section. *However, if the total acreage that is included within the area exempt from development-of-regional-impact review exceeds 85 percent of the total acreage and square footage of the approved development of regional impact, the development-of-regional-impact development order may be rescinded in both local governments pursuant to s. 380.115(1), unless the portion of the development outside the exempt area meets the threshold criteria of a development-of-regional-impact.*

(e) In an area that is exempt under paragraphs (a)-(c), any previously approved development-of-regional-impact development orders shall continue to be effective, but the developer has the option to be governed by s. 380.115(1). A pending application for development approval shall be governed by s. 380.115(2). ~~A development that has a pending application for a comprehensive plan amendment and that elects not to continue development of regional impact review is exempt from the limitation on plan amendments set forth in s. 163.3187(1) for the year following the effective date of the exemption.~~

Section 56. Subsection (3) and paragraph (a) of subsection (4) of section 380.0651, Florida Statutes, are amended to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(a) Airports.—

1. Any of the following airport construction projects shall be a development of regional impact:

a. A new commercial service or general aviation airport with paved runways.

b. A new commercial service or general aviation paved runway.

c. A new passenger terminal facility.

2. Lengthening of an existing runway by 25 percent or an increase in the number of gates by 25 percent or three gates, whichever is greater, on a commercial service airport or a general aviation airport with regularly scheduled flights is a development of regional impact. However,

expansion of existing terminal facilities at a nonhub or small hub commercial service airport shall not be a development of regional impact.

3. Any airport development project which is proposed for safety, repair, or maintenance reasons alone and would not have the potential to increase or change existing types of aircraft activity is not a development of regional impact. Notwithstanding subparagraphs 1. and 2., renovation, modernization, or replacement of airport airside or terminal facilities that may include increases in square footage of such facilities but does not increase the number of gates or change the existing types of aircraft activity is not a development of regional impact.

(b) Attractions and recreation facilities.—Any sports, entertainment, amusement, or recreation facility, including, but not limited to, a sports arena, stadium, racetrack, tourist attraction, amusement park, or parimutuel facility, the construction or expansion of which:

1. For single performance facilities:

a. Provides parking spaces for more than 2,500 cars; or

b. Provides more than 10,000 permanent seats for spectators.

2. For serial performance facilities:

a. Provides parking spaces for more than 1,000 cars; or

b. Provides more than 4,000 permanent seats for spectators.

For purposes of this subsection, "serial performance facilities" means those using their parking areas or permanent seating more than one time per day on a regular or continuous basis.

~~3. For multiscreen movie theaters of at least 8 screens and 2,500 seats:~~

~~a. Provides parking spaces for more than 1,500 cars; or~~

~~b. Provides more than 6,000 permanent seats for spectators.~~

~~(c) Industrial plants, industrial parks, and distribution, warehousing or wholesaling facilities. Any proposed industrial, manufacturing, or processing plant, or distribution, warehousing, or wholesaling facility, excluding wholesaling developments which deal primarily with the general public onsite, under common ownership, or any proposed industrial, manufacturing, or processing activity or distribution, warehousing, or wholesaling activity, excluding wholesaling activities which deal primarily with the general public onsite, which:~~

~~1. Provides parking for more than 2,500 motor vehicles; or~~

~~2. Occupies a site greater than 320 acres.~~

(c)~~(d)~~ Office development.—Any proposed office building or park operated under common ownership, development plan, or management that:

1. Encompasses 300,000 or more square feet of gross floor area; or

2. Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan.

(d)~~(e)~~ Retail and service development.—Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that:

1. Encompasses more than 400,000 square feet of gross area; or

2. Provides parking spaces for more than 2,500 cars.

~~(f) Hotel or motel development.~~

~~1. Any proposed hotel or motel development that is planned to create or accommodate 350 or more units; or~~

~~2. Any proposed hotel or motel development that is planned to create or accommodate 750 or more units, in a county with a population greater than 500,000.~~

(e)~~(g)~~ Recreational vehicle development.—Any proposed recreational vehicle development planned to create or accommodate 500 or more spaces.

(f)~~(h)~~ Multiuse development.—Any proposed development with two or more land uses where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 145 percent. Any proposed development with three or more land uses, one of which is residential and contains at least 100 dwelling units or 15 percent of the applicable residential threshold, whichever is greater, where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 160 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under any other threshold.

(g)~~(i)~~ Residential development.—No rule may be adopted concerning residential developments which treats a residential development in one county as being located in a less populated adjacent county unless more than 25 percent of the development is located within 2 or less miles of the less populated adjacent county. The residential thresholds of adjacent counties with less population and a lower threshold shall not be controlling on any development wholly located within areas designated as rural areas of critical economic concern.

(h)~~(j)~~ Workforce housing.—The applicable guidelines for residential development and the residential component for multiuse development shall be increased by 50 percent where the developer demonstrates that at least 15 percent of the total residential dwelling units authorized within the development of regional impact will be dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For the purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

(i)~~(k)~~ Schools.—

1. The proposed construction of any public, private, or proprietary postsecondary educational campus which provides for a design population of more than 5,000 full-time equivalent students, or the proposed physical expansion of any public, private, or proprietary postsecondary educational campus having such a design population that would increase the population by at least 20 percent of the design population.

2. As used in this paragraph, "full-time equivalent student" means enrollment for 15 or more quarter hours during a single academic semester. In career centers or other institutions which do not employ semester hours or quarter hours in accounting for student participation, enrollment for 18 contact hours shall be considered equivalent to one quarter hour, and enrollment for 27 contact hours shall be considered equivalent to one semester hour.

3. This paragraph does not apply to institutions which are the subject of a campus master plan adopted by the university board of trustees pursuant to s. 1013.30.

(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be

part of a unified plan of development and are physically proximate to one other.

(a) The criteria of *three* ~~two~~ of the following subparagraphs must be met in order for the state land planning agency to determine that there is a unified plan of development:

1.a. The same person has retained or shared control of the developments;

b. The same person has ownership or a significant legal or equitable interest in the developments; or

c. There is common management of the developments controlling the form of physical development or disposition of parcels of the development.

2. There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort.

3. A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to a local general-purpose government, water management district, the Florida Department of Environmental Protection, or the Division of Florida Condominiums, Timeshares, and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan.

~~4. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated, except that which was implemented because it was required by a local general-purpose government; water management district; the Department of Environmental Protection; the Division of Florida Condominiums, Timeshares, and Mobile Homes; or the Public Service Commission.~~

4.~~5.~~ There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

Section 57. Subsection (17) of section 331.303, Florida Statutes, is amended to read:

331.303 Definitions.—

(17) "Spaceport launch facilities" means industrial facilities as described in s. 380.0651(3)(c)*, Florida Statutes 2010,* and include any launch pad, launch control center, and fixed launch-support equipment.

Section 58. Subsection (1) of section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction, changes in guidelines and standards.—

(1) A change in a development-of-regional-impact guideline and standard does not abridge or modify any vested or other right or any duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact. A development that has received a development-of-regional-impact development order pursuant to s. 380.06, but is no longer required to undergo development-of-regional-impact review by operation of a change in the guidelines and standards or has reduced its size below the thresholds in s. 380.0651, *or a development that is exempt pursuant to s. 380.06(29)* shall be governed by the following procedures:

(a) The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order unless the developer or landowner has followed the procedures for rescission in paragraph (b). Any proposed changes to those developments which continue to be governed by a development order shall be approved pursuant to s. 380.06(19) as it existed prior to a change in the development-of-regional-impact guidelines and standards, except that all percentage criteria shall be doubled and all other criteria shall be increased by 10 percent. The development-of-regional-impact development order may be enforced by the local government as provided by ss. 380.06(17) and 380.11.

(b) If requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed.

Section 59. Paragraph (a) of subsection (8) of section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

(8)(a) Any local government comprehensive plan amendments related to a Florida Quality Development may be initiated by a local planning agency and considered by the local governing body at the same time as the application for development approval~~, using the procedures provided for local plan amendment in s. 163.3187 or s. 163.3189 and applicable local ordinances, without regard to statutory or local ordinance limits on the frequency of consideration of amendments to the local comprehensive plan~~. Nothing in this subsection shall be construed to require favorable consideration of a Florida Quality Development solely because it is related to a development of regional impact.

Section 60. Paragraph (a) of subsection (2) and subsection (10) of section 380.065, Florida Statutes, are amended to read:

380.065 Certification of local government review of development.—

(2) When a petition is filed, the state land planning agency shall have no more than 90 days to prepare and submit to the Administration Commission a report and recommendations on the proposed certification. In deciding whether to grant certification, the Administration Commission shall determine whether the following criteria are being met:

(a) The petitioning local government has adopted and effectively implemented a local comprehensive plan and development regulations which comply with ss. 163.3161-163.3215, the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act.

~~(10) The department shall submit an annual progress report to the President of the Senate and the Speaker of the House of Representatives by March 1 on the certification of local governments, stating which local governments have been certified. For those local governments which have applied for certification but for which certification has been denied, the department shall specify the reasons certification was denied.~~

Section 61. Section 380.0685, Florida Statutes, is amended to read:

380.0685 State park in area of critical state concern in county which creates land authority; surcharge on admission and overnight occupancy.—The Department of Environmental Protection shall impose and collect a surcharge of 50 cents per person per day, or $5 per annual family auto entrance permit, on admission to all state parks in areas of critical state concern located in a county which creates a land authority pursuant to s. 380.0663(1), and a surcharge of $2.50 per night per campsite, cabin, or other overnight recreational occupancy unit in state parks in areas of critical state concern located in a county which creates a land authority pursuant to s. 380.0663(1); however, no surcharge shall be imposed or collected under this section for overnight use by nonprofit groups of organized group camps, primitive camping areas, or other facilities intended primarily for organized group use. Such surcharges shall be imposed within 90 days after any county creating a land authority notifies the Department of Environmental Protection that the land authority has been created. The proceeds from such surcharges, less a collection fee that shall be kept by the Department of Environmental Protection for the actual cost of collection, not to exceed 2 percent, shall be transmitted to the land authority of the county from which the revenue was generated. Such funds shall be used to purchase property in the area or areas of critical state concern in the county from which the revenue was generated. An amount not to exceed 10 percent may be used for administration and other costs incident to such purchases. However, the proceeds of the surcharges imposed and collected pursuant to this section in a state park or parks located wholly within a municipality, less the costs of collection as provided herein, shall be

transmitted to that municipality *for use by the municipality for land acquisition or for beach renourishment or restoration, including, but not limited to, costs associated with any design, permitting, monitoring, and mitigation of such work, as well as the work itself. However, these funds may not be included in any calculation used for providing state matching funds for local contributions for beach renourishment or restoration*. The surcharges levied under this section shall remain imposed as long as the land authority is in existence.

Section 62. Subsection (3) of section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction, changes in guidelines and standards.—

(3) A landowner that has filed an application for a development-of-regional-impact review prior to the adoption of *a* ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to have the application reviewed pursuant to s. 380.06, comprehensive plan provisions in force prior to adoption of the sector plan, and any requested comprehensive plan amendments that accompany the application.

Section 63. Subsection (1) of section 403.50665, Florida Statutes, is amended to read:

403.50665 Land use consistency.—

(1) The applicant shall include in the application a statement on the consistency of the site and any associated facilities that constitute a "development," as defined in s. 380.04, with existing land use plans and zoning ordinances that were in effect on the date the application was filed and a full description of such consistency. This information shall include an identification of those associated facilities that the applicant believes are exempt from the requirements of land use plans and zoning ordinances under ~~the provisions of~~ the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act provisions of chapter 163 and s. 380.04(3).

Section 64. Subsection (13) and paragraph (a) of subsection (14) of section 403.973, Florida Statutes, are amended to read:

403.973 Expedited permitting; amendments to comprehensive plans.—

(13) Notwithstanding any other provisions of law:

~~(a) Local comprehensive plan amendments for projects qualified under this section are exempt from the twice-a-year limits provision in s. 163.3187; and~~

~~(b)~~ Projects qualified under this section are not subject to interstate highway level-of-service standards adopted by the Department of Transportation for concurrency purposes. The memorandum of agreement specified in subsection (5) must include a process by which the applicant will be assessed a fair share of the cost of mitigating the project's significant traffic impacts, as defined in chapter 380 and related rules. The agreement must also specify whether the significant traffic impacts on the interstate system will be mitigated through the implementation of a project or payment of funds to the Department of Transportation. Where funds are paid, the Department of Transportation must include in the 5-year work program transportation projects or project phases, in an amount equal to the funds received, to mitigate the traffic impacts associated with the proposed project.

(14)(a) Challenges to state agency action in the expedited permitting process for projects processed under this section are subject to the summary hearing provisions of s. 120.574, except that the administrative law judge's decision, as provided in s. 120.574(2)(f), shall be in the form of a recommended order and *do* ~~shall~~ not constitute the final action of the state agency. In those proceedings where the action of only one agency of the state other than the Department of Environmental Protection is challenged, the agency of the state shall issue the final order within 45 working days after receipt of the administrative law judge's recommended order, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. In those proceedings where the actions of more than one agency of the state are challenged, the Governor shall issue the final order within 45 working days after receipt of the administrative law judge's recommended order, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. This paragraph does not apply to the issuance of department licenses required under any federally delegated or approved permit program. In such instances, the department shall enter the final order. The participating agencies of the state may opt at the preliminary hearing conference to allow the administrative law judge's decision to constitute the final agency action. ~~If a participating local government agrees to participate in the summary hearing provisions of s. 120.574 for purposes of review of local government comprehensive plan amendments, s. 163.3184(9) and (10) apply.~~

Section 65. Subsections (9) and (10) of section 420.5095, Florida Statutes, are amended to read:

420.5095 Community Workforce Housing Innovation Pilot Program.—

(9) Notwithstanding s. 163.3184*(4)(b)-(d)*~~(3)-(6)~~, any local government comprehensive plan amendment to implement a Community Workforce Housing Innovation Pilot Program project found consistent with ~~the provisions of~~ this section shall be expedited as provided in this subsection. At least 30 days prior to adopting a plan amendment under this subsection, the local government shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include its evaluation related to site suitability and availability of facilities and services. The public notice of the hearing required by s. 163.3184*(11)*~~(15)~~(b)2. shall include a statement that the local government intends to use the expedited adoption process authorized by this subsection. Such amendments shall require only a single public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184*(4)(e)*~~(7)~~. ~~The state land planning agency shall issue its notice of intent pursuant to s. 163.3184(8) within 30 days after determining that the amendment package is complete.~~ Any further proceedings shall be governed by *s.* ~~ss.~~ 163.3184*(5)-(13)*~~(9)-(16)~~. ~~Amendments proposed under this section are not subject to s. 163.3187(1), which limits the adoption of a comprehensive plan amendment to no more than two times during any calendar year.~~

(10) The processing of approvals of development orders or development permits, as defined in s. 163.3164~~(7) and (8)~~, for innovative community workforce housing projects shall be expedited.

Section 66. Subsection (5) of section 420.615, Florida Statutes, is amended to read:

420.615 Affordable housing land donation density bonus incentives.—

(5) The local government, as part of the approval process, shall adopt a comprehensive plan amendment, pursuant to part II of chapter 163, for the receiving land that incorporates the density bonus. Such amendment shall be adopted in the manner as required for small-scale amendments pursuant to s. 163.3187, is not subject to the requirements of s. 163.3184*(4)(b)-(d)*~~(3)-(6), and is exempt from the limitation on the frequency of plan amendments as provided in s. 163.3187~~.

Section 67. Subsection (16) of section 420.9071, Florida Statutes, is amended to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(16) "Local housing incentive strategies" means local regulatory reform or incentive programs to encourage or facilitate affordable housing production, which include at a minimum, assurance that permits as defined in s. 163.3164~~(7) and (8)~~ for affordable housing projects are expedited to a greater degree than other projects; an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption; and a schedule for implementing the incentive strategies. Local housing incentive strategies may also include other regulatory reforms, such as those enumerated in s. 420.9076 or those recommended by the affordable housing advisory committee in its triennial evaluation of the implementation of affordable housing incentives, and adopted by the local governing body.

Section 68. Paragraph (a) of subsection (4) of section 420.9076, Florida Statutes, is amended to read:

420.9076 Adoption of affordable housing incentive strategies; committees.—

(4) Triennially, the advisory committee shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, each advisory committee shall submit a report to the local governing body that includes recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives in the following areas:

(a) The processing of approvals of development orders or permits, as defined in s. 163.3164~~(7) and (8)~~, for affordable housing projects is expedited to a greater degree than other projects.

The advisory committee recommendations may also include other affordable housing incentives identified by the advisory committee. Local governments that receive the minimum allocation under the State Housing Initiatives Partnership Program shall perform the initial review but may elect to not perform the triennial review.

Section 69. Subsection (1) of section 720.403, Florida Statutes, is amended to read:

720.403 Preservation of residential communities; revival of declaration of covenants.—

(1) Consistent with required and optional elements of local comprehensive plans and other applicable provisions of the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act, homeowners are encouraged to preserve existing residential communities, promote available and affordable housing, protect structural and aesthetic elements of their residential community, and, as applicable, maintain roads and streets, easements, water and sewer systems, utilities, drainage improvements, conservation and open areas, recreational amenities, and other infrastructure and common areas that serve and support the residential community by the revival of a previous declaration of covenants and other governing documents that may have ceased to govern some or all parcels in the community.

Section 70. Subsection (6) of section 1013.30, Florida Statutes, is amended to read:

1013.30 University campus master plans and campus development agreements.—

(6) Before a campus master plan is adopted, a copy of the draft master plan must be sent for review or made available electronically to the host and any affected local governments, the state land planning agency, the Department of Environmental Protection, the Department of Transportation, the Department of State, the Fish and Wildlife Conservation Commission, and the applicable water management district and regional planning council. At the request of a governmental entity, a hard copy of the draft master plan shall be submitted within 7 business days of an electronic copy being made available. These agencies must be given 90 days after receipt of the campus master plans in which to conduct their review and provide comments to the university board of trustees. The commencement of this review period must be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. Following receipt and consideration of all comments and the holding of an informal information session and at least two public hearings within the host jurisdiction, the university board of trustees shall adopt the campus master plan. It is the intent of the Legislature that the university board of trustees comply with the notice requirements set forth in s. 163.3184*(11)*~~(15)~~ to ensure full public participation in this planning process. The informal public information session must be held before the first public hearing. The first public hearing shall be held before the draft master plan is sent to the agencies specified in this subsection. The second public hearing shall be held in conjunction with the adoption of the draft master plan by the university board of trustees. Campus master plans developed under this section are not rules and are not subject to chapter 120 except as otherwise provided in this section.

Section 71. Section 1013.33, Florida Statutes, are amended to read:

1013.33 Coordination of planning with local governing bodies.—

(1) It is the policy of this state to require the coordination of planning between boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. Such planning shall include the integration of the educational facilities plan and applicable policies and procedures of a board with the local comprehensive plan and land development regulations of local governments. The planning must include the consideration of allowing students to attend the school located nearest their homes when a new housing development is constructed near a county boundary and it is more feasible to transport the students a short distance to an existing facility in an adjacent county than to construct a new facility or transport students longer distances in their county of residence. The planning must also consider the effects of the location of public education facilities, including the feasibility of keeping central city facilities viable, in order to encourage central city redevelopment and the efficient use of infrastructure and to discourage uncontrolled urban sprawl. In addition, all parties to the planning process must consult with state and local road departments to assist in implementing the Safe Paths to Schools program administered by the Department of Transportation.

(2)(a) The school board, county, and nonexempt municipalities located within the geographic area of a school district shall enter into an interlocal agreement that jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. The interlocal agreements shall be submitted to the state land planning agency and the Office of Educational Facilities in accordance with a schedule published by the state land planning agency.

(b) The schedule must establish staggered due dates for submission of interlocal agreements that are executed by both the local government and district school board, commencing on March 1, 2003, and concluding by December 1, 2004, and must set the same date for all governmental entities within a school district. However, if the county where the school district is located contains more than 20 municipalities, the state land planning agency may establish staggered due dates for the submission of interlocal agreements by these municipalities. The schedule must begin with those areas where both the number of districtwide capital-outlay full-time-equivalent students equals 80 percent or more of the current year's school capacity and the projected 5-year student growth rate is 1,000 or greater, or where the projected 5-year student growth rate is 10 percent or greater.

(c) If the student population has declined over the 5-year period preceding the due date for submittal of an interlocal agreement by the local government and the district school board, the local government and district school board may petition the state land planning agency for a waiver of one or more of the requirements of subsection (3). The waiver must be granted if the procedures called for in subsection (3) are unnecessary because of the school district's declining school age population, considering the district's 5-year work program prepared pursuant to s. 1013.35. The state land planning agency may modify or revoke the waiver upon a finding that the conditions upon which the waiver was granted no longer exist. The district school board and local governments must submit an interlocal agreement within 1 year after notification by the state land planning agency that the conditions for a waiver no longer exist.

(d) Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177 before the effective date of subsections *(2)-(7)* ~~(2)-(9)~~ must be updated and executed pursuant to the requirements of subsections *(2)-(7)* ~~(2)-(9)~~, if necessary. Amendments to interlocal agreements adopted pursuant to subsections *(2)-(7)* ~~(2)-(9)~~ must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with subsections (3)

and (4). Local governments and the district school board in each school district are encouraged to adopt a single interlocal agreement in which all join as parties. The state land planning agency shall assemble and make available model interlocal agreements meeting the requirements of subsections *(2)-(7)* ~~(2)-(9)~~ and shall notify local governments and, jointly with the Department of Education, the district school boards of the requirements of subsections *(2)-(7)* ~~(2)-(9)~~, the dates for compliance, and the sanctions for noncompliance. The state land planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the potential for sanctions.

(3) At a minimum, the interlocal agreement must address interlocal agreement requirements in s. *163.31777 and, if applicable, s.* 163.3180*(6)*~~(13)(g), except for exempt local governments as provided in s. 163.3177(12)~~, and must address the following issues:

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new construction, proposed expansion, or redevelopment of existing schools. The process shall address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding the effect of comprehensive plan amendments on school capacity. The capacity reporting must be consistent with laws and rules regarding measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

(4)(a) The Office of Educational Facilities shall submit any comments or concerns regarding the executed interlocal agreement to the state land planning agency within 30 days after receipt of the executed interlocal agreement. The state land planning agency shall review the executed interlocal agreement to determine whether it is consistent with the requirements of subsection (3), the adopted local government comprehensive plan, and other requirements of law. Within 60 days after receipt of an executed interlocal agreement, the state land planning agency shall publish a notice of intent in the Florida Administrative Weekly and shall post a copy of the notice on the agency's Internet site. The notice of intent must state that the interlocal agreement is consistent or inconsistent with the requirements of subsection (3) and this subsection as appropriate.

(b) The state land planning agency's notice is subject to challenge under chapter 120; however, an affected person, as defined in s. 163.3184(1)(a), has standing to initiate the administrative proceeding, and this proceeding is the sole means available to challenge the consistency of an interlocal agreement required by this section with the criteria contained in subsection (3) and this subsection. In order to have standing, each person must have submitted oral or written comments, recommendations, or objections to the local government or the school board before the adoption of the interlocal agreement by the district school board and local government. The district school board and local governments are parties to any such proceeding. In this proceeding, when the state land planning agency finds the interlocal agreement to be consistent with the criteria in subsection (3) and this subsection, the interlocal agreement must be determined to be consistent with subsection (3) and this subsection if the local government's and school board's determination of consistency is fairly debatable. When the state land planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (3) and this subsection, the local government's and school board's determination of consistency shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.

(c) If the state land planning agency enters a final order that finds that the interlocal agreement is inconsistent with the requirements of subsection (3) or this subsection, the state land planning agency shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to s. 163.3184(11) and may impose sanctions against the district school board by directing the Department of Education to withhold an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(5) If an executed interlocal agreement is not timely submitted to the state land planning agency for review, the state land planning agency shall, within 15 working days after the deadline for submittal, issue to the local government and the district school board a notice to show cause why sanctions should not be imposed for failure to submit an executed interlocal agreement by the deadline established by the agency. The agency shall forward the notice and the responses to the Administration Commission, which may enter a final order citing the failure to comply and imposing sanctions against the local government and district school board by directing the appropriate agencies to withhold at least 5 percent of state funds pursuant to s. 163.3184(11) and by directing the Department of Education to withhold from the district school board at least 5 percent of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(6) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before the effective date of this section is not required to amend the element or any interlocal agreement to conform with the provisions of subsections *(2)-(6)* ~~(2)-(8)~~ if the element is adopted prior to or within 1 year after the effective date of subsections *(2)-(6)* ~~(2)-(8)~~ and remains in effect.

~~(7) Except as provided in subsection (8), municipalities meeting the exemption criteria in s. 163.3177(12) are exempt from the requirements of subsections (2), (3), and (4).~~

~~(8) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under s. 163.3177(12). If the municipality continues to meet these criteria, the municipality shall continue to be exempt from the interlocal agreement requirement. Each municipality exempt under s. 163.3177(12) must comply with the provisions of subsections (2)-(8) within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.~~

(7)~~(9)~~ A board and the local governing body must share and coordinate information related to existing and planned school facilities; proposals for development, redevelopment, or additional development; and infrastructure required to support the school facilities, concurrent with proposed development. A school board shall use information produced by the demographic, revenue, and education estimating con-

ferences pursuant to s. 216.136 when preparing the district educational facilities plan pursuant to s. 1013.35, as modified and agreed to by the local governments, when provided by interlocal agreement, and the Office of Educational Facilities, in consideration of local governments' population projections, to ensure that the district educational facilities plan not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. The projections must be apportioned geographically with assistance from the local governments using local government trend data and the school district student enrollment data. A school board is precluded from siting a new school in a jurisdiction where the school board has failed to provide the annual educational facilities plan for the prior year required pursuant to s. 1013.35 unless the failure is corrected.

(8)~~(10)~~ The location of educational facilities shall be consistent with the comprehensive plan of the appropriate local governing body developed under part II of chapter 163 and consistent with the plan's implementing land development regulations.

(9)~~(11)~~ To improve coordination relative to potential educational facility sites, a board shall provide written notice to the local government that has regulatory authority over the use of the land consistent with an interlocal agreement entered pursuant to subsections *(2)-(6)* ~~(2)-(8)~~ at least 60 days prior to acquiring or leasing property that may be used for a new public educational facility. The local government, upon receipt of this notice, shall notify the board within 45 days if the site proposed for acquisition or lease is consistent with the land use categories and policies of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to subsection *(10)* ~~(12)~~.

(10)~~(12)~~ As early in the design phase as feasible and consistent with an interlocal agreement entered pursuant to subsections *(2)-(6)* ~~(2)-(8)~~, but no later than 90 days before commencing construction, the district school board shall in writing request a determination of consistency with the local government's comprehensive plan. The local governing body that regulates the use of land shall determine, in writing within 45 days after receiving the necessary information and a school board's request for a determination, whether a proposed educational facility is consistent with the local comprehensive plan and consistent with local land development regulations. If the determination is affirmative, school construction may commence and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a district school board's request for a determination of consistency shall be considered an approval of the district school board's application. Campus master plans and development agreements must comply with the provisions of ss. 1013.30 and 1013.63.

(11)~~(13)~~ A local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the comprehensive plan's land use policies and categories in which public schools are identified as allowable uses, the local government may not deny the application but it may impose reasonable development standards and conditions in accordance with s. 1013.51(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established in this chapter or the Florida Building Code, unless mutually agreed and consistent with the interlocal agreement required by subsections *(2)-(6)* ~~(2)-(8)~~.

(12)~~(14)~~ This section does not prohibit a local governing body and district school board from agreeing and establishing an alternative process for reviewing a proposed educational facility and site plan, and offsite impacts, pursuant to an interlocal agreement adopted in accordance with subsections *(2)-(6)* ~~(2)-(8)~~.

(13)~~(15)~~ Existing schools shall be considered consistent with the applicable local government comprehensive plan adopted under part II of chapter 163. If a board submits an application to expand an existing school site, the local governing body may impose reasonable development standards and conditions on the expansion only, and in a manner consistent with s. 1013.51(1). Standards and conditions may not be imposed which conflict with those established in this chapter or the Florida Building Code, unless mutually agreed. Local government review or approval is not required for:

(a) The placement of temporary or portable classroom facilities; or

(b) Proposed renovation or construction on existing school sites, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity, or as mutually agreed upon, pursuant to an interlocal agreement adopted in accordance with subsections (2)-*(6)*~~(8)~~.

Section 72. Paragraph (b) of subsection (2) of section 1013.35, Florida Statutes, is amended to read:

1013.35 School district educational facilities plan; definitions; preparation, adoption, and amendment; long-term work programs.—

(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN.—

(b) The plan must also include a financially feasible district facilities work program for a 5-year period. The work program must include:

1. A schedule of major repair and renovation projects necessary to maintain the educational facilities and ancillary facilities of the district.

2. A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. This schedule shall consider:

a. The locations, capacities, and planned utilization rates of current educational facilities of the district. The capacity of existing satisfactory facilities, as reported in the Florida Inventory of School Houses must be compared to the capital outlay full-time-equivalent student enrollment as determined by the department, including all enrollment used in the calculation of the distribution formula in s. 1013.64.

b. The proposed locations of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. The provisions of ss. 1013.33*(10), (11), and* (12)~~, (13), and (14)~~ and 1013.36 must be addressed for new facilities planned within the first 3 years of the work plan, as appropriate.

c. Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.

d. Plans for multitrack scheduling, grade level organization, block scheduling, or other alternatives that reduce the need for additional permanent student stations.

e. Information concerning average class size and utilization rate by grade level within the district which will result if the tentative district facilities work program is fully implemented.

f. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program. For determining future needs, student capacity may not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the current year of the adopted district educational facilities plan and in the district facilities work program adopted under this section. Those relocatable classrooms clearly identified and scheduled for replacement in a school-board-adopted, financially feasible, 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed and the relocatable classrooms are not replaced as scheduled in the work program, the classrooms must be reentered into the system and be counted at actual capacity. Relocatable classrooms may not be perpetually added to the work program or continually extended for purposes of circumventing this section. All relocatable classrooms not identified and scheduled for replacement, including those owned, lease-purchased, or leased by the school district, must be counted at actual student capacity. The district educational facilities plan must identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement.

g. Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

h. Projects for which capital outlay and debt service funds accruing under s. 9(d), Art. XII of the State Constitution are to be used shall be identified separately in priority order on a project priority list within the district facilities work program.

3. The projected cost for each project identified in the district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.

4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the district facilities work program.

5. A schedule indicating which projects included in the district facilities work program will be funded from current revenues projected in subparagraph 4.

6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may include effort index grants, SIT Program awards, and Classrooms First funds.

Section 73. *Rules 9J-5 and 9J-11.023, Florida Administrative Code, are repealed, and the Department of State is directed to remove those rules from the Florida Administrative Code.*

Section 74. *(1) Any permit or any other authorization that was extended, under section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida, is extended and renewed for an additional period of 2 years after its previously scheduled expiration date. This extension is in addition to the 2-year permit extension provided under section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida. This section does not prohibit conversion from the construction phase to the operation phase upon completion of construction. Permits that were extended by a total of 4 years, pursuant to section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida, and by section 46 of chapter 2010-147, Laws of Florida, cannot be further extended under this provision.*

(2) The commencement and completion dates for any required mitigation associated with a phased construction project shall be extended such that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension shall notify the authorizing agency in writing by December 31, 2011, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided for in subsection (1) does not apply to:

(a) A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

(b) A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension, that would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by rules in effect at the time the permit was issued, except if it is demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This subsection applies to any modification of the plans, terms, and conditions of the permit that lessens the environmental impact, except that any such modification may not extend the time limit beyond 2 additional years.

(6) This section does not impair the authority of a county or municipality to require the owner of a property that has notified the county or municipality of the owner's intention to receive the extension of time granted pursuant to this section to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

Section 75. *(1) The state land planning agency, within 60 days after the effective date of this act, shall review any administrative or judicial proceeding filed by the agency and pending on the effective date of this act to determine whether the issues raised by the state land planning agency are consistent with the revised provisions of part II of chapter 163, Florida Statutes. For each proceeding, if the agency determines that issues have been raised that are not consistent with the revised provisions of part II of chapter 163, Florida Statutes, the agency shall dismiss the proceeding. If the state land planning agency determines that one or more issues have been raised that are consistent with the revised provisions of part II of chapter 163, Florida Statutes, the agency shall amend its petition within 30 days after the determination to plead with particularity as to the manner in which the plan or plan amendment fails to meet the revised provisions of part II of chapter 163, Florida Statutes. If the agency fails to timely file such amended petition, the proceeding shall be dismissed.*

(2) In all proceedings that were initiated by the state land planning agency before the effective date of this act, and continue after that date, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct, and the local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance.

Section 76. *All local governments shall be governed by the revised provisions of s. 163.3191, Florida Statutes, notwithstanding a local government's previous failure to timely adopt its evaluation and appraisal report or evaluation and appraisal report-based amendments by the due dates previously established by the state land planning agency.*

Section 77. *A comprehensive plan amendment adopted pursuant to s. 163.32465, subject to voter referendum by local charter, and found in compliance prior to the effective date of this act, may be readopted by ordinance, and shall become effective upon approval by the local government and is not subject to review or challenge pursuant to the provisions of s.163.32465 or s. 163.3184.*

Section 78. *The Department of Transportation shall develop and submit to the President of the Senate and the Speaker of the House of Representatives, no later than December 15, 2011, a report on recommended changes to or alternatives to the calculation of the proportionate share contribution in 163.3180(5)(h)3. The department's recommendations, if any, shall be designed to ensure development contributions to mitigate impacts on the transportation system are assessed in predictable, equitable and fair manner and shall be developed in consultation with developers and representatives of local governments.*

Section 79. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 80. *(1) Except as provided in subsection (4), and in recognition of 2011 real estate market conditions, any building permit, and any permit issued by the Department of Environmental Protection or by a water management district pursuant to part IV of chapter 373, Florida Statutes, which has an expiration date from January 1, 2012, through January 1, 2014, is extended and renewed for a period of 2 years after its previously scheduled date of expiration. This extension includes any local government-issued development order or building permit including certificates of levels of service. This section does not prohibit conversion from the construction phase to the operation phase upon completion of construction. This extension is in addition to any existing permit extension. Extensions granted pursuant to this section, section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida, section 46 of chapter 2010-147, Laws of Florida, or section 74 of this act shall not exceed 4 years in total. Further, specific development order extensions granted pursuant to s. 380.06(19)(c)2., cannot be further extended by this section.*

(2) The commencement and completion dates for any required mitigation associated with a phased construction project are extended so that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension must notify the authorizing agency in writing by December 31, 2011, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided for in subsection (1) does not apply to:

(a) A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

(b) A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension that would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by the rules in effect at the time the permit was issued, except if it is demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This provision applies to any modification of the plans, terms, and conditions of the permit which lessens the environmental impact, except that any such modification does not extend the time limit beyond 2 additional years.

(6) This section does not impair the authority of a county or municipality to require the owner of a property that has notified the county or municipality of the owner's intent to receive the extension of time granted pursuant to this section to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

Section 81. *The Division of Statutory Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.*

Section 82. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to growth management; amending s. 163.3161, F.S.; redesignating the "Local Government Comprehensive Planning and Land Development Regulation Act" as the "Community Planning Act"; revising and providing intent and purpose of act; amending s. 163.3164, F.S.; revising definitions; amending s. 163.3167, F.S.; revising scope of the act; revising and providing duties of local governments and municipalities relating to comprehensive plans; deleting retroactive effect; creating s. 163.3168, F.S.; encouraging local governments to apply for certain innovative planning tools; authorizing the state land planning agency and other appropriate state and regional agencies to use direct and indirect technical assistance; amending s. 163.3171, F.S.; providing legislative intent; amending s. 163.3174, F.S.; deleting certain notice requirements relating to the establishment of local planning agencies by a governing body; amending s. 163.3175, F.S.; providing that certain comments, underlying studies, and reports provided by a military installation's commanding officer are not binding on local governments; providing additional factors for local government consideration in impacts to military installations; clarifying requirements for adopting criteria to address compatibility of lands relating to military installations; amending s. 163.3177, F.S.; revising and providing duties of local governments; revising and providing required and optional elements of comprehensive plans; revising requirements of schedules of capital improvements; revising and providing provisions relating to capital improvements elements; revising major objectives of, and procedures relating to, the local comprehensive planning process; revising and providing required and optional elements of future land use plans; providing required transportation elements; revising and providing required conservation elements; revising and providing required housing elements; revising and providing required coastal management elements; revising and providing required intergovernmental coordination elements; amending s. 163.31777, F.S.; revising requirements relating to public schools' interlocal agreements; deleting duties of the Office of Educational Facilities, the state land planning agency, and local governments relating to such agreements; deleting an exemption; amending s. 163.3178, F.S.; deleting a deadline for local governments to amend coastal management elements and future land use maps; amending s. 163.3180, F.S.; revising and providing provisions relating to concurrency; revising concurrency requirements; revising application and findings; revising local government requirements; revising and providing requirements relating to transportation concurrency, transportation concurrency exception areas, urban infill, urban redevelopment, urban service, downtown revitalization areas, transportation concurrency management areas, long-term transportation and school concurrency management systems, development of regional impact, school concurrency, service areas, financial feasibility, interlocal agreements, and multimodal transportation districts; revising duties of the Office of Program Policy Analysis and the state land planning agency; providing requirements for local plans; providing for the limiting the liability of local governments under certain conditions; amending s. 163.3182, F.S.; revising definitions; revising provisions relating to transportation deficiency plans and projects; amending s. 163.3184, F.S.; providing a definition; providing requirements for comprehensive plans and plan amendments; providing a expedited state review process for adoption of comprehensive plan amendments; providing requirements for the adoption of comprehensive plan amendments; creating the state-coordinated review process; providing and revising provisions relating to the review process; revising requirements relating to local government transmittal of proposed plan or amendments; providing for comment by reviewing agencies; deleting provisions relating to regional, county, and municipal review; revising provisions relating to state land planning agency review; revising provisions relating to local government review of comments; deleting and revising provisions relating to notice of intent and processes for compliance and noncompliance; providing procedures for administrative challenges to plans and plan amendments; providing for compliance agreements; providing for mediation and expeditious resolution; revising powers and duties of the administration commission; revising provisions relating to areas of critical state concern; providing for concurrent zoning; amending s. 163.3187, F.S.; deleting provisions relating to the amendment of adopted comprehensive plan and providing the process for adoption of small-scale comprehensive plan amendments; repealing s. 163.3189, F.S., relating to process for amendment of adopted comprehensive plan; amending s. 163.3191, F.S., relating to the evaluation and appraisal of comprehensive plans; providing and revising local government requirements including notice, amendments, compliance, mediation, reports, and scoping meetings; amending s. 163.3229, F.S.; revising limitations on duration of development agreements; amending s. 163.3235, F.S.; revising requirements for periodic reviews of a development agreements; amending s. 163.3239, F.S.; revising recording requirements; amending s. 163.3243, F.S.; revising parties who may file an action for injunctive relief; amending s. 163.3245, F.S.; revising provisions relating to optional sector plans; authorizing the adoption of sector plans under certain circumstances; amending s. 163.3246, F.S.; revising provisions relating to the local government comprehensive planning certification program; conforming provisions to changes made by the act; deleting reporting requirements of the Office of Program Policy Analysis and Government Accountability; repealing s. 163.32465, F.S., relating to state review of local comprehensive plans in urban areas; amending s. 163.3247, F.S.; providing for future repeal and abolition of the Century Commission for a Sustainable Florida; creating s. 163.3248, F.S.; providing for the designation of rural land stewardship areas; providing purposes and requirements for the establishment of such areas; providing for the creation of rural land stewardship overlay zoning district and transferable rural land use credits; providing certain limitation relating to such credits; providing for incentives; providing eligibility for incentives; providing legislative intent; amending s. 380.06, F.S.; revising requirements relating to the issuance of permits for development by local governments; revising criteria for the determination of substantial deviation; providing for extension of certain expiration dates; revising exemptions governing developments of regional impact; revising provisions to conform to changes made by this act; amending s. 380.0651, F.S.; revising provisions relating to statewide guidelines and standards for certain multiscreen movie theaters, industrial plants, industrial parks, distribution, warehousing and wholesaling facilities, and hotels and motels; revising criteria for the determination of when to treat two or more developments as a single development; amending s. 331.303, F.S.; conforming a cross-reference; amending s. 380.115, F.S.; subjecting certain developments required to

undergo development-of-regional-impact review to certain procedures; amending s. 380.065, F.S.; deleting certain reporting requirements; conforming provisions to changes made by the act; amending s. 380.0685, F.S., relating to use of surcharges for beach renourishment and restoration; repealing Rules 9J-5 and 9J-11.023, Florida Administrative Code, relating to minimum criteria for review of local government comprehensive plans and plan amendments, evaluation and appraisal reports, land development regulations, and determinations of compliance; amending ss. 70.51, 163.06, 163.2517, 163.3162, 163.3217, 163.3220, 163.3221, 163.3229, 163.360, 163.516, 171.203, 186.513, 189.415, 190.004, 190.005, 193.501, 287.042, 288.063, 288.975, 290.0475, 311.07, 331.319, 339.155, 339.2819, 369.303, 369.321, 378.021, 380.115, 380.031, 380.061, 403.50665, 403.973, 420.5095, 420.615, 420.5095, 420.9071, 420.9076, 720.403, 1013.30, 1013.33, and 1013.35, F.S.; revising provisions to conform to changes made by this act; extending permits and other authorizations extended under s. 14, ch. 2009-96, Laws of Florida; extending certain previously granted buildout dates; requiring a permitholder to notify the authorizing agency of its intended use of the extension; exempting certain permits from eligibility for an extension; providing for applicability of rules governing permits; declaring that certain provisions do not impair the authority of counties and municipalities under certain circumstances; requiring the state land planning agency to review certain administrative and judicial proceedings; providing procedures for such review; providing that all local governments shall be governed by certain provisions of general law; allowing specified amendments to be adopted upon approval by the local government; directing the Department of Transportation to report on the calculation of proportionate share; providing for severability; creating a 2-year permit extension; providing a directive of the Division of Statutory Revision; providing an effective date.

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

Amendment 1A (603424)—Delete lines 63-85 and insert:

(4) It is the intent of this act that ~~its adoption is necessary so that~~ local governments *have the ability to* ~~can~~ preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; ~~prevent the overcrowding of land and avoid undue concentration of population;~~ facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

(5)~~(4)~~ It is the intent of this act to encourage and *ensure* ~~assure~~ cooperation between and among municipalities and counties and to encourage and *ensure* ~~assure~~ coordination of planning and development activities of units of local government with the planning activities of regional agencies and state government in accord with applicable provisions of law.

Amendment 1B (865646)—Delete lines 456 and 457 and insert:

(43)~~(20)~~ "State land planning agency" means the Department of Community Affairs.

Amendment 1 as amended was adopted.

On motion by Senator Bennett, by two-thirds vote **CS for HB 7129** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Dean	Gaetz
Alexander	Detert	Garcia
Benacquisto	Diaz de la Portilla	Gardiner
Bennett	Evers	Hays
Bogdanoff	Fasano	Hill
Braynon	Flores	Jones
Lynn	Oelrich	Smith
Margolis	Richter	Thrasher
Montford	Ring	Wise
Negron	Simmons	
Norman	Siplin	

Nays—8

Altman	Latvala	Sobel
Dockery	Rich	Storms
Joyner	Sachs	

DISCLOSURE

I am filing this disclosure of my minority ownership in a pending license of ownership in a Class I landfill in Sumter County, Florida.

I bring this to your attention as this may bring about conflicts with House Bill 7129 or House Bill 399 and possibly other bills or amendments being discussed and voted upon by this body in the 2011 Legislative Session.

Please contact me if I can provide you with further information.

Senator Charles S. "Charlie" Dean, Sr., 3rd District

MOTIONS

On motion by Senator Thrasher, the rules were waived and time of recess was extended until 1:00 p.m.

On motion by Senator Thrasher, by two-thirds vote **SB 16** and **CS for SB 1736** were placed on the Special Order Calendar.

CS for CS for SB 818—A bill to be entitled An act relating to controlled substances; amending s. 400.9905, F.S.; redefining the terms "clinic" and "portable equipment provider" within the Health Care Clinic Act; amending s. 456.013, F.S.; authorizing certain health care practitioners to complete a continuing education course relating to the prescription drug monitoring program; providing requirements for the course; requiring the Department of Health or a board that is authorized to exercise regulatory or rulemaking functions within the department to approve the course offered through a facility licensed under ch. 395, F.S., under certain circumstances; providing for application of the course requirements; requiring a board or the Department of Health to adopt rules; amending s. 458.305, F.S.; defining the term "dispensing physician" as it relates to the practice of medicine in this state; prohibiting certain persons from using titles or displaying signs that would lead the public to believe that they engage in the dispensing of controlled substances; prohibiting certain persons, firms, or corporations from using a trade name, sign, letter, or advertisement that implies that the persons, firms, or corporations are licensed or registered to dispense prescription drugs; prohibiting certain persons, firms, or corporations from holding themselves out to the public as licensed or registered to dispense controlled substances; providing penalties; amending s. 458.3191, F.S.; revising the information in the physician survey that is submitted by persons who apply for licensure renewal as a physician under ch. 458 or ch. 459, F.S.; amending s. 458.3192, F.S.; requiring the Department of Health to provide nonidentifying information to the prescription drug monitoring program's Implementation and Oversight Task Force regarding the number of physicians that are registered with the prescription drug monitoring program and that use the database from the program in their practice; amending s. 458.3265, F.S.; redefining the term "pain-management clinic" and defining the term "chronic nonmalignant pain"; revising the list of entities that are not required to register as a pain-management clinic; authorizing the department to revoke the certificate of registration of a pain-management clinic based upon a finding by a probable cause panel of a board that the clinic does not meet certain requirements; authorizing the department to revoke a clinic's certificate of registration and prohibit all physicians associated with that clinic from practicing at that clinic location based upon an annual inspection and evaluation and upon a final determination by the probable cause panel of the appropriate board that any physician associated with that pain-management clinic knew or should have known of certain violations; prohibiting the department from revoking or sus-

pending a clinic's registration if the clinic appoints another designated physician; prohibiting persons owning or operating a pain-management clinic that has a revoked registration from applying to operate another pain-management clinic within a specified number of years upon a finding by the probable cause panel of the appropriate board, and an opportunity to be heard, that the persons operating such clinic knew or should have known of violations causing such revocation; deleting certain requirements for a physician to practice medicine in a pain-management clinic; requiring a physician, an advanced registered nurse practitioner, or a physician assistant to perform an appropriate medical examination of a patient on the same day that the physician dispenses or prescribes a controlled substance to the patient at a pain-management clinic; requiring a physician who works in a pain-management clinic to document the reason a prescription for a certain dosage of a controlled substance is within the proper standard of care; creating a felony of the third degree for any person to register or attempt to register a pain-management clinic through misrepresentation or fraud; amending s. 458.327, F.S.; providing additional penalties; amending s. 458.331, F.S.; providing additional grounds for disciplinary action by the Board of Medicine; amending s. 459.003, F.S.; defining the term "dispensing physician" as it relates to the practice of osteopathic medicine in this state; amending s. 459.0081, F.S.; revising the information that must be furnished in a physician survey to the Department of Health in order to renew a license to practice osteopathic medicine; amending s. 459.0082, F.S.; requiring the department to provide certain nonidentifying information to the Implementation and Oversight Task Force of the prescription drug monitoring program; amending s. 459.013, F.S.; providing additional penalties; amending s. 459.0137, F.S.; redefining the term "pain-management clinic" and defining the term "chronic nonmalignant pain"; providing an exemption from the requirement that all privately owned pain-management clinics, facilities, or offices that advertise in any medium for any type of pain-management services, or employ an osteopathic physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, must register with the Department of Health; authorizing the department to revoke the certificate of registration of a pain-management clinic based upon a finding by a probable cause panel of a board that the clinic does not meet certain requirements; authorizing the department to revoke a clinic's certificate of registration and prohibit all physicians associated with that clinic from practicing at that clinic location based upon an annual inspection and evaluation and upon a final determination by the probable cause panel of the appropriate board that any physician associated with that pain-management clinic knew or should have known of certain violations; prohibiting the department from revoking or suspending a clinic's registration if the clinic appoints another designated physician; prohibiting persons owning or operating a pain-management clinic that has a revoked registration from applying to operate another pain-management clinic within a specified number of years upon a finding by the probable cause panel of the appropriate board, and an opportunity to be heard, when the persons operating such clinic knew or should have known of violations causing such revocation; revising the responsibilities of an osteopathic physician who provides professional services in a pain-management clinic; requiring an osteopathic physician, an advanced registered nurse practitioner, or a physician assistant to perform an appropriate medical examination of a patient on the same day that the physician dispenses or prescribes a controlled substance to the patient at a pain-management clinic; requiring an osteopathic physician who works in a pain-management clinic to document the reason a prescription for a certain dosage of a controlled substance is within the proper standard of care; creating a felony of the third degree for a licensee or other person who serves as the designated physician of a pain-management clinic to register a pain-management clinic through misrepresentation or fraud; amending s. 459.015, F.S.; providing additional grounds for disciplinary action by the Board of Osteopathic Medicine; amending s. 465.015, F.S.; prohibiting a licensed pharmacist from knowingly failing to report to the local county sheriff's office the commission of a felony involving a person who acquires or obtains possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge under certain conditions; providing penalties; providing suggested criteria for reporting the commission of a felony that involves a person who acquires or obtains possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge; providing that a licensed pharmacist is not subject to disciplinary action for reporting; amending s. 465.0276, F.S.; requiring a practitioner to register as a dispensing practitioner in order to dispense controlled substances; amending s. 499.01, F.S.; authorizing certain business entities to pay for prescription drugs obtained by practitioners licensed under ch. 466, F.S.; amending s. 766.101, F.S.; conforming a cross-reference; amending s. 810.02, F.S.; redefining the offense of burglary to include the theft of a controlled substance within a structure or conveyance; amending s. 812.014, F.S.; redefining the offense of theft to include the theft of a controlled substance; creating s. 893.021, F.S.; providing conditions in which a drug is considered adulterated; providing that a physician is not prevented from directing or prescribing a change to the recognized manufactured recommendations for use of any controlled substance for a patient under certain circumstances; requiring a prescribing physician to indicate on the original prescription any deviation of the recognized manufacturer's recommended use of a controlled substance; requiring a pharmacist or physician to indicate such deviation on the label of the prescription upon dispensing; amending s. 893.04, F.S.; revising the required information that must appear on the face of a prescription or written record of a controlled substance before it is dispensed by a pharmacist; amending s. 893.055, F.S.; requiring that the prescription drug monitoring program comply with the minimum requirements established by the Department of Health; requiring the Department of Health to establish a method to allow corrections to the database of the prescription drug monitoring program; requiring the number of refills ordered and whether the drug was dispensed as a refill or a first-time request to be included in the database of the prescription drug monitoring program; revising the number of days in which a dispensed controlled substance must be reported to the department through the prescription drug monitoring program; revising the list of acts of dispensing or administering which are exempt from reporting; requiring a pharmacy, prescriber, practitioner, or dispenser to register with the department by submitting a registering document in order to have access to certain information in the prescription drug monitoring program's database; requiring the department to approve the registering document before granting access to information in the prescription drug monitoring program's database; requiring criminal background screening for those persons who have direct access to the prescription drug monitoring program's database; authorizing the Attorney General to obtain confidential and exempt information for Medicaid fraud cases and Medicaid investigations; requiring certain documentation to be provided to the program manager in order to release confidential and exempt information from the prescription drug monitoring program's database to a patient, legal guardian, or a designated health care surrogate; authorizing the Agency for Health Care Administration to obtain confidential and exempt information from the prescription drug monitoring program's database for Medicaid fraud cases and Medicaid investigations involving controlled substances; deleting a provision requiring that administrative costs of the prescription drug monitoring program be funded through federal grants and private sources; requiring the State Surgeon General to enter into reciprocal agreements for the sharing of information in the prescription drug monitoring program with other states that have a similar prescription drug monitoring program; requiring the State Surgeon General to annually review a reciprocal agreement to determine its compatibility; providing requirements for compatibility; prohibiting the sharing of certain information; providing an appropriation; amending s. 893.0551, F.S.; requiring the Department of Health to disclose confidential and exempt information pertaining to the prescription drug monitoring program to the Attorney General and designee when working on Medicaid fraud cases and Medicaid investigations involving prescribed controlled substances or when the Attorney General has initiated a review of specific identifiers that warrant a Medicaid investigation regarding prescribed controlled substances; prohibiting the Attorney General's Medicaid investigators from direct access to the prescription drug monitoring program's database; authorizing the Department of Health to disclose certain confidential and exempt information in the prescription drug monitoring program's database under certain circumstances involving reciprocal agreements with other states; prohibiting the sharing of information from the prescription drug monitoring program's database which is not for the purpose that is statutorily authorized or according to the State Surgeon General's determination of compatibility; amending s. 893.07, F.S.; requiring that a person report to the local sheriff's office the theft or significant loss of a controlled substance within a specified time; providing penalties; providing legislative intent; amending s. 893.13, F.S.; prohibiting a person from obtaining or attempting to obtain from a practitioner a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact; prohibiting a health care provider from providing a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact; prohibiting a person from adulterating a con-

trolled substance for certain use without authorization by a prescribing physician; authorizing a law enforcement officer to seize as evidence the adulteration or off-label use of a prescribed controlled substance; providing that such adulterated or off-label use of the controlled substance may be returned to its owner only under certain conditions; providing penalties; prohibiting a prescribing practitioner from writing a prescription for a controlled substance and authorizing or directing the adulteration of the dispensed form of the controlled substance for the purpose of ingestion by means not medically necessary; amending s. 893.138, F.S.; providing circumstances in which a pain-management clinic may be declared a public nuisance; amending s. 465.025, F.S.; requiring the Board of Pharmacy to create a list of opioid analgesic drugs; providing requirements for the list of opioid analgesic drugs; prohibiting a pharmacist from substituting an opioid analgesic drug for an opioid analgesic drug that incorporates a tamper-resistant technology; providing an effective date.

—as amended April 28 was read the third time by title.

Pending further consideration of **CS for CS for SB 818** as amended, on motion by Senator Fasano, by two-thirds vote **CS for CS for HB 7095** was withdrawn from the Committees on Health Regulation; Criminal Justice; and Budget.

On motion by Senator Fasano, the rules were waived and by two-thirds vote—

CS for CS for HB 7095—A bill to be entitled An act relating to controlled substances; amending s. 456.072, F.S.; making failure to comply with the requirements of s. 456.44, F.S., grounds for disciplinary action; providing mandatory administrative penalties for certain violations related to prescribing; amending s. 456.42, F.S.; requiring prescriptions for controlled substances to be written on a counterfeit-resistant pad produced by an approved vendor or electronically prescribed; providing conditions for being an approved vendor; creating s. 456.44, F.S.; providing definitions; requiring certain physicians to designate themselves as controlled substance prescribing practitioners on their practitioner profiles; providing an effective date; requiring registered physicians to meet certain standards of practice; requiring a physical examination; requiring a written protocol; requiring an assessment of risk for aberrant behavior; requiring a treatment plan; requiring specified informed consent; requiring consultation and referral in certain circumstances; requiring medical records meeting certain criteria; providing an exemption for physicians meeting certain criteria; amending s. 458.3265, F.S., relating to regulation of pain-management clinics and medical doctors; amending the definition of a pain-management clinic; providing definitions; providing an exemption from registration for clinics owned and operated by physicians or medical specialists meeting certain criteria; allowing physician assistants and advanced registered nurse practitioners to perform medical examinations; requiring physicians in pain-management clinics to ensure compliance with certain requirements; imposing facility and physical operations requirements; imposing infection control requirements; imposing health and safety requirements; imposing quality assurance requirements; imposing data collection and reporting requirements; amending rulemaking authority; conforming provisions to changes made by the act; providing for future expiration of provisions; amending s. 458.327, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is a third-degree felony; providing penalties; amending s. 458.331, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is grounds for disciplinary action; providing penalties; amending s. 459.0137, F.S., relating to regulation of pain-management clinics and osteopathic physicians; providing definitions; providing an exemption from registration for clinics owned and operated by physicians meeting certain criteria; allowing physician assistants and advanced registered nurse practitioners to perform medical examinations; requiring osteopathic physicians in pain-management clinics to ensure compliance with certain requirements; imposing facility and physical operations requirements; imposing infection control requirements; imposing health and safety requirements; imposing quality assurance requirements; imposing data collection and reporting requirements; amending rulemaking authority; conforming provisions to changes made by the act; providing for future expiration of provisions; amending s. 459.013, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is a third-degree felony; providing penalties; amending s. 459.015, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is grounds for disciplinary action; providing penalties; amending s. 465.015, F.S.; requiring a pharmacist to report to the sheriff within a specified period any instance in which a person fraudulently obtained or attempted to fraudulently obtain a controlled substance; providing criminal penalties; providing requirements for reports; amending s. 465.016, F.S.; providing additional grounds for denial of or disciplinary action against a pharmacist license; amending s. 465.018, F.S.; providing grounds for permit denial or discipline; requiring applicants to pay or make arrangements to pay amounts owed to the Department of Health; requiring an inspection; requiring permittees to maintain certain records; requiring community pharmacies to obtain a permit under chapter 465, F.S., as amended by the act by March 1, 2012, in order to dispense Schedule II and III controlled substances; amending s. 465.022, F.S.; requiring the Department of Health to adopt rules related to procedures for dispensing controlled substances; providing requirements for the issuance of a pharmacy permit; requiring disclosure of financial interests; requiring submission of policies and procedures and providing for grounds for permit denial based on them; allowing the Department of Health to phase-in the policies and procedures requirement over an 18-month period beginning July 1, 2011; requiring the Department of Health to deny a permit to applicants under certain circumstances; requiring permittees to provide notice of certain management changes; requiring prescription department managers to meet certain criteria; imposing duties on prescription department managers; limiting the number of locations a prescription department manager may manage; requiring the board to adopt rules related to recordkeeping; providing that permits are not transferable; increasing the fee for a change of location; amending s. 465.0276, F.S.; prohibiting registered dispensing practitioners from dispensing certain controlled substances; providing an exception for dispensing controlled substances in the health care system of the Department of Corrections; providing an exception for dispensing within 7 days after surgery which used general anesthesia; deleting a provision establishing a 72-hour supply limit on dispensing certain controlled substances to certain patients in registered pain-management clinics; amending s. 499.0051, F.S.; providing criminal penalties for violations of certain provisions of s. 499.0121, F.S.; amending s. 499.012, F.S.; requiring wholesale distributor permit applicants to submit documentation of credentialing policies; amending s. 499.0121, F.S.; providing reporting requirements for wholesale distributors of certain controlled substances; requiring the Department of Health to share the reported data with law enforcement agencies; requiring the Department of Law Enforcement to make investigations based on the reported data; providing credentialing requirements for distribution of controlled substances to certain entities by wholesale distributors; requiring distributors to identify suspicious transactions; requiring distributors to determine the reasonableness of orders for controlled substances over certain amounts; requiring distributors to report certain transactions to the Department of Health; prohibiting distribution to entities with certain criminal histories; limiting monthly distribution amounts of certain controlled substances to retail pharmacies; requiring the department to assess data; requiring the department to report certain data to the Governor, President of the Senate, and Speaker of the House of Representatives by certain dates; prohibiting distribution to entities with certain criminal backgrounds; amending s. 499.05, F.S.; authorizing rulemaking concerning specified controlled substance wholesale distributor reporting requirements and credentialing requirements; amending s. 499.067, F.S.; authorizing the Department of Health to take disciplinary action against wholesale distributors failing to comply with specified credentialing or reporting requirements; amending s. 810.02, F.S.; authorizing separate judgments and sentences for burglary with the intent to commit theft of a controlled substance under specified provisions and for any applicable possession of controlled substance offense under specified provisions in certain circumstances; amending s. 812.014, F.S.; authorizing separate judgments and sentences for theft of a controlled substance under specified provisions and for any applicable possession of controlled substance offense under specified provisions in certain circumstances; amending s. 893.055, F.S., relating to the prescription drug monitoring program; deleting obsolete dates; deleting references to the Office of Drug Control; requiring reports to the prescription drug monitoring system to be made in 7 days rather than 15 days; prohibiting the use of certain funds to implement the program; requiring the State Surgeon General to appoint a board of directors for the direct-support organization; conforming provisions to changes made by the act; amending s. 893.065, F.S.; conforming provisions to changes made by the act; amending s. 893.07, F.S.; providing that law enforcement officers are not required to obtain a subpoena, court order, or search warrant in order to obtain access to or copies of specified controlled substance inventory records; requiring reporting of the discovery

of the theft or loss of controlled substances to the sheriff within a specified period; providing criminal penalties; repealing s. 2 of chapter 2009-198, Laws of Florida, relating to the Program Implementation and Oversight Task Force in the Executive Office of the Governor concerning the electronic system established for the prescription drug monitoring program; providing a buyback program for undispensed controlled substance inventory held by specified licensed physicians; requiring certain certifications by the physician returning inventory to a distributor; providing an exemption to pedigree paper requirements; requiring reports of the program; providing for a declaration of a public health emergency; requiring certain actions relating to dispensing practitioners identified as posing the greatest threat to public health; providing an appropriation; providing for future repeal of program provisions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 818** as amended and read the second time by title.

MOTION

On motion by Senator Fasano, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (486424) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (mm) is added to subsection (1) of section 456.072, Florida Statutes, subsection (7) is redesignated as subsection (8), and a new subsection (7) is added to that section, to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(mm) Failure to comply with controlled substance prescribing requirements of s. 456.44.

(7) Notwithstanding subsection (2), upon a finding that a physician has prescribed or dispensed a controlled substance, or caused a controlled substance to be prescribed or dispensed, in a manner that violates the standard of practice set forth in s. 458.331(1)(q) or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o) or (s), or s. 466.028(1)(p) or (x), the physician shall be suspended for a period of not less than 6 months and pay a fine of not less than $10,000 per count. Repeated violations shall result in increased penalties.

Section 2. Section 456.42, Florida Statutes, is amended to read:

456.42 Written prescriptions for medicinal drugs.—

(1) A written prescription for a medicinal drug issued by a health care practitioner licensed by law to prescribe such drug must be legibly printed or typed so as to be capable of being understood by the pharmacist filling the prescription; must contain the name of the prescribing practitioner, the name and strength of the drug prescribed, the quantity of the drug prescribed, and the directions for use of the drug; must be dated; and must be signed by the prescribing practitioner on the day when issued. ~~A written prescription for a controlled substance listed in chapter 893 must have the quantity of the drug prescribed in both textual and numerical formats and must be dated with the abbreviated month written out on the face of the prescription.~~ However, a prescription that is electronically generated and transmitted must contain the name of the prescribing practitioner, the name and strength of the drug prescribed, the quantity of the drug prescribed in numerical format, and the directions for use of the drug and must be dated and signed by the prescribing practitioner only on the day issued, which signature may be in an electronic format as defined in s. 668.003(4).

(2) A written prescription for a controlled substance listed in chapter 893 must have the quantity of the drug prescribed in both textual and numerical formats, must be dated with the abbreviated month written out on the face of the prescription, and must be either written on a standardized counterfeit-proof prescription pad produced by a vendor approved by the department or electronically prescribed as that term is used in s. 408.0611. As a condition of being an approved vendor, a prescription pad vendor must submit a monthly report to the department which, at a minimum, documents the number of prescription pads sold and identifies the purchasers. The department may, by rule, require the reporting of additional information.

Section 3. Section 456.44, Florida Statutes, is created to read:

456.44 Controlled substance prescribing.—

(1) DEFINITIONS.—

(a) "Addiction medicine specialist" means a board-certified physiatrist with a subspecialty certification in addiction medicine or who is eligible for such subspecialty certification in addiction medicine, an addiction medicine physician certified or eligible for certification by the American Society of Addiction Medicine, or an osteopathic physician who holds a certificate of added qualification in Addiction Medicine through the American Osteopathic Association.

(b) "Adverse incident" means any incident set forth in s. 458.351(4)(a)-(e) or s. 459.026(4)(a)-(e).

(c) "Board–certified pain management physician" means a physician who possesses board certification in pain medicine by the American Board of Pain Medicine, board certification by the American Board of Interventional Pain Physicians, or board certification or subcertification in pain management by a specialty board recognized by the American Association of Physician Specialists or an osteopathic physician who holds a certificate in Pain Management by the American Osteopathic Association.

(d) "Chronic nonmalignant pain" means pain unrelated to cancer or rheumatoid arthritis which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery.

(e) "Mental health addiction facility" means a facility licensed under chapter 394 or chapter 397.

(2) REGISTRATION.—Effective January 1, 2012, a physician licensed under chapter 458, chapter 459, chapter 461, or chapter 466 who prescribes any controlled substance, as defined in s. 893.03, for the treatment of chronic nonmalignant pain, must:

(a) Designate himself or herself as a controlled substance prescribing practitioner on the physician's practitioner profile.

(b) Comply with the requirements of this section and applicable board rules.

(3) STANDARDS OF PRACTICE.—The standards of practice in this section do not supersede the level of care, skill, and treatment recognized in general law related to healthcare licensure.

(a) A complete medical history and a physical examination must be conducted before beginning any treatment and must be documented in the medical record. The exact components of the physical examination shall be left to the judgment of the clinician who is expected to perform a physical examination proportionate to the diagnosis that justifies a treatment. The medical record must, at a minimum, document the nature and intensity of the pain, current and past treatments for pain, underlying or coexisting diseases or conditions, the effect of the pain on physical and psychological function, a review of previous medical records, previous diagnostic studies, and history of alcohol and substance abuse. The medical record shall also document the presence of one or more recognized medical indications for the use of a controlled substance. Each registrant must develop a written plan for assessing each patient's risk of aberrant drug-related behavior, which may include patient drug testing. Registrants must assess each patient's risk for aberrant drug-related behavior and monitor that risk on an ongoing basis in accordance with the plan.

(b) Each registrant must develop a written individualized treatment plan for each patient. The treatment plan shall state objectives that will be used to determine treatment success, such as pain relief and improved physical and psychosocial function, and shall indicate if any further diagnostic evaluations or other treatments are planned. After treatment begins, the physician shall adjust drug therapy to the individual medical needs of each patient. Other treatment modalities, including a rehabilitation program, shall be considered depending on the etiology of the

pain and the extent to which the pain is associated with physical and psychosocial impairment. The interdisciplinary nature of the treatment plan shall be documented.

(c) The physician shall discuss the risks and benefits of the use of controlled substances, including the risks of abuse and addiction, as well as physical dependence and its consequences, with the patient, persons designated by the patient, or the patient's surrogate or guardian if the patient is incompetent. The physician shall use a written controlled substance agreement between the physician and the patient outlining the patient's responsibilities, including, but not limited to:

1. Number and frequency of controlled substance prescriptions and refills.

2. Patient compliance and reasons for which drug therapy may be discontinued, such as a violation of the agreement.

3. An agreement that controlled substances for the treatment of chronic nonmalignant pain shall be prescribed by a single treating physician unless otherwise authorized by the treating physician and documented in the medical record.

(d) The patient shall be seen by the physician at regular intervals, not to exceed 3 months, to assess the efficacy of treatment, ensure that controlled substance therapy remains indicated, evaluate the patient's progress toward treatment objectives, consider adverse drug effects, and review the etiology of the pain. Continuation or modification of therapy shall depend on the physician's evaluation of the patient's progress. If treatment goals are not being achieved, despite medication adjustments, the physician shall reevaluate the appropriateness of continued treatment. The physician shall monitor patient compliance in medication usage, related treatment plans, controlled substance agreements, and indications of substance abuse or diversion at a minimum of 3-month intervals.

(e) The physician shall refer the patient as necessary for additional evaluation and treatment in order to achieve treatment objectives. Special attention shall be given to those patients who are at risk for misusing their medications and those whose living arrangements pose a risk for medication misuse or diversion. The management of pain in patients with a history of substance abuse or with a comorbid psychiatric disorder requires extra care, monitoring, and documentation and requires consultation with or referral to an addictionologist or physiatrist.

(f) A physician registered under this section must maintain accurate, current, and complete records that are accessible and readily available for review and comply with the requirements of this section, the applicable practice act, and applicable board rules. The medical records must include, but are not limited to:

1. The complete medical history and a physical examination, including history of drug abuse or dependence.

2. Diagnostic, therapeutic, and laboratory results.

3. Evaluations and consultations.

4. Treatment objectives.

5. Discussion of risks and benefits.

6. Treatments.

7. Medications, including date, type, dosage, and quantity prescribed.

8. Instructions and agreements.

9. Periodic reviews.

10. Results of any drug testing.

11. A photocopy of the patient's government-issued photo identification.

12. If a written prescription for a controlled substance is given to the patient, a duplicate of the prescription.

13. The physician's full name presented in a legible manner.

(g) Patients with signs or symptoms of substance abuse

shall be immediately referred to a board-certified pain management physician, an addiction medicine specialist, or a mental health addiction facility as it pertains to drug abuse or addiction unless the physician is board-certified or board-eligible in pain management. Throughout the period of time before receiving the consultant's report, a prescribing physician shall clearly and completely document medical justification for continued treatment with controlled substances and those steps taken to ensure medically appropriate use of controlled substances by the patient. Upon receipt of the consultant's written report, the prescribing physician shall incorporate the consultant's recommendations for continuing, modifying, or discontinuing controlled substance therapy. The resulting changes in treatment shall be specifically documented in the patient's medical record. Evidence or behavioral indications of diversion shall be followed by discontinuation of controlled substance therapy and the patient shall be discharged and all results of testing and actions taken by the physician shall be documented in the patient's medical record.

This subsection does not apply to a board-certified anesthesiologist, physiatrist, or neurologist, or to a board-certified physician who has surgical privileges at a hospital or ambulatory surgery center and primarily provides surgical services. This subsection does not apply to a board-certified medical specialist who has also completed a fellowship in pain medicine approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, or who is board certified in pain medicine by a board approved by the American Board of Medical Specialties or the American Osteopathic Association and performs interventional pain procedures of the type routinely billed using surgical codes.

Section 4. Section 458.3265, Florida Statutes, is amended to read:

458.3265 Pain-management clinics.—

(1) REGISTRATION.—

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

a. "Chronic nonmalignant pain" means pain unrelated to cancer or rheumatoid arthritis which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery.

b. "Pain-management clinic" or "clinic" means any publicly or privately owned facility:

(I) That advertises in any medium for any type of pain-management services; or

(II) Where in any month a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic nonmalignant pain. ~~All privately owned pain management clinics, facilities, or offices, hereinafter referred to as "clinics," which advertise in any medium for any type of pain management services, or employ a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications,~~

2. Each pain-management clinic must register with the department unless:

a.~~1.~~ That clinic is licensed as a facility pursuant to chapter 395;

b.~~2.~~ The majority of the physicians who provide services in the clinic primarily provide surgical services;

c.~~3.~~ The clinic is owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded $50 million;

d.~~4.~~ The clinic is affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;

e.~~5.~~ The clinic does not prescribe ~~or dispense~~ controlled substances for the treatment of pain; ~~or~~

f.~~6.~~ The clinic is owned by a corporate entity exempt from federal taxation under 26 U.S.C. s. 501(c)(3);~~.~~

g. The clinic is wholly owned and operated by one or more board-certified anesthesiologists, physiatrists, or neurologists; or

h. The clinic is wholly owned and operated by one or more board-certified medical specialists who have also completed fellowships in pain medicine approved by the Accreditation Council for Graduate Medical Education, or who are also board-certified in pain medicine by a board approved by the American Board of Medical Specialties and perform interventional pain procedures of the type routinely billed using surgical codes.

(b) Each clinic location shall be registered separately regardless of whether the clinic is operated under the same business name or management as another clinic.

(c) As a part of registration, a clinic must designate a physician who is responsible for complying with all requirements related to registration and operation of the clinic in compliance with this section. Within 10 days after termination of a designated physician, the clinic must notify the department of the identity of another designated physician for that clinic. The designated physician shall have a full, active, and unencumbered license under this chapter or chapter 459 and shall practice at the clinic location for which the physician has assumed responsibility. Failing to have a licensed designated physician practicing at the location of the registered clinic may be the basis for a summary suspension of the clinic registration certificate as described in s. 456.073(8) for a license or s. 120.60(6).

(d) The department shall deny registration to any clinic that is not fully owned by a physician licensed under this chapter or chapter 459 or a group of physicians, each of whom is licensed under this chapter or chapter 459; or that is not a health care clinic licensed under part X of chapter 400.

(e) The department shall deny registration to any pain-management clinic owned by or with any contractual or employment relationship with a physician:

1. Whose Drug Enforcement Administration number has ever been revoked.

2. Whose application for a license to prescribe, dispense, or administer a controlled substance has been denied by any jurisdiction.

3. Who has been convicted of or pleaded guilty or nolo contendere to, regardless of adjudication, an offense that constitutes a felony for receipt of illicit and diverted drugs, including a controlled substance listed in Schedule I, Schedule II, Schedule III, Schedule IV, or Schedule V of s. 893.03, in this state, any other state, or the United States.

(f) If the department finds that a pain-management clinic does not meet the requirement of paragraph (d) or is owned, directly or indirectly, by a person meeting any criteria listed in paragraph (e), the department shall revoke the certificate of registration previously issued by the department. As determined by rule, the department may grant an exemption to denying a registration or revoking a previously issued registration if more than 10 years have elapsed since adjudication. As used in this subsection, the term "convicted" includes an adjudication of guilt following a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime.

(g) The department may revoke the clinic's certificate of registration and prohibit all physicians associated with that pain-management clinic from practicing at that clinic location based upon an annual inspection and evaluation of the factors described in subsection (3).

(h) If the registration of a pain-management clinic is revoked or suspended, the designated physician of the pain-management clinic, the owner or lessor of the pain-management clinic property, the manager, and the proprietor shall cease to operate the facility as a pain-management clinic as of the effective date of the suspension or revocation.

(i) If a pain-management clinic registration is revoked or suspended, the designated physician of the pain-management clinic, the owner or lessor of the clinic property, the manager, or the proprietor is responsible for removing all signs and symbols identifying the premises as a pain-management clinic.

(j) Upon the effective date of the suspension or revocation, the designated physician of the pain-management clinic shall advise the department of the disposition of the medicinal drugs located on the premises. The disposition is subject to the supervision and approval of the department. Medicinal drugs that are purchased or held by a pain-management clinic that is not registered may be deemed adulterated pursuant to s. 499.006.

(k) If the clinic's registration is revoked, any person named in the registration documents of the pain-management clinic, including persons owning or operating the pain-management clinic, may not, as an individual or as a part of a group, apply to operate a pain-management clinic for 5 years after the date the registration is revoked.

(l) The period of suspension for the registration of a pain-management clinic shall be prescribed by the department, but may not exceed 1 year.

(m) A change of ownership of a registered pain-management clinic requires submission of a new registration application.

(2) PHYSICIAN RESPONSIBILITIES.—These responsibilities apply to any physician who provides professional services in a pain-management clinic that is required to be registered in subsection (1).

(a) A physician may not practice medicine in a pain-management clinic, as described in subsection (4), if~~:~~

~~1.~~ The pain-management clinic is not registered with the department as required by this section.~~; or~~

~~2. Effective July 1, 2012, the physician has not successfully completed a pain medicine fellowship that is accredited by the Accreditation Council for Graduate Medical Education or a pain medicine residency that is accredited by the Accreditation Council for Graduate Medical Education or, prior to July 1, 2012, does not comply with rules adopted by the board.~~

Any physician who qualifies to practice medicine in a pain-management clinic pursuant to rules adopted by the Board of Medicine as of July 1, 2012, may continue to practice medicine in a pain-management clinic as long as the physician continues to meet the qualifications set forth in the board rules. A physician who violates this paragraph is subject to disciplinary action by his or her appropriate medical regulatory board.

(b) A person may not dispense any medication~~, including a controlled substance,~~ on the premises of a registered pain-management clinic unless he or she is a physician licensed under this chapter or chapter 459.

(c) A physician*, a physician assistant, or an advanced registered nurse practitioner* must perform a physical examination of a patient on the same day that *the physician* ~~he or she dispenses or~~ prescribes a controlled substance to a patient at a pain-management clinic. If the physician prescribes ~~or dispenses~~ more than a 72-hour dose of controlled substances for the treatment of chronic nonmalignant pain, the physician must document in the patient's record the reason for prescribing ~~or dispensing~~ that quantity.

(d) A physician authorized to prescribe controlled substances who practices at a pain-management clinic is responsible for maintaining the control and security of his or her prescription blanks and any other method used for prescribing controlled substance pain medication. The physician shall comply with the requirements for counterfeit-resistant prescription blanks in s. 893.065 and the rules adopted pursuant to that section. The physician shall notify, in writing, the department within 24 hours following any theft or loss of a prescription blank or breach of any other method for prescribing pain medication.

(e) The designated physician of a pain-management clinic shall notify the applicable board in writing of the date of termination of employment within 10 days after terminating his or her employment with a pain-management clinic that is required to be registered under subsection (1). *Each physician practicing in a pain-management clinic shall advise the Board of Medicine, in writing, within 10 calendar days after beginning or ending his or her practice at a pain-management clinic.*

(f) Each physician practicing in a pain-management clinic is responsible for ensuring compliance with the following facility and physical operations requirements:

1. A pain-management clinic shall be located and operated at a publicly accessible fixed location and must:

a. Display a sign that can be viewed by the public that contains the clinic name, hours of operations, and a street address.

b. Have a publicly listed telephone number and a dedicated phone number to send and receive faxes with a fax machine that shall be operational 24 hours per day.

c. Have emergency lighting and communications.

d. Have a reception and waiting area.

e. Provide a restroom.

f. Have an administrative area, including room for storage of medical records, supplies, and equipment.

g. Have private patient examination rooms.

h. Have treatment rooms, if treatment is being provided to the patients.

i. Display a printed sign located in a conspicuous place in the waiting room viewable by the public with the name and contact information of the clinic's designated physician and the names of all physicians practicing in the clinic.

j. If the clinic stores and dispenses prescription drugs, comply with ss. 499.0121 and 893.07.

2. This section does not excuse a physician from providing any treatment or performing any medical duty without the proper equipment and materials as required by the standard of care. This section does not supersede the level of care, skill, and treatment recognized in general law related to healthcare licensure.

(g) Each physician practicing in a pain-management clinic is responsible for ensuring compliance with the following infection control requirements.

1. The clinic shall maintain equipment and supplies to support infection prevention and control activities.

2. The clinic shall identify infection risks based on the following:

a. Geographic location, community, and population served.

b. The care, treatment, and services it provides.

c. An analysis of its infection surveillance and control data.

3. The clinic shall maintain written infection prevention policies and procedures that address the following:

a. Prioritized risks.

b. Limiting unprotected exposure to pathogens.

c. Limiting the transmission of infections associated with procedures performed in the clinic.

d. Limiting the transmission of infections associated with the clinic's use of medical equipment, devices, and supplies.

(h) Each physician practicing in a pain-management clinic is responsible for ensuring compliance with the following health and safety requirements:

1. The clinic, including its grounds, buildings, furniture, appliances, and equipment shall be structurally sound, in good repair, clean, and free from health and safety hazards.

2. The clinic shall have evacuation procedures in the event of an emergency, which shall include provisions for the evacuation of disabled patients and employees.

3. The clinic shall have a written facility-specific disaster plan setting forth actions that will be taken in the event of clinic closure due to unforeseen disasters and shall include provisions for the protection of medical records and any controlled substances.

4. Each clinic shall have at least one employee on the premises during patient care hours who is certified in Basic Life Support and is trained in reacting to accidents and medical emergencies until emergency medical personnel arrive.

(i) The designated physician is responsible for ensuring compliance with the following quality assurance requirements. Each pain-management clinic shall have an ongoing quality assurance program that objectively and systematically monitors and evaluates the quality and appropriateness of patient care, evaluates methods to improve patient care, identifies and corrects deficiencies within the facility, alerts the designated physician to identify and resolve recurring problems, and provides for opportunities to improve the facility's performance and to enhance and improve the quality of care provided to the public. The designated physician shall establish a quality assurance program that includes the following components:

1. The identification, investigation, and analysis of the frequency and causes of adverse incidents to patients.

2. The identification of trends or patterns of incidents.

3. The development of measures to correct, reduce, minimize, or eliminate the risk of adverse incidents to patients.

4. The documentation of these functions and periodic review no less than quarterly of such information by the designated physician.

(j) The designated physician is responsible for ensuring compliance with the following data collection and reporting requirements:

1. The designated physician for each pain-management clinic shall report all adverse incidents to the department as set forth in s. 458.351.

2. The designated physician shall also report to the Board of Medicine, in writing, on a quarterly basis the following data:

a. Number of new and repeat patients seen and treated at the clinic who are prescribed controlled substance medications for the treatment of chronic, nonmalignant pain.

b. The number of patients discharged due to drug abuse.

c. The number of patients discharged due to drug diversion.

d. The number of patients treated at the pain clinic whose domicile is located somewhere other than in this state. A patient's domicile is the patient's fixed or permanent home to which he or she intends to return even though he or she may temporarily reside elsewhere.

(3) INSPECTION.—

(a) The department shall inspect the pain-management clinic annually, including a review of the patient records, to ensure that it complies with this section and the rules of the Board of Medicine adopted pursuant to subsection (4) unless the clinic is accredited by a nationally recognized accrediting agency approved by the Board of Medicine.

(b) During an onsite inspection, the department shall make a reasonable attempt to discuss each violation with the owner or designated physician of the pain-management clinic before issuing a formal written notification.

(c) Any action taken to correct a violation shall be documented in writing by the owner or designated physician of the pain-management clinic and verified by followup visits by departmental personnel.

(4) RULEMAKING.—

(a) The department shall adopt rules necessary to administer the registration and inspection of pain-management clinics which establish the specific requirements, procedures, forms, and fees.

~~(b) The department shall adopt a rule defining what constitutes practice by a designated physician at the clinic location for which the physician has assumed responsibility, as set forth in subsection (1).~~

~~When adopting the rule, the department shall consider the number of clinic employees, the location of the pain management clinic, the clinic's hours of operation, and the amount of controlled substances being prescribed, dispensed, or administered at the pain management clinic.~~

~~(c) The Board of Medicine shall adopt a rule establishing the maximum number of prescriptions for Schedule II or Schedule III controlled substances or the controlled substance Alprazolam which may be written at any one registered pain management clinic during any 24 hour period.~~

(b)~~(d)~~ The Board of Medicine shall adopt rules setting forth ~~standards of practice for physicians practicing in privately owned pain management clinics that primarily engage in the treatment of pain by prescribing or dispensing controlled substance medications. Such rules shall address, but need not be limited to:~~

~~1. Facility operations;~~

~~2. Physical operations;~~

~~3. Infection control requirements;~~

~~4. Health and safety requirements;~~

~~5. Quality assurance requirements;~~

~~6. Patient records;~~

~~7.~~ training requirements for all facility health care practitioners who are not regulated by another board.~~;~~

~~8. Inspections; and~~

~~9. Data collection and reporting requirements.~~

~~A physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer which persists beyond the usual course of the disease or the injury that is the cause of the pain or more than 90 days after surgery.~~

(5) PENALTIES; ENFORCEMENT.—

(a) The department may impose an administrative fine on the clinic of up to $5,000 per violation for violating the requirements of this section; chapter 499, the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., the Comprehensive Drug Abuse Prevention and Control Act; chapter 893, the Florida Comprehensive Drug Abuse Prevention and Control Act; or the rules of the department. In determining whether a penalty is to be imposed, and in fixing the amount of the fine, the department shall consider the following factors:

1. The gravity of the violation, including the probability that death or serious physical or emotional harm to a patient has resulted, or could have resulted, from the pain-management clinic's actions or the actions of the physician, the severity of the action or potential harm, and the extent to which the provisions of the applicable laws or rules were violated.

2. What actions, if any, the owner or designated physician took to correct the violations.

3. Whether there were any previous violations at the pain-management clinic.

4. The financial benefits that the pain-management clinic derived from committing or continuing to commit the violation.

(b) Each day a violation continues after the date fixed for termination of the violation as ordered by the department constitutes an additional, separate, and distinct violation.

(c) The department may impose a fine and, in the case of an owner-operated pain-management clinic, revoke or deny a pain-management clinic's registration, if the clinic's designated physician knowingly and intentionally misrepresents actions taken to correct a violation.

(d) An owner or designated physician of a pain-management clinic who concurrently operates an unregistered pain-management clinic is subject to an administrative fine of $5,000 per day.

(e) If the owner of a pain-management clinic that requires registration fails to apply to register the clinic upon a change of ownership and operates the clinic under the new ownership, the owner is subject to a fine of $5,000.

(6) EXPIRATION.—This section expires January 1, 2016.

Section 5. Paragraph (f) is added to subsection (1) of section 458.327, Florida Statutes, to read:

458.327 Penalty for violations.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(f) Dispensing a controlled substance listed in Schedule II or Schedule III in violation of s. 465.0276.

Section 6. Paragraph (rr) is added to subsection (1) of section 458.331, Florida Statutes, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(rr) Dispensing a controlled substance listed in Schedule II or Schedule III in violation of s. 465.0276.

Section 7. Section 459.0137, Florida Statutes, is amended to read:

459.0137 Pain-management clinics.—

(1) REGISTRATION.—

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

a. "Chronic nonmalignant pain" means pain unrelated to cancer or rheumatoid arthritis which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery.

b. "Pain-management clinic" or "clinic" means any publicly or privately owned facility:

(I) That advertises in any medium for any type of pain-management services; or

(II) Where in any month a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic nonmalignant pain. ~~All privately owned pain management clinics, facilities, or offices, hereinafter referred to as "clinics," which advertise in any medium for any type of pain-management services, or employ an osteopathic physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications,~~

2. Each pain-management clinic must register with the department unless:

a.~~1.~~ That clinic is licensed as a facility pursuant to chapter 395;

b.~~2.~~ The majority of the physicians who provide services in the clinic primarily provide surgical services;

c.~~3.~~ The clinic is owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded $50 million;

d.~~4.~~ The clinic is affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;

e.~~5.~~ The clinic does not prescribe ~~or dispense~~ controlled substances for the treatment of pain; ~~or~~

f.~~6.~~ The clinic is owned by a corporate entity exempt from federal taxation under 26 U.S.C. s. 501(c)(3)~~;~~.

g. The clinic is wholly owned and operated by one or more board-certified anesthesiologists, physiatrists, or neurologists; or

h. The clinic is wholly owned and operated by one or more board-certified medical specialists who have also completed fellowships in pain medicine approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, or who are also board-certified in pain medicine by a board approved by the American Board of Medical Specialties or the American Osteopathic Association and perform interventional pain procedures of the type routinely billed using surgical codes.

(b) Each clinic location shall be registered separately regardless of whether the clinic is operated under the same business name or management as another clinic.

(c) As a part of registration, a clinic must designate an osteopathic physician who is responsible for complying with all requirements related to registration and operation of the clinic in compliance with this section. Within 10 days after termination of a designated osteopathic physician, the clinic must notify the department of the identity of another designated physician for that clinic. The designated physician shall have a full, active, and unencumbered license under chapter 458 or this chapter and shall practice at the clinic location for which the physician has assumed responsibility. Failing to have a licensed designated osteopathic physician practicing at the location of the registered clinic may be the basis for a summary suspension of the clinic registration certificate as described in s. 456.073(8) for a license or s. 120.60(6).

(d) The department shall deny registration to any clinic that is not fully owned by a physician licensed under chapter 458 or this chapter or a group of physicians, each of whom is licensed under chapter 458 or this chapter; or that is not a health care clinic licensed under part X of chapter 400.

(e) The department shall deny registration to any pain-management clinic owned by or with any contractual or employment relationship with a physician:

1. Whose Drug Enforcement Administration number has ever been revoked.

2. Whose application for a license to prescribe, dispense, or administer a controlled substance has been denied by any jurisdiction.

3. Who has been convicted of or pleaded guilty or nolo contendere to, regardless of adjudication, an offense that constitutes a felony for receipt of illicit and diverted drugs, including a controlled substance listed in Schedule I, Schedule II, Schedule III, Schedule IV, or Schedule V of s. 893.03, in this state, any other state, or the United States.

(f) If the department finds that a pain-management clinic does not meet the requirement of paragraph (d) or is owned, directly or indirectly, by a person meeting any criteria listed in paragraph (e), the department shall revoke the certificate of registration previously issued by the department. As determined by rule, the department may grant an exemption to denying a registration or revoking a previously issued registration if more than 10 years have elapsed since adjudication. As used in this subsection, the term "convicted" includes an adjudication of guilt following a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime.

(g) The department may revoke the clinic's certificate of registration and prohibit all physicians associated with that pain-management clinic from practicing at that clinic location based upon an annual inspection and evaluation of the factors described in subsection (3).

(h) If the registration of a pain-management clinic is revoked or suspended, the designated physician of the pain-management clinic, the owner or lessor of the pain-management clinic property, the manager, and the proprietor shall cease to operate the facility as a pain-management clinic as of the effective date of the suspension or revocation.

(i) If a pain-management clinic registration is revoked or suspended, the designated physician of the pain-management clinic, the owner or lessor of the clinic property, the manager, or the proprietor is responsible for removing all signs and symbols identifying the premises as a pain-management clinic.

(j) Upon the effective date of the suspension or revocation, the designated physician of the pain-management clinic shall advise the department of the disposition of the medicinal drugs located on the premises. The disposition is subject to the supervision and approval of the department. Medicinal drugs that are purchased or held by a pain-management clinic that is not registered may be deemed adulterated pursuant to s. 499.006.

(k) If the clinic's registration is revoked, any person named in the registration documents of the pain-management clinic, including persons owning or operating the pain-management clinic, may not, as an individual or as a part of a group, make application for a permit to operate a pain-management clinic for 5 years after the date the registration is revoked.

(l) The period of suspension for the registration of a pain-management clinic shall be prescribed by the department, but may not exceed 1 year.

(m) A change of ownership of a registered pain-management clinic requires submission of a new registration application.

(2) PHYSICIAN RESPONSIBILITIES.—These responsibilities apply to any osteopathic physician who provides professional services in a pain-management clinic that is required to be registered in subsection (1).

(a) An osteopathic physician may not practice medicine in a pain-management clinic, as described in subsection (4), if~~:~~

~~1.~~ the pain-management clinic is not registered with the department as required by this section.~~; or~~

~~2. Effective July 1, 2012, the physician has not successfully completed a pain medicine fellowship that is accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association or a pain medicine residency that is accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association or, prior to July 1, 2012, does not comply with rules adopted by the board.~~

Any physician who qualifies to practice medicine in a pain-management clinic pursuant to rules adopted by the Board of Osteopathic Medicine as of July 1, 2012, may continue to practice medicine in a pain-management clinic as long as the physician continues to meet the qualifications set forth in the board rules. An osteopathic physician who violates this paragraph is subject to disciplinary action by his or her appropriate medical regulatory board.

(b) A person may not dispense any medication~~, including a controlled substance,~~ on the premises of a registered pain-management clinic unless he or she is a physician licensed under this chapter or chapter 458.

(c) An osteopathic physician*, a physician assistant, or an advanced registered nurse practitioner* must perform a physical examination of a patient on the same day that *the physician* ~~he or she dispenses or~~ prescribes a controlled substance to a patient at a pain-management clinic. If the osteopathic physician prescribes ~~or dispenses~~ more than a 72-hour dose of controlled substances for the treatment of chronic nonmalignant pain, the osteopathic physician must document in the patient's record the reason for prescribing ~~or dispensing~~ that quantity.

(d) An osteopathic physician authorized to prescribe controlled substances who practices at a pain-management clinic is responsible for maintaining the control and security of his or her prescription blanks and any other method used for prescribing controlled substance pain medication. The osteopathic physician shall comply with the requirements for counterfeit-resistant prescription blanks in s. 893.065 and the rules adopted pursuant to that section. The osteopathic physician shall notify, in writing, the department within 24 hours following any theft or loss of a prescription blank or breach of any other method for prescribing pain medication.

(e) The designated osteopathic physician of a pain-management clinic shall notify the applicable board in writing of the date of termination of employment within 10 days after terminating his or her employment with a pain-management clinic that is required to be registered under subsection (1). *Each osteopathic physician practicing in a pain-management clinic shall advise the Board of Osteopathic Medicine in writing within 10 calendar days after beginning or ending his or her practice at a pain-management clinic.*

(f) Each osteopathic physician practicing in a pain-management clinic is responsible for ensuring compliance with the following facility and physical operations requirements:

1. A pain-management clinic shall be located and operated at a publicly accessible fixed location and must:

a. Display a sign that can be viewed by the public that contains the clinic name, hours of operations, and a street address.

b. Have a publicly listed telephone number and a dedicated phone number to send and receive faxes with a fax machine that shall be operational 24 hours per day.

c. Have emergency lighting and communications.

d. Have a reception and waiting area.

e. Provide a restroom.

f. Have an administrative area including room for storage of medical records, supplies and equipment.

g. Have private patient examination rooms.

h. Have treatment rooms, if treatment is being provided to the patient.

i. Display a printed sign located in a conspicuous place in the waiting room viewable by the public with the name and contact information of the clinic-designated physician and the names of all physicians practicing in the clinic.

j. If the clinic stores and dispenses prescription drug, comply with ss. 499.0121 and 893.07.

2. This section does not excuse an osteopathic physician from providing any treatment or performing any medical duty without the proper equipment and materials as required by the standard of care. This section does not supersede the level of care, skill, and treatment recognized in general law related to healthcare licensure.

(g) Each osteopathic physician practicing in a pain-management clinic is responsible for ensuring compliance with the following infection control requirements.

1. The clinic shall maintain equipment and supplies to support infection prevention and control activities.

2. The clinic shall identify infection risks based on the following:

a. Geographic location, community, and population served.

b. The care, treatment and services it provides.

c. An analysis of its infection surveillance and control data.

3. The clinic shall maintain written infection prevention policies and procedures that address the following:

a. Prioritized risks.

b. Limiting unprotected exposure to pathogen.

c. Limiting the transmission of infections associated with procedures performed in the clinic.

d. Limiting the transmission of infections associated with the clinic's use of medical equipment, devices, and supplies.

(h) Each osteopathic physician practicing in a pain-management clinic is responsible for ensuring compliance with the following health and safety requirements.

1. The clinic, including its grounds, buildings, furniture, appliances, and equipment shall be structurally sound, in good repair, clean, and free from health and safety hazards.

2. The clinic shall have evacuation procedures in the event of an emergency which shall include provisions for the evacuation of disabled patients and employees.

3. The clinic shall have a written facility-specific disaster plan which sets forth actions that will be taken in the event of clinic closure due to unforeseen disasters and shall include provisions for the protection of medical records and any controlled substances.

4. Each clinic shall have at least one employee on the premises during patient care hours who is certified in Basic Life Support and is trained in reacting to accidents and medical emergencies until emergency medical personnel arrive.

(i) The designated physician is responsible for ensuring compliance with the following quality assurance requirements. Each pain-management clinic shall have an ongoing quality assurance program that objectively and systematically monitors and evaluates the quality and appropriateness of patient care, evaluates methods to improve patient care, identifies and corrects deficiencies within the facility, alerts the designated physician to identify and resolve recurring problems, and provides for opportunities to improve the facility's performance and to enhance and improve the quality of care provided to the public. The designated physician shall establish a quality assurance program that includes the following components:

1. The identification, investigation, and analysis of the frequency and causes of adverse incidents to patients.

2. The identification of trends or patterns of incidents.

3. The development of measures to correct, reduce, minimize, or eliminate the risk of adverse incidents to patients.

4. The documentation of these functions and periodic review no less than quarterly of such information by the designated physician.

(j) The designated physician is responsible for ensuring compliance with the following data collection and reporting requirements:

1. The designated physician for each pain-management clinic shall report all adverse incidents to the department as set forth in s. 459.026.

2. The designated physician shall also report to the Board of Osteopathic Medicine, in writing, on a quarterly basis, the following data:

a. Number of new and repeat patients seen and treated at the clinic who are prescribed controlled substance medications for the treatment of chronic, nonmalignant pain.

b. The number of patients discharged due to drug abuse.

c. The number of patients discharged due to drug diversion.

d. The number of patients treated at the pain clinic whose domicile is located somewhere other than in this state. A patient's domicile is the patient's fixed or permanent home to which he or she intends to return even though he or she may temporarily reside elsewhere.

(3) INSPECTION.—

(a) The department shall inspect the pain-management clinic annually, including a review of the patient records, to ensure that it complies with this section and the rules of the Board of Osteopathic Medicine adopted pursuant to subsection (4) unless the clinic is accredited by a nationally recognized accrediting agency approved by the Board of Osteopathic Medicine.

(b) During an onsite inspection, the department shall make a reasonable attempt to discuss each violation with the owner or designated

physician of the pain-management clinic before issuing a formal written notification.

(c) Any action taken to correct a violation shall be documented in writing by the owner or designated physician of the pain-management clinic and verified by followup visits by departmental personnel.

(4) RULEMAKING.—

(a) The department shall adopt rules necessary to administer the registration and inspection of pain-management clinics which establish the specific requirements, procedures, forms, and fees.

~~(b) The department shall adopt a rule defining what constitutes practice by a designated osteopathic physician at the clinic location for which the physician has assumed responsibility, as set forth in subsection (1). When adopting the rule, the department shall consider the number of clinic employees, the location of the pain management clinic, the clinic's hours of operation, and the amount of controlled substances being prescribed, dispensed, or administered at the pain management clinic.~~

~~(c) The Board of Osteopathic Medicine shall adopt a rule establishing the maximum number of prescriptions for Schedule II or Schedule III controlled substances or the controlled substance Alprazolam which may be written at any one registered pain-management clinic during any 24-hour period.~~

(b)~~(d)~~ The Board of Osteopathic Medicine shall adopt rules setting forth ~~standards of practice for osteopathic physicians practicing in privately owned pain management clinics that primarily engage in the treatment of pain by prescribing or dispensing controlled substance medications. Such rules shall address, but need not be limited to:~~

~~1. Facility operations;~~

~~2. Physical operations;~~

~~3. Infection control requirements;~~

~~4. Health and safety requirements;~~

~~5. Quality assurance requirements;~~

~~6. Patient records;~~

~~7.~~ training requirements for all facility health care practitioners who are not regulated by another board.~~;~~

~~8. Inspections; and~~

~~9. Data collection and reporting requirements.~~

~~An osteopathic physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer which persists beyond the usual course of the disease or the injury that is the cause of the pain or more than 90 days after surgery.~~

(5) PENALTIES; ENFORCEMENT.—

(a) The department may impose an administrative fine on the clinic of up to $5,000 per violation for violating the requirements of this section; chapter 499, the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., the Comprehensive Drug Abuse Prevention and Control Act; chapter 893, the Florida Comprehensive Drug Abuse Prevention and Control Act; or the rules of the department. In determining whether a penalty is to be imposed, and in fixing the amount of the fine, the department shall consider the following factors:

1. The gravity of the violation, including the probability that death or serious physical or emotional harm to a patient has resulted, or could have resulted, from the pain-management clinic's actions or the actions of the osteopathic physician, the severity of the action or potential harm, and the extent to which the provisions of the applicable laws or rules were violated.

2. What actions, if any, the owner or designated osteopathic physician took to correct the violations.

3. Whether there were any previous violations at the pain-management clinic.

4. The financial benefits that the pain-management clinic derived from committing or continuing to commit the violation.

(b) Each day a violation continues after the date fixed for termination of the violation as ordered by the department constitutes an additional, separate, and distinct violation.

(c) The department may impose a fine and, in the case of an owner-operated pain-management clinic, revoke or deny a pain-management clinic's registration, if the clinic's designated osteopathic physician knowingly and intentionally misrepresents actions taken to correct a violation.

(d) An owner or designated osteopathic physician of a pain-management clinic who concurrently operates an unregistered pain-management clinic is subject to an administrative fine of $5,000 per day.

(e) If the owner of a pain-management clinic that requires registration fails to apply to register the clinic upon a change of ownership and operates the clinic under the new ownership, the owner is subject to a fine of $5,000.

(6) EXPIRATION.—This section expires January 1, 2016.

Section 8. Paragraph (f) is added to subsection (1) of section 459.013, Florida Statutes, to read:

459.013 Penalty for violations.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(f) Dispensing a controlled substance listed in Schedule II or Schedule III in violation of s. 465.0276.

Section 9. Paragraph (tt) is added to subsection (1) of section 459.015, Florida Statutes, to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(tt) Dispensing a controlled substance listed in Schedule II or Schedule III in violation of s. 465.0276.

Section 10. Subsections (3) and (4) of section 465.015, Florida Statutes, are renumbered as subsections (4) and (5), respectively, a new subsection (3) is added to that section, and present subsection (4) of that section is amended, to read:

465.015 Violations and penalties.—

(3) It is unlawful for any pharmacist to knowingly fail to report to the sheriff or other chief law enforcement agency of the county where the pharmacy is located within 24 hours after learning of any instance in which a person obtained or attempted to obtain a controlled substance, as defined in s. 893.02, or at the close of business on the next business day, whichever is later, that the pharmacist knew or believed was obtained or attempted to be obtained through fraudulent methods or representations from the pharmacy at which the pharmacist practiced pharmacy. Any pharmacist who knowingly fails to make such a report within 24 hours after learning of the fraud or attempted fraud or at the close of business on the next business day, whichever is later, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A sufficient report of the fraudulent obtaining of controlled substances under this subsection must contain, at a minimum, a copy of the prescription used or presented and a narrative, including all information available to the pharmacist concerning the transaction, such as the name and telephone number of the prescribing physician; the name, description, and any personal identification information pertaining to the person who

presented the prescription; and all other material information, such as photographic or video surveillance of the transaction.

(5)~~(4)~~ Any person who violates any provision of subsection (1) or subsection *(4)* ~~(3)~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who violates any provision of subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In any warrant, information, or indictment, it shall not be necessary to negative any exceptions, and the burden of any exception shall be upon the defendant.

Section 11. Paragraph (t) is added to subsection (1) of section 465.016, Florida Statutes, to read:

465.016 Disciplinary actions.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(t) Committing an error or omission during the performance of a specific function of prescription drug processing, which includes, for purposes of this paragraph:

1. Receiving, interpreting, or clarifying a prescription.

2. Entering prescription data into the pharmacy's record.

3. Verifying or validating a prescription.

4. Performing pharmaceutical calculations.

5. Performing prospective drug review as defined by the board.

6. Obtaining refill and substitution authorizations.

7. Interpreting or acting on clinical data.

8. Performing therapeutic interventions.

9. Providing drug information concerning a patient's prescription.

10. Providing patient counseling.

Section 12. Section 465.018, Florida Statutes, is amended to read:

465.018 Community pharmacies; permits.—

(1) Any person desiring a permit to operate a community pharmacy shall apply to the department.

(2) If the board office certifies that the application complies with the laws of the state and the rules of the board governing pharmacies, the department shall issue the permit. No permit shall be issued unless a licensed pharmacist is designated as the prescription department manager ~~responsible for maintaining all drug records, providing for the security of the prescription department, and following such other rules as relate to the practice of the profession of pharmacy~~. ~~The permittee and the newly designated prescription department manager shall notify the department within 10 days of any change in prescription department manager.~~

(3) The board may suspend or revoke the permit of, or may refuse to issue a permit to:

(a) Any person who has been disciplined or who has abandoned a permit or allowed a permit to become void after written notice that disciplinary proceedings had been or would be brought against the permit;

(b) Any person who is an officer, director, or person interested directly or indirectly in a person or business entity that has had a permit disciplined or abandoned or become void after written notice that disciplinary proceedings had been or would be brought against the permit; or

(c) Any person who is or has been an officer of a business entity, or who was interested directly or indirectly in a business entity, the permit of which has been disciplined or abandoned or become null and void after written notice that disciplinary proceedings had been or would be brought against the permit.

(4) In addition to any other remedies provided by law, the board may deny the application or suspend or revoke the license, registration, or certificate of any entity regulated or licensed by it if the applicant, licensee, registrant, or licenseholder, or, in the case of a corporation, partnership, or other business entity, if any officer, director, agent, or managing employee of that business entity or any affiliated person, partner, or shareholder having an ownership interest equal to 5 percent or greater in that business entity, has failed to pay all outstanding fines, liens, or overpayments assessed by final order of the department, unless a repayment plan is approved by the department, or has failed to comply with any repayment plan.

(5) In reviewing any application requesting a change of ownership or a change of licensee or registrant, the transferor shall, before board approval of the change, repay or make arrangements to repay any amounts owed to the department. If the transferor fails to repay or make arrangements to repay the amounts owed to the department, the license or registration may not be issued to the transferee until repayment or until arrangements for repayment are made.

(6) Passing an onsite inspection is a prerequisite to the issuance of an initial permit or a permit for a change of location. The department must make the inspection within 90 days before issuance of the permit.

(7) Community pharmacies that dispense controlled substances must maintain a record of all controlled substance dispensing consistent with the requirements of s. 893.07 and must make the record available to the department and law enforcement agencies upon request.

Section 13. *In order to dispense controlled substances listed in Schedule II or Schedule III, as provided in s. 893.03, Florida Statutes, on or after July 1, 2012, a community pharmacy permittee must be permitted pursuant to chapter 465, Florida Statutes, as amended by this act and any rules adopted thereunder.*

Section 14. Section 465.022, Florida Statutes, is amended to read:

465.022 Pharmacies; general requirements; fees.—

(1) The board shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. Such rules shall include, but shall not be limited to, rules relating to:

(a) General drug safety measures.

(b) Minimum standards for the physical facilities of pharmacies.

(c) Safe storage of floor-stock drugs.

(d) Functions of a pharmacist in an institutional pharmacy, consistent with the size and scope of the pharmacy.

(e) Procedures for the safe storage and handling of radioactive drugs.

(f) Procedures for the distribution and disposition of medicinal drugs distributed pursuant to s. 499.028.

(g) Procedures for transfer of prescription files and medicinal drugs upon the change of ownership or closing of a pharmacy.

(h) Minimum equipment which a pharmacy shall at all times possess to fill prescriptions properly.

(i) Procedures for the dispensing of controlled substances to minimize dispensing based on fraudulent representations or invalid practitioner-patient relationships.

(2) A pharmacy permit *may* ~~shall~~ be issued only to a *natural* person who is at least 18 years of age, *to* a partnership *comprised of at least one natural person and all of* whose partners are ~~all~~ at least 18 years of age, *to a governmental agency,* or to a *business entity that is properly registered with the Secretary of State, if required by law, and has been issued a federal employer tax identification number* ~~corporation that is registered pursuant to chapter 607 or chapter 617 whose officers, directors, and shareholders are at least 18 years of age~~. *Permits issued to business entities may be issued only to entities whose affiliated persons, members, partners, officers, directors, and agents, including persons required to be fingerprinted under subsection (3), are not less than 18 years of age.*

(3) Any person *or business entity*, ~~partnership, or corporation~~ before engaging in the operation of a pharmacy, shall file with the board a sworn application on forms provided by the department. *For purposes of this section, any person required to provide fingerprints under this subsection is an affiliated person within the meaning of s. 465.023(1).*

(a) An application for a pharmacy permit must include a set of fingerprints from each person having an ownership interest of 5 percent or greater and from any person who, directly or indirectly, manages, oversees, or controls the operation of the applicant, including officers and members of the board of directors of an applicant that is a corporation. The applicant must provide payment in the application for the cost of state and national criminal history records checks.

1. For corporations having more than $100 million of business taxable assets in this state, in lieu of these fingerprint requirements, the department shall require the prescription department manager *or consultant pharmacist of record* who will be directly involved in the management and operation of the pharmacy to submit a set of fingerprints.

2. A representative of a corporation described in subparagraph 1. satisfies the requirement to submit a set of his or her fingerprints if the fingerprints are on file with the department or the Agency for Health Care Administration, meet the fingerprint specifications for submission by the Department of Law Enforcement, and are available to the department.

(b) The department shall *annually* submit the fingerprints provided by the applicant to the Department of Law Enforcement for a state criminal history records check. The Department of Law Enforcement shall *annually* forward the fingerprints to the Federal Bureau of Investigation for a national criminal history records check. *The department shall report the results of annual criminal history records checks to wholesale distributors permitted under chapter 499 for the purposes of s. 499.0121(15).*

(c) In addition to those documents required by the department or board, each applicant having any financial or ownership interest greater than 5 percent in the subject of the application must submit a signed affidavit disclosing any financial or ownership interest greater than 5 percent in any pharmacy permitted in the past 5 years, which pharmacy has closed voluntarily or involuntarily, has filed a voluntary relinquishment of its permit, has had its permit suspended or revoked, or has had an injunction issued against it by a regulatory agency. The affidavit must disclose the reason such entity was closed, whether voluntary or involuntary.

(4) An application for a pharmacy permit must include the applicant's written policies and procedures for preventing controlled substance dispensing based on fraudulent representations or invalid practitioner-patient relationships. The board must review the policies and procedures and may deny a permit if the policies and procedures are insufficient to reasonably prevent such dispensing. The department may phase in the submission and review of policies and procedures over one 18-month period beginning July 1, 2011.

(5)~~(4)~~ The department or board shall deny an application for a pharmacy permit if the applicant or an affiliated person, partner, officer, director, or prescription department manager *or consultant pharmacist of record* of the applicant ~~has~~:

(a) *Has* obtained a permit by misrepresentation or fraud.~~;~~

(b) *Has* attempted to procure, or has procured, a permit for any other person by making, or causing to be made, any false representation.~~;~~

(c) *Has* been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, the profession of pharmacy.~~;~~

(d) *Has* been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud.~~;~~

(e) *Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under chapter 409, chapter 817, or chapter 893, or a similar felony offense committed in another state or jurisdiction, since July 1, 2009.* ~~Been terminated for cause, pursuant to the appeals procedures established by the state or Federal Government, from any state Medicaid program or the federal Medicare program, unless the applicant has been in good standing with a state Medicaid program or the federal Medicare program for the most recent 5 years and the termination occurred at least 20 years ago; or~~

(f) Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under 21 U.S.C. ss. 801-970 or 42 U.S.C. ss. 1395-1396 since July 1, 2009.

(g) Has been terminated for cause from the Florida Medicaid program pursuant to s. 409.913, unless the applicant has been in good standing with the Florida Medicaid program for the most recent 5-year period.

(h) Has been terminated for cause, pursuant to the appeals procedures established by the state, from any other state Medicaid program, unless the applicant has been in good standing with a state Medicaid program for the most recent 5-year period and the termination occurred at least 20 years before the date of the application.

(i) Is currently listed on the United States Department of Health and Human Services Office of Inspector General's List of Excluded Individuals and Entities.

(j)~~(f)~~ *Has* dispensed any medicinal drug based upon a communication that purports to be a prescription as defined by s. 465.003(14) or s. 893.02 when the pharmacist knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship that includes a documented patient evaluation, including history and a physical examination adequate to establish the diagnosis for which any drug is prescribed and any other requirement established by board rule under chapter 458, chapter 459, chapter 461, chapter 463, chapter 464, or chapter 466.

For felonies in which the defendant entered a plea of guilty or nolo contendere in an agreement with the court to enter a pretrial intervention or drug diversion program, the department shall deny the application if upon final resolution of the case the licensee has failed to successfully complete the program.

(6) The department or board may deny an application for a pharmacy permit if the applicant or an affiliated person, partner, officer, director, or prescription department manager or consultant pharmacist of record of the applicant has violated or failed to comply with any provision of this chapter; chapter 499, the Florida Drug and Cosmetic Act; chapter 893; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., the Comprehensive Drug Abuse Prevention and Control Act; or any rules or regulations promulgated thereunder unless the violation or noncompliance is technical.

(7)~~(5)~~ After the application has been filed with the board and the permit fee provided in this section has been received, the board shall cause the application to be fully investigated, both as to the qualifications of the applicant and the prescription department manager or consultant pharmacist designated to be in charge and as to the premises and location described in the application.

(8)~~(6)~~ The Board of Pharmacy shall have the authority to determine whether a bona fide transfer of ownership is present and that the sale of a pharmacy is not being accomplished for the purpose of avoiding an administrative prosecution.

(9)~~(7)~~ Upon the completion of the investigation of an application, the board shall approve or *deny* ~~disapprove~~ the application. If approved, the permit shall be issued by the department.

(10)~~(8)~~ *A permittee must notify the department, on a form approved by the board, within 10 days after any change in prescription department manager or consultant pharmacist of record.* ~~Permits issued by the department are not transferable.~~

(11) A permittee must notify the department of the identity of the prescription department manager within 10 days after employment. The prescription department manager must comply with the following requirements:

(a) The prescription department manager of a permittee must obtain and maintain all drug records required by any state or federal law to be obtained by a pharmacy, including, but not limited to, records required by

or under this chapter, chapter 499, or chapter 893. The prescription department manager must ensure the permittee's compliance with all rules adopted under those chapters as they relate to the practice of the profession of pharmacy and the sale of prescription drugs.

(b) The prescription department manager must ensure the security of the prescription department. The prescription department manager must notify the board of any theft or significant loss of any controlled substances within 1 business day after discovery of the theft or loss.

(c) A registered pharmacist may not serve as the prescription department manager in more than one location unless approved by the board.

(12) The board shall adopt rules that require the keeping of such records of prescription drugs as are necessary for the protection of public health, safety, and welfare.

(a) All required records documenting prescription drug distributions shall be readily available or immediately retrievable during an inspection by the department.

(b) The records must be maintained for 4 years after the creation or receipt of the record, whichever is later.

(13) Permits issued by the department are not transferable.

(14)~~(9)~~ The board shall set the fees for the following:

(a) Initial permit fee not to exceed $250.

(b) Biennial permit renewal not to exceed $250.

(c) Delinquent fee not to exceed $100.

(d) Change of location fee not to exceed *$250* ~~$100~~.

Section 15. Paragraph (b) of subsection (1) of section 465.0276, Florida Statutes, is amended to read:

465.0276 Dispensing practitioner.—

(1)

(b)*1.* A practitioner registered under this section may not dispense ~~more than a 72-hour supply of~~ a controlled substance listed in Schedule II *or*~~,~~ Schedule III *as provided in*~~, Schedule IV, or Schedule V of~~ s. 893.03 ~~for any patient who pays for the medication by cash, check, or credit card in a clinic registered under s. 458.3265 or s. 459.0137~~. ~~A practitioner who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~ This paragraph does not apply to:

~~1. A practitioner who dispenses medication to a workers' compensation patient pursuant to chapter 440.~~

~~2. A practitioner who dispenses medication to an insured patient who pays by cash, check, or credit card to cover any applicable copayment or deductible.~~

1.~~3.~~ The dispensing of complimentary packages of medicinal drugs *which are labeled as a drug sample or complimentary drug as defined in s. 499.028* to the practitioner's own patients in the regular course of her or his practice without the payment of a fee or remuneration of any kind, whether direct or indirect, as provided in subsection (5).

2. The dispensing of controlled substances in the health care system of the Department of Corrections.

3. The dispensing of a controlled substance listed in Schedule II or Schedule III in connection with the performance of a surgical procedure. The amount dispensed pursuant to the subparagraph may not exceed a 14-day supply. This exception does not allow for the dispensing of a controlled substance listed in Schedule II or Schedule III more than 14 days after the performance of the surgical procedure. For purposes of this subparagraph, the term "surgical procedure" means any procedure in any setting which involves, or reasonably should involve:

a. Perioperative medication and sedation that allows the patient to tolerate unpleasant procedures while maintaining adequate cardiorespiratory function and the ability to respond purposefully to verbal or tactile stimulation and makes intra- and post-operative monitoring necessary; or

b. The use of general anesthesia or major conduction anesthesia and preoperative sedation.

4. The dispensing of a controlled substance listed in Schedule II or Schedule III pursuant to an approved clinical trial. For purposes of this subparagraph, the term "approved clinical trial" means a clinical research study or clinical investigation that, in whole or in part, is state or federally funded or is conducted under an investigational new drug application that is reviewed by the United States Food and Drug Administration.

5. The dispensing of methadone in a facility licensed under s. 397.427 where medication-assisted treatment for opiate addiction is provided.

6. The dispensing of a controlled substance listed in Schedule II or Schedule III to a patient of a facility licensed under part IV of chapter 400.

Section 16. Subsections (16) and (17) are added to section 499.0051, Florida Statutes, to read:

499.0051 Criminal acts.—

(16) FALSE REPORT.—Any person who submits a report required by s. 499.0121(14) knowing that such report contains a false statement commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(17) CONTROLLED SUBSTANCE DISTRIBUTION.—Any person who engages in the wholesale distribution of prescription drugs and who knowingly distributes controlled substances in violation of s. 499.0121(14) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition to any other fine that may be imposed, a person convicted of such a violation may be sentenced to pay a fine that does not exceed three times the gross monetary value gained from such violation, plus court costs and the reasonable costs of investigation and prosecution.

Section 17. Paragraph (o) is added to subsection (8) of section 499.012, Florida Statutes, to read:

499.012 Permit application requirements.—

(8) An application for a permit or to renew a permit for a prescription drug wholesale distributor or an out-of-state prescription drug wholesale distributor submitted to the department must include:

(o) Documentation of the credentialing policies and procedures required by s. 499.0121(14).

Section 18. Subsections (14) and (15) are added to section 499.0121, Florida Statutes, to read:

499.0121 Storage and handling of prescription drugs; recordkeeping.—The department shall adopt rules to implement this section as necessary to protect the public health, safety, and welfare. Such rules shall include, but not be limited to, requirements for the storage and handling of prescription drugs and for the establishment and maintenance of prescription drug distribution records.

(14) DISTRIBUTION REPORTING.—Each prescription drug wholesale distributor, out-of-state prescription drug wholesale distributor, retail pharmacy drug wholesale distributor, manufacturer, or repackager that engages in the wholesale distribution of controlled substances as defined in s. 893.02 shall submit a report to the department of its receipts and distributions of controlled substances listed in Schedule II, Schedule III, Schedule IV, or Schedule V as provided in s. 893.03. Wholesale distributor facilities located within this state shall report all transactions involving controlled substances, and wholesale distributor facilities located outside this state shall report all distributions to entities located in this state. If the prescription drug wholesale distributor, out-of-state prescription drug wholesale distributor, retail pharmacy drug wholesale distributor, manufacturer, or repackager does not have any controlled substance distributions for the month, a report shall be sent indicating that no distributions occurred in the period. The report shall be

submitted monthly by the 20th of the next month, in the electronic format used for controlled substance reporting to the Automation of Reports and Consolidated Orders System division of the federal Drug Enforcement Administration. Submission of electronic data must be made in a secured Internet environment that allows for manual or automated transmission. Upon successful transmission, an acknowledgement page must be displayed to confirm receipt. The report must contain the following information:

(a) The federal Drug Enforcement Administration registration number of the wholesale distributing location.

(b) The federal Drug Enforcement Administration registration number of the entity to which the drugs are distributed or from which the drugs are received.

(c) The transaction code that indicates the type of transaction.

(d) The National Drug Code identifier of the product and the quantity distributed or received.

(e) The Drug Enforcement Administration Form 222 number or Controlled Substance Ordering System Identifier on all schedule II transactions.

(f) The date of the transaction.

The department must share the reported data with the Department of Law Enforcement and local law enforcement agencies upon request and must monitor purchasing to identify purchasing levels that are inconsistent with the purchasing entity's clinical needs. The Department of Law Enforcement shall investigate purchases at levels that are inconsistent with the purchasing entity's clinical needs to determine whether violations of chapter 893 have occurred.

(15) DUE DILIGENCE OF PURCHASERS.—

(a) Each prescription drug wholesale distributor, out-of-state prescription drug wholesale distributor, and retail pharmacy drug wholesale distributor must establish and maintain policies and procedures to credential physicians licensed under chapter 458, chapter 459, chapter 461, or chapter 466 and pharmacies that purchase or otherwise receive from the wholesale distributor controlled substances listed in Schedule II or Schedule III as provided in s. 893.03. The prescription drug wholesale distributor, out-of-state prescription drug wholesale distributor, or retail pharmacy drug wholesale distributor shall maintain records of such credentialing and make the records available to the department upon request. Such credentialing must, at a minimum, include:

1. A determination of the clinical nature of the receiving entity, including any specialty practice area.

2. A review of the receiving entity's history of Schedule II and Schedule III controlled substance purchasing from the wholesale distributor.

3. A determination that the receiving entity's Schedule II and Schedule III controlled substance purchasing history, if any, is consistent with and reasonable for that entity's clinical business needs.

(b) A wholesale distributor must take reasonable measures to identify its customers, understand the normal and expected transactions conducted by those customers, and identify those transactions that are suspicious in nature. A wholesale distributor must establish internal policies and procedures for identifying suspicious orders and preventing suspicious transactions. A wholesale distributor must assess orders for greater than 5,000 unit doses of any one controlled substance in any one month to determine whether the purchase is reasonable. In making such assessments, a wholesale distributor may consider the purchasing entity's clinical business needs, location, and population served, in addition to other factors established in the distributor's policies and procedures. A wholesale distributor must report to the department any regulated transaction involving an extraordinary quantity of a listed chemical, an uncommon method of payment or delivery, or any other circumstance that the regulated person believes may indicate that the listed chemical will be used in violation of the law. The wholesale distributor shall maintain records that document the report submitted to the department in compliance with this paragraph.

(c) A wholesale distributor may not distribute controlled substances to an entity if any criminal history record check for any person associated with that entity shows that the person has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction related to controlled substances, the practice of pharmacy, or the dispensing of medicinal drugs.

(d) The department shall assess national data from the Automation of Reports and Consolidated Orders System of the federal Drug Enforcement Administration, excluding Florida data, and identify the national average of grams of hydrocodone, morphine, oxycodone, and methadone distributed per pharmacy registrant per month in the most recent year for which data is available. The department shall report the average for each of these drugs to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2011. The department shall assess the data reported pursuant to subsection (14) and identify the statewide average of grams of each benzodiazapine distributed per community pharmacy per month. The department shall report the average for each benzodiazapine to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2011.

Section 19. Paragraphs (o) and (p) are added to subsection (1) of section 499.05, Florida Statutes, to read:

499.05 Rules.—

(1) The department shall adopt rules to implement and enforce this part with respect to:

(o) Wholesale distributor reporting requirements of s. 499.0121(14).

(p) Wholesale distributor credentialing and distribution requirements of s. 499.0121(15).

Section 20. Subsections (8) and (9) are added to section 499.067, Florida Statutes, to read:

499.067 Denial, suspension, or revocation of permit, certification, or registration.—

(8) The department may deny, suspend, or revoke a permit if it finds the permittee has not complied with the credentialing requirements of s. 499.0121(15).

(9) The department may deny, suspend, or revoke a permit if it finds the permittee has not complied with the reporting requirements of, or knowingly made a false statement in a report required by, s. 499.0121(14).

Section 21. Paragraph (f) is added to subsection (3) of section 810.02, Florida Statutes, to read:

810.02 Burglary.—

(3) Burglary is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the course of committing the offense, the offender does not make an assault or battery and is not and does not become armed with a dangerous weapon or explosive, and the offender enters or remains in a:

(f) Structure or conveyance when the offense intended to be committed therein is theft of a controlled substance as defined in s. 893.02. Notwithstanding any other law, separate judgments and sentences for burglary with the intent to commit theft of a controlled substance under this paragraph and for any applicable possession of controlled substance offense under s. 893.13 or trafficking in controlled substance offense under s. 893.135 may be imposed when all such offenses involve the same amount or amounts of a controlled substance.

However, if the burglary is committed within a county that is subject to a state of emergency declared by the Governor under chapter 252 after the declaration of emergency is made and the perpetration of the burglary is facilitated by conditions arising from the emergency, the burglary is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, the term "conditions arising from the emergency" means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or response time for first responders or homeland security personnel. A person arrested for committing a burglary within a county that is subject

to such a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

Section 22. Paragraph (c) of subsection (2) of section 812.014, Florida Statutes, is amended to read:

812.014 Theft.—

(2)

(c) It is grand theft of the third degree and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is:

1. Valued at $300 or more, but less than $5,000.

2. Valued at $5,000 or more, but less than $10,000.

3. Valued at $10,000 or more, but less than $20,000.

4. A will, codicil, or other testamentary instrument.

5. A firearm.

6. A motor vehicle, except as provided in paragraph (a).

7. Any commercially farmed animal, including any animal of the equine, bovine, or swine class, or other grazing animal, and including aquaculture species raised at a certified aquaculture facility. If the property stolen is aquaculture species raised at a certified aquaculture facility, then a $10,000 fine shall be imposed.

8. Any fire extinguisher.

9. Any amount of citrus fruit consisting of 2,000 or more individual pieces of fruit.

10. Taken from a designated construction site identified by the posting of a sign as provided for in s. 810.09(2)(d).

11. Any stop sign.

12. Anhydrous ammonia.

13. Any amount of a controlled substance as defined in s. 893.02. Notwithstanding any other law, separate judgments and sentences for theft of a controlled substance under this subparagraph and for any applicable possession of controlled substance offense under s. 893.13 or trafficking in controlled substance offense under s. 893.135 may be imposed when all such offenses involve the same amount or amounts of a controlled substance.

However, if the property is stolen within a county that is subject to a state of emergency declared by the Governor under chapter 252, the property is stolen after the declaration of emergency is made, and the perpetration of the theft is facilitated by conditions arising from the emergency, the offender commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property is valued at $5,000 or more, but less than $10,000, as provided under subparagraph 2., or if the property is valued at $10,000 or more, but less than $20,000, as provided under subparagraph 3. As used in this paragraph, the term "conditions arising from the emergency" means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or the response time for first responders or homeland security personnel. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this paragraph is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

Section 23. Section 893.055, Florida Statutes, is amended to read:

893.055 Prescription drug monitoring program.—

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

(a) "Patient advisory report" or "advisory report" means information provided by the department in writing, or as determined by the department, to a prescriber, dispenser, pharmacy, or patient concerning the dispensing of controlled substances. All advisory reports are for informational purposes only and impose no obligations of any nature or any legal duty on a prescriber, dispenser, pharmacy, or patient. The patient advisory report shall be provided in accordance with s. 893.13(7)(a)8. The advisory reports issued by the department are not subject to discovery or introduction into evidence in any civil or administrative action against a prescriber, dispenser, pharmacy, or patient arising out of matters that are the subject of the report; and a person who participates in preparing, reviewing, issuing, or any other activity related to an advisory report may not be permitted or required to testify in any such civil action as to any findings, recommendations, evaluations, opinions, or other actions taken in connection with preparing, reviewing, or issuing such a report.

(b) "Controlled substance" means a controlled substance listed in Schedule II, Schedule III, or Schedule IV in s. 893.03.

(c) "Dispenser" means a pharmacy, dispensing pharmacist, or dispensing health care practitioner.

(d) "Health care practitioner" or "practitioner" means any practitioner who is subject to licensure or regulation by the department under chapter 458, chapter 459, chapter 461, chapter 462, chapter 464, chapter 465, or chapter 466.

(e) "Health care regulatory board" means any board for a practitioner or health care practitioner who is licensed or regulated by the department.

(f) "Pharmacy" means any pharmacy that is subject to licensure or regulation by the department under chapter 465 and that dispenses or delivers a controlled substance to an individual or address in this state.

(g) "Prescriber" means a prescribing physician, prescribing practitioner, or other prescribing health care practitioner.

(h) "Active investigation" means an investigation that is being conducted with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings, or that is ongoing and continuing and for which there is a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future.

(i) "Law enforcement agency" means the Department of Law Enforcement, a Florida sheriff's department, a Florida police department, or a law enforcement agency of the Federal Government which enforces the laws of this state or the United States relating to controlled substances, and which its agents and officers are empowered by law to conduct criminal investigations and make arrests.

(j) "Program manager" means an employee of or a person contracted by the Department of Health who is designated to ensure the integrity of the prescription drug monitoring program in accordance with the requirements established in paragraphs (2)(a) and (b).

(2)(a) ~~By December 1, 2010,~~ The department shall design and establish a comprehensive electronic database system that has controlled substance prescriptions provided to it and that provides prescription information to a patient's health care practitioner and pharmacist who inform the department that they wish the patient advisory report provided to them. Otherwise, the patient advisory report will not be sent to the practitioner, pharmacy, or pharmacist. The system shall be designed to provide information regarding dispensed prescriptions of controlled substances and shall not infringe upon the legitimate prescribing or dispensing of a controlled substance by a prescriber or dispenser acting in good faith and in the course of professional practice. The system shall be consistent with standards of the American Society for Automation in Pharmacy (ASAP). The electronic system shall also comply with the Health Insurance Portability and Accountability Act (HIPAA) as it pertains to protected health information (PHI), electronic protected health information (EPHI), and all other relevant state and federal privacy and security laws and regulations. The department shall establish policies and procedures as appropriate regarding the reporting, accessing the database, evaluation, management, development, implementation, operation, storage, and security of information within the system. The reporting of prescribed controlled substances shall include a dispensing transaction with a dispenser pursuant to chapter 465 or through a dispensing transaction to an individual or address in this state

with a pharmacy that is not located in this state but that is otherwise subject to the jurisdiction of this state as to that dispensing transaction. The reporting of patient advisory reports refers only to reports to patients, pharmacies, and practitioners. Separate reports that contain patient prescription history information and that are not patient advisory reports are provided to persons and entities as authorized in paragraphs (7)(b) and (c) and s. 893.0551.

(b) The department, when the direct support organization receives at least $20,000 in nonstate moneys or the state receives at least $20,000 in federal grants for the prescription drug monitoring program, ~~and in consultation with the Office of Drug Control,~~ shall adopt rules as necessary concerning the reporting, accessing the database, evaluation, management, development, implementation, operation, security, and storage of information within the system, including rules for when patient advisory reports are provided to pharmacies and prescribers. The patient advisory report shall be provided in accordance with s. 893.13(7)(a)8. The department shall work with the professional health care licensure boards, such as the Board of Medicine, the Board of Osteopathic Medicine, and the Board of Pharmacy; other appropriate organizations, such as the Florida Pharmacy Association, ~~the Office of Drug Control,~~ the Florida Medical Association, the Florida Retail Federation, and the Florida Osteopathic Medical Association, including those relating to pain management; and the Attorney General, the Department of Law Enforcement, and the Agency for Health Care Administration to develop rules appropriate for the prescription drug monitoring program.

(c) All dispensers and prescribers subject to these reporting requirements shall be notified by the department of the implementation date for such reporting requirements.

(d) The program manager shall work with professional health care licensure boards and the stakeholders listed in paragraph (b) to develop rules appropriate for identifying indicators of controlled substance abuse.

(3) The pharmacy dispensing the controlled substance and each prescriber who directly dispenses a controlled substance shall submit to the electronic system, by a procedure and in a format established by the department and consistent with an ASAP-approved format, the following information for inclusion in the database:

(a) The name of the prescribing practitioner, the practitioner's federal Drug Enforcement Administration registration number, the practitioner's National Provider Identification (NPI) or other appropriate identifier, and the date of the prescription.

(b) The date the prescription was filled and the method of payment, such as cash by an individual, insurance coverage through a third party, or Medicaid payment. This paragraph does not authorize the department to include individual credit card numbers or other account numbers in the database.

(c) The full name, address, and date of birth of the person for whom the prescription was written.

(d) The name, national drug code, quantity, and strength of the controlled substance dispensed.

(e) The full name, federal Drug Enforcement Administration registration number, and address of the pharmacy or other location from which the controlled substance was dispensed. If the controlled substance was dispensed by a practitioner other than a pharmacist, the practitioner's full name, federal Drug Enforcement Administration registration number, and address.

(f) The name of the pharmacy or practitioner, other than a pharmacist, dispensing the controlled substance and the practitioner's National Provider Identification (NPI).

(g) Other appropriate identifying information as determined by department rule.

(4) Each time a controlled substance is dispensed to an individual, the controlled substance shall be reported to the department through the system as soon thereafter as possible, but not more than 7 ~~15~~ days after the date the controlled substance is dispensed unless an extension is approved by the department for cause as determined by rule. A dispenser must meet the reporting requirements of this section by providing the required information concerning each controlled substance that it dispensed in a department-approved, secure methodology and format. Such approved formats may include, but are not limited to, submission via the Internet, on a disc, or by use of regular mail.

(5) When the following acts of dispensing or administering occur, the following are exempt from reporting under this section for that specific act of dispensing or administration:

(a) A health care practitioner when administering a controlled substance directly to a patient if the amount of the controlled substance is adequate to treat the patient during that particular treatment session.

(b) A pharmacist or health care practitioner when administering a controlled substance to a patient or resident receiving care as a patient at a hospital, nursing home, ambulatory surgical center, hospice, or intermediate care facility for the developmentally disabled which is licensed in this state.

(c) A practitioner when administering or dispensing a controlled substance in the health care system of the Department of Corrections.

(d) A practitioner when administering a controlled substance in the emergency room of a licensed hospital.

(e) A health care practitioner when administering or dispensing a controlled substance to a person under the age of 16.

(f) A pharmacist or a dispensing practitioner when dispensing a one-time, 72-hour emergency resupply of a controlled substance to a patient.

(6) The department may establish when to suspend and when to resume reporting information during a state-declared or nationally declared disaster.

(7)(a) A practitioner or pharmacist who dispenses a controlled substance must submit the information required by this section in an electronic or other method in an ASAP format approved by rule of the department unless otherwise provided in this section. The cost to the dispenser in submitting the information required by this section may not be material or extraordinary. Costs not considered to be material or extraordinary include, but are not limited to, regular postage, electronic media, regular electronic mail, and facsimile charges.

(b) A pharmacy, prescriber, or dispenser shall have access to information in the prescription drug monitoring program's database which relates to a patient of that pharmacy, prescriber, or dispenser in a manner established by the department as needed for the purpose of reviewing the patient's controlled substance prescription history. Other access to the program's database shall be limited to the program's manager and to the designated program and support staff, who may act only at the direction of the program manager or, in the absence of the program manager, as authorized. Access by the program manager or such designated staff is for prescription drug program management only or for management of the program's database and its system in support of the requirements of this section and in furtherance of the prescription drug monitoring program. Confidential and exempt information in the database shall be released only as provided in paragraph (c) and s. 893.0551. *The program manager, designated program and support staff who act at the direction of or in the absence of the program manager, and any individual who has similar access regarding the management of the database from the prescription drug monitoring program shall submit fingerprints to the department for background screening. The department shall follow the procedure established by the Department of Law Enforcement to request a statewide criminal history record check and to request that the Department of Law Enforcement forward the fingerprints to the Federal Bureau of Investigation for a national criminal history record check.*

(c) The following entities shall not be allowed direct access to information in the prescription drug monitoring program database but may request from the program manager and, when authorized by the program manager, the program manager's program and support staff, information that is confidential and exempt under s. 893.0551. Prior to release, the request shall be verified as authentic and authorized with the requesting organization by the program manager, the program manager's program and support staff, or as determined in rules by the

department as being authentic and as having been authorized by the requesting entity:

1. The department or its relevant health care regulatory boards responsible for the licensure, regulation, or discipline of practitioners, pharmacists, or other persons who are authorized to prescribe, administer, or dispense controlled substances and who are involved in a specific controlled substance investigation involving a designated person for one or more prescribed controlled substances.

2. The Attorney General for Medicaid fraud cases involving prescribed controlled substances.

3. A law enforcement agency during active investigations regarding potential criminal activity, fraud, or theft regarding prescribed controlled substances.

4. A patient or the legal guardian or designated health care surrogate of an incapacitated patient as described in s. 893.0551 who, for the purpose of verifying the accuracy of the database information, submits a written and notarized request that includes the patient's full name, address, and date of birth, and includes the same information if the legal guardian or health care surrogate submits the request. The request shall be validated by the department to verify the identity of the patient and the legal guardian or health care surrogate, if the patient's legal guardian or health care surrogate is the requestor. Such verification is also required for any request to change a patient's prescription history or other information related to his or her information in the electronic database.

Information in the database for the electronic prescription drug monitoring system is not discoverable or admissible in any civil or administrative action, except in an investigation and disciplinary proceeding by the department or the appropriate regulatory board.

(d) The following entities shall not be allowed direct access to information in the prescription drug monitoring program database but may request from the program manager and, when authorized by the program manager, the program manager's program and support staff, information that contains no identifying information of any patient, physician, health care practitioner, prescriber, or dispenser and that is not confidential and exempt:

1. Department staff for the purpose of calculating performance measures pursuant to subsection (8).

2. The Program Implementation and Oversight Task Force for its reporting to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the prescription drug monitoring program. This subparagraph expires July 1, 2012.

(e) All transmissions of data required by this section must comply with relevant state and federal privacy and security laws and regulations. However, any authorized agency or person under s. 893.0551 receiving such information as allowed by s. 893.0551 may maintain the information received for up to 24 months before purging it from his or her records or maintain it for longer than 24 months if the information is pertinent to ongoing health care or an active law enforcement investigation or prosecution.

(f) The program manager, upon determining a pattern consistent with the rules established under paragraph (2)(d) and having cause to believe a violation of s. 893.13(7)(a)8., (8)(a), or (8)(b) has occurred, may provide relevant information to the applicable law enforcement agency.

(8) To assist in fulfilling program responsibilities, performance measures shall be reported annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives by the department each December 1, beginning in 2011. Data that does not contain patient, physician, health care practitioner, prescriber, or dispenser identifying information may be requested during the year by department employees so that the department may undertake public health care and safety initiatives that take advantage of observed trends. Performance measures may include, but are not limited to, efforts to achieve the following outcomes:

(a) Reduction of the rate of inappropriate use of prescription drugs through department education and safety efforts.

(b) Reduction of the quantity of pharmaceutical controlled substances obtained by individuals attempting to engage in fraud and deceit.

(c) Increased coordination among partners participating in the prescription drug monitoring program.

(d) Involvement of stakeholders in achieving improved patient health care and safety and reduction of prescription drug abuse and prescription drug diversion.

(9) Any person who willfully and knowingly fails to report the dispensing of a controlled substance as required by this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10) All costs incurred by the department in administering the prescription drug monitoring program shall be funded through federal grants or private funding applied for or received by the state. The department may not commit funds for the monitoring program without ensuring funding is available. The prescription drug monitoring program and the implementation thereof are contingent upon receipt of the nonstate funding. The department and state government shall cooperate with the direct-support organization established pursuant to subsection (11) in seeking federal grant funds, other nonstate grant funds, gifts, donations, or other private moneys for the department so long as the costs of doing so are not considered material. Nonmaterial costs for this purpose include, but are not limited to, the costs of mailing and personnel assigned to research or apply for a grant. Notwithstanding the exemptions to competitive-solicitation requirements under s. 287.057(3)(f), the department shall comply with the competitive-solicitation requirements under s. 287.057 for the procurement of any goods or services required by this section. *Funds provided, directly or indirectly, by prescription drug manufacturers may not be used to implement the program.*

(11) The ~~Office of Drug Control, in coordination with the~~ department~~,~~ may establish a direct-support organization that has a board consisting of at least five members to provide assistance, funding, and promotional support for the activities authorized for the prescription drug monitoring program.

(a) As used in this subsection, the term "direct-support organization" means an organization that is:

1. A Florida corporation not for profit incorporated under chapter 617, exempted from filing fees, and approved by the Department of State.

2. Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, and invest, in its own name, securities, funds, objects of value, or other property, either real or personal; and make expenditures or provide funding to or for the direct or indirect benefit of the department in the furtherance of the prescription drug monitoring program.

(b) The direct-support organization is not considered a lobbying firm within the meaning of s. 11.045.

(c) The *State Surgeon General* ~~director of the Office of Drug Control~~ shall appoint a board of directors for the direct-support organization. ~~The director may designate employees of the Office of Drug Control, state employees other than state employees from the department, and any other nonstate employees as appropriate, to serve on the board.~~ Members of the board shall serve at the pleasure of ~~the director of~~ the *State Surgeon General* ~~Office of Drug Control~~. The *State Surgeon General* ~~director~~ shall provide guidance to members of the board to ensure that moneys received by the direct-support organization are not received from inappropriate sources. Inappropriate sources include, but are not limited to, donors, grantors, persons, or organizations that may monetarily or substantively benefit from the purchase of goods or services by the department in furtherance of the prescription drug monitoring program.

(d) The direct-support organization shall operate under written contract with the *department* ~~Office of Drug Control~~. The contract must, at a minimum, provide for:

1. Approval of the articles of incorporation and bylaws of the direct-support organization by the *department* ~~Office of Drug Control~~.

2. Submission of an annual budget for the approval of the *department* ~~Office of Drug Control~~.

3. Certification by the *department* ~~Office of Drug Control~~ in consultation with the department that the direct-support organization is complying with the terms of the contract in a manner consistent with and in furtherance of the goals and purposes of the prescription drug monitoring program and in the best interests of the state. Such certification must be made annually and reported in the official minutes of a meeting of the direct-support organization.

4. The reversion, without penalty, to ~~the Office of Drug Control, or to~~ the state ~~if the Office of Drug Control ceases to exist,~~ of all moneys and property held in trust by the direct-support organization for the benefit of the prescription drug monitoring program if the direct-support organization ceases to exist or if the contract is terminated.

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

6. The disclosure of the material provisions of the contract to donors of gifts, contributions, or bequests, including such disclosure on all promotional and fundraising publications, and an explanation to such donors of the distinction between the *department* ~~Office of Drug Control~~ and the direct-support organization.

7. The direct-support organization's collecting, expending, and providing of funds to the department for the development, implementation, and operation of the prescription drug monitoring program as described in this section and s. 2, chapter 2009-198, Laws of Florida, as long as the task force is authorized. The direct-support organization may collect and expend funds to be used for the functions of the direct-support organization's board of directors, as necessary and approved by the *department* ~~director of the Office of Drug Control~~. In addition, the direct-support organization may collect and provide funding to the department in furtherance of the prescription drug monitoring program by:

a. Establishing and administering the prescription drug monitoring program's electronic database, including hardware and software.

b. Conducting studies on the efficiency and effectiveness of the program to include feasibility studies as described in subsection (13).

c. Providing funds for future enhancements of the program within the intent of this section.

d. Providing user training of the prescription drug monitoring program, including distribution of materials to promote public awareness and education and conducting workshops or other meetings, for health care practitioners, pharmacists, and others as appropriate.

e. Providing funds for travel expenses.

f. Providing funds for administrative costs, including personnel, audits, facilities, and equipment.

g. Fulfilling all other requirements necessary to implement and operate the program as outlined in this section.

(e) The activities of the direct-support organization must be consistent with the goals and mission of the *department* ~~Office of Drug Control~~, as determined by the ~~office in consultation with the~~ department, and in the best interests of the state. The direct-support organization must obtain a written approval from the *department* ~~director of the Office of Drug Control~~ for any activities in support of the prescription drug monitoring program before undertaking those activities.

(f) The ~~Office of Drug Control, in consultation with the~~ department~~,~~ may permit, without charge, appropriate use of administrative services, property, and facilities of ~~the Office of Drug Control and~~ the department by the direct-support organization, subject to this section. The use must be directly in keeping with the approved purposes of the direct-support organization and may not be made at times or places that would unreasonably interfere with opportunities for the public to use such facilities for established purposes. Any moneys received from rentals of facilities and properties managed by the ~~Office of Drug Control and the~~ department may be held ~~by the Office of Drug Control or~~ in a separate depository account in the name of the direct-support organization and subject to the provisions of the letter of agreement with the *department* ~~Office of Drug Control~~. The letter of agreement must provide that any funds held in the separate depository account in the name of the direct-support organization must revert to the *department* ~~Office of Drug Control~~ if the direct-support organization is no longer approved by the *department* ~~Office of Drug Control~~ to operate in the best interests of the state.

(g) The ~~Office of Drug Control, in consultation with the~~ department~~,~~ may adopt rules under s. 120.54 to govern the use of administrative services, property, or facilities of the department or office by the direct-support organization.

(h) The *department* ~~Office of Drug Control~~ may not permit the use of any administrative services, property, or facilities of the state by a direct-support organization if that organization does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, gender, age, or national origin.

(i) The direct-support organization shall provide for an independent annual financial audit in accordance with s. 215.981. Copies of the audit shall be provided to the *department* ~~Office of Drug Control~~ and the Office of Policy and Budget in the Executive Office of the Governor.

(j) The direct-support organization may not exercise any power under s. 617.0302(12) or (16).

(12) A prescriber or dispenser may have access to the information under this section which relates to a patient of that prescriber or dispenser as needed for the purpose of reviewing the patient's controlled drug prescription history. A prescriber or dispenser acting in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for receiving or using information from the prescription drug monitoring program. This subsection does not create a private cause of action, and a person may not recover damages against a prescriber or dispenser authorized to access information under this subsection for accessing or failing to access such information.

(13) To the extent that funding is provided for such purpose through federal or private grants or gifts and other types of available moneys, the department~~, in collaboration with the Office of Drug Control,~~ shall study the feasibility of enhancing the prescription drug monitoring program for the purposes of public health initiatives and statistical reporting that respects the privacy of the patient, the prescriber, and the dispenser. Such a study shall be conducted in order to further improve the quality of health care services and safety by improving the prescribing and dispensing practices for prescription drugs, taking advantage of advances in technology, reducing duplicative prescriptions and the overprescribing of prescription drugs, and reducing drug abuse. The requirements of the National All Schedules Prescription Electronic Reporting (NASPER) Act are authorized in order to apply for federal NASPER funding. In addition, the direct-support organization shall provide funding for the department~~, in collaboration with the Office of Drug Control,~~ to conduct training for health care practitioners and other appropriate persons in using the monitoring program to support the program enhancements.

(14) A pharmacist, pharmacy, or dispensing health care practitioner or his or her agent, before releasing a controlled substance to any person not known to such dispenser, shall require the person purchasing, receiving, or otherwise acquiring the controlled substance to present valid photographic identification or other verification of his or her identity to the dispenser. If the person does not have proper identification, the dispenser may verify the validity of the prescription and the identity of the patient with the prescriber or his or her authorized agent. Verification of health plan eligibility through a real-time inquiry or adjudication system will be considered to be proper identification. This subsection does not apply in an institutional setting or to a long-term care facility, including, but not limited to, an assisted living facility or a hospital to which patients are admitted. As used in this subsection, the term "proper identification" means an identification that is issued by a state or the Federal Government containing the person's photograph, printed name, and signature or a document considered acceptable under 8 C.F.R. s. 274a.2(b)(1)(v)(A) and (B).

(15) The Agency for Health Care Administration shall continue the promotion of electronic prescribing by health care practitioners, health care facilities, and pharmacies under s. 408.0611.

(16) ~~By October 1, 2010,~~ The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of this section, which shall include as necessary the reporting, accessing, evaluation, management, development, implementation, operation, and storage of information within the monitoring program's system.

Section 24. Section 893.065, Florida Statutes, is amended to read:

893.065 Counterfeit-resistant prescription blanks for controlled substances listed in Schedule II, Schedule III, or Schedule IV.—The Department of Health shall develop and adopt by rule the form and content for a counterfeit-resistant prescription blank which *must* ~~may~~ be used by practitioners for the purpose of prescribing a controlled substance listed in Schedule II, Schedule III, ~~or~~ Schedule IV*, or Schedule V pursuant to s. 456.42*. The Department of Health may require the prescription blanks to be printed on distinctive, watermarked paper and to bear the preprinted name, address, and category of professional licensure of the practitioner and that practitioner's federal registry number for controlled substances. The prescription blanks may not be transferred.

Section 25. Subsections (4) and (5) of section 893.07, Florida Statutes, are amended to read:

893.07 Records.—

(4) Every inventory or record required by this chapter, including prescription records, shall be maintained:

(a) Separately from all other records of the registrant, or

(b) Alternatively, in the case of Schedule III, IV, or V controlled substances, in such form that information required by this chapter is readily retrievable from the ordinary business records of the registrant.

In either case, *the* records *described in this subsection* shall be kept and made available for a period of at least 2 years for inspection and copying by law enforcement officers whose duty it is to enforce the laws of this state relating to controlled substances. *Law enforcement officers are not required to obtain a subpoena, court order, or search warrant in order to obtain access to or copies of such records.*

(5) Each person *described in subsection (1)* shall*:*

(a) Maintain a record which shall contain a detailed list of controlled substances lost, destroyed, or stolen, if any; the kind and quantity of such controlled substances; and the date of the discovering of such loss, destruction, or theft.

(b) In the event of the discovery of the theft or significant loss of controlled substances, report such theft or significant loss to the sheriff of that county within 24 hours after discovery. A person who fails to report a theft or significant loss of a substance listed in s. 893.03(3), (4), or (5) within 24 hours after discovery as required in this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who fails to report a theft or significant loss of a substance listed in s. 893.03(2) within 24 hours after discovery as required in this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 26. Subsection (7) of section 893.13, Florida Statutes, is amended to read:

893.13 Prohibited acts; penalties.—

(7)(a) *A* ~~It is unlawful for any~~ person *may not*:

1. ~~To~~ Distribute or dispense a controlled substance in violation of this chapter.

2. ~~To~~ Refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under this chapter.

3. ~~To~~ Refuse ~~an~~ entry into any premises for any inspection or ~~to~~ refuse to allow any inspection authorized by this chapter.

4. ~~To~~ Distribute a controlled substance named or described in s. 893.03(1) or (2) except pursuant to an order form as required by s. 893.06.

5. ~~To~~ Keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place which is resorted to by persons using controlled substances in violation of this chapter for the purpose of using these substances, or which is used for keeping or selling them in violation of this chapter.

6. ~~To~~ Use to his or her own personal advantage, or ~~to~~ reveal, any information obtained in enforcement of this chapter except in a prosecution or administrative hearing for a violation of this chapter.

7. ~~To~~ Possess a prescription form which has not been completed and signed by the practitioner whose name appears printed thereon, unless the person is that practitioner, is an agent or employee of that practitioner, is a pharmacist, or is a supplier of prescription forms who is authorized by that practitioner to possess those forms.

8. ~~To~~ Withhold information from a practitioner from whom the person seeks to obtain a controlled substance or a prescription for a controlled substance that the person making the request has received a controlled substance or a prescription for a controlled substance of like therapeutic use from another practitioner within the previous 30 days.

9. ~~To~~ Acquire or obtain, or attempt to acquire or obtain, possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.

10. ~~To~~ Affix any false or forged label to a package or receptacle containing a controlled substance.

11. ~~To~~ Furnish false or fraudulent material information in, or omit any material information from, any report or other document required to be kept or filed under this chapter or any record required to be kept by this chapter.

12. ~~To~~ Store anhydrous ammonia in a container that is not approved by the United States Department of Transportation to hold anhydrous ammonia or is not constructed in accordance with sound engineering, agricultural, or commercial practices.

13. With the intent to obtain a controlled substance or combination of controlled substances that are not medically necessary for the person or an amount of a controlled substance or substances that are not medically necessary for the person, obtain or attempt to obtain from a practitioner a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact. For purposes of this subparagraph, a material fact includes whether the person has an existing prescription for a controlled substance issued for the same period of time by another practitioner or as described in subparagraph 8.

(b) A health care practitioner, with the intent to provide a controlled substance or combination of controlled substances that are not medically necessary to his or her patient or an amount of controlled substances that are not medically necessary for his or her patient, may not provide a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact. For purposes of this paragraph, a material fact includes whether the patient has an existing prescription for a controlled substance issued for the same period of time by another practitioner or as described in subparagraph (a)8.

(c)~~(b)~~ Any person who violates the provisions of subparagraphs (a)1.-7. commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; except that, upon a second or subsequent violation, the person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d)~~(c)~~ Any person who violates the provisions of subparagraphs (a)8.-12. commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) A person or health care practitioner who violates the provisions of paragraph (b) or subparagraph (a)13. commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if any controlled substance that is the subject of the offense is listed in Schedule II, Schedule III, or Schedule IV.

Section 27. Present subsections (3) through (10) of section 893.138, Florida Statutes, are redesignated as subsections (4) through (11), respectively, and a new subsection (3) is added to that section, to read:

893.138 Local administrative action to abate drug-related, prostitution-related, or stolen-property-related public nuisances and criminal gang activity.—

(3) Any pain-management clinic, as described in s. 458.3265 or s. 459.0137, which has been used on more than two occasions within a 6-month period as the site of a violation of:

(a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045, relating to assault and battery;

(b) Section 810.02, relating to burglary;

(c) Section 812.014, relating to dealing in theft;

(d) Section 812.131, relating to robbery by sudden snatching; or

(e) Section 893.13, relating to the unlawful distribution of controlled substances,

may be declared to be a public nuisance, and such nuisance may be abated pursuant to the procedures provided in this section.

Section 28. *(1) DISPOSITION OF CONTROLLED SUBSTANCES.—*

(a) Within 10 days after the effective date of this act, each physician licensed under chapter 458, chapter 459, chapter 461, or chapter 466, Florida Statutes, unless he or she meets one of the exceptions for physician who dispenses under s. 465.0276, Florida Statutes, shall ensure that the undispensed inventory of controlled substances listed in Schedule II or Schedule III as provided in s. 893.03, Florida Statutes, purchased under the physician's Drug Enforcement Administration number for dispensing is:

1. Returned in compliance with the laws and rules adopted under chapter 499, Florida Statutes, to the wholesale distributor, as defined in s. 499.003, Florida Statutes, which distributed the controlled substances to the physician; or

2. Turned in to local law enforcement agencies and abandoned.

(b) Wholesale distributors shall buy back the undispensed inventory of controlled substances listed in Schedule II or Schedule III as provided in s. 893.03, Florida Statutes, which are in the manufacturer's original packing, unopened, and in date, in accordance with the established policies of the wholesale distributor or the contractual terms between the wholesale distributor and the physician concerning returns.

(2) PUBLIC HEALTH EMERGENCY.—

(a) The Legislature finds that:

1. Prescription drug overdose has been declared a public health epidemic by the United States Centers for Disease Control and Prevention.

2. Prescription drug abuse results in an average of seven deaths in this state each day.

3. Physicians in this state purchased more than 85 percent of the oxycodone purchased by all practitioners in the United States in 2006.

4. Physicians in this state purchased more than 93 percent of the methadone purchased by all practitioners in the United States in 2006.

5. Some physicians in this state dispense medically unjustifiable amounts of controlled substances to addicts and to people who intend to illegally sell the drugs.

6. Physicians in this state who have purchased large quantities of controlled substances may have significant inventory 30 days after the effective date of this act.

7. Thirty days after the effective date of this act, the only legal method for a dispensing practitioner to sell or otherwise transfer controlled substances listed in Schedule II or Schedule III as provided in s. 893.03, Florida Statutes, purchased for dispensing, is through the abandonment procedures of subsection (1) or as authorized under s. 465.0276, Florida Statutes.

8. It is likely that the same physicians who purchase and dispense medically unjustifiable amounts of drugs will not legally dispose of the remaining inventory.

9. The actions of such dispensing practitioners may result in substantial injury to the public health.

(b) Immediately upon the effective date of this act, the State Health Officer shall declare a public health emergency pursuant to s. 381.00315, Florida Statutes. Pursuant to that declaration, the Department of Health, the Attorney General, the Department of Law Enforcement, and local law enforcement agencies shall take the following actions:

1. Within 2 days after the effective date of this act, in consultation with wholesale distributors as defined in s. 499.003, Florida Statutes, the Department of Health shall identify dispensing practitioners who purchased more than an average of 2,000 unit doses of controlled substances listed in Schedule II or Schedule III as provided in s. 893.03, Florida Statutes, per month in the previous 6 months, and shall identify the dispensing practitioners in that group who pose the greatest threat to the public health based on an assessment of:

a. The risk of noncompliance with subsection (1).

b. The purchase amounts.

c. The manner of medical practice.

d. Any other factor set by the State Health Officer.

The Attorney General shall consult and coordinate with federal law enforcement agencies. The Department of Law Enforcement shall coordinate the efforts of local law enforcement agencies.

2. On the 3rd day after the effective date of this act, the Department of Law Enforcement or local law enforcement agencies shall enter the business premises of the dispensing practitioners identified as posing the greatest threat to public health and quarantine any inventory of controlled substances listed in Schedule II or Schedule III as provided in s. 893.03, Florida Statutes, of such dispensing practitioners on site.

3. The Department of Law Enforcement or local law enforcement agencies shall ensure the security of such inventory 24 hours a day until the inventory is seized as contraband or deemed to be lawfully possessed for dispensing by the physician in accordance with s. 465.0276, Florida Statutes.

4. On the 31st day after the effective date of this act, any remaining inventory of controlled substances listed in Schedule II or Schedule III as provided in s. 893.03, Florida Statutes, purchased for dispensing by practitioners is deemed contraband under s. 893.12, Florida Statutes. The Department of Law Enforcement or local law enforcement agencies shall seize the inventory and comply with the provisions of s. 893.12, Florida Statutes, to destroy it.

(c) In order to implement this subsection, the sum of $3 million of nonrecurring funds from the General Revenue Fund is appropriated to the Department of Law Enforcement for the 2010-2011 fiscal year. The Department of Law Enforcement shall expend the appropriation by reimbursing local law enforcement agencies for the overtime-hour costs associated with securing the quarantined controlled substance inventory as provided in paragraph (b) and activities related to investigation and prosecution of crimes related to prescribed controlled substances. If requests for reimbursement exceed the amount appropriated, the reimbursements shall be prorated by the hours of overtime per requesting agency at a maximum of one law enforcement officer per quarantine site.

(3) REPEAL.—This section expires January 1, 2013.

Section 29. *The Department of Health shall establish a practitioner profile for dentists licensed under chapter 466, Florida Statutes, for a practitioner's designation as a controlled substance prescribing practitioner as provided in s. 456.44, Florida Statutes.*

Section 30. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 31. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to prescription drugs; amending s. 456.072, F.S.; making failure to comply with the requirements of s. 456.44, F.S., grounds for disciplinary action; providing mandatory administrative penalties for certain violations related to prescribing; amending s. 456.42, F.S.; requiring prescriptions for controlled substances to be written on a counterfeit-resistant pad produced by an approved vendor or electronically prescribed; providing conditions for being an approved vendor; creating s. 456.44, F.S.; providing definitions; requiring certain physicians to designate themselves as controlled substance prescribing practitioners on their practitioner profiles; providing an effective date; requiring registered physicians to meet certain standards of practice; requiring a physical examination; requiring a written protocol; requiring an assessment of risk for aberrant behavior; requiring a treatment plan; requiring specified informed consent; requiring consultation and referral in certain circumstances; requiring medical records meeting certain criteria; providing an exemption for physicians meeting certain criteria; amending s. 458.3265, F.S., relating to regulation of pain-management clinics and medical doctors; redefining the term "pain-management clinic"; providing definitions; providing an exemption from registration for clinics owned and operated by physicians or medical specialists meeting certain criteria; revising responsibilities of physicians in pain-management clinics; allowing physician assistants and advanced registered nurse practitioners to perform physical examinations; requiring physicians in pain-management clinics to ensure compliance with certain requirements; imposing facility and physical operations requirements; imposing infection control requirements; imposing health and safety requirements; imposing quality assurance requirements; imposing data collection and reporting requirements; revising rulemaking authority; conforming provisions to changes made by the act; providing for future expiration of provisions; amending s. 458.327, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is a third-degree felony; providing penalties; amending s. 458.331, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is grounds for disciplinary action; providing penalties; amending s. 459.0137, F.S., relating to regulation of pain-management clinics and osteopathic physicians; providing definitions; providing an exemption from registration for clinics owned and operated by physicians meeting certain criteria; revising responsibilities of osteopathic physicians in pain-management clinics; allowing physician assistants and advanced registered nurse practitioners to perform physical examinations; requiring osteopathic physicians in pain-management clinics to ensure compliance with certain requirements; imposing facility and physical operations requirements; imposing infection control requirements; imposing health and safety requirements; imposing quality assurance requirements; imposing data collection and reporting requirements; revising rulemaking authority; conforming provisions to changes made by the act; providing for future expiration of provisions; amending s. 459.013, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is a third-degree felony; providing penalties; amending s. 459.015, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is grounds for disciplinary action; providing penalties; amending s. 465.015, F.S.; requiring a pharmacist to report to the sheriff within a specified period any instance in which a person fraudulently obtained or attempted to fraudulently obtain a controlled substance; providing criminal penalties; providing suggested criteria for the reports; amending s. 465.016, F.S.; providing additional grounds for denial of or disciplinary action against a pharmacist license; amending s. 465.018, F.S.; providing grounds for permit denial or discipline; requiring applicants to pay or make arrangements to pay amounts owed to the Department of Health; requiring an inspection; requiring permittees to maintain certain records; requiring a community pharmacy to be permitted under ch. 465, F.S., on or after a specified date in order to dispense Schedule II or Schedule III controlled substances; amending s. 465.022, F.S.; requiring the Department of Health to adopt rules related to procedures for dispensing controlled substances; providing requirements for the issuance of a pharmacy permit; requiring disclosure of financial interests; requiring submission of policies and procedures and providing for grounds for permit denial based on such policies and procedures; authorizing the Department of Health to phase in the policies and procedures requirement over an 18-month period beginning July 1, 2011; requiring the Department of Health to deny a permit to applicants under certain circumstances; requiring permittees to provide notice of certain management changes; requiring prescription department managers to meet certain criteria; imposing duties on prescription department managers; limiting the number of locations a prescription department manager may manage; requiring the board to adopt rules related to recordkeeping; providing that permits are not transferable; increasing the fee for a change of location; amending s. 465.0276, F.S.; deleting a provision establishing a 72-hour supply limit on dispensing certain controlled substances; prohibiting registered dispensing practitioners from dispensing certain controlled substances; revising the list of exceptions that allow registered dispensing practitioners to dispense certain controlled substances; amending s. 499.0051, F.S.; providing criminal penalties for violations of certain provisions of s. 499.0121, F.S.; amending s. 499.012, F.S.; requiring wholesale distributor permit applicants to submit documentation of credentialing policies; amending s. 499.0121, F.S.; providing reporting requirements regarding certain controlled substances for prescription drug wholesale distributors, out-of-state prescription drug wholesale distributors, retail pharmacy drug wholesale distributors, manufacturers, or repackagers that engage in the wholesale distribution of controlled substances to a retail pharmacy; requiring the Department of Health to share the reported data with law enforcement agencies; requiring the Department of Law Enforcement to make investigations based on the reported data; providing credentialing requirements for distribution of controlled substances to certain entities by wholesale distributors; requiring distributors to identify suspicious transactions; requiring distributors to determine the reasonableness of orders for controlled substances over certain amounts; requiring distributors to maintain documents that support the report submitted to the Department of Health; requiring the department to assess data; requiring the department to report certain data to the Governor, President of the Senate, and Speaker of the House of Representatives by certain dates; prohibiting distribution to entities with certain criminal backgrounds; amending s. 499.05, F.S.; authorizing rulemaking concerning specified controlled substance wholesale distributor reporting requirements and credentialing requirements; amending s. 499.067, F.S.; authorizing the Department of Health to take disciplinary action against wholesale distributors failing to comply with specified credentialing or reporting requirements; amending s. 810.02, F.S.; authorizing separate judgments and sentences for burglary with the intent to commit theft of a controlled substance under specified provisions and for any applicable possession of controlled substance offense under specified provisions in certain circumstances; amending s. 812.014, F.S.; authorizing separate judgments and sentences for theft of a controlled substance under specified provisions and for any applicable possession of controlled substance offense under specified provisions in certain circumstances; amending s. 893.055, F.S., relating to the prescription drug monitoring program; deleting obsolete dates; deleting references to the Office of Drug Control; requiring reports to the prescription drug monitoring system to be made in 7 days rather than 15 days; prohibiting the use of certain funds to implement the program; requiring criminal background screening for those persons who have direct access to the prescription drug monitoring program's database; requiring the State Surgeon General to appoint a board of directors for the direct-support organization; conforming provisions to changes made by the act; amending s. 893.065, F.S.; conforming provisions to changes made by the act; amending s. 893.07, F.S.; providing that law enforcement officers are not required to obtain a subpoena, court order, or search warrant in order to obtain access to or copies of specified controlled substance inventory records; requiring reporting of the discovery of the theft or loss of controlled substances to the sheriff within a specified period; providing criminal penalties; amending s. 893.13, F.S.; prohibiting a person from obtaining or attempting to obtain from a practitioner a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact; prohibiting a health care provider from providing a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact; prohi-

biting a person from adulterating a controlled substance for certain use without authorization by a prescribing physician; providing penalties; amending s. 893.138, F.S.; providing circumstances in which a pain-management clinic may be declared a public nuisance; providing for the disposition of certain controlled substance inventory held by specified licensed physicians; providing certain requirements for a physician returning inventory to a distributor; requiring wholesale distributors to buy back certain undispensed inventory of controlled substances; providing for a declaration of a public health emergency; requiring certain actions relating to dispensing practitioners identified as posing the greatest threat to public health; providing an appropriation; providing for future expiration of program provisions; requiring the Department of Health to establish a practitioner profile for dentists; providing for severability; providing an effective date.

On motion by Senator Fasano, by two-thirds vote **CS for CS for HB 7095** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

SPECIAL GUESTS

President Haridopolos recognized Attorney General Pam Bondi; and the First Lady of the Senate, Dr. Stephanie Haridopolos, both of whom were present in the chamber.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments 1 and 3 to House amendment 2, and has amended Senate amendment 2 to House amendment 2, and concurred in the same as amended, and passed CS for CS for CS for SB 88 as further amended, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for CS for SB 88—A bill to be entitled An act relating to public employee compensation; amending s. 215.425, F.S.; revising provisions relating to the prohibition against the payment of extra compensation; providing for bonuses; specifying the conditions for paying bonuses; requiring contracts that provide for severance pay to include certain provisions after a certain date; allowing for severance pay under specified circumstances; defining the term "severance pay"; prohibiting a contract provision that provides for extra compensation to limit the ability to discuss the contract; amending s. 166.021, F.S.; deleting a provision that allows a municipality to pay extra compensation; amending s. 112.061, F.S.; conforming cross-references; repealing s. 125.01(1)(bb), F.S., relating to the power of a local government to pay extra compensation; repealing s. 373.0795, F.S., relating to a prohibition against severance pay for officers or employees of water management districts; providing an effective date.

House Amendment 1 (257371) to Senate Amendment 2 to House Amendment 2 —Remove line 5 and insert: *exceed an amount greater than 20 weeks of compensation.*

On motion by Senator Gaetz, the Senate concurred in the House amendment to the Senate amendment to the House amendment.

CS for CS for CS for SB 88 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

SPECIAL RECOGNITION

Senator Gaetz recognized Senator Chris Smith as Minority Leader designate for 2012-2014.

CONSIDERATION OF BILL OUT OF ORDER

On motion by Senator Altman, by two-thirds vote **CS for HB 1463** was withdrawn from the Committees on Health Regulation; and Budget.

On motions by Senator Altman, by unanimous consent—

CS for HB 1463—A bill to be entitled An act relating to crisis stabilization units; amending s. 394.875, F.S.; directing the Department of Children and Family Services to implement a demonstration project in circuit 18 to test the impact of expanding the maximum number of crisis stabilization unit beds; providing an effective date.

—was taken up out of order and by two-thirds vote read the second time by title. On motion by Senator Altman, by two-thirds vote **CS for HB 1463** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

BILLS ON THIRD READING

SENATOR BENNETT PRESIDING

CS for CS for CS for HB 883—A bill to be entitled An act relating to public lodging establishments and public food service establishments; amending s. 509.013, F.S.; excluding nonprofit organizations providing certain housing from the definition of "public lodging establishment"; amending s. 509.032, F.S.; conforming provisions to changes made by the act; prohibiting local governments from regulating, restricting, or prohibiting vacation rentals based solely on their classification, use, or occupancy; providing exceptions; revising authority preempted to the state with regard to regulation of public lodging establishments and public food service establishments; amending ss. 509.221 and 509.241, F.S.; conforming provisions to changes made by the act; amending s. 509.242, F.S.; providing that public lodging establishments formerly classified as resort condominiums and resort dwellings are classified as vacation rentals; defining the term "vacation rental"; amending s. 509.251, F.S.; conforming provisions to changes made by the act; amending s. 509.261, F.S.; revising penalties for public lodging establishments and public food service establishments operating without a valid license; amending s. 509.291, F.S.; revising membership of the advisory council of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; requiring the Florida Vacation Rental Managers Association to designate a member to serve on the advisory council; amending ss. 381.008 and 386.203, F.S.; conforming provisions to changes made by the act; providing a short title; amending s. 509.144, F.S.; revising definitions; providing additional penalties for the offense of unlawfully distributing handbills in a public lodging establishment; specifying that certain items used in committing such offense are subject to seizure and forfeiture under the Florida Contraband Forfeiture Act; creating s. 901.1503, F.S.; authorizing a law enforcement officer to give a notice to appear to a person without a warrant when there is probable cause to believe the person violated s. 509.144, F.S., and the owner or manager of the public lodging establishment and one additional affiant sign an affidavit containing information supporting the determination of probable cause; amending s. 932.701, F.S.; revising the definition of the term "contraband article"; providing that specified portions of the act do not affect or impede specified statutory provisions or any protection or right guaranteed by the Second Amendment to the United States Constitution; providing an effective date.

—was read the third time by title.

On motion by Senator Evers, **CS for CS for CS for HB 883** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	

Nays—None

CS for SB 1246—A bill to be entitled An act relating to farms; prohibiting a person from entering onto a farm and making any audio record, photograph, or video record at the farm without the owner's written consent; providing exceptions; providing definitions; providing penalties; providing an effective date.

—as amended May 4 was read the third time by title.

Senator Norman moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (692944)—Delete line 18 and insert: *surveyors and mappers, and their subordinates, agents, and employees, as necessary for any activities under chapter 472, Florida*

Amendment 2 (849774)—Delete lines 21-35 and insert: *farm as defined in s. 823.14(3)(a) or other property, where legal farm operations are being conducted and farm products are produced, and produces audio or video records without the written consent of the owner or an authorized representative of the owner, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.*

(2) As used in this section, the term "audio or video records" means any audio or video recording, regardless of the recording medium or format, including, but not limited to, photographs, audio or videotapes, cd's, dvd's, or streaming media, whether stored on film stock, hard disks, solid state storage, or any electrical, magnetic, or optical or other form of data storage.

On motion by Senator Norman, **CS for SB 1246** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—25

Alexander	Gaetz	Oelrich
Altman	Garcia	Richter
Bennett	Gardiner	Simmons
Dean	Hays	Siplin
Detert	Hill	Storms
Dockery	Jones	Thrasher
Evers	Lynn	Wise
Fasano	Montford	
Flores	Norman	

Nays—10

Bogdanoff	Negron	Smith
Braynon	Rich	Sobel
Joyner	Ring	
Margolis	Sachs	

SPECIAL ORDER CALENDAR

On motion by Senator Flores, by unanimous consent—

CS for SB 1622—A bill to be entitled An act relating to family support; amending s. 88.1011, F.S.; revising and defining terms; amending s. 88.1021, F.S.; designating the courts and other entities as the tribunals of the state and designating the Department of Revenue as the support enforcement agency of the state; amending s. 88.1031, F.S.; clarifying that the Uniform Interstate Family Support Act is not the exclusive method to establish or enforce a support order in this state; creating s. 88.1041, F.S.; providing for the application of certain parts of ch. 88, F.S., to a foreign support order, a foreign tribunal, or an obligee, obligor, or child residing in a foreign country; amending s. 88.2011, F.S.; providing a basis for personal jurisdiction over nonresidents in support cases; amending s. 88.2021, F.S.; providing that personal jurisdiction acquired by a tribunal of this state in a proceeding under ch. 88, F.S., or other law of this state relating to a support order continues under certain circumstances; amending s. 88.2031, F.S.; authorizing a tribunal of this state to serve as an initiating tribunal to forward proceedings to a tribunal of another state and as a responding tribunal for proceedings initiated in another state or foreign country; amending s. 88.2041, F.S.; providing that a tribunal of this state may exercise jurisdiction to establish a support order in a foreign country under certain circumstances; amending s. 88.2051, F.S.; providing that a tribunal of this state may continue its exclusive jurisdiction to modify a child support order only under certain circumstances; amending s. 88.2061, F.S.; providing that a tribunal of this state may continue its jurisdiction to enforce a child support order or money judgment under certain circumstances; amending s. 88.2071, F.S.; providing procedures for determining which child support order is recognized as the controlling support order; requiring the party requesting a determination of the controlling support order to provide a copy of every child support order in effect, the applicable record of payments, and other specified documents; requiring that the parties recognize as the controlling support order any order

made pursuant to the procedures of the act; amending s. 88.2081, F.S.; conforming provisions to changes made by the act; amending s. 88.2091, F.S.; requiring a tribunal of this state to credit support amounts collected for a particular period pursuant to a child support order against the amount owed for the same period under any other child support order; creating s. 88.2101, F.S.; authorizing a tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under the act to receive evidence from outside this state and communicate with a tribunal outside this state; creating s. 88.2111, F.S.; providing that a tribunal of this state issuing a spousal support order consistent with the law of this state has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the obligation; prohibiting the tribunal from modifying a spousal support order issued by a tribunal of another state or foreign country having continuing, exclusive jurisdiction over that order; amending ss. 88.3011, 88.3021, and 88.3031, F.S.; conforming provisions to changes made by the act; amending s. 88.3041, F.S.; providing for the duties of the initiating tribunal when forwarding documents to a foreign tribunal; amending s. 88.3051, F.S.; providing for the duties and powers of a responding tribunal when requested to enforce a support order, arrears, or judgment or to modify a support order; amending s. 88.3061, F.S.; conforming provisions to changes made by the act; amending s. 88.3071, F.S.; specifying the duties of a support enforcement agency in this state; amending s. 88.3081, F.S.; authorizing the Governor and Cabinet to determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination; amending s. 88.3101, F.S.; setting forth the duties of the Department of Revenue as the state information agency; amending s. 88.3111, F.S.; requiring a petitioner to verify a petition filed with the tribunal; amending s. 88.3121, F.S.; revising provisions prohibiting the disclosure of specific identifying information under certain circumstances; requiring that such information be sealed and not be disclosed to the other party or the public; authorizing the tribunal to disclose the information after a hearing; amending ss. 88.3131 and 88.3141, F.S.; conforming provisions to changes made by the act; amending s. 88.3161, F.S.; providing for special rules of evidence and procedures for nonresident parties; providing that a voluntary acknowledgment of paternity is admissible to establish parentage of a child; amending ss. 88.3171 and 88.3181, F.S.; conforming provisions to changes made by the act; amending s. 88.3191, F.S.; providing for the receipt and disbursement of payments; requiring that if the obligor, obligee, and child reside in this state, upon request from the support enforcement agency of this or another state, the support enforcement agency or tribunal direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services and send to the obligor's employer a conforming income-withholding order or an administrative notice of change of payee, reflecting the redirected payments; amending s. 88.4011, F.S.; providing for the establishment of a support order under certain circumstances; providing that the tribunal may issue a temporary child support order under certain circumstances; amending ss. 88.5011, 88.5031, 88.5041, and 88.5051, F.S.; conforming provisions to changes made by the act; amending s. 88.5061, F.S.; providing that an obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this state by registering the order in a tribunal of this state and filing a contest to that order; amending ss. 88.5071 and 88.6011, F.S.; conforming provisions to changes made by the act; amending s. 88.6021, F.S.; specifying procedures to register a support order; providing procedures if two or more support orders are in effect; amending s. 88.6031, F.S.; revising provisions to conform to changes made by the act; amending s. 88.6041, F.S.; providing that the law of the state that issues the order governs the law of the case; providing for an exception; amending s. 88.6051, F.S.; specifying the content of the notice of the registration of a support order; amending s. 88.6061, F.S.; providing procedures to contest the validity or enforcement of a registered support order; amending ss. 88.6071, 88.6081, and 88.6101, F.S.; conforming provisions to changes made by the act; amending s. 88.6111, F.S.; providing for modifying a child support order; providing that the law of the state that issued the controlling order governs the duration of the obligation of support; amending s. 88.6121, F.S.; providing that if a child support order issued by a tribunal of this state is modified by a tribunal of another state which assumed jurisdiction pursuant to the Uniform Interstate Family Support Act, a tribunal of this state may enforce the order that was modified only as to arrears and interest accruing before the modification; creating s. 88.6151, F.S.; providing that if a foreign country lacks jurisdiction or refuses to exercise jurisdiction to modify its child support order, a tribunal of this state may assume jurisdiction to modify the child support order and bind all persons subject to the personal jurisdiction of the tribunal whether or not the person consents to modification of the child support order; creating s. 88.6161, F.S.; specifying procedures to register a child support order; repealing s. 88.7011, F.S., relating to proceeding to determine parentage of a child; creating s. 88.7021, F.S.; providing that part VII of ch. 88, F.S., applies only to support proceedings involving a foreign country in which the convention is in force with respect to the United States; creating s. 88.7031, F.S.; designating the Department of Children and Family Services as the agency designated by the United States Central Authority to perform specific functions under the convention in this state; creating s. 88.7041, F.S.; designating the procedures the governmental entity must follow to initiate support proceedings under the convention; creating s. 88.7051, F.S.; authorizing a petitioner to file a direct request in a tribunal of this state to establish or modify a support order or determination of parentage; setting forth procedures for filing direct requests; creating s. 88.7061, F.S.; designating procedures for individuals and support enforcement agencies to register foreign support orders; specifying the documents to be included with the registration request; creating s. 88.7071, F.S.; providing procedures to contest the validity of a foreign support order; creating s. 88.7081, F.S.; providing for the recognition and enforcement of foreign support orders; creating s. 88.7091, F.S.; providing procedures for a tribunal to refuse to recognize or enforce a foreign support order; creating s. 88.7101, F.S.; directing a tribunal of this state to recognize and enforce a foreign support agreement registered in this state; requiring an application or direct request for recognition and enforcement of a foreign support agreement to be accompanied by certain documents; creating s. 88.7111, F.S.; prohibiting a tribunal of this state from modifying a foreign child support order if the obligee remains a resident of the foreign country where the support order was issued; providing exceptions; creating s. 88.7112, F.S.; providing for personal jurisdiction in spousal support proceedings; amending s. 88.9011, F.S.; providing for uniform construction of the act; creating s. 88.9021, F.S.; directing that the act applies to proceedings begun on or after a specified date to establish a support order, determine parentage of a child, or register, recognize, enforce, or modify a prior support order, determination, or agreement, whenever issued or entered; amending ss. 61.13 and 827.06, F.S.; conforming cross-references to changes made by the act; providing a contingent effective date.

—was taken up out of order and read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1622** to **CS for CS for CS for HB 1111**.

Pending further consideration of **CS for SB 1622** as amended, on motion by Senator Flores, by two-thirds vote **CS for CS for CS for HB 1111** was withdrawn from the Committees on Judiciary; Children, Families, and Elder Affairs; Budget Subcommittee on General Government Appropriations; and Budget.

On motion by Senator Flores—

CS for CS for CS for HB 1111—A bill to be entitled An act relating to family law; amending s. 88.1011, F.S.; revising and providing definitions; amending s. 88.1021, F.S.; designating the Department of Revenue as the support enforcement agency of this state; amending s. 88.1031, F.S.; revising provisions relating to remedies provided by the act; creating s. 88.1041, F.S.; providing for applicability of provisions to residents of foreign counties and foreign support proceedings; amending s. 88.2011, F.S.; providing that specified bases of personal jurisdiction may not be used to acquire personal jurisdiction for certain purposes unless specified requirements are met; amending s. 88.2021, F.S.; providing for duration of personal jurisdiction; deleting provisions relating to procedure when exercising jurisdiction over nonresident; amending ss. 88.2031 and 88.2041, F.S.; conforming provisions to changes made by the act; amending s. 88.2051, F.S.; revising provisions relating to continuation of exclusive jurisdiction; amending s. 88.2061, F.S.; providing for continuing jurisdiction to enforce child support orders; amending s. 88.2071, F.S.; revising provisions relating to determination of a controlling child support order; amending s. 88.2081, F.S.; revising language relating to child support orders for two or more obligees; amending s. 88.2091, F.S.; revising language relating to credit for child support payments; creating s. 88.2101, F.S.; providing for application of the act to a nonresident subject to personal jurisdiction; creating s. 88.2111, F.S.; providing for continuing, exclusive jurisdiction to modify a spousal support order; amending s. 88.3011, F.S.; revising provisions relating to applicability of the act; amending ss. 88.3021 and 88.3031, F.S.; revising

terminology; amending s. 88.3041, F.S.; revising provisions relating to duties of an initiating tribunal; amending s. 88.3051, F.S.; revising provisions relating to duties and powers of a responding tribunal; amending s. 88.3061, F.S.; revising terminology; amending s. 88.3071, F.S.; revising provisions relating to the duties of a support enforcement agency; amending s. 88.3081, F.S.; providing that the Governor and Cabinet may determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination; amending s. 88.3101, F.S.; revising terminology; amending s. 88.3111, F.S.; revising provisions relating to pleadings and accompanying documents; amending s. 88.3121, F.S.; revising requirements for nondisclosure of certain information; amending ss. 88.3131 and 88.3141, F.S.; revising terminology; amending s. 88.3161, F.S.; revising provisions relating to special rules of evidence and procedure; amending ss. 88.3171 and 88.3181, F.S.; revising terminology; amending s. 88.3191, F.S.; revising provisions relating to receipt and disbursement of payments; amending s. 88.4011, F.S.; revising provisions relating to establishment of a support order; creating s. 88.4021, F.S.; providing that certain tribunals of this state may serve as responding tribunals in proceedings to determine parentage of a child under certain provisions; providing a directive to the Division of Statutory Revision; amending s. 88.5011, F.S.; revising provisions relating to an employer's receipt of an income-withholding order from another state; amending ss. 88.50211, 88.5031, 88.5041, and 88.5051, F.S.; revising terminology; amending s. 88.5061, F.S.; revising provisions relating to a contest by obligor; amending s. 88.5071, F.S.; revising terminology; providing a directive to the Division of Statutory Revision; amending s. 88.6011, F.S.; revising terminology; amending s. 88.6021, F.S.; revising provisions relating to the procedure to register order for enforcement; amending s. 88.6031, F.S.; revising terminology; amending s. 88.6041, F.S.; revising provisions relating to choice of law; amending s. 88.6051, F.S.; revising provisions relating to notice of registration of order; amending s. 88.6061, F.S.; revising provisions relating to the procedure to contest the validity or enforcement of a registered order; amending s. 88.6071, F.S.; revising provisions relating to the contesting of registration or enforcement; amending s. 88.6081, F.S.; revising terminology; amending s. 88.6091, F.S.; correcting a cross-reference; amending s. 88.6111, F.S.; revising provisions relating to modification of a child support order of another state; amending s. 88.6121, F.S.; revising provisions relating to recognition of a child support order modified in another state; creating s. 88.6151, F.S.; providing for jurisdiction to modify a child support order of a foreign country; creating s. 88.6161, F.S.; providing procedures for registration of a child support order of a foreign country for modification; providing a directive to the Division of Statutory Revision; repealing s. 88.7011, F.S., relating to a proceeding to determine parentage of a child; creating s. 88.70111, F.S.; providing definitions relating to a support proceeding under the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance; creating s. 88.7021, F.S.; providing for applicability; creating s. 88.7031, F.S.; specifying the relationship of the Department of Revenue to the United States central authority; creating s. 88.7041, F.S.; providing for initiation by the Department of Revenue of support proceedings under the convention; creating s. 88.7051, F.S.; providing for direct requests to tribunals; creating s. 88.7061, F.S.; providing for registration of convention support orders; creating s. 88.7071, F.S.; providing for contest of registered convention support orders; creating s. 88.7081, F.S.; providing for recognition and enforcement of registered convention support orders; creating s. 88.7091, F.S.; providing for partial enforcement of convention support orders; creating s. 88.7101, F.S.; providing requirements for a foreign support agreement; creating s. 88.7111, F.S.; providing for modification of convention child support orders; creating s. 88.7121, F.S.; providing limits on the personal use of certain information; creating s. 88.7131, F.S.; requiring a record filed with a tribunal of this state under specified provisions to be in the original language and, if not in English, to be accompanied by an English translation; amending s. 88.8011, F.S.; revising terminology; amending s. 88.9011, F.S.; revising provisions relating to the uniformity of application and construction of the act; creating s. 88.9021, F.S.; providing applicability; amending s. 88.9031, F.S.; revising terminology; amending ss. 61.13 and 827.06, F.S.; correcting cross-references; directing the Department of Revenue to apply for a waiver; amending s. 61.08, F.S.; revising provisions relating to factors to be considered for alimony awards; revising provisions relating to awards of durational alimony; revising provisions relating to awards of permanent alimony; providing that the award of alimony may not leave the payor with significantly less net income than the net income of the recipient unless there are written findings of exceptional circumstances; providing for applicability of specified provisions; providing effective dates.

—a companion measure, was substituted for **CS for SB 1622** as amended and read the second time by title.

On motion by Senator Flores, by two-thirds vote **CS for CS for CS for HB 1111** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Bennett	Gardiner	Richter
Bogdanoff	Hays	Ring
Braynon	Hill	Sachs
Dean	Jones	Simmons
Detert	Joyner	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	

Nays—None

RECESS

On motion by Senator Thrasher, the Senate recessed at 12:51 p.m. to reconvene at 1:30 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by Senator Bennett at 1:58 p.m. A quorum present—37:

Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	
Gaetz	Oelrich	

SPECIAL ORDER CALENDAR

On motion by Senator Flores, by unanimous consent—

CS for SB 730—A bill to be entitled An act relating to youth and student athletes; amending s. 943.0438, F.S.; requiring independent sanctioning authorities to adopt policies to inform youth athletes and their parents of the nature and risk of certain head injuries; requiring that a signed consent form be obtained before the youth participates in athletic practices or competitions; requiring that a youth athlete be immediately removed from an athletic activity following a suspected head injury; requiring written clearance from a medical professional before the youth resumes athletic activities; authorizing a physician to delegate the performance of medical care to certain licensed or certified health care providers and consult with or use testing and the evaluation of cognitive functions performed by a licensed neuropsychologist; amending s. 1006.20, F.S.; requiring the Florida High School Athletic Association to adopt policies to inform student athletes and their parents of the nature and risk of certain head injuries; requiring that a signed consent form be obtained before a student athlete participates in athletic practices or competitions; requiring that a student athlete be immediately removed from an athletic activity following a suspected head injury; requiring written clearance from a medical professional before

the student resumes athletic activities; authorizing a physician to delegate the performance of medical care to certain licensed or certified health care practitioner and consult with or use testing and the evaluation of cognitive functions performed by a licensed neuropsychologist; providing an effective date.

—was taken up out of order and read the second time by title.

THE PRESIDENT PRESIDING

Amendments were considered and adopted to conform **CS for SB 730** to **CS for CS for HB 301**.

Pending further consideration of **CS for SB 730** as amended, on motion by Senator Flores, by two-thirds vote **CS for CS for HB 301** was withdrawn from the Committees on Education Pre-K - 12; Health Regulation; and Rules.

On motion by Senator Flores—

CS for CS for HB 301—A bill to be entitled An act relating to youth athletes; amending ss. 943.0438 and 1006.20, F.S.; requiring an independent sanctioning authority for youth athletic teams and the Florida High School Athletic Association to adopt guidelines, bylaws, and policies relating to the nature and risk of concussion and head injury in youth athletes; requiring informed consent for participation in practice or competition; requiring removal from practice or competition under certain circumstances and written clearance to return; providing an effective date.

—a companion measure, was substituted for **CS for SB 730** as amended and read the second time by title.

Senator Jones moved the following amendments which were adopted:

Amendment 1 (423070)—Delete lines 32-54 and insert:

(g) The organization shall adopt bylaws or policies that require student athletes who are suspected of sustaining a concussion or head injury in a practice or competition to be immediately removed from the activity. A student athlete who has been removed may not return to practice or competition until the student receives written clearance to return from a physician who is licensed under chapter 458, chapter 459, or chapter 460 stating that the student athlete no longer exhibits signs, symptoms, or behaviors consistent with a concussion or other head injury. Before issuing a written clearance to return to practice or competition, a physician may:

1. Delegate the performance of medical acts to a health care provider licensed or certified under s. 458.347, s. 459.022, s. 464.012, or s. 468.707 with whom the physician maintains a formal supervisory relationship or an established written protocol that identifies the medical acts or evaluations to be performed and conditions for their performance and that attests to proficiency in the evaluation and management of concussions.

2. Consult with, or utilize testing and evaluation of cognitive functions performed by, a neuropsychologist licensed under chapter 490.

Amendment 2 (527618)—Delete lines 74-96 and insert:

(g) The organization shall adopt bylaws or policies that require student athletes who are suspected of sustaining a concussion or head injury in a practice or competition to be immediately removed from the activity. A student athlete who has been removed may not return to practice or competition until the student receives written clearance to return from a physician who is licensed under chapter 458, chapter 459, or chapter 460 stating that the student athlete no longer exhibits signs, symptoms or behaviors consistent with a concussion or other head injury. Before issuing a written clearance to return to practice or competition, a physician may:

1. Delegate the performance of medical acts to a health care practitioner licensed or certified under s. 458.347, s. 459.022, s. 464.012, or s. 468.707 with whom the physician maintains a formal supervisory relationship or an established written protocol that identifies the medical acts or evaluations to be performed and conditions for their performance and that attests to proficiency in the evaluation and management of concussions.

2. Consult with, or utilize testing and evaluation of cognitive functions performed by, a neuropsychologist licensed under chapter 490.

On motion by Senator Flores, by two-thirds vote **CS for CS for HB 301** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Flores	Norman
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Sachs
Bennett	Hays	Simmons
Bogdanoff	Hill	Siplin
Braynon	Jones	Smith
Dean	Joyner	Sobel
Detert	Latvala	Storms
Diaz de la Portilla	Lynn	Thrasher
Dockery	Margolis	Wise
Evers	Montford	
Fasano	Negron	

Nays—None

Vote after roll call:

Yea—Oelrich, Ring

CLAIM BILL CALENDAR

On motion by Senator Ring, by unanimous consent—

SB 16—A bill to be entitled An act for the relief of Laron S. Harris, Jr., by and through his parents, Melinda Williams and Laron S. Harris, Sr., and Melinda Williams and Laron S. Harris, Sr., individually, by the North Broward Hospital District, d/b/a Coral Springs Medical Center; providing for an appropriation to compensate them for injuries sustained as a result of the negligence of the Coral Springs Medical Center; providing a limitation on the payment of fees and costs; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **SB 16**, on motion by Senator Ring, by two-thirds vote **HB 609** was withdrawn from the Special Master on Claim Bills; and the Committee on Rules.

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

HB 609—A bill to be entitled An act for the relief of Laron S. Harris, Jr., by and through his parents, Melinda Williams and Laron S. Harris, Sr., and Melinda Williams and Laron S. Harris, Sr., individually, by the North Broward Hospital District, d/b/a Coral Springs Medical Center; providing for an appropriation to compensate them for injuries sustained as a result of the negligence of the Coral Springs Medical Center; providing a limitation on the payment of fees and costs; providing an effective date.

—a companion measure, was substituted for **SB 16** and by two-thirds vote read the second time by title.

On motion by Senator Ring, by two-thirds vote **HB 609** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Diaz de la Portilla	Joyner
Alexander	Evers	Lynn
Altman	Fasano	Margolis
Benacquisto	Flores	Montford
Bogdanoff	Garcia	Negron
Braynon	Hays	Norman
Dean	Hill	Rich
Detert	Jones	Richter

Ring	Siplin	Storms
Sachs	Smith	Thrasher
Simmons	Sobel	Wise

Nays—3

Bennett	Dockery	Gaetz

Vote after roll call:

Yea—Oelrich

SPECIAL ORDER CALENDAR

On motion by Senator Bennett, by unanimous consent—

HB 7253—A bill to be entitled An act relating to ratification of rules pertaining to Land Planning Regulations for the Florida Keys Area of Critical State Concern; ratifying specified rules for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule meeting any of specified thresholds for likely adverse impact or increase in regulatory costs; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 7253** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Flores	Norman
Alexander	Gaetz	Richter
Altman	Garcia	Ring
Benacquisto	Gardiner	Sachs
Bennett	Hays	Simmons
Bogdanoff	Hill	Siplin
Braynon	Jones	Smith
Dean	Joyner	Sobel
Detert	Latvala	Storms
Diaz de la Portilla	Lynn	Thrasher
Dockery	Margolis	Wise
Evers	Montford	
Fasano	Negron	

Nays—None

Vote after roll call:

Yea—Oelrich, Rich

MOTIONS

On motion by Senator Thrasher, by two-thirds vote **CS for SB 1340** was placed on the Special Order Calendar.

On motion by Senator Fasano, by unanimous consent—

CS for CS for SB 196—A bill to be entitled An act relating to Choose Life license plates; amending s. 320.08058, F.S.; providing for the annual use fees to be distributed to Choose Life, Inc., rather than the counties; providing for Choose Life, Inc., to redistribute a portion of such funds to nongovernmental, not-for-profit agencies that assist certain pregnant women; authorizing Choose Life, Inc., to use a portion of the funds to administer and promote the Choose Life license plate program; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for CS for SB 196**, on motion by Senator Fasano, by two-thirds vote **HB 501** was withdrawn from the Committees on Transportation; Community Affairs; and Budget.

On motion by Senator Fasano—

HB 501—A bill to be entitled An act relating to Choose Life license plates; amending s. 320.08058, F.S.; providing for the annual use fees to be distributed to Choose Life, Inc., rather than the counties; providing for Choose Life, Inc., to redistribute a portion of such funds to nongovernmental, not-for-profit agencies that assist certain pregnant women; authorizing Choose Life, Inc., to use a portion of the funds to administer and promote the Choose Life license plate program; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 196** and read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (106676) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (29) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(29) CHOOSE LIFE LICENSE PLATES.—

(a) The department shall develop a Choose Life license plate as provided in this section. The word "Florida" must appear at the bottom of the plate, and the words "Choose Life" must appear at the top of the plate.

(b) The annual use fees shall be distributed annually to *Choose Life, Inc., along with a report that specifies* ~~each county in~~ the ratio that the annual use fees collected by each county *bear* ~~bears~~ to the total fees collected for the plates within the state. *Choose Life, Inc.,* ~~Each county~~ shall distribute *each county's share of* the funds to nongovernmental, not-for-profit agencies *within each Florida county which assist* ~~within the county, which agencies' services are limited to counseling and meeting the physical needs of~~ pregnant women who are *making an adoption plan for their children* ~~committed to placing their children for adoption~~. Funds may not be distributed to any agency that is involved or associated with abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or proabortion advertising, and funds may not be distributed to any agency that charges women for services received.

1. Agencies that receive the funds must use ~~at least 70 percent of~~ the funds to provide for the material needs of pregnant women who are *making an adoption plan for their children* ~~committed to placing their children for adoption~~, including*, but not limited to,* clothing, housing, medical care, food, utilities, and transportation. Such funds may also be expended on *birth mothers for 60 days after delivery and on* infants awaiting placement with adoptive parents.

2. ~~The remaining~~ Funds may *also* be used for *adoption-related* ~~adoption,~~ counseling, training, or advertising~~,~~ but may not be used for administrative expenses, legal expenses, or capital expenditures. *However, a maximum of 15 percent of the total funds received annually may be used by Choose Life, Inc., for the administration and promotion of the Choose Life license plate program.*

3. If no qualified agency applies to receive funds in a county in any year, that county's Choose Life funds shall be distributed pro rata to any qualified agencies that apply and maintain a place of business within a 100-mile radius of the county seat of such county. If no qualified agencies apply, the funds shall be held by Choose Life, Inc., until a qualified agency under this section applies for the funds.

4. ~~3.~~ Each agency that receives such funds must submit an annual attestation to *Choose Life, Inc.* ~~the county.~~ Any unused funds that exceed 10 percent of the funds received by an agency *each* ~~during its fiscal~~ year must be returned to *Choose Life, Inc.* ~~the county~~, which shall distribute *the funds* ~~them~~ to other qualified agencies *within the State of Florida*.

(c) By October 1, 2011, the department and each county shall transfer all of its Choose Life license plate funds to Choose Life, Inc.

Section 2. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Choose Life license plates; amending s. 320.08058, F.S.; providing for the annual use fees to be distributed to Choose Life, Inc., rather than the counties; providing for Choose Life, Inc., to redistribute a portion of such funds to nongovernmental, not-for-profit agencies that assist certain pregnant women; authorizing Choose Life, Inc., to use a portion of the funds to administer and promote the Choose Life license plate program; providing an effective date.

SENATOR JONES PRESIDING

On motion by Senator Fasano, by two-thirds vote **HB 501** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Alexander	Fasano	Negron
Altman	Flores	Norman
Benacquisto	Gaetz	Richter
Bennett	Garcia	Simmons
Bogdanoff	Gardiner	Siplin
Dean	Hays	Storms
Detert	Jones	Thrasher
Diaz de la Portilla	Latvala	Wise
Dockery	Lynn	
Evers	Montford	

Nays—10

Braynon	Oelrich	Smith
Hill	Rich	Sobel
Joyner	Ring	
Margolis	Sachs	

On motion by Senator Oelrich, by unanimous consent—

CS for SB 414—A bill to be entitled An act relating to the Prostate Cancer Awareness Program; amending s. 381.911, F.S.; revising the structure and objectives of the Prostate Cancer Awareness Program; authorizing the University of Florida Prostate Disease Center, in collaboration with other organizations and institutions, to increase community education and public awareness of prostate cancer; requiring the University of Florida Prostate Disease Center to establish an advisory council to replace the existing advisory committee; providing for membership and duties of the advisory council; requiring an annual report to the Governor, Legislature, and State Surgeon General; providing an effective date.

—was taken up out of order and read the second time by title.

An amendment was considered and adopted to conform **CS for SB 414** to **CS for CS for HB 137**.

Pending further consideration of **CS for SB 414** as amended, on motion by Senator Oelrich, by two-thirds vote **CS for CS for HB 137** was withdrawn from the Committees on Health Regulation; Budget Subcommittee on Higher Education Appropriations; and Budget.

On motion by Senator Oelrich—

CS for CS for HB 137—A bill to be entitled An act relating to the Prostate Cancer Awareness Program; amending s. 381.911, F.S.; deleting the funding qualification for the Prostate Cancer Awareness Program; revising the structure and objectives of the Prostate Cancer Awareness Program; authorizing the University of Florida Prostate Disease Center, in collaboration with other organizations and institutions, to increase community education and public awareness of prostate cancer; requiring the University of Florida Prostate Disease Center to establish a prostate cancer advisory council to replace the existing advisory committee; providing for membership and duties of the advisory council; requiring an annual report to the Governor, Legislature, and State Surgeon General; requiring the University of Florida Prostate Disease Center (UFPDC) and the UFPDC Prostate Cancer Advisory Council to be funded within existing resources of the university; providing an effective date.

—a companion measure, was substituted for **CS for SB 414** as amended and read the second time by title.

On motion by Senator Oelrich, by two-thirds vote **CS for CS for HB 137** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	

Nays—None

On motion by Senator Bogdanoff, by unanimous consent—

CS for CS for SB 866—A bill to be entitled An act relating to judgment interest; amending s. 55.03, F.S.; requiring the Chief Financial Officer to set the rate of interest payable on judgments or decrees for the calendar quarter on certain specified dates; revising the calculation of the interest rate; specifying the dates the rate of interest established by the Chief Financial Officer is to take effect; providing that the rate of interest is established at the time a judgment is obtained; requiring that such interest rate be adjusted quarterly in accordance with a certain interest rate; amending s. 717.1341, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was taken up out of order and read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 866** to **CS for HB 567**.

Pending further consideration of **CS for CS for SB 866** as amended, on motion by Senator Bogdanoff, by two-thirds vote **CS for HB 567** was withdrawn from the Committees on Judiciary; Governmental Oversight and Accountability; and Budget.

On motion by Senator Bogdanoff by two-thirds vote—

CS for HB 567—A bill to be entitled An act relating to judgment interest; amending s. 55.03, F.S.; requiring annual adjustments to the rate of interest payable on judgments; providing exceptions; revising the calculation of the interest rate; amending s. 717.1341, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 866** as amended and by two-thirds vote read the second time by title.

On motion by Senator Bogdanoff, by two-thirds vote **CS for HB 567** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dean	Gaetz
Alexander	Detert	Garcia
Altman	Diaz de la Portilla	Gardiner
Benacquisto	Dockery	Hays
Bennett	Evers	Hill
Bogdanoff	Fasano	Jones
Braynon	Flores	Joyner

Latvala	Oelrich	Siplin
Lynn	Rich	Smith
Margolis	Richter	Sobel
Montford	Ring	Storms
Negron	Sachs	Thrasher
Norman	Simmons	Wise

Nays—None

On motion by Senator Bogdanoff, by unanimous consent—

CS for SB 1340—A bill to be entitled An act relating to continuing care retirement communities; providing for the provision of continuing care at-home; amending s. 651.011, F.S.; revising definitions; defining "continuing care at-home," "nursing care," "personal services," and "shelter"; amending s. 651.012, F.S.; conforming a cross-reference; amending s. 651.013, F.S.; conforming provisions to changes made by the act; amending s. 651.021, F.S., relating to the requirement for certificates of authority; requiring that a person in the business of issuing continuing care at-home contracts obtain a certificate of authority from the Office of Insurance Regulation; requiring written approval from the Office of Insurance Regulation for a 20 percent or more expansion in the number of continuing care at-home contracts; providing that an actuarial study may be substituted for a feasibility study in specified circumstances; amending s. 651.022, F.S., relating to provisional certificates of authority; conforming provisions to changes made by the act; amending s. 651.023, F.S., relating to an application for a certificate of authority; specifying the content of the feasibility study that is included in the application for a certificate; requiring the same minimum reservation requirements for continuing care at-home contracts as continuing care contracts; requiring that a certain amount of the entrance fee collected for contracts resulting from an expansion be placed in an escrow account or on deposit with the department; amending ss. 651.033, 651.035, and 651.055, F.S.; requiring a facility to provide proof of compliance with a residency contract; conforming provisions to changes made by the act; creating s. 651.057, F.S.; providing additional requirements for continuing care at-home contracts; requiring that a provider who wishes to offer continuing care at-home contracts submit certain additional documents to the office; requiring that the provider comply with certain requirements; limiting the number of continuing care and continuing care at-home contracts at a facility based on the types of units at the facility; amending ss. 651.071, 651.091, 651.106, 651.114, 651.118, 651.121, and 651.125, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was taken up out of order and read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1340** to **CS for CS for HB 1037**.

Pending further consideration of **CS for SB 1340** as amended, on motion by Senator Bogdanoff, by two-thirds vote **CS for CS for HB 1037** was withdrawn from the Committees on Children, Families, and Elder Affairs; Banking and Insurance; and Budget.

On motion by Senator Bogdanoff by two-thirds vote—

CS for CS for HB 1037—A bill to be entitled An act relating to continuing care retirement communities; providing for the provision of continuing care at-home; amending s. 651.011, F.S.; revising definitions; defining "continuing care at-home," "nursing care," "personal services," and "shelter"; amending s. 651.012, F.S.; conforming a cross-reference; amending s. 651.013, F.S.; conforming provisions to changes made by the act; amending s. 651.021, F.S., relating to the requirement for certificates of authority; requiring that a person in the business of issuing continuing care at-home contracts obtain a certificate of authority from the Office of Insurance Regulation; requiring written approval from the Office of Insurance Regulation for a 20 percent or more expansion in the number of continuing care at-home contracts; providing that an actuarial study may be substituted for a feasibility study in specified circumstances; amending s. 651.022, F.S., relating to provisional certificates of authority; conforming provisions to changes made by the act; amending s. 651.023, F.S., relating to an application for a certificate of authority; specifying the content of the feasibility study that is included in the application for a certificate; requiring the same minimum reservation requirements for continuing care at-home contracts as continuing care contracts; requiring that a certain amount of the entrance fee collected for contracts resulting from an expansion be placed in an escrow account or on deposit with the department; amending ss. 651.033, 651.035, and 651.055, F.S.; requiring a facility to provide proof of compliance with a residency contract; conforming provisions to changes made by the act; providing application relating to the entitlement of a prospective resident, resident, or resident's estate to interest on a deposit or entrance fee; creating s. 651.057, F.S.; providing additional requirements for continuing care at-home contracts; requiring that a provider who wishes to offer continuing care at-home contracts submit certain additional documents to the office; requiring that the provider comply with certain requirements; limiting the number of continuing care and continuing care at-home contracts at a facility based on the types of units at the facility; amending ss. 651.071, 651.091, 651.106, 651.114, 651.118, 651.121, and 651.125, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1340** as amended and by two-thirds vote read the second time by title.

On motion by Senator Bogdanoff, by two-thirds vote **CS for CS for HB 1037** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

THE PRESIDENT PRESIDING

RECONSIDERATION OF BILL

On motion by Senator Fasano, the Senate reconsidered the vote by which—

CS for CS for HB 7095—A bill to be entitled An act relating to controlled substances; amending s. 456.072, F.S.; making failure to comply with the requirements of s. 456.44, F.S., grounds for disciplinary action; providing mandatory administrative penalties for certain violations related to prescribing; amending s. 456.42, F.S.; requiring prescriptions for controlled substances to be written on a counterfeit-resistant pad produced by an approved vendor or electronically prescribed; providing conditions for being an approved vendor; creating s. 456.44, F.S.; providing definitions; requiring certain physicians to designate themselves as controlled substance prescribing practitioners on their practitioner profiles; providing an effective date; requiring registered physicians to meet certain standards of practice; requiring a physical examination; requiring a written protocol; requiring an assessment of risk for aberrant behavior; requiring a treatment plan; requiring specified informed consent; requiring consultation and referral in certain circumstances; requiring medical records meeting certain criteria; providing an exemption for physicians meeting certain criteria; amending s. 458.3265, F.S., relating to regulation of pain-management clinics and medical doctors; amending the definition of a pain-management clinic; providing definitions; providing an exemption from registration for clinics owned and operated by physicians or medical specialists meeting certain criteria; allowing physician assistants and advanced registered nurse practitioners to perform medical examinations; requiring physicians in pain-management clinics to ensure compliance with certain requirements; imposing facility and physical operations requirements; imposing infection control requirements; imposing health and safety

requirements; imposing quality assurance requirements; imposing data collection and reporting requirements; amending rulemaking authority; conforming provisions to changes made by the act; providing for future expiration of provisions; amending s. 458.327, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is a third-degree felony; providing penalties; amending s. 458.331, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is grounds for disciplinary action; providing penalties; amending s. 459.0137, F.S., relating to regulation of pain-management clinics and osteopathic physicians; providing definitions; providing an exemption from registration for clinics owned and operated by physicians meeting certain criteria; allowing physician assistants and advanced registered nurse practitioners to perform medical examinations; requiring osteopathic physicians in pain-management clinics to ensure compliance with certain requirements; imposing facility and physical operations requirements; imposing infection control requirements; imposing health and safety requirements; imposing quality assurance requirements; imposing data collection and reporting requirements; amending rulemaking authority; conforming provisions to changes made by the act; providing for future expiration of provisions; amending s. 459.013, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is a third-degree felony; providing penalties; amending s. 459.015, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is grounds for disciplinary action; providing penalties; amending s. 465.015, F.S.; requiring a pharmacist to report to the sheriff within a specified period any instance in which a person fraudulently obtained or attempted to fraudulently obtain a controlled substance; providing criminal penalties; providing requirements for reports; amending s. 465.016, F.S.; providing additional grounds for denial of or disciplinary action against a pharmacist license; amending s. 465.018, F.S.; providing grounds for permit denial or discipline; requiring applicants to pay or make arrangements to pay amounts owed to the Department of Health; requiring an inspection; requiring permittees to maintain certain records; requiring community pharmacies to obtain a permit under chapter 465, F.S., as amended by the act by March 1, 2012, in order to dispense Schedule II and III controlled substances; amending s. 465.022, F.S.; requiring the Department of Health to adopt rules related to procedures for dispensing controlled substances; providing requirements for the issuance of a pharmacy permit; requiring disclosure of financial interests; requiring submission of policies and procedures and providing for grounds for permit denial based on them; allowing the Department of Health to phase-in the policies and procedures requirement over an 18-month period beginning July 1, 2011; requiring the Department of Health to deny a permit to applicants under certain circumstances; requiring permittees to provide notice of certain management changes; requiring prescription department managers to meet certain criteria; imposing duties on prescription department managers; limiting the number of locations a prescription department manager may manage; requiring the board to adopt rules related to recordkeeping; providing that permits are not transferable; increasing the fee for a change of location; amending s. 465.0276, F.S.; prohibiting registered dispensing practitioners from dispensing certain controlled substances; providing an exception for dispensing controlled substances in the health care system of the Department of Corrections; providing an exception for dispensing within 7 days after surgery which used general anesthesia; deleting a provision establishing a 72-hour supply limit on dispensing certain controlled substances to certain patients in registered pain-management clinics; amending s. 499.0051, F.S.; providing criminal penalties for violations of certain provisions of s. 499.0121, F.S.; amending s. 499.012, F.S.; requiring wholesale distributor permit applicants to submit documentation of credentialing policies; amending s. 499.0121, F.S.; providing reporting requirements for wholesale distributors of certain controlled substances; requiring the Department of Health to share the reported data with law enforcement agencies; requiring the Department of Law Enforcement to make investigations based on the reported data; providing credentialing requirements for distribution of controlled substances to certain entities by wholesale distributors; requiring distributors to identify suspicious transactions; requiring distributors to determine the reasonableness of orders for controlled substances over certain amounts; requiring distributors to report certain transactions to the Department of Health; prohibiting distribution to entities with certain criminal histories; limiting monthly distribution amounts of certain controlled substances to retail pharmacies; requiring the department to assess data; requiring the department to report certain data to the Governor, President of the Senate, and Speaker of the House of Representatives by certain dates; prohibiting distribution to entities with certain criminal backgrounds; amending s. 499.05, F.S.; authorizing rulemaking concerning specified controlled substance wholesale distributor reporting requirements and credentialing requirements; amending s. 499.067, F.S.; authorizing the Department of Health to take disciplinary action against wholesale distributors failing to comply with specified credentialing or reporting requirements; amending s. 810.02, F.S.; authorizing separate judgments and sentences for burglary with the intent to commit theft of a controlled substance under specified provisions and for any applicable possession of controlled substance offense under specified provisions in certain circumstances; amending s. 812.014, F.S.; authorizing separate judgments and sentences for theft of a controlled substance under specified provisions and for any applicable possession of controlled substance offense under specified provisions in certain circumstances; amending s. 893.055, F.S., relating to the prescription drug monitoring program; deleting obsolete dates; deleting references to the Office of Drug Control; requiring reports to the prescription drug monitoring system to be made in 7 days rather than 15 days; prohibiting the use of certain funds to implement the program; requiring the State Surgeon General to appoint a board of directors for the direct-support organization; conforming provisions to changes made by the act; amending s. 893.065, F.S.; conforming provisions to changes made by the act; amending s. 893.07, F.S.; providing that law enforcement officers are not required to obtain a subpoena, court order, or search warrant in order to obtain access to or copies of specified controlled substance inventory records; requiring reporting of the discovery of the theft or loss of controlled substances to the sheriff within a specified period; providing criminal penalties; repealing s. 2 of chapter 2009-198, Laws of Florida, relating to the Program Implementation and Oversight Task Force in the Executive Office of the Governor concerning the electronic system established for the prescription drug monitoring program; providing a buyback program for undispensed controlled substance inventory held by specified licensed physicians; requiring certain certifications by the physician returning inventory to a distributor; providing an exemption to pedigree paper requirements; requiring reports of the program; providing for a declaration of a public health emergency; requiring certain actions relating to dispensing practitioners identified as posing the greatest threat to public health; providing an appropriation; providing for future repeal of program provisions; providing an effective date.

—passed as amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Fasano, the Senate reconsidered the vote by which **Amendment 1 (486424)** was adopted.

MOTION

On motion by Senator Fasano, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Fasano moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1A (399794) (with title amendment)—Delete line 1393 and insert:

(d) Change of location fee not to exceed $100.

And the title is amended as follows:

Delete lines 2652 and 2653 and insert: transferable; amending s. 465.0276, F.S.; deleting a

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Fasano, **CS for CS for HB 7095** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bogdanoff	Dockery
Alexander	Braynon	Evers
Altman	Dean	Fasano
Benacquisto	Detert	Flores
Bennett	Diaz de la Portilla	Gaetz

Garcia	Margolis	Sachs
Gardiner	Montford	Simmons
Hays	Negron	Siplin
Hill	Norman	Smith
Jones	Oelrich	Sobel
Joyner	Rich	Storms
Latvala	Richter	Thrasher
Lynn	Ring	Wise

Nays—None

SENATOR BENNETT PRESIDING

THE PRESIDENT PRESIDING

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2114

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2114, same being:

An act relating to juvenile justice.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Committee Chair
Gary Aubuchon, At Large
Charles S. "Chuck" Chestnut IV, At Large
s/ Dorothy L. Hukill, At Large
s/ John Legg, At Large
s/ Charles McBurney
s/ Larry Metz

s/ Richard "Rich" Glorioso
Chair
s/ Dennis K. Baxley
James W. "J.W." Grant
s/ Doug Holder
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Seth McKeel, At Large
s/ Peter Nehr
s/ W. Keith Perry
s/ William L. "Bill" Proctor, At Large
Ron Saunders, At Large
Irving "Irv" Slosberg
Darren Soto

s/ Ray Pilon
s/ Darryl Ervin Rouson
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
s/ William D. Snyder, At Large
Will W. Weatherford, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2114, relating to juvenile justice, provides for the following:

The bill amends s. 985.441, 985.0301, 985.033, and 985.46, F.S., to provide that a juvenile judge may not commit an adjudicated delinquent youth whose underlying offense is a misdemeanor to a restrictiveness level other than minimum-risk nonresidential if the youth is adjudicated with a misdemeanor or probation violation for a misdemeanor, other than a new law violation constituting a felony.

Conference Committee Amendment (153282)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 985.441, Florida Statutes, is amended to read:

985.441 Commitment.—

(1) The court that has jurisdiction of an adjudicated delinquent child may, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing:

(a) Commit the child to a licensed child-caring agency willing to receive the child; however, the court may not commit the child to a jail or to a facility used primarily as a detention center or facility or shelter.

(b) Commit the child to the department at a restrictiveness level defined in s. 985.03. Such commitment must be for the purpose of exercising active control over the child, including, but not limited to, custody, care, training, ~~urine~~ monitoring *for substance abuse, electronic monitoring*, and treatment of the child and release of the child from residential commitment into the community in a postcommitment nonresidential conditional release program. If the child is not successful in the conditional release program, the department may use the transfer procedure under subsection *(4)* ~~(3)~~.

(c) Commit the child to the department for placement in a program or facility for serious or habitual juvenile offenders in accordance with s. 985.47.

1. Following a delinquency adjudicatory hearing under s. 985.35 and a delinquency disposition hearing under s. 985.433 that results in a commitment determination, the court shall, on its own or upon request by the state or the department, determine whether the protection of the public requires that the child be placed in a program for serious or habitual juvenile offenders and whether the particular needs of the child would be best served by a program for serious or habitual juvenile offenders as provided in s. 985.47. The determination shall be made under ss. 985.47(1) and 985.433(7).

2. Any commitment of a child to a program or facility for serious or habitual juvenile offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense.

(d) Commit the child to the department for placement in a program or facility for juvenile sexual offenders in accordance with s. 985.48, subject to specific appropriation for such a program or facility.

1. The child may only be committed for such placement pursuant to determination that the child is a juvenile sexual offender under the criteria specified in s. 985.475.

2. Any commitment of a juvenile sexual offender to a program or facility for juvenile sexual offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense.

(2) Notwithstanding subsection (1), the court having jurisdiction over an adjudicated delinquent child whose underlying offense was a mis-

demeanor may not commit the child for any misdemeanor offense or any probation violation at a restrictiveness level other than minimum-risk nonresidential unless the probation violation is a new violation of law constituting a felony. However, the court may commit such child to a low-risk or moderate-risk residential placement if:

1. The child has previously been adjudicated for a felony offense;

2. The child has been adjudicated or had adjudication withheld for three or more misdemeanor offenses;

3. The child is before the court for disposition for a violation of s. 800.03, s. 806.031, or s. 828.12; or

4. The court finds by a preponderance of the evidence that the protection of the public requires such placement or that the particular needs of the child would be best served by such placement. Such finding must be in writing.

(3)~~(2)~~ The nonconsent of the child to commitment or treatment in a substance abuse treatment program in no way precludes the court from ordering such commitment or treatment.

(4)~~(3)~~ The department may transfer a child, when necessary to appropriately administer the child's commitment, from one facility or program to another facility or program operated, contracted, subcontracted, or designated by the department, including a postcommitment nonresidential conditional release program*, except that the department may not transfer any child adjudicated solely for a misdemeanor to a residential program except as provided in subsection (2)*. The department shall notify the court that committed the child to the department and any attorney of record for the child, in writing, of its intent to transfer the child from a commitment facility or program to another facility or program of a higher or lower restrictiveness level. The court that committed the child may agree to the transfer or may set a hearing to review the transfer. If the court does not respond within 10 days after receipt of the notice, the transfer of the child shall be deemed granted.

Section 2. Paragraph (d) of subsection (5) of section 985.0301, Florida Statutes, is amended to read:

985.0301 Jurisdiction.—

(5)

(d) The court may retain jurisdiction over a child committed to the department for placement in a juvenile prison or in a high-risk or maximum-risk residential commitment program to allow the child to participate in a juvenile conditional release program pursuant to s. 985.46. ~~In no case shall~~ The jurisdiction of the court *may not* be retained *after* beyond the child's 22nd birthday. However, if the child is not successful in the conditional release program, the department may use the transfer procedure under *s. 985.441(4)* ~~s. 985.441(3)~~.

Section 3. Subsection (2) of section 985.033, Florida Statutes, is amended to read:

985.033 Right to counsel.—

(2) This section does not apply to transfer proceedings under *s. 985.441(4)* ~~s. 985.441(3)~~, unless the court sets a hearing to review the transfer.

Section 4. Subsection (4) of section 985.46, Florida Statutes, is amended to read:

985.46 Conditional release.—

(4) A juvenile under nonresidential commitment placement *continues* ~~will continue to be~~ on commitment status and *is* subject to ~~the~~ transfer ~~provision~~ under *s. 985.441(4)* ~~s. 985.441(3)~~.

Section 5. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to juvenile justice; amending s. 985.441, F.S.; revising provisions concerning active control over a child committed to the Department of Juvenile Justice; prohibiting a court from committing certain youth at a restrictiveness level other than minimum-risk nonresidential; authorizing a court to commit certain youth to a low-risk or moderate-risk residential placement; limiting transfers of certain youth; amending ss. 985.0301, 985.033, and 985.46, F.S.; conforming cross-references; providing an effective date.

WHEREAS, 94 percent of Florida youth grow up to be productive citizens, but the 6 percent of Florida youth who become delinquent cost the state of Florida an average of $5,200 per child annually according to 2008 statistics, and

WHEREAS, according to national studies, 27 percent of abused or neglected children become delinquent, and

WHEREAS, one of the most effective ways to reduce delinquency is to prevent child abuse, abandonment, and neglect, and

WHEREAS, Florida's juvenile commitment programs have a 39 percent recidivism rate within 1 year, and

WHEREAS, the Department of Juvenile Justice shows that 59 percent of the juveniles being rearrested offend within 120 days after being released, revealing a critical transition period currently not being addressed, and

WHEREAS, the State of Washington undertook a study that demonstrated that a significant level of future prison construction can be avoided, taxpayer dollars can be saved, and crime rates can be reduced by a portfolio of evidence-based youth service options, and

WHEREAS, it has been proven that at-risk youth benefit from a comprehensive approach through coordination of intensive prevention, diversion, and family services, and

WHEREAS, local management fosters all these approaches, ensures stronger relationships between providers and the family, and allows providers to assist in strengthening relationships between the child and the family, and

WHEREAS, instead of competing for funding, prevention, diversion, and juvenile justice services should cooperate with the goal of keeping youth out of juvenile detention, NOW, THEREFORE,

On motion by Senator Alexander, the Conference Committee Report on **SB 2114** was adopted. **SB 2114** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

Mr. President	Flores	Rich
Alexander	Gaetz	Richter
Altman	Garcia	Ring
Benacquisto	Gardiner	Sachs
Bennett	Hays	Simmons
Bogdanoff	Jones	Siplin
Braynon	Joyner	Smith
Dean	Latvala	Sobel
Detert	Margolis	Storms
Diaz de la Portilla	Montford	Thrasher
Dockery	Negron	Wise
Evers	Norman	
Fasano	Oelrich	

Nays—2

Hill	Lynn

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2122

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2122, same being:

An act relating to consumer protection.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Committee Chair
s/ Ben Albritton
Gary Aubuchon, At Large
Charles S. "Chuck" Chestnut IV, At Large
s/ Dorothy L. Hukill, At Large
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
Elizabeth W. Porter
s/ Patrick Rooney, Jr.
s/ Darryl Ervin Rouson, At Large
Ron Saunders, At Large
s/ William D. Snyder, At Large

s/ Trudi K. Williams
Chair
s/ Frank Artiles
Leonard L. Bembry
s/ Steve Crisafulli
Tom Goodson
s/ Clay Ingram
s/ John Legg, At Large
s/ Seth McKeel, At Large
s/ William L. "Bill" Proctor, At Large
Franklin Sands
Robert C. "Rob" Schenck, At Large
Will W. Weatherford, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2122, relating to state government operations, provides for the following:

- Within the Department of Agriculture and Consumer Services (DACS), consolidates the Division of Dairy Industry within the Division of Food Safety.
- Transfers authority for the regulation and enforcement of the state Lemon Law and the price gouging program entirely to the Department of Legal Affairs.
- Renames the Division of Forestry within the DACS as the Florida Forest Service.
- Reduces the membership of the Citrus Commission from twelve members to nine, reduces the number of citrus districts from four to three, and reassigns counties to those three districts.
- Provides that the Executive Director of the Department of Citrus be appointed by a majority vote of the commission and serve a four-year term, except for the initial term, which expires on June 30, 2011, and shall be subject to confirmation by the Senate in the legislative session following appointment.
- Imposes limits on the tax per box of grapefruit, oranges, and tangerines. The tax on grapefruit, tangerines, and fresh oranges is capped at the rate in effect on May 1, 2011, and the tax rate on oranges in processed form cannot exceed 25 cents per box.
- Requires employees of the Department of Citrus to work a five-day, 40-hour work week, except when on approved leave.

Conference Committee Amendment (608254)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 20.14, Florida Statutes, is amended to read:

20.14 Department of Agriculture and Consumer Services.—There is created a Department of Agriculture and Consumer Services.

(2) The following divisions of the Department of Agriculture and Consumer Services are established:

(a) Administration.

(b) Agricultural Environmental Services.

(c) Animal Industry.

(d) Aquaculture.

(e) Consumer Services.

~~(f) Dairy Industry.~~

(f)~~(g)~~ Food Safety.

(g)~~(h)~~ *Florida Forest Service* ~~Forestry~~.

(h)~~(i)~~ Fruit and Vegetables.

(i)~~(j)~~ Licensing.

(j)~~(k)~~ Marketing and Development.

(k)~~(l)~~ Plant Industry.

(l)~~(m)~~ Standards.

Section 2. Section 320.90, Florida Statutes, is amended to read:

320.90 Notification of consumer's rights.—The department shall develop a motor vehicle consumer's rights pamphlet which shall be distributed free of charge by the Department of *Legal Affairs* ~~Agriculture and Consumer Services~~ to the motor vehicle owner upon request. Such pamphlet must contain information relating to odometer fraud and provide a summary of the rights and remedies available to all purchasers of motor vehicles.

Section 3. Subsection (8) of section 501.160, Florida Statutes, is amended to read:

501.160 Rental or sale of essential commodities during a declared state of emergency; prohibition against unconscionable prices.—

(8) Any violation of this section may be enforced by ~~the Department of Agriculture and Consumer Services,~~ the office of the state attorney~~,~~ or the Department of Legal Affairs.

Section 4. For the purpose of incorporating the amendment made by this act to section 570.29, Florida Statutes, in a reference thereto, section 570.18, Florida Statutes, is reenacted to read:

570.18 Organization of departmental work.—In the assignment of functions to the 12 divisions of the department created in s. 570.29, the department shall retain within the Division of Administration, in addition to executive functions, those powers and duties enumerated in s. 570.30. The department shall organize the work of the other 11 divisions in such a way as to secure maximum efficiency in the conduct of the department. The divisions created in s. 570.29 are solely to make possible the definite placing of responsibility. The department shall be conducted as a unit in which every employee, including each division director, is assigned a definite workload, and there shall exist between division directors a spirit of cooperative effort to accomplish the work of the department.

Section 5. Subsection (2) of section 570.20, Florida Statutes, is amended to read:

570.20 General Inspection Trust Fund.—

(2) ~~For the 2010-2011 fiscal year only and~~ Notwithstanding any other provision of law to the contrary, ~~in addition to the spending authorized in subsection (1),~~ moneys in the General Inspection Trust Fund may be appropriated for programs operated by the department which are related to the programs authorized by this chapter *in addition to the spending authorized in subsection (1)*. ~~This subsection expires July 1, 2011.~~

Section 6. Section 570.29, Florida Statutes, is amended to read:

570.29 Departmental divisions.—The department shall include the following divisions:

(1) Administration.

(2) Agricultural Environmental Services.

(3) Animal Industry.

(4) Aquaculture.

(5) Consumer Services.

~~(6) Dairy Industry.~~

(6)~~(7)~~ Food Safety.

(7)~~(8)~~ *Florida Forest Service* ~~Forestry~~.

(8)~~(9)~~ Fruit and Vegetables.

(9) Licensing.

(10) Marketing and Development.

(11) Plant Industry.

(12) Standards.

Section 7. *Sections 570.40 and 570.41, Florida Statutes, are repealed.*

Section 8. Subsections (6) and (7) are added to section 570.50, Florida Statutes, to read:

570.50 Division of Food Safety; powers and duties.—The duties of the Division of Food Safety include, but are not limited to:

(6) Inspecting dairy farms of the state and enforcing those provisions of chapter 502 as are authorized by the department relating to the supervision of milking operations and the rules adopted pursuant to such law.

(7) Inspecting milk plants, milk product plants, and plants engaged in the manufacture and distribution of frozen desserts and frozen dessert mixes; analyzing and testing samples of milk, milk products, frozen desserts, and frozen dessert mixes which are collected by the division; and enforcing those provisions of chapter 502 or chapter 503 as are authorized by the department.

Section 9. Section 570.548, Florida Statutes, is amended to read:

570.548 *Florida Forest Service* ~~Division of Forestry~~; powers and duties.—The duties of the *Florida Forest Service* ~~Division of Forestry~~ include, but are not limited to, administering and enforcing those powers and responsibilities of the *Florida Forest Service* ~~division~~ prescribed in chapters 589, 590, and 591 and the rules adopted pursuant thereto and in other forest fire, forest protection, and forest management laws of this state.

Section 10. Section 570.549, Florida Statutes, is amended to read:

570.549 Director; duties.—

(1) The director of the *Florida Forest Service* ~~Division of Forestry~~ shall be appointed by the commissioner and shall serve at the commissioner's pleasure.

(2) It shall be the duty of the director of *the Florida Forest Service* ~~this division~~ to direct and supervise the overall operation of the *Florida Forest Service* ~~division~~ and to exercise such other powers and duties as authorized by the department.

Section 11. Subsection (1) of section 570.903, Florida Statutes, is amended to read:

570.903 Direct-support organization.—

(1) When the Legislature authorizes the establishment of a direct-support organization to provide assistance for the museums, the Florida Agriculture in the Classroom Program, the Florida State Collection of Arthropods, the Friends of the Florida State Forests Program of the *Florida Forest Service* ~~Division of Forestry~~, and the Forestry Arson Alert Program, and other programs of the department, the following provisions shall govern the creation, use, powers, and duties of the direct-support organization.

(a) The department shall enter into a memorandum or letter of agreement with the direct-support organization, which shall specify the approval of the department, the powers and duties of the direct-support organization, and rules with which the direct-support organization shall comply.

(b) The department may permit, without charge, appropriate use of property, facilities, and personnel of the department by a direct-support organization, subject to the provisions of ss. 570.902 and 570.903. The use shall be directly in keeping with the approved purposes of the direct-support organization and shall not be made at times or places that would unreasonably interfere with opportunities for the general public to use department facilities for established purposes.

(c) The department shall prescribe by contract or by rule conditions with which a direct-support organization shall comply in order to use property, facilities, or personnel of the department or museum. Such rules shall provide for budget and audit review and oversight by the department.

(d) The department shall not permit the use of property, facilities, or personnel of the museum, department, or designated program by a direct-support organization which does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

Section 12. *The Division of Statutory Revision is requested to prepare a reviser's bill for introduction at a subsequent session of the Legislature which replaces all statutory references to the Division of Forestry with the term "Florida Forest Service."*

Section 13. Subsection (1), paragraph (a) of subsection (2), and subsection (4) of section 601.04, Florida Statutes, are amended to read:

601.04 Florida Citrus Commission; creation and membership.—

(1)(a) There is ~~hereby~~ created and established within the Department of Citrus a board to be known and designated as the "Florida Citrus Commission" to be composed of *nine* ~~12~~ practical citrus fruit persons who are resident citizens of the state, each of whom is and has been actively engaged in growing, growing and shipping, or growing and processing of citrus fruit in the state for a period of at least 5 years immediately prior to appointment to the said commission and has, during said period, derived a major portion of her or his income there-

from or, during said time, has been the owner of, member of, officer of, or paid employee of a corporation, firm, or partnership which has, during said time, derived the major portion of its income from the growing, growing and shipping, or growing and processing of citrus fruit.

(b) *Six* ~~Seven~~ members of the commission shall be designated as grower members and shall be primarily engaged in the growing of citrus fruit as an individual owner; as the owner of, or as stockholder of, a corporation; or as a member of a firm or partnership primarily engaged in citrus growing. None of such members shall receive any compensation from any licensed citrus fruit dealer or handler, as defined in s. 601.03, other than gift fruit shippers, but any of the grower members shall not be disqualified as a member if, individually, or as the owner of, a member of, an officer of, or a stockholder of a corporation, firm, or partnership primarily engaged in citrus growing which processes, packs, and markets its own fruit and whose business is primarily not purchasing and handling fruit grown by others. *Three* ~~Five~~ members of the commission shall be designated as grower-handler members and shall be engaged as owners, or as paid officers or employees, of a corporation, firm, partnership, or other business unit engaged in handling citrus fruit. *One* ~~Two~~ of such *three* ~~five~~ grower-handler members shall be primarily engaged in the fresh fruit business and *two* ~~three~~ of such *three* ~~five~~ grower-handler members shall be primarily engaged in the processing of citrus fruits.

(c) There shall be three members of the commission from each of the *three* ~~four~~ citrus districts. Each member must reside in the district from which she or he was appointed. For the purposes of this section, the residence of a member shall be the actual physical and permanent residence of the member.

(2)(a) The members of such commission shall possess the qualifications herein provided and shall be appointed by the Governor for terms of 3 years each. Appointments shall be made by February 1 preceding the commencement of the term and shall be subject to confirmation by the Senate in the following legislative session. Four members shall be appointed each year. Such members shall serve until their respective successors are appointed and qualified. The regular terms shall begin on June 1 and shall end on May 31 of the third year after such appointment. *Effective July 1, 2011, the terms of all members of the commission appointed on or before May 1, 2011, are terminated and the Governor shall appoint the members of the commission in accordance with the provisions of this act.*

(4) It is the intent of the Legislature that the commission be redistricted every 5 years. Redistricting shall be based on the total boxes produced from each of the *three* ~~four~~ districts during that 5-year period.

Section 14. Section 601.09, Florida Statutes, is amended to read:

601.09 Citrus districts.—For purposes of this chapter, the state is divided into *three* ~~four~~ districts composed of ~~the following counties~~:

(1) Citrus District One: Levy, Alachua, *Brevard,* Putnam, St. Johns, *St. Lucie,* Flagler, *Indian River,* Marion, ~~Citrus, Sumter, Lake,~~ Seminole, Orange, *Okeechobee,* ~~Hernando, Pasco, Pinellas, Hillsborough,~~ Polk, *Volusia,* and Osceola Counties.

(2) Citrus District Two: ~~Manatee,~~ Hardee, DeSoto, *Highlands,* ~~Sarasota, Charlotte, Lee, Collier,~~ and *Glades* ~~Monroe~~ Counties.

(3) Citrus District Three: *Charlotte, Citrus, Collier, Hernando, Hendry, Hillsborough, Lake, Lee, Manatee, Monroe,* ~~Volusia, Brevard, Indian River, St. Lucie,~~ Martin, *Pasco,* Palm Beach, *Pinellas, Sarasota, Sumter,* Broward, and Miami-Dade Counties.

~~(4) Citrus District Four: Highlands, Okeechobee, Glades, and Hendry Counties.~~

Section 15. Subsection (3) of section 601.10, Florida Statutes, is amended to read:

601.10 Powers of the Department of Citrus.—The Department of Citrus shall have and shall exercise such general and specific powers as are delegated to it by this chapter and other statutes of the state, which powers shall include, but shall not be confined to, the following:

(3) To employ and, at its pleasure, discharge an executive director~~, a secretary, and such attorneys, clerks, and employees~~ as it deems necessary and to outline *his or her* ~~their~~ powers and duties and fix *his or her* ~~their~~ compensation.

(a) The executive director of the department shall be appointed by a majority vote of the commission for a term of 4 years, except for the initial term, and the executive director shall be subject to confirmation by the Senate in the legislative session following appointment.

1. The initial term of the executive director ends June 30, 2011, and each subsequent 4-year term begins July 1, and shall be filled in the same manner as the original appointment.

2. A vacancy for the executive director shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(b) The Department of Citrus may pay, or participate in the payment of, premiums for health, accident, and life insurance for its full-time employees, pursuant to such rules or regulations as it may adopt; and such payments shall be in addition to the regular salaries of such full-time employees. The payment of such or similar benefits to its employees in foreign countries, including, but not limited to, social security, retirement, and other similar fringe benefit costs, may be in accordance with laws in effect in the country of employment, except that no benefits will be payable to employees not authorized for other state employees, as provided in the Career Service System.

(c) Employees of the department shall work a 5-day, 40-hour week. Unless an employee is on approved leave, an employee's salary shall be decreased by 20 percent for each day not worked during the 5-day work week if the employee chooses to regularly work less than a 5-day work week.

Section 16. Paragraph (a) of subsection (3) of section 601.15, Florida Statutes, is amended to read:

601.15 Advertising campaign; methods of conducting; excise tax; emergency reserve fund; citrus research.—

(3)(a) There is hereby levied and imposed upon each standard-packed box of citrus fruit grown and placed into the primary channel of trade in this state an excise tax at maximum annual rates for each citrus season as determined from the tables in this paragraph and based upon the previous season's actual statewide production as reported in the United States Department of Agriculture Citrus Crop Production Forecast as of June 1. The rates may be set at any lower rate in any year pursuant to paragraph (e).

1. The following maximum tax rates, expressed in cents per box, shall apply to grapefruit which enters the primary channel of trade for use in fresh form:

Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000 and thereafter
80 and greater	33	34	35	36	37
75-79.99	35	36	37	38	39
70-74.99	37	38	39	41	42
65-69.99	40	41	42	44	45
60-64.99	43	44	46	47	49
55-59.99	47	48	50	51	53
50-54.99	51	53	55	56	58
45-49.99	57	59	60	62	64
40-44.99	63	65	67	69	71
Less than 40	72	74	76	79	81

However, effective July 1, 2011, the tax rate per box on grapefruit that enters the primary channel of trade for use in fresh form may not exceed the tax rate per box in effect on May 1, 2011.

2. The following maximum tax rates, expressed in cents per box, shall apply to grapefruit which enters the primary channel of trade for use in processed forms:

Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000 and thereafter
80 and greater	23	24	25	25	26
75-79.99	25	25	26	27	28
70-74.99	26	27	28	29	30
65-69.99	28	29	30	31	32
60-64.99	31	32	32	33	34
55-59.99	33	34	35	36	37
50-54.99	36	38	39	40	41
45-49.99	40	41	43	44	45
40-44.99	45	46	48	49	51
Less than 40	51	53	54	56	57

However, effective July 1, 2011, the tax rate per box on grapefruit that enters the primary channel of trade for use in processed forms may not exceed the tax rate per box in effect on May 1, 2011.

3. The following maximum tax rates, expressed in cents per box, shall apply to oranges which enter the primary channel of trade for use in fresh form:

Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000 and thereafter
255 and greater	23	24	25	26	26
245-254.9	24	25	26	27	27
235-244.9	25	26	27	28	28
225-234.9	26	27	28	29	30
215-224.9	28	28	29	30	31
205-214.9	29	30	31	32	33
195-204.9	30	31	32	33	34
185-194.9	32	33	34	35	36
175-184.9	34	35	36	37	38
165-174.9	36	37	38	39	40
155-164.9	38	39	40	41	43
Less than 155	41	42	43	44	46

However, effective July 1, 2011, the tax rate per box on oranges that enter the primary channel of trade for use in fresh form may not exceed the tax rate per box in effect on May 1, 2011.

4. The following maximum tax rates, expressed in cents per box, shall apply to oranges which enter the primary channel of trade for use in processed form:

Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000 and thereafter
255 and greater	15	16	16	17	17
245-254.9	16	16	17	17	18
235-244.9	17	17	18	18	19
225-234.9	17	18	18	19	19
215-224.9	18	19	19	20	20
205-214.9	19	20	20	21	21
195-204.9	20	21	21	22	22
185-194.9	21	22	22	23	24
175-184.9	22	23	23	24	25
165-174.9	23	24	25	26	26
155-164.9	25	26	26	27	28
Less than 155	27	27	28	29	30

However, effective July 1, 2011, the tax rate per box on oranges that enter the primary channel of trade for use in processed form may not exceed 25 cents per box.

5. The actual tax rate levied each year upon oranges which enter the primary channel of trade for use in processed form, pursuant to this paragraph, paragraph (e), and subsection (4), shall also apply in that year to tangerines and citrus hybrids regulated by the Department of Citrus which enter the primary channel of trade for use in processed form.

6. The following maximum tax rates, expressed in cents per box, shall apply to tangerines and citrus hybrids regulated by the Department of Citrus which enter the primary channel of trade for use in fresh form:

Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000 and thereafter
13 and greater	24	24	25	26	27
12 - 12.99	26	26	27	28	29
11 - 11.99	28	29	30	30	31
10 - 10.99	31	31	32	33	34
9 - 9.99	34	35	36	37	38
8 - 8.99	38	39	40	41	42
7 - 7.99	43	44	45	47	48
Less than 7	49	51	52	54	56

However, effective July 1, 2011, the tax rate per box on tangerines and citrus hybrids regulated by the Department of Citrus which enter the primary channel of trade for use in fresh form may not exceed the tax rate per box in effect on May 1, 2011.

Section 17. *Subsection (7) of section 681.102, Florida Statutes, is repealed.*

Section 18. Subsections (2) and (3) of section 681.103, Florida Statutes, are amended to read:

681.103 Duty of manufacturer to conform a motor vehicle to the warranty.—

(2) Each manufacturer shall provide to its consumers conspicuous notice of the address and phone number for its zone, district, or regional office for this state in the written warranty or owner's manual. By January 1 of each year, each manufacturer shall forward to the department ~~of Legal Affairs~~ a copy of the owner's manual and any written warranty for each make and model of motor vehicle that it sells in this state.

(3) At the time of acquisition, the manufacturer shall inform the consumer clearly and conspicuously in writing how and where to file a claim with a certified procedure if such procedure has been established by the manufacturer pursuant to s. 681.108. The nameplate manufacturer of a recreational vehicle shall, at the time of vehicle acquisition, inform the consumer clearly and conspicuously in writing how and where to file a claim with a program pursuant to s. 681.1096. The manufacturer shall provide to the dealer and, at the time of acquisition, the dealer shall provide to the consumer a written statement that explains the consumer's rights under this chapter. The written statement shall be prepared by the department ~~of Legal Affairs~~ and shall contain a toll-free number for the *department which* ~~division that~~ the consumer can contact to obtain information regarding the consumer's rights and obligations under this chapter or to commence arbitration. If the manufacturer obtains a signed receipt for timely delivery of sufficient quantities of this written statement to meet the dealer's vehicle sales requirements, it shall constitute prima facie evidence of compliance with this subsection by the manufacturer. The consumer's signed acknowledgment of receipt of materials required under this subsection shall constitute prima facie evidence of compliance by the manufacturer and dealer. The form of the acknowledgments shall be approved by the department ~~of Legal Affairs~~, and the dealer shall maintain the consumer's signed acknowledgment for 3 years.

Section 19. Subsections (1), (2), (3), (4), (5), and (8) of section 681.108, Florida Statutes, are amended to read:

681.108 Dispute-settlement procedures.—

(1) If a manufacturer has established a procedure, which the *department* ~~division~~ has certified as substantially complying with the provisions of 16 C.F.R. part 703, in effect October 1, 1983, and with the provisions of this chapter and the rules adopted under this chapter, and has informed the consumer how and where to file a claim with such procedure pursuant to s. 681.103(3), the provisions of s. 681.104(2) apply to the consumer only if the consumer has first resorted to such procedure. The decisionmakers for a certified procedure shall, in rendering decisions, take into account all legal and equitable factors germane to a fair and just decision, including, but not limited to, the warranty; the rights and remedies conferred under 16 C.F.R. part 703, in effect October 1, 1983; the provisions of this chapter; and any other equitable considerations appropriate under the circumstances. Decisionmakers and staff of a procedure shall be trained in the provisions of this chapter and in 16 C.F.R. part 703, in effect October 1, 1983. In an action brought by a consumer concerning an alleged nonconformity, the decision that results from a certified procedure is admissible in evidence.

(2) A manufacturer may apply to the *department* ~~division~~ for certification of its procedure. After receipt and evaluation of the application, the *department* ~~division~~ shall certify the procedure or notify the manufacturer of any deficiencies in the application or the procedure.

(3) A certified procedure or a procedure of an applicant seeking certification shall submit to the *department* ~~division~~ a copy of each settlement approved by the procedure or decision made by a decisionmaker within 30 days after the settlement is reached or the decision is rendered. The decision or settlement must contain at a minimum the:

(a) Name and address of the consumer;

(b) Name of the manufacturer and address of the dealership from which the motor vehicle was purchased;

(c) Date the claim was received and the location of the procedure office that handled the claim;

(d) Relief requested by the consumer;

(e) Name of each decisionmaker rendering the decision or person approving the settlement;

(f) Statement of the terms of the settlement or decision;

(g) Date of the settlement or decision; and

(h) Statement of whether the decision was accepted or rejected by the consumer.

(4) Any manufacturer establishing or applying to establish a certified procedure must file with the *department* ~~division~~ a copy of the annual audit required under the provisions of 16 C.F.R. part 703, in effect October 1, 1983, together with any additional information required for purposes of certification, including the number of refunds and replacements made in this state pursuant to the provisions of this chapter by the manufacturer during the period audited.

(5) The *department* ~~division~~ shall review each certified procedure at least annually, prepare an annual report evaluating the operation of certified procedures established by motor vehicle manufacturers and procedures of applicants seeking certification, and, for a period not to exceed 1 year, shall grant certification to, or renew certification for, those manufacturers whose procedures substantially comply with the provisions of 16 C.F.R. part 703, in effect October 1, 1983, and with the provisions of this chapter and rules adopted under this chapter. If certification is revoked or denied, the *department* ~~division~~ shall state the reasons for such action. The reports and records of actions taken with respect to certification shall be public records.

(8) The *department* ~~division~~ shall adopt rules to implement this section.

Section 20. Subsections (1), (2), (3), (5), (6), and (7) of section 681.109, Florida Statutes, are amended to read:

681.109 Florida New Motor Vehicle Arbitration Board; dispute eligibility.—

(1) If a manufacturer has a certified procedure, a consumer claim arising during the Lemon Law rights period must be filed with the certified procedure no later than 60 days after the expiration of the Lemon Law rights period. If a decision is not rendered by the certified procedure within 40 days *after* ~~of~~ filing, the consumer may apply to the *department* ~~division~~ to have the dispute removed to the board for arbitration.

(2) If a manufacturer has a certified procedure, a consumer claim arising during the Lemon Law rights period must be filed with the certified procedure no later than 60 days after the expiration of the Lemon Law rights period. If a consumer is not satisfied with the decision or the manufacturer's compliance therewith, the consumer may apply to the *department* ~~division~~ to have the dispute submitted to the board for arbitration. A manufacturer may not seek review of a decision made under its procedure.

(3) If a manufacturer has no certified procedure or if a certified procedure does not have jurisdiction to resolve the dispute, a consumer may apply directly to the *department* ~~division~~ to have the dispute submitted to the board for arbitration.

(5) The *department* ~~division~~ shall screen all requests for arbitration before the board to determine eligibility. The consumer's request for arbitration before the board shall be made on a form prescribed by the department. The *department* ~~division~~ shall forward to the board all disputes that the *department* ~~division~~ determines are potentially entitled to relief under this chapter.

(6) The *department* ~~division~~ may reject a dispute that it determines to be fraudulent or outside the scope of the board's authority. Any dispute deemed by the *department* ~~division~~ to be ineligible for arbitration by the board due to insufficient evidence may be reconsidered upon the submission of new information regarding the dispute. Following a second review, the *department* ~~division~~ may reject a dispute if the evidence is clearly insufficient to qualify for relief. *If a* ~~Any~~ dispute *is* rejected by the *department, the department shall send* ~~division shall be forwarded to the department and a copy shall be sent~~ by registered mail to the consumer and the manufacturer~~, containing~~ a brief explanation as to the reason for rejection.

(7) If the *department* ~~division~~ rejects a dispute, the consumer may file a lawsuit to enforce the remedies provided under this chapter. In any

civil action arising under this chapter and relating to a matter considered by the *department* ~~division~~, any determination made to reject a dispute is admissible in evidence.

Section 21. Subsections (1) through (6) and subsection (11) of section 681.1095, Florida Statutes, are amended to read:

681.1095 Florida New Motor Vehicle Arbitration Board; creation and function.—

(1) There is established within the department ~~of Legal Affairs~~, the Florida New Motor Vehicle Arbitration Board, consisting of members appointed by the Attorney General for an initial term of 1 year. Board members may be reappointed for additional terms of 2 years. Each board member is accountable to the Attorney General for the performance of the member's duties and is exempt from civil liability for any act or omission *that* ~~which~~ occurs while acting in the member's official capacity. The department ~~of Legal Affairs~~ shall defend a member in any action against the member or the board which arises from any such act or omission. The Attorney General may establish as many regions of the board as necessary to carry out the provisions of this chapter.

(2) The boards shall hear cases in various locations throughout the state so any consumer whose dispute is approved for arbitration by the *department* ~~division~~ may attend an arbitration hearing at a reasonably convenient location and present a dispute orally. Hearings shall be conducted by panels of three board members assigned by the department. A majority vote of the three-member board panel shall be required to render a decision. Arbitration proceedings under this section shall be open to the public on reasonable and nondiscriminatory terms.

(3) Each region of the board shall consist of up to eight members. The members of the board shall construe and apply the provisions of this chapter, and rules adopted thereunder, in making their decisions. An administrator and a secretary shall be assigned to each board by the department ~~of Legal Affairs~~. At least one member of each board must be a person with expertise in motor vehicle mechanics. A member must not be employed by a manufacturer or a franchised motor vehicle dealer or be a staff member, a decisionmaker, or a consultant for a procedure. Board members shall be trained in the application of this chapter and any rules adopted under this chapter, shall be reimbursed for travel expenses pursuant to s. 112.061, and shall be compensated at a rate or wage prescribed by the Attorney General.

(4) Before filing a civil action on a matter subject to s. 681.104, the consumer must first submit the dispute to the *department* ~~division~~, and to the board if such dispute is deemed eligible for arbitration.

(5) Manufacturers shall submit to arbitration conducted by the board if such arbitration is requested by a consumer and the dispute is deemed eligible for arbitration by the *department* ~~division~~ pursuant to s. 681.109.

(6) The board shall hear the dispute within 40 days and render a decision within 60 days after the date the request for arbitration is approved. The board may continue the hearing on its own motion or upon the request of a party for good cause shown. A request for continuance by the consumer constitutes waiver of the time periods set forth in this subsection. The department ~~of Legal Affairs~~, at the board's request, may investigate disputes, and may issue subpoenas for the attendance of witnesses and for the production of records, documents, and other evidence before the board. The failure of the board to hear a dispute or render a decision within the prescribed periods does not invalidate the decision.

(11) All provisions in this section and s. 681.109 pertaining to compulsory arbitration before the board, the dispute eligibility screening by the *department* ~~division~~, the proceedings and decisions of the board, and any appeals thereof, are exempt from the provisions of chapter 120.

Section 22. Subsections (2) and (4) of section 681.1096, Florida Statutes, are amended to read:

681.1096 RV Mediation and Arbitration Program; creation and qualifications.—

(2) Each manufacturer of a recreational vehicle involved in a dispute that is determined eligible under this chapter, including chassis and component manufacturers which separately warrant the chassis and components and which otherwise meet the definition of manufacturer set forth in s. *681.102(13)* ~~681.102(14)~~, shall participate in a mediation and arbitration program that is deemed qualified by the department.

(4) The department shall monitor the program for compliance with this chapter. If the program is determined not qualified or if qualification is revoked, then disputes shall be subject to the provisions of ss. 681.109 and 681.1095. If the program is determined not qualified or if qualification is revoked as to a manufacturer, all those manufacturers potentially involved in the eligible consumer dispute shall be required to submit to arbitration conducted by the board if such arbitration is requested by a consumer and the dispute is deemed eligible for arbitration by the *department* ~~division~~ pursuant to s. 681.109. A consumer having a dispute involving one or more manufacturers for which the program has been determined not qualified, or for which qualification has been revoked, is not required to submit the dispute to the program irrespective of whether the program may be qualified as to some of the manufacturers potentially involved in the dispute.

Section 23. Section 681.110, Florida Statutes, is amended to read:

681.110 Compliance and disciplinary actions.—The department ~~of Legal Affairs~~ may enforce and ensure compliance with the provisions of this chapter and rules adopted thereunder, may issue subpoenas requiring the attendance of witnesses and production of evidence, and may seek relief in the circuit court to compel compliance with such subpoenas. The department ~~of Legal Affairs~~ may impose a civil penalty against a manufacturer not to exceed $1,000 for each count or separate offense. The proceeds from the fine imposed herein shall be placed in the Motor Vehicle Warranty Trust Fund in the *department* ~~Department of Legal Affairs~~ for implementation and enforcement of this chapter.

Section 24. Subsection (2) of section 681.112, Florida Statutes, is amended to read:

681.112 Consumer remedies.—

(2) An action brought under this chapter must be commenced within 1 year after the expiration of the Lemon Law rights period, or, if a consumer resorts to an informal dispute-settlement procedure or submits a dispute to the *department* ~~division~~ or board, within 1 year after the final action of the procedure, *department* ~~division~~, or board.

Section 25. Subsection (2) of section 681.114, Florida Statutes, is amended to read:

681.114 Resale of returned vehicles.—

(2) A person shall not knowingly lease, sell at wholesale or retail, or transfer a title to a motor vehicle returned by reason of a settlement, determination, or decision pursuant to this chapter or similar statute of another state unless the nature of the nonconformity is clearly and conspicuously disclosed to the prospective transferee, lessee, or buyer, and the manufacturer warrants to correct such nonconformity for a term of 1 year or 12,000 miles, whichever occurs first. The department ~~of Legal Affairs~~ shall prescribe by rule the form, content, and procedure pertaining to such disclosure statement.

Section 26. Subsection (1) of section 681.117, Florida Statutes, is amended to read:

681.117 Fee.—

(1) A $2 fee shall be collected by a motor vehicle dealer, or by a person engaged in the business of leasing motor vehicles, from the consumer at the consummation of the sale of a motor vehicle or at the time of entry into a lease agreement for a motor vehicle. Such fees shall be remitted to the county tax collector or private tag agency acting as agent for the Department of Revenue. If the purchaser or lessee removes the motor vehicle from the state for titling and registration outside this state, the fee shall be remitted to the Department of Revenue. All fees, less the cost of administration, shall be transferred monthly to the department ~~of Legal Affairs~~ for deposit into the Motor Vehicle Warranty Trust Fund. ~~The Department of Legal Affairs shall distribute monthly an amount not exceeding one-fourth of the fees received to the Division of Consumer Services of the Department of Agriculture and Consumer Services to carry out the provisions of ss. 681.108 and 681.109. The Department of Legal Affairs shall contract with the Division of Consumer Services for payment of services performed by the division pursuant to ss. 681.108 and 681.109.~~

Section 27. Section 681.118, Florida Statutes, is amended to read:

681.118 Rulemaking authority.—The department ~~of Legal Affairs~~ shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.

Section 28. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state government operations; amending s. 20.14, F.S.; removing the Division of Dairy Industry within the department; changing the name of the Division of Forestry to the Florida Forest Service; amending s. 320.90, F.S.; requiring the Department of Legal Affairs, rather than the Department of Agriculture and Consumer Services, to distribute free of charge a motor vehicle consumer's rights pamphlet; amending s. 501.160, F.S.; providing for the state attorneys and the Department of Legal Affairs, rather than the Department of Agriculture and Consumer Services, to enforce the law prohibiting price gouging; reenacting s. 570.18, F.S., relating to the organization of the Department of Agriculture and Consumer Services, to incorporate the amendment made to s. 570.29, F.S., in a reference thereto; amending s. 570.20, F.S.; removing the time limitations on provisions authorizing moneys in the General Inspection Trust Fund to be used for programs operated by the Department of Agriculture and Consumer Services; amending s. 570.29, F.S.; removing the Division of Dairy Industry within the department, to conform to changes made by the act; changing the name of the Division of Forestry to the Florida Forest Service; adding the Division of Licensing as a division within the department; repealing ss. 570.40 and 570.41, F.S., relating to the powers and duties of the Division of Dairy Industry; amending s. 570.50, F.S.; adding the inspection of dairy farms, milk plants, and milk product plants and other specified functions to the duties of the Division of Food Safety within the department; amending ss. 570.548, 570.549, and 570.903, F.S.; conforming references to changes made by the act; requesting the Division of Statutory Revision to prepare a reviser's bill making conforming statutory changes; amending s. 601.04, F.S.; revising the number of members on the Florida Citrus Commission; providing for the termination of the terms of members appointed before a specified date and for appointment of members by the Governor; amending s. 601.09, F.S.; revising the composition of the citrus districts; amending s. 601.10, F.S.; providing for the appointment of an executive director of the Department of Citrus and for confirmation by the Senate; providing a term of office; specifying the work week for employees of the Department of Citrus; providing for a reduction in salary for an employee who chooses to work less than the required weekly period; amending s. 601.15, F.S., relating to an excise tax levied and imposed upon each standard-packed box of citrus fruit grown and placed into the primary channel of trade; providing for certain tax rates to be levied; repealing s. 681.102(7), F.S., relating to the definition of the term "division"; amending ss. 681.103, 681.108, 681.109, 681.1095, 681.1096, 681.110, 681.112, 681.114, 681.117, and 681.118, F.S.; providing for the Department of Legal Affairs, rather than the Division of Consumer Services of the Department of Agriculture and Consumer Services, to enforce the state Lemon Law; consolidating enforcement duties under the Motor Vehicle Warranty Enforcement Act within the Department of Legal Affairs; conforming provisions to changes made by the act; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2122** was adopted. **SB 2122** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

Mr. President	Fasano	Montford
Alexander	Flores	Negron
Altman	Gaetz	Norman
Benacquisto	Garcia	Oelrich
Bennett	Hays	Rich
Bogdanoff	Hill	Richter
Braynon	Jones	Ring
Dean	Joyner	Sachs
Detert	Latvala	Simmons
Dockery	Lynn	Siplin
Evers	Margolis	Smith
Sobel	Thrasher	
Storms	Wise	

Nays—None

Vote after roll call:

Yea to Nay—Altman, Dockery

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2128

The Honorable Mike Haridopolos
President of the Senate

May 5, 2011

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2128, same being:

An act relating to the Public Employee Relations Commission.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Committee Chair
Gary Aubuchon, At Large
Charles S. "Chuck" Chestnut IV, At Large
Joseph A. "Joe" Gibbons
John Patrick Julien
s/ John Legg, At Large
s/ Debbie Mayfield
s/ Bryan Nelson
s/ Jimmy Patronis
s/ Darryl Ervin Rouson, At Large
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
s/ Will W. Weatherford, At Large

s/ Ed Hooper
Chair
Daphne D. Campbell
s/ Fredrick W. "Fred" Costello
s/ Matt Gaetz
s/ Dorothy L. Hukill, At Large
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Seth McKeel, At Large
Jeanette M. Nunez
s/ William L. "Bill" Proctor, At Large
Ron Saunders, At Large
s/ William D. Snyder, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2128, relating to the Public Employees Relations Commission, provides for the following:

- Requires the Public Employees' Relations Commission to be comprised of a chair and two part-time commissioners.

- The part-time members are prohibited from engaging in any other business, vocation, or employment that conflicts with their duties while serving as a commissioner.

- The provisions in this amendment provide an annual cost savings of $125,652.

Conference Committee Amendment (129766)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 447.205, Florida Statutes, is amended to read:

447.205 Public Employees Relations Commission.—

(1) The Public Employees Relations Commission, hereinafter referred to as the "commission," shall be composed of a chair and two *part-time* ~~full-time~~ members to be appointed by the Governor, subject to confirmation by the Senate, from persons representative of the public and known for their objective and independent judgment, who shall not be employed by, or hold any commission with, any governmental unit in the state or any employee organization, as defined in this part, while in such office. In no event shall more than one appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employers; and in no event shall more than one such appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employees or employee organizations. The *chair of the commission* ~~commissioners~~ shall devote full time to commission duties and shall not engage in any other business, vocation, or employment while in such office. *The part-time members shall not engage in any business, vocation, or employment that conflicts with their duties while in such office.* Beginning January 1, 1980, the chair shall be appointed for a term of 4 years, one commissioner for a term of 1 year, and one commissioner for a term of 2 years. Thereafter, every term of office shall be for 4 years; and each term of the office of chair shall commence on January 1 of the second year following each regularly scheduled general election at which a Governor is elected to a full term of office. In the event of a vacancy prior to the expiration of a term of office, an appointment shall be made for the unexpired term of that office. The chair shall be responsible for the administrative functions of the commission and shall have the authority to employ such personnel as may be necessary to carry out the provisions of this part. Once appointed to the office of chair, the chair shall serve as chair for the duration of the term of office of chair. Nothing contained herein prohibits a chair or commissioner from serving multiple terms.

Section 2. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Public Employees Relations Commission; amending s. 447.205, F.S.; requiring the commission to be comprised of a chair and two part-time members; requiring the chair of the commission to devote full time to commission duties and not engage in any other business, vocation, or employment while in such office; prohibiting the part-time members from engaging in any business, vocation, or employment that conflicts with their duties while in such office; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2128** was adopted. **SB 2128** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38

Mr. President	Bennett	Detert
Alexander	Bogdanoff	Diaz de la Portilla
Altman	Braynon	Dockery
Benacquisto	Dean	Evers
Fasano	Latvala	Sachs
Flores	Margolis	Simmons
Gaetz	Montford	Siplin
Garcia	Negron	Smith
Gardiner	Norman	Sobel
Hays	Oelrich	Storms
Hill	Rich	Thrasher
Jones	Richter	Wise
Joyner	Ring	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2130

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2130, same being:

An act relating to pollution control.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.

2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Committee Chair
s/ Ben Albritton
Gary Aubuchon, At Large
Charles S. "Chuck" Chestnut IV, At Large
s/ Dorothy L. Hukill, At Large
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
Elizabeth W. Porter
s/ Patrick Rooney, Jr.
s/ Darryl Ervin Rouson, At Large

s/ Trudi K. Williams
Chair
s/ Frank Artiles
Leonard L. Bembry
s/ Steve Crisafulli
Tom Goodson
s/ Clay Ingram
John Legg, At Large
s/ Seth McKeel, At Large
s/ William L. "Bill" Proctor, At Large
Franklin Sands

Ron Saunders, At Large
s/ William D. Snyder, At Large
Robert C. "Rob" Schenck, At Large
Will W. Weatherford, At Large

Managers on the part of the House

The Conference Committee Amendment for SB A bill to be entitled An act, relating to pollution control, provides for the following:

- Revises requirements for the deposit of funds used in providing financial assistance for water pollution control.

- Requires that such funds be deposited into the Federal Grants Trust Fund within the Department of Environmental Protection (department) rather than the Grants and Donations Trust Fund within the department.

- Authorizes the use of existing service fees authorized by the Federal Water Pollution Control Act for water quality activities performed by the department in administering the Water Pollution Control Financial Assistance Program.

Conference Committee Amendment (671186)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (9) of section 403.1835, Florida Statutes, is amended to read:

403.1835 Water pollution control financial assistance.—

(9) Funds for the loans and grants authorized under this section must be managed as follows:

(b) Revenues from the loan grant allocations authorized under subsection (4), federal appropriations *used for the purpose of administering this section*, ~~state matching funds for grants authorized by federal statute or other federal action,~~ and service fees, and all earnings thereon, shall be deposited into the department's *Federal* Grants ~~and Donations~~ Trust Fund. Service fees and all earnings thereon must be used solely for program administration *and other water quality activities specifically authorized pursuant to the Federal Water Pollution Control Act (Clean Water Act), Pub. L. No. 92-500, as amended, and set forth in 40 C.F.R. part 35, Guidance on Fees Charged by States to Recipients of Clean Water State Revolving Fund Program Assistance*. The loan grant allocation revenues and earnings thereon must be used solely for the purpose of making grants to financially disadvantaged small communities. Federal appropriations and state matching funds for grants authorized by federal statute or other federal action, and earnings thereon, must be used solely for the purposes authorized. All deposits into the department's *Federal* Grants ~~and Donations~~ Trust Fund under this section, and earnings thereon, must be accounted for separately from all other moneys deposited into the fund.

Section 2. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to pollution control; amending s. 403.1835, F.S.; revising requirements for the deposit of funds used in providing financial assistance for water pollution control; requiring that such funds be deposited into the department's Federal Grants Trust Fund rather than the department's Grants and Donations Trust Fund; specifying additional uses of moneys deposited into the Federal Grants Trust Fund; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2130** was adopted. **SB 2130** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38

Mr. President	Bogdanoff	Dockery
Alexander	Braynon	Evers
Altman	Dean	Fasano
Benacquisto	Detert	Flores
Bennett	Diaz de la Portilla	Gaetz
Garcia	Margolis	Simmons
Gardiner	Montford	Siplin
Hays	Negron	Smith
Hill	Norman	Sobel
Jones	Oelrich	Storms
Joyner	Rich	Thrasher
Latvala	Richter	Wise
Lynn	Sachs	

Nays—None

Vote after roll call:

Yea—Ring

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2132

The Honorable Mike Haridopolos
President of the Senate

May 5, 2011

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2132, same being:

An act relating to the Department of Financial Services.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.

2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Committee Chair
Gary Aubuchon, At Large
Charles S. "Chuck" Chestnut IV, At Large
Joseph A. "Joe" Gibbons
John Patrick Julien
s/ John Legg, At Large
s/ Debbie Mayfield

s/ Ed Hooper
Chair
Daphne D. Campbell
s/ Fredrick W. "Fred" Costello
s/ Matt Gaetz
s/ Dorothy L. Hukill, At Large
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Seth McKeel, At Large

s/ Bryan Nelson
s/ Jimmy Patronis
s/ Darryl Ervin Rouson, At Large
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
s/ Will W. Weatherford, At Large

Jeanette M. Nunez
s/ William L. "Bill" Proctor, At Large
Ron Saunders, At Large
s/ William D. Snyder, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2132, relating to the Department of Financial Services, provides for the following:

- Requires that the Department of Financial Services (department) and all state agencies with more than 3,000 full-time employees that are provided insurance coverage from the Division of Risk Management, within the department, establish and maintain return-to-work programs for injured state workers. This provision is anticipated to result in an estimated annual cost savings of $1 million to the Division of Risk Management's self-insurance program.

- Requires the Division of Risk Management to utilize agency loss prevention results in addition to claims history as criteria for calculating state agency risk management premiums.

- Requires the Division of Risk Management to evaluate each agency's risk management programs at least once every five years and to produce reports recommending improvements. In addition, the amendment outlines a process for each agency's response to the division's evaluation and recommendations.

- Eliminates the Chief Financial Officer's authority to operate a check cashing service at the state capitol, which will eliminate three full-time positions and provide a savings of $129,022.

- Requires that unencumbered and undisbursed funds that are transferred from the Workers' Compensation Administration Trust Fund within the department revert back to the fund each year.

- Revises the responsibilities of the Division of Consumer Services within the department to reflect organizational changes related to the Office of Insurance Regulation and the Office of Financial Regulation.

- Authorizes the department to accept donations, grants of property or moneys from any governmental unit, public agency, institution, person, firm, or corporation for its anti-fraud efforts in the Division of Insurance Fraud within the department. The amendment authorizes the department to request annual appropriations from these funds.

- Provides for the vesting of certain rights in the Division of Insurance Fraud upon donation.

- Requires that all donations or grants of monies to the Division of Insurance Fraud be deposited immediately into the Insurance Regulatory Trust Fund within the department, to be separately accounted for. The amendment authorizes the use of these funds by the Division of Insurance Fraud to carry out its duties and responsibilities or for the sub-granting of funds to the state attorneys for funding or defraying the cost of dedicated fraud prosecutors.

Conference Committee Amendment (102844)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Section 17.53, Florida Statutes, is repealed.*

Section 2. *Section 17.556, Florida Statutes, is repealed.*

Section 3. Paragraph (h) of subsection (2) of section 20.121, Florida Statutes, is amended to read:

20.121 Department of Financial Services.—There is created a Department of Financial Services.

(2) DIVISIONS.—The Department of Financial Services shall consist of the following divisions:

(h) The Division of Consumer Services.

1. The Division of Consumer Services shall perform the following functions concerning products or services regulated by the department ~~of Financial Services~~ or by ~~either office of~~ the *Office of Insurance Regulation* ~~Financial Services Commission~~:

a. Receive inquiries and complaints from consumers.

b. Prepare and disseminate such information as the department deems appropriate to inform or assist consumers.

c. Provide direct assistance and advocacy for consumers who request such assistance or advocacy.

d. With respect to apparent or potential violations of law or applicable rules by a person or entity licensed by the department or ~~by either~~ office ~~of the commission~~, report ~~such~~ apparent or potential *violations* ~~violation~~ to the *office or the* appropriate division of the department ~~or office of the commission~~, which may take such further action as it deems appropriate.

e. Designate an employee of the division as primary contact for consumers on issues relating to sinkholes.

2. Any person licensed or issued a certificate of authority by the department or by the Office of Insurance Regulation shall respond, in writing, to the Division of Consumer Services within 20 days after receipt of a written request for information from the division concerning a consumer complaint. The response must address the issues and allegations raised in *the* ~~this~~ complaint. The division may~~, in its discretion,~~ impose an administrative penalty for failure to comply with this subparagraph *of* ~~in an amount~~ up to $2,500 per violation upon any entity licensed by the department or the office ~~of Insurance Regulation~~ and $250 for the first violation, $500 for the second violation, and up to $1,000 per violation thereafter upon any individual licensed by the department or the office ~~of Insurance Regulation~~.

3. The department may adopt rules to *administer* ~~implement the provisions of~~ this paragraph.

4. The powers, duties, and responsibilities expressed or granted in this paragraph *do* ~~shall~~ not limit the powers, duties, and responsibilities of the Department of Financial Services, the Financial Services Commission, the Office of Insurance Regulation, or the Office of Financial Regulation set forth elsewhere in the Florida Statutes.

Section 4. Subsection (5) of section 284.01, Florida Statutes, is amended to read:

284.01 State Risk Management Trust Fund; coverages to be provided.—

(5) Premiums charged to agencies for coverage shall be *adopted* ~~promulgated~~ on a retrospective rating arrangement based upon actual losses accruing to the fund *and loss prevention results*, taking into account reasonable expectations, maintenance, and stability of the fund and cost of reinsurance.

Section 5. Section 284.36, Florida Statutes, is amended to read:

284.36 Appropriation deposits; premium payment.—Premiums for coverage by the State Risk Management Trust Fund as calculated on all coverages shall be billed and charged to each state agency according to coverages obtained by the fund for their benefit, and such obligations shall be paid promptly by each agency from its operating budget upon presentation of a bill therefor. After the first year of operation, premiums to be charged to all departments of the state are to be computed on a retrospective rating arrangement based upon actual losses accruing to the fund *and loss prevention results*, taking into account reasonable expectations, the maintenance and stability of the fund, and the cost of insurance.

Section 6. Subsection (1) of section 284.42, Florida Statutes, is amended to read:

284.42 Reports on state insurance program.—

(1)*(a)* The Department of Financial Services, with the Department of Management Services, shall *conduct* ~~make~~ an analysis of the state insurance program *each year and submit the results on or before January 1 in a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives* ~~annually~~, which shall include:

1.~~(a)~~ Complete underwriting information as to the nature of the risks accepted for self-insurance and those risks that are transferred to the insurance market.

2.~~(b)~~ The funds allocated to the Florida Casualty Risk Management Trust Fund and premiums paid for insurance through the market.

3.~~(c)~~ The method of handling legal matters and the cost allocated.

4.~~(d)~~ The method and cost of handling inspection and engineering of risks.

5.~~(e)~~ The cost of risk management service purchased.

6.~~(f)~~ The cost of managing the State Insurance Program by the Department of Financial Services and the Department of Management Services.

(b) Beginning January 1, 2013, the Division of Risk Management shall include in its annual report an analysis of agency return-to-work efforts, including, but not limited to, agency return-to-work program performance metrics and a status report on participating return-to-work programs. The report shall specify benchmarks, including, but not limited to, the average lost-time claims per year, per agency; the total number of lost claims; and specific agency measurable outcomes indicating the change in performance from year to year.

Section 7. Subsections (3) and (4) are added to section 284.50, Florida Statutes, to read:

284.50 Loss prevention program; safety coordinators; Interagency Advisory Council on Loss Prevention; employee recognition program.—

(3) The Department of Financial Services and all agencies that are provided workers' compensation insurance coverage by the State Risk Management Trust Fund and employ more than 3,000 full-time employees shall establish and maintain return-to-work programs for employees who are receiving workers' compensation benefits. The programs shall have the primary goal of enabling injured workers to remain at work or return to work to perform job duties within the physical or mental functional limitations and restrictions established by the workers' treating physicians. If no limitation or restriction is established in writing by a worker's treating physician, the worker shall be deemed to be able to fully perform the same work duties he or she performed before the injury.

(4) The Division of Risk Management shall evaluate each agency's risk management programs, including, but not limited to, return-to-work, safety, and loss prevention programs, at least once every 5 years. Reports, including, but not limited to, any recommended corrective action, resulting from such evaluations shall be provided to the head of the agency being evaluated, the Chief Financial Officer, and the director of the Division of Risk Management. The agency head must provide to the Division of Risk Management a response to all report recommendations within 45 days and a plan to implement any corrective action to be taken as part of the response. If the agency disagrees with any final report recommendations, including, but not limited to, any recommended corrective action, or if the agency fails to implement any recommended corrective action within a reasonable time, the division shall submit the evaluation report to the legislative appropriations committees.

Section 8. Subsection (5) is added to section 440.50, Florida Statutes, to read:

440.50 Workers' Compensation Administration Trust Fund.—

(5) Funds appropriated by an operating appropriation or a nonoperating transfer from the Workers' Compensation Administration Trust Fund to the Department of Education, the Agency for Health Care Administration, the Department of Business and Professional Regulation, the Department of Management Services, the First District Court of Appeal, and the Justice Administrative Commission remaining unencumbered as of June 30 or undisbursed as of September 30 each year shall revert to the Workers' Compensation Administration Trust Fund.

Section 9. Section 626.9894, Florida Statutes, is created to read:

626.9894 Gifts and grants.—

(1) The department may accept, for purposes of anti-fraud efforts, any donation or grant of property or moneys from any governmental unit, public agency, institution, person, firm, or corporation.

(2) All rights to, interest in, and title to such donated or granted property shall immediately vest in the Division of Insurance Fraud upon donation. The division may hold such property in coownership, sell its interest in the property, liquidate its interest in the property, or dispose of its interest in the property in any other reasonable manner.

(3) All donations or grants of moneys to the division shall be deposited into the Insurance Regulatory Trust Fund and shall be separately accounted for and may be used by the division to carry out its duties and responsibilities, or for the subgranting of such funds to state attorneys for the purpose of funding or defraying the costs of dedicated fraud prosecutors.

(4) Moneys deposited into the Insurance Regulatory Trust Fund pursuant to this section may be appropriated by the Legislature, pursuant to the provisons of chapter 216, for the purpose of enabling the division to carry out its duties and responsibilities, or for the purpose of funding or defraying the costs of dedicated fraud prosecutors.

(5) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance of moneys deposited into the Insurance Regulatory Trust Fund pursuant to this section remaining at the end of any fiscal year shall be available for carrying out the duties and responsibilities of the division. The department may request annual appropriations from the grants and donations received pursuant to this section and cash balances in the Insurance Regulatory Trust Fund for the purpose of carrying out its duties and responsibilities related to the division's antifraud efforts, including the funding of dedicated prosecutors and related personnel.

Section 10. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Financial Services; repealing ss. 17.53 and 17.556, F.S., relating to the Chief Financial Officer's authorization to operate a personal check-cashing service or a remote financial service unit at the capitol and to employ additional persons to assist in performing such services; abolishing appropriations from the General Revenue Fund to pay the salaries of the additional employees; amending s. 20.121, F.S.; revising the duties of the Division of Consumer Services; amending ss. 284.01 and 284.36, F.S.; revising the criteria for premiums charged to agencies and departments for purposes of the State Risk Management Trust Fund; amending s. 284.42, F.S.; revising requirements for reports concerning the state insurance program; requiring the Division of Risk Management to analyze and report

on certain agency return-to-work programs and activities; amending s. 284.50, F.S.; requiring certain agencies to establish and maintain return-to-work programs for certain employees; providing program goals; requiring the Division of Risk Management to evaluate agency risk management programs; requiring reports; requiring agencies to respond to the division's evaluation and recommendations; requiring the division to submit certain evaluation reports to the legislative appropriations committees; amending s. 440.50, F.S.; providing for reversion of certain unencumbered and undisbursed funds to the Workers' Compensation Administration Trust Fund; creating s. 626.9894, F.S.; authorizing the department to accept any donation or grant of property or moneys from certain entities for purposes of anti-fraud efforts; providing for the vesting of certain rights in the Division of Insurance Fraud upon donation; providing for deposit of donations and grants to the division into the Insurance Regulatory Trust Fund; authorizing the department to request annual appropriations from such donations and grants; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2132** was adopted. **SB 2132** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—35

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Dean	Jones	Simmons
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	

Nays—4

Braynon	Joyner	Siplin
Smith		

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2134

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2134, same being:

An act relating to the Citizens Property Insurance Corporation.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Committee Chair
Gary Aubuchon, At Large
Charles S. "Chuck" Chestnut IV, At Large
Joseph A. "Joe" Gibbons
John Patrick Julien
s/ John Legg, At Large
s/ Debbie Mayfield
s/ Bryan Nelson
s/ Jimmy Patronis
s/ Darryl Ervin Rouson, At Large
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
s/ Will W. Weatherford, At Large

s/ Ed Hooper
Chair
Daphne D. Campbell
s/ Fredrick W. "Fred" Costello
s/ Matt Gaetz
s/ Dorothy L. Hukill, At Large
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Seth McKeel, At Large
Jeanette M. Nunez
s/ William L. "Bill" Proctor, At Large
Ron Saunders, At Large
s/ William D. Snyder, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2134, relating to the Citizens Property Insurance Corporation, provides for the following:

- Creates a process within the statutes, establishing standards for the competitive procurement of goods and services by Citizens.
- Requires competitive solicitation for goods and services valued at or above $35,000, except office space, which is currently subject to the public property and publicly owned building statutes.
- Requires that purchases of goods and services over $10 million include a business case review before review and approval by the Citizens Board of Governors (board).
- Prohibits the division of goods and services to circumvent the provisions of the amendment.
- Specifies under which circumstances a competitive solicitation shall use each of the following methods: Invitation to Bid (ITB); request for proposal (RFP); invitation to negotiate (ITN); or reverse auction. The amendment outlines the criteria that must be used for evaluating ITBs, RFPs, and ITNs.
- Requires that all contracts executed on or after January 1, 2012, be posted electronically on Citizens' website for public access.
- Requires that all qualified sole source purchases be posted to the website for 10 business days prior to execution.
- Requires that Citizens' purchasing policy include procedures for protecting against any conflicts of interest by Citizens board members, employees, any public official, other expert consultants who are acting as evaluators in the purchasing process, or employees of the executive or legislative branch, concerning any aspect of the solicitation.
- Provides that Citizens shall strive to increase business with minority business enterprises and Florida small business enterprises.

- Requires the board to annually review and adopt the purchasing policy of the corporation to ensure compliance and to submit a copy of the policy to the Office of Insurance Regulation.

- Provides the Auditor General with access to any Citizens procurement documents and related material.

Conference Committee Amendment (554608)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Paragraphs (e) and (f) of subsection (6) of section 627.351, Florida Statutes, are repealed.*

Section 2. Section 627.3514, Florida Statutes, is created to read:

627.3514 Standards for procurement by Citizens Property Insurance Corporation.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature that Citizens Property Insurance Corporation, hereinafter "Citizens," maintain a transparent, accountable, and competitive procurement process to ensure public confidence in the process by which goods and services are procured.

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

(a) "Bid" means an offer submitted by a vendor in response to a competitive solicitation.

(b) "Board" means the Citizens' board of governors appointed pursuant to s. 627.351(6).

(c) "Competitive solicitation" means an invitation to bid, a request for proposal, an invitation to negotiate, or a reverse auction.

(d) "Competitive solicitation response" means a bid or proposal submitted by a vendor in response to a competitive solicitation.

(e) "Contract" means a written agreement between Citizens and a vendor for the provision of goods or services.

(f) "Contract manager" means the individual employed by Citizens who is responsible for overseeing performance of the contract terms and conditions, reviewing and validating all vendor invoices, tracking all expenditures and payments, and serving as a liaison with the vendor.

(g) "Contract renewal" means an agreement to renew a contract.

(h) "Florida business enterprise" means a business that has or maintains its primary corporate office or home office within this state.

(i) "Florida small business enterprise" means a business that meets all of the following criteria:

1. Has or maintains its primary corporate office or home office within this state;

2. Is engaged in commercial transactions;

3. Has annual gross sales or receipts of less than $6 million averaged over the past 3 years of the business's actual existence;

4. Has a primary owner who owns 51 percent or more of the business or its common stock and who has a personal net worth less than $750,000, excluding primary personal residence and stock value of the Florida small business enterprise; and

5. Maintains the required licenses and necessary industry expertise to perform.

If the business is a wholly or partially owned subsidiary, the parent business must also meet the criteria of subparagraphs 1.-5.

(j) "Goods" mean all tangible or movable property or things, including software, which are purchased or leased. The term does not include investment securities, insurance, loans, credit, trust indentures, or financial service providers or underwriters provided for in s. 627.3513, whether or not evidenced by a physical certificate or contract.

(k) "Informal bid" or "informal solicitation" means a written or oral quotation of cost which is documented and maintained by Citizens.

(l) "Invitation to bid" means a written or electronically posted solicitation for competitive sealed bids.

(m) "Invitation to negotiate" means a written or electronically posted solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services.

(n) "Minority business enterprise" means a business that meets all of the following criteria:

1. Engages in commercial transactions.

2. Is at least 51 percent owned by a minority person, as defined in s. 288.703, who is a citizen of the United States.

3. Is managed and controlled by a minority person, as defined in s. 288.703, who is a citizen of the United States.

(o) "Proposal" means the documents submitted by the vendor in response to a competitive solicitation to be used as the basis for entering into a contract.

(p) "Request for proposal" means a written or electronically posted solicitation for competitive sealed proposals.

(q) "Reverse auction" means an online auction process in which bidders simultaneously submit bids to a company without knowledge of the amount bid by other participants and, unlike a typical auction, prices decrease as the bidding process continues.

(r) "Service" means the rendering by a vendor of time and effort other than the furnishing of specific goods. Services include, but are not limited to, insurance brokerage services, evaluations, consultations, maintenance, accounting, security, management systems, management consulting, educational training programs, research and development studies or reports, and professional, technical, and social services. Services do not include the services provided by insurance agents appointed by Citizens.

(s) "Vendor" means a person or entity that has a contract with Citizens or that is under consideration for a contract, including, but not limited to, insurance companies, take-out companies, insurance agents, adjusting firms, consultants, independent adjusters, contractors, law firms, and other service providers. The term also includes any employee, agent, corporate officer, owner, or person acting on behalf of the vendor, or any parent or subsidiary corporation of the vendor.

(3) GENERAL RULES.—

(a) This section applies to the purchase of all goods or services by Citizens, except:

1. Procurements of Citizens' office space, which are governed by the provisions of chapter 255, except that the appeal process of subsection (6) applies; and

2. Claims payments made directly to an insured, or to a vendor selected by an insured.

(b) Purchases that equal or exceed $2,500, but that are less than $35,000, shall be made by receipt of written quotes, written record of telephone quotes, or informal bids, whenever practical. The procurement of goods or services valued at or over $35,000 shall be subject to competitive solicitation, except in situations in which the goods or services are provided by a sole source or are deemed an emergency purchase, the services are exempt from competitive solicitation requirements under s. 287.057(3)(f), the procurement of services is subject to s. 627.3513, or the procurement is a government contract as provided in paragraph (7)(e).

(c) Purchases of goods or services that have an aggregate value of at least $10 million or a duration exceeding 8 years must be accompanied by a business case analysis before review and approval by the Citizens' board.

(d) Purchases of goods or services valued at or over $100,000 are subject to approval by the Citizens' board.

(e) Procurement of office space is subject to the provisions of chapter 255, including provisions governing the authority to hold title to real property. A public bid opening of all responding bids is required pursuant to chapter 255.

(f) Procurements of goods or services may not be divided or allocated in order to circumvent the provisions of this section. The life of the contract, including renewals, must be included when determining the dollar amount for the procurement method.

(g) In addition to any contractual renewal periods, a contract may be extended for a period not to exceed 6 months under the same terms and conditions set forth in the initial contract. There may be only one extension of a contract unless the failure to meet the criteria set forth in the contract for completion of the contract is due to events beyond the control of the vendor.

(h) A contract in excess of $35,000 must have an employee from the business unit appointed as contract manager.

(i) Citizens may:

1. Amend an existing contract on terms and costs more beneficial to Citizens if the terms and costs of the contract are not extended or increased; or

2. Renew a contract under the renewal terms provided by the contract.

(j) Goods or services must not be received before the issuance of a purchase order or execution of a contract.

(k) A Citizens' board member, officer, or employee may not procure, purchase, or acquire any goods or services or make any contract in any manner that is not in compliance with this section.

(4) CONTRACT REVIEW.—Citizens' legal department and purchasing department must jointly prepare any contract for the procurement of goods or services. The legal department must review and approve a contract before it is executed.

(5) COMPETITIVE SOLICITATION.—

(a)1. The procurement of goods or services valued at or over $35,000 is subject to competitive solicitation, except in situations in which the goods or services are exempt from competitive solicitation requirements as specified in s. 287.057(3)(f). A public bid opening is not required except as provided in paragraph (3)(e). A competitive solicitation must include a contract term.

2. The Citizens' purchasing department shall coordinate and manage the competitive solicitation process. The requirements of paragraphs (b) and (c) must be addressed in the development of a competitive solicitation.

(b) The competitive solicitation process shall use one of the following methods: an invitation to bid, a request for proposal, an invitation to negotiate, or a reverse auction.

1.a. An invitation to bid shall be used if Citizens has the ability to establish precise specifications defining the actual goods required or defining the scope of work for which a service is required.

b. An invitation to bid must include a detailed description of the goods or services sought and a statement indicating whether Citizens contemplates renewal of the contract.

c. A bid submitted in response to an invitation to bid which contemplates renewal of the contract must include the price for each year that the contract may be renewed. An evaluation-of-responsive bid is limited to the total cost for each year of the contract, including renewal years.

2. A request for proposal shall be used if Citizens' requirements can be specifically defined.

a. Before issuing a request for proposal, Citizens shall determine and specify in writing the reasons that procurement by invitation to bid is not practicable. A request for proposal must include a detailed statement describing the business unit requirements and needs for which goods or services are being sought, the relative importance of price and other evaluation criteria, and a statement indicating whether Citizens contemplates renewal of the contract.

b. Criteria that must be used for an evaluation of a proposal include, but are not limited to:

(I) Price, which must be specified in the proposal;

(II) If Citizens contemplates renewal of the contract, the price for each year that the contract may be renewed;

(III) Consideration of the total cost for each year of the contract, including renewal years; and

(IV) How well the proposed goods or services meet Citizens' requirements.

c. The contract shall be awarded by written notice to the vendor whose proposal is determined in writing to be the most advantageous to Citizens, taking into consideration the price and other criteria set forth in the request for proposal.

3.a. An invitation to negotiate may be used if an invitation to bid or request for proposal is not practicable. Before issuing an invitation to negotiate, the executive director of Citizens must determine and specify in writing the reasons that procurement by invitation to bid or request for proposal is not applicable. The invitation to negotiate must describe the questions being explored, the facts being sought, the specific goals or problems that are the subject of the solicitation, and the criteria that shall be used to determine the acceptability of the reply and guide the selection of the vendor with which Citizens will negotiate.

b. Citizens shall evaluate replies against the established evaluation criteria identified in the invitation-to-negotiate document. Citizens may select one or more vendors with which to commence negotiations. After negotiations are conducted, Citizens shall award the contract to the vendor determined to provide the best value to Citizens.

4. In order for the purchasing department to initiate the competitive solicitation process, the following information must be provided by the business unit if practicable:

a. Business and technical requirements and scope of work. This information must avoid use of brand names, unless used only as an indication of desired functionality or quality and the brand names are qualified with the phrase "or equivalent";

b. Performance criteria;

c. Evaluation criteria;

d. Specific deliverables;

e. Service-level requirements; and

f. Any information necessary to explain the business need or intended purpose.

5. Citizens shall create a process for the evaluation of vendor proposals appropriate for the goods or services being procured and coordinate the receipt and evaluation of responses to the competitive solicitation. The process shall include the criteria to be evaluated and the method of evaluation and must include pricing as separately scored criteria. A competitive solicitation is subject to the requirements of chapter 286.

6. Citizens shall give public notice of a competitive solicitation by electronically posting the competitive solicitation on its website and the state's procurement website. Citizens shall post the notice at least 10 business days before the date set for receipt of bids, proposals, or replies unless Citizens determines in writing that a shorter period is necessary to avoid harming the interests of the state.

7. A respondent to a solicitation under this section or any person acting on behalf of the respondent may not communicate with any member of the board, any employee of Citizens, or any public official, officer, or employee of the executive or legislative branch of government concerning any aspect of the solicitation, except a written or electronic communication to the procurement officer or such communication as provided for in the solicitation documents. The period of such prohibited

communication begins when the solicitation is issued and ends 72 hours after notice is given of a recommended award, a rejection of all proposals, or any other decision. A violation of this subparagraph may be grounds for rejecting a response.

8. If a tie occurs in score or in price and if price is the only criterion during a competitive solicitation, Citizens shall determine the recommended vendor for the award based upon the following criteria, listed in order of priority:

a. All goods and services of the vendor are manufactured or performed in the state.

b. Certain foreign manufacturers of the vendor have employees in the state, as designated in s. 287.092.

c. All goods and services of the vendor are manufactured or performed in the United States.

d. The vendor is a Florida small business enterprise.

e. The vendor has implemented a drug-free workplace program that meets the requirements of s. 287.087.

If none of the criteria of this subparagraph resolves the tie, Citizens shall conduct a coin toss to determine the recommended vendor for award. Citizens shall notify the tied vendors of the tie and provide them with reasonable notice of the time and location of the coin toss, which they may attend.

(c) If a vendor asserts that its bid contains information that is confidential and exempt from the public-records requirements of chapter 119, the vendor must submit with its bid response a version of all bid documents which redacts such information.

(d) For contracts executed on or after January 1, 2012, Citizens shall post a copy of each contract executed, with necessary redactions, on its website for public access no later than 30 days after the date of execution.

(6) APPEAL PROCESS.—

(a) A respondent to a competitive solicitation may appeal the award of a contract by the board, including those contracts awarded under chapter 255, if the value of the contract is $100,000 or more. The appeal must be heard by the board at a publicly noticed meeting and conducted according to appeal procedures established by the board. Any further legal remedy shall be to the Circuit Court of Leon County, Florida.

(b) A respondent to a competitive solicitation may appeal the award of a contract having a value at or above $35,000 and less than $100,000 according to appeal procedures established by the board. Such appeals are not required to be heard by the board. Any further legal remedy shall be to the Circuit Court of Leon County, Florida.

(c) If the original award is overturned, the contract executed pursuant to the award shall be terminated.

(7) EXEMPTIONS FROM COMPETITIVE SOLICITATION.—The following exemptions from competitive solicitation are authorized:

(a)1. An emergency purchase is permitted only if the president of Citizens, in consultation with the chair or vice chair of the board, determines in writing that an immediate danger to the public health, safety, or welfare, or other immediate and substantial loss to Citizens or its policyholders requires emergency action, in which case Citizens may proceed with the procurement of goods or services necessitated by the immediate danger without receiving competitive bids or proposals. Citizens shall provide a report of any emergency purchase of goods or services to the board and the state's Chief Financial Officer.

2. In any emergency purchase of goods or services in excess of $35,000, each individual taking part in the development or selection of criteria for evaluation, the evaluation process, or the award process shall provide a completed and signed purchasing conflict-of-interest disclosure form by which each individual attests in writing that the individual does not have any conflict of interest in the entities evaluated or selected.

(b)1. A sole source purchase is permitted only if the following steps have been completed:

a. Citizens conducts an analysis of the marketplace for the goods or services; and

b. Citizens determines in writing that the required goods or services are:

(I) Available from only one supplier; or

(II) Necessary or unique, for example, if the deliverable is copyrighted, patented, or proprietary, such as technology, or if there is an absence of competition or providers in the marketplace.

2. If Citizens reasonably determines that goods or services qualify as a sole source purchase, it shall post on Citizens' website a description of the goods or services sought for at least 10 business days. If it is determined in writing by Citizens after reviewing any information received from prospective vendors that the goods or services qualify as a sole source purchase, Citizens shall notify each vendor and proceed with the purchase. A copy of the written determination shall be promptly furnished to the state's Chief Financial Officer and the board. A sole source procurement must be discontinued and a competitive solicitation instituted when written information is timely received which demonstrates that the sole source process is not applicable.

3. In any sole source purchase of goods or services in excess of $35,000, the individuals taking part in the development or selection of criteria for evaluation, the evaluation process, or the award process must provide a completed and signed purchasing conflict-of-interest disclosure form by which the individuals attest in writing that they do not have any conflict of interest in the entities evaluated or selected.

(c) A purchase that is exempt from competitive solicitation as listed under s. 287.057(3)(f).

(d) A contract with a financial service provider or underwriter of bonds which is subject to s. 627.3513.

(e) A governmental contract if the contract was previously procured by a competitive solicitation process, and the contract is:

1. An approved state term contract that complies with the requirements of ss. 287.056 and 287.057;

2. Approved by the Department of Management Services;

3. Procured by a state agency, political subdivision of the state, a state university or a Florida College System institution as defined in section 21 of chapter 2010-70, Laws of Florida; or

4. An approved contract from the United States General Services Administration.

(8) CONFLICT OF INTEREST.—Citizens' purchasing policy must include procedures for protecting against any conflict of interest by Citizens' board members, employees, and other expert consultants who are acting as evaluators in the purchasing process. Additionally, Citizens' purchasing policy must address other procurement issues regarding conflicts of interest.

(9) MINORITY BUSINESS ENTERPRISES.—

(a) Citizens shall strive to increase business with minority business enterprises by providing education and outreach to minority businesses regarding business opportunities within Citizens, educating Citizens' staff and vendors regarding opportunities for minority business enterprises, and tracking and monitoring purchases by minority business enterprises.

(b) The director of Citizens' purchasing department shall certify a business as a minority business enterprise upon review and evaluation of evidence provided by the business which demonstrates that it meets the definition of a minority business enterprise. Additionally, Citizens may accept minority business certifications from a federal, state, or other governmental agency or political subdivision.

(10) FLORIDA SMALL BUSINESS ENTERPRISES.—

(a) Citizens shall strive to increase business with Florida small business enterprises by providing education and outreach to Florida

small business enterprises regarding business opportunities with Citizens, educating Citizens' staff and vendors regarding opportunities for Florida small business enterprises, and tracking and monitoring purchases by Florida small business enterprises. Citizens may use a business's status as a Florida small business enterprise as a vendor evaluation criterion in the procurement of goods or services if the use of such status may be beneficial for Citizens, its policyholders, or the state. A five-point preference may be awarded to vendors who meet the requirements for status as Florida small business enterprises for purposes of bid tabulation and comparison.

(b) The director of Citizens' purchasing department shall certify a business as a Florida small business enterprise upon review and evaluation of evidence provided by the entity which demonstrates that it meets the definition of a Florida small business enterprise. Additionally, Citizens may accept small business certifications from a federal, state, or other governmental agency or political subdivision.

(11) FLORIDA BUSINESS ENTERPRISES.—

(a) Citizens may use the Florida business enterprise status as a vendor-evaluation criterion in the procurement of goods or services if it determines that the use of a business based in this state may be beneficial for Citizens, its policyholders, or the state.

(b) Citizens shall verify the status as a Florida business enterprise by a review of its corporate documentation.

(12) ANNUAL REVIEW.—The Citizens' board shall annually review and adopt the purchasing policy for the corporation to ensure compliance with this section. After adopting the purchasing policy, the board shall submit a copy of the policy to the Office of Insurance Regulation.

(13) AUDITOR GENERAL REVIEW.—The Auditor General shall have access to any Citizens' procurement documents and related materials. Such documents and materials held by the Auditor General must remain confidential as provided in s. 627.351(6) or other state law.

Section 3. Subsection (6) of section 838.014, Florida Statutes, is amended to read:

838.014 Definitions.—As used in this chapter, the term:

(6) "Public servant" means:

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

(b) Any legislative or judicial officer or employee;

(c) Any person, except a witness, who acts as a general or special magistrate, receiver, auditor, arbitrator, umpire, referee, consultant, or hearing officer while performing a governmental function; ~~or~~

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

(e) Any member of the board of governors or employee of Citizens Property Insurance Corporation.

Section 4. This act shall take effect January 1, 2012.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Citizens Property Insurance Corporation; repealing s. 627.351(6)(e) and (f), F.S., relating to the procurement of goods and services by the corporation; creating s. 627.3514, F.S.; providing standards for procurements by Citizens Property Insurance Corporation; providing legislative intent; providing definitions; providing general purchasing rules for the procurement of goods or services by the Citizens Property Insurance Corporation; requiring the corporation's legal department and purchasing department to jointly prepare a contract for the procurement of goods or services; requiring the legal department to review and approve a contract before it is executed; providing that certain procurements of goods or services are subject to competitive solicitation; providing that a public bid opening is not required except under certain circumstances; requiring a competitive solicitation to include a contract term; requiring the corporation's purchasing department to coordinate and manage the competitive solicitation process; providing for the use of four methods for the competitive solicitation process; requiring the business unit to provide certain information in order for the purchasing department to initiate the competitive solicitation process; requiring the corporation to create a process for the evaluation of vendor proposals appropriate for the goods or services being procured and to coordinate the receipt and evaluation of responses to the competitive solicitation; requiring the corporation to give public notice of a competitive solicitation by electronically posting the competitive solicitation on its website and the state's procurement website; prohibiting certain persons from communicating with any member of the board or employee of Citizens Property Insurance Corporation, or with any public official, officer, or employee of the executive or legislative branch of government, concerning any aspect of the solicitation; providing a procedure for breaking a tie between two vendors in the competitive solicitation process; requiring the redaction of certain confidential and exempt information in a vendor's bid; requiring the corporation to post a copy of each contract executed on its website for certain contracts executed on or after a specified date; authorizing a respondent to a competitive solicitation to appeal the award of certain contracts of more than a specified amount by the corporation's board; requiring the corporation's board to hear an appeal at a publicly noticed meeting conducted according to appeal procedures established by the board; authorizing a respondent to a competitive solicitation to appeal the award of a contract having a value at or above a specified amount and less than a specified amount according to appeal procedures established by the board; providing that such appeals are not required to be heard by the board; authorizing certain exemptions from the competitive solicitation process; requiring the corporation's purchasing policy to address procurement issues regarding conflicts of interest and to include procedures for protecting against any conflict of interest by Citizens' board members and employees and other expert consultants who are acting as an evaluator in the purchasing process; requiring the corporation to strive to increase business with minority business enterprises; requiring the director of purchasing to certify a business as a minority business enterprise upon review and evaluation of evidence provided by the business; requiring the corporation to strive to increase business with Florida small business enterprises by providing education and outreach to Florida small business enterprises regarding business opportunities with the corporation; authorizing the corporation to use the status of a business as a Florida small business enterprise as a vendor-evaluation criterion in the procurement of goods or services; requiring the director of the corporation's purchasing department to certify a business as a Florida small business enterprise upon review and evaluation of evidence provided by the entity; authorizing the corporation to use the status of a business as a Florida business enterprise as a vendor-evaluation criterion in the procurement of goods or services; requiring the corporation to verify the status of a Florida business enterprise; requiring the corporation's board to annually review and adopt the purchasing policy for the corporation; requiring the corporation's board to submit a copy of the purchasing policy to the Office of Insurance Regulation; requiring the Auditor General to have access to the corporation's procurement documents and related materials; requiring the documents and materials held by the Auditor General to remain confidential; amending s. 838.014, F.S.; including a board member or an employee of the corporation within the definition of the term "public servant" as it relates to the crime of bribery and the misuse of public office; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2134** was adopted. **SB 2134** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Jones
Alexander	Dockery	Latvala
Altman	Fasano	Lynn
Benacquisto	Flores	Margolis
Bennett	Gaetz	Montford
Bogdanoff	Garcia	Negron
Braynon	Gardiner	Norman
Dean	Hays	Oelrich
Detert	Hill	Rich

Richter	Siplin	Thrasher
Ring	Smith	Wise
Sachs	Sobel	
Simmons	Storms	

Nays—1

Joyner

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2136

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2136, same being:

An act relating to trust funds.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Committee Chair
Gary Aubuchon, At Large
Charles S. "Chuck" Chestnut IV, At Large
Joseph A. "Joe" Gibbons
John Patrick Julien
s/ John Legg, At Large
s/ Debbie Mayfield
s/ Bryan Nelson
s/ Jimmy Patronis
s/ Darryl Ervin Rouson, At Large
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
Will W. Weatherford, At Large

s/ Ed Hooper
Chair
Daphne D. Campbell
s/ Fredrick W. "Fred" Costello
s/ Matt Gaetz
s/ Dorothy L. Hukill, At Large
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Seth McKeel, At Large
Jeanette M. Nunez
s/ William L. "Bill" Proctor, At Large
Ron Saunders, At Large
s/ William D. Snyder, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2136, relating to trust funds within the Department of Business and Professional Regulation, provides for the following:

- Creates a Federal Grants Trust Fund within the Department of Business and Professional Regulation, effective July 1, 2011.
- Serves as a depository for funds for allowable grant activities funded by restricted program revenues.
- Funds credited to the Federal Grants Trust Fund will consist of grants and funding from the federal government, interest earnings, and cash advances from other trust funds, pursuant to s. 215.32 (2) (b), F.S.

Conference Committee Amendment (384484)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 455.1165, Florida Statutes, is created to read:

455.1165 Federal Grants Trust Fund.—

(1) The Federal Grants Trust Fund is created within the Department of Business and Professional Regulation.

(2) The trust fund is established for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources. Moneys to be credited to the trust fund shall consist of grants and funding from the Federal Government, interest earnings, and cash advances from other trust funds. Funds shall be expended only pursuant to legislative appropriation or an approved amendment to the department's operating budget pursuant to the provisions of chapter 216.

(3) In accordance with s. 19(f)(2), Art. III of the State Constitution, the Federal Grants Trust Fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).

Section 2. This act shall take effect July 1, 2011, except that this act shall not take effect unless it is enacted by a three-fifths vote of the membership of each house of the Legislature.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to trust funds; creating s. 455.1165, F.S.; creating the Federal Grants Trust Fund within the Department of Business and Professional Regulation; providing for the purpose of the trust fund and sources of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2136** was adopted. **SB 2136** passed by the required constitutional three-fifths vote of the membership as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38

Mr. President	Gaetz	Oelrich
Alexander	Garcia	Rich
Altman	Gardiner	Richter
Benacquisto	Hays	Ring
Bennett	Hill	Sachs
Bogdanoff	Jones	Simmons
Braynon	Joyner	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Dockery	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2142

The Honorable Mike Haridopolos
President of the Senate

May 5, 2011

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2142, same being:

An act relating to the water management districts.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.

2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Committee Chair
Ben Albritton
Gary Aubuchon, At Large
Charles S. "Chuck" Chestnut IV, At Large
s/ Dorothy L. Hukill, At Large
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
Elizabeth W. Porter
s/ Patrick Rooney, Jr.
s/ Darryl Ervin Rouson, At Large
Ron Saunders, At Large
William D. Snyder, At Large
s/ Will W. Weatherford, At Large

s/ Trudi K. Williams
Chair
s/ Frank Artiles
Leonard L. Bembry
s/ Steve Crisafulli
Tom Goodson
s/ Clay Ingram
John Legg, At Large
s/ Seth McKeel, At Large
s/ William L. "Bill" Proctor, At Large
Franklin Sands, At Large
s/ Robert C. "Rob" Schenck, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2142, 1st Eng., relating to the water management districts, provides for the following:

- Requires the Legislature to annually review the preliminary budget for each water management district and set the maximum amount of revenue a district may raise through its ad valorem tax.

- Provides that, if the annual maximum amount of property tax revenue is not set by the Legislature on or before July 1 of each year, the maximum property tax revenue that may be raised reverts to the amount authorized in the prior year.

- Requires each water management district to provide a monthly financial statement to its governing board and make such information available to the public through the district's website.

- Revises provisions relating to the review of district budgets to allow the Executive Office of the Governor and the Legislative Budget Commission to disapprove, in whole or in part, the budget of each water management district.

Conference Committee Amendment (924370)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (3), (4), and (5) of section 373.503, Florida Statutes, are amended to read:

373.503 Manner of taxation.—

(3)~~(a)~~ The districts may levy ad valorem taxes on property within the district solely for the purposes of this chapter and of chapter 25270, 1949, Laws of Florida, as amended, and chapter 61-691, Laws of Florida, as amended. ~~The authority to levy ad valorem taxes as provided in this act shall commence with the year 1977. However, the taxes levied for 1977 by the governing boards pursuant to this section shall be prorated to ensure that no such taxes will be levied for the first 4 days of the tax year, which days will fall prior to the effective date of the amendment to s. 9(b), Art. VII of the State Constitution, which was approved March 9, 1976.~~ *If* ~~When~~ appropriate, taxes levied by each governing board may be separated by the governing board into a millage necessary for the purposes of the district and a millage necessary for financing basin functions specified in s. 373.0695. ~~Beginning with the taxing year 1977, and~~

(a) Notwithstanding ~~the provisions of~~ any other general or special law ~~to the contrary~~, *and subject to subsection (4),* the maximum total millage rate for district and basin purposes shall be:

1. Northwest Florida Water Management District: 0.05 mill.

2. Suwannee River Water Management District: 0.75 mill.

3. St. Johns River Water Management District: 0.6 mill.

4. Southwest Florida Water Management District: 1.0 mill.

5. South Florida Water Management District: 0.80 mill.

(b) The apportionment in the South Florida Water Management District shall be a maximum of 40 percent for district purposes and a maximum of 60 percent for basin purposes, respectively.

(c) Within the Southwest Florida Water Management District, the maximum millage assessed for district purposes *may* ~~shall~~ not exceed 50 percent of the total authorized millage *if* ~~when~~ there are one or more basins in the district, and the maximum millage assessed for basin purposes *may* ~~shall~~ not exceed 50 percent of the total authorized millage.

(4)(a) To ensure that taxes authorized by this chapter continue to be in proportion to the benefits derived by the parcels of real estate within the districts, the Legislature shall annually review the preliminary budget for the next fiscal year and the authorized millage rate for each district. Based upon this review, the Legislature shall set the maximum amount of revenue to be raised by each district in the next fiscal year from the taxes levied. Except as provided in paragraph (b), if the annual maximum amount of property tax revenue is not set by the Legislature on or before July 1 of each year, the maximum property tax revenue that may be raised reverts to the amount authorized in the prior year.

(b) For the 2011-2012 fiscal year, the total ad valorem taxes levied may not exceed $3,946,969 for the Northwest Florida Water Management District, $5,412,674 for the Suwannee River Water Management District, $85,335,619 for the St. Johns Water Management District, $107,766,957 for the Southwest Florida Water Management District, and $284,901,967 for the South Florida Water Management District.

(5)~~(4)~~ It is hereby determined that the taxes authorized by this chapter are in proportion to the benefits to be derived by the several parcels of real estate within the districts to which territories are annexed and transferred. It is further determined that the cost of conducting elections within the respective districts or within the transferred or annexed territories, including costs incidental thereto in preparing for such election and in informing the electors of the issues therein, is a proper expenditure of the department, of the respective districts, and of the district to which such territory is or has been annexed or transferred.

(6)~~(5)~~ Each water management district created under this chapter which does not receive state shared revenues under part II of chapter 218 shall, before January 1 of each year, certify compliance or noncompliance with s. 200.065 to the Department of Financial Services. Specific grounds for noncompliance *must* ~~shall~~ be stated in the certification. In its annual report required by s. 218.32(2), the Department of Financial Services shall report to the Governor and the Legislature those water management districts certifying noncompliance or not reporting.

Section 2. Subsections (4) and (5) of section 373.536, Florida Statutes, are amended to read:

373.536 District budget and hearing thereon.—

(4) BUDGET CONTROLS*; FINANCIAL INFORMATION*.—

(a) The final adopted budget for the district will thereupon be the operating and fiscal guide for the district for the ensuing year; however, transfers of funds may be made within the budget by action of the governing board at a public meeting of the governing board.

(b) The district shall control its budget, at a minimum, by funds and shall provide to the Executive Office of the Governor a description of its budget control mechanisms.

(c) Should the district receive unanticipated funds after the adoption of the final budget, the final budget may be amended by including such funds, so long as notice of intention to amend is published in the notice of the governing board meeting at which the amendment will be considered, pursuant to s. 120.525. The notice shall set forth a summary of the proposed amendment. However, in the event of a disaster or of an emergency arising to prevent or avert the same, the governing board shall not be limited by the budget but shall have authority to apply such funds as may be available therefor or as may be procured for such purpose.

(d) By September 1, 2011, each water management district shall provide a monthly financial statement to its governing board and make such monthly financial statement available for public access on its website.

(5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND APPROVAL.—

(a) The Executive Office of the Governor *and the Legislative Budget Commission are* ~~is~~ authorized to ~~approve or~~ disapprove, in whole or in part, the budget of each water management district*. The Executive Office of the Governor* ~~and~~ shall analyze each budget as to the adequacy of fiscal resources available to the district and the adequacy of district expenditures related to water supply, including water resource development projects identified in the district's regional water supply plans; water quality; flood protection and floodplain management; and natural systems. This analysis shall be based on the particular needs within each water management district in those four areas of responsibility *and shall be provided to the Legislative Budget Commission*.

(b) The Executive Office of the Governor*, the Legislative Budget Commission,* and the water management districts shall develop a process to facilitate review and communication regarding water management district budgets, as necessary. Written disapproval of any provision in the tentative budget must be received by the district at least 5 business days prior to the final district budget adoption hearing conducted under s. 200.065(2)(d). If written disapproval of any portion of the budget is not received at least 5 business days prior to the final budget adoption hearing, the governing board may proceed with final adoption. Any provision rejected by the Governor *or the Legislative Budget Commission* shall not be included in a district's final budget.

(c) Each water management district shall, by August 1 of each year, submit for review a tentative budget to the Governor, the President of the Senate, the Speaker of the House of Representatives, *the Legislative Budget Commission,* ~~the chairs of all legislative committees and subcommittees with substantive or fiscal jurisdiction over water management districts, as determined by the President of the Senate or the Speaker of the House of Representatives as applicable,~~ the secretary of the department, and the governing body of each county in which the district has jurisdiction or derives any funds for the operations of the district.

(d) The tentative budget must set forth the proposed expenditures of the district, to which may be added an amount to be held as reserve. The tentative budget must include, but is not limited to, the following information for the preceding fiscal year and the current fiscal year, and the proposed amounts for the upcoming fiscal year, in a standard format prescribed by the Executive Office of the Governor:

1. The estimated amount of funds remaining at the beginning of the fiscal year which have been obligated for the payment of outstanding commitments not yet completed.

2. The estimated amount of unobligated funds or net cash balance on hand at the beginning of the fiscal year, and the estimated amount of funds to be raised by district taxes or received from other sources to meet the requirements of the district.

3. The millage rates and the percentage increase above the rolled-back rate, together with a summary of the reasons the increase is required, and the percentage increase in taxable value resulting from new construction within the district.

4. The salaries and benefits, expenses, operating capital outlay, number of authorized positions, and other personal services for the following program areas of the district:

a. Water resource planning and monitoring;

b. Land acquisition, restoration, and public works;

c. Operation and maintenance of works and lands;

d. Regulation;

e. Outreach for which the information provided must contain a full description and accounting of expenditures for water resources education; public information and public relations, including public service announcements and advertising in any media; and lobbying activities related to local, regional, state and federal governmental affairs, whether incurred by district staff or through contractual services; and

f. Management and administration.

In addition to the program areas reported by all water management districts, the South Florida Water Management District shall include in its budget document separate sections on all costs associated with the Everglades Construction Project and the Comprehensive Everglades Restoration Plan.

5. The total estimated amount in the district budget for each area of responsibility listed in subparagraph 4. and for water resource development projects identified in the district's regional water supply plans.

6. A description of each new, expanded, reduced, or eliminated program.

7. The funding sources, including, but not limited to, ad valorem taxes, Surface Water Improvement and Management Program funds, other state funds, federal funds, and user fees and permit fees for each program area.

~~(e) By September 5 of the year in which the budget is submitted, the House and Senate appropriations and appropriate substantive committee chairs may transmit to each district comments and objections to the proposed budgets. Each district governing board shall include a response to such comments and objections in the record of the governing board meeting where final adoption of the budget takes place, and the record of this meeting shall be transmitted to the Executive Office of the Gover-~~

~~nor, the department, and the chairs of the House and Senate appropriations committees.~~

(e)~~(f)~~ The Executive Office of the Governor shall annually, on or before December 15, file with the Legislature a report that summarizes its review of the water management districts' tentative budgets and displays the adopted budget allocations by program area. The report must identify the districts that are not in compliance with the reporting requirements of this section. State funds shall be withheld from a water management district that fails to comply with these reporting requirements.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to water management districts; amending s. 373.503, F.S.; removing obsolete provisions; requiring the Legislature to annually review the preliminary budget and authorized millage rate for each water management district and set the amount of revenue a district may raise through its ad valorem tax authority; providing for the maximum amount of property tax raised by a district to revert to the amount authorized in the prior year if the Legislature fails to set the amount; providing a limit on total ad valorem taxes levied for the 2011-2012 fiscal year for each water management district; amending s. 373.536, F.S.; requiring each water management district to provide a monthly financial statement to its governing board; requiring that each district make budget information available to the public through the district's website; revising provisions relating to the development of district budgets and review by the Executive Office of the Governor and Legislative Budget Commission; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2142** was adopted. **SB 2142** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Dockery	Montford	Thrasher
Evers	Negron	Wise
Fasano	Norman	

Nays—1

Joyner

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2160

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2160, same being:

An act relating to the Department of Highway Safety and Motor Vehicles.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.

2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Chair
Gary Aubuchon, At Large
Mack Bernard
Douglas Vaughn "Doug" Broxson
Charles S. "Chuck" Chestnut IV, At Large
s/ Dorothy L. Hukill, At Large
s/ John Legg, At Large
s/ Seth McKeel, At Large
s/ Lake Ray
Hazelle P. "Hazel" Rogers
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
Will W. Weatherford, At Large

s/ Mike Horner
Chair
Lori Berman
s/ Jeffrey "Jeff" Brandes
s/ Matthew H. "Matt" Caldwell
Chris Dorworth
s/ Brad Drake
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ William L. "Bill" Proctor, At Large
s/ Darryl Ervin Rouson, At Large
Ron Saunders, At Large
William D. Snyder, At Large
s/ Ritch Workman

Managers on the part of the House

The Conference Committee Amendment for SB 2160, relating to the Department of Highway Safety and Motor Vehicles, provides for the following:

- Creates the Division of Motorist Services within the department;

- Transfers the Office of Motor Carrier Compliance sworn law enforcement officers and administrative personnel from the Florida Department of Transportation (FDOT);

- Allows the department to contract with a vendor to outsource the online sale of crash records;

- Authorizes revenue sharing with county tax collectors on the issuance of driver's license replacement and identification cards, beginning July 1, 2015, when the those services are provided by the tax collector;

- Creates a Law Enforcement Consolidation Task Force to evaluate the duplication of law enforcement functions throughout state government;

- Directs the department to contract with providers for online traffic law and substance abuse education courses to serve as third

party provider for online examinations for Class E learner's driver's license; and

- Provides an effective date of July 1, 2011.

Conference Committee Amendment (213166)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (4) of section 20.23, Florida Statutes, is amended to read:

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

(4)

(b) The secretary may appoint positions at the level of deputy assistant secretary or director which the secretary deems necessary to accomplish the mission and goals of the department, including, but not limited to, the areas of program responsibility provided in this paragraph, each of whom shall be appointed by and serve at the pleasure of the secretary. The secretary may combine, separate, or delete offices as needed in consultation with the Executive Office of the Governor. The department's areas of program responsibility include, but are not limited to:

1. Administration;

2. Planning;

3. Public transportation;

4. Design;

5. Highway operations;

6. Right-of-way;

7. Toll operations;

8. Information systems;

9. Motor carrier *weight inspection* ~~compliance~~;

10. Management and budget;

11. Comptroller;

12. Construction;

13. Maintenance; and

14. Materials.

Section 2. Subsection (2) of section 20.24, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

20.24 Department of Highway Safety and Motor Vehicles.—There is created a Department of Highway Safety and Motor Vehicles.

(2) The following divisions, and bureaus within the divisions, of the Department of Highway Safety and Motor Vehicles are established:

(a) Division of the Florida Highway Patrol.

(b) Division of Motorist Services.

~~(b) Division of Driver Licenses.~~

~~(c) Division of Motor Vehicles.~~

(3) The Office of Motor Carrier Compliance is established within the Division of the Florida Highway Patrol.

Section 3. Paragraph (m) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

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

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which ~~positions~~ include, but are not limited to:

1. Positions in the Department of Health and the Department of Children and Family Services that are assigned primary duties of serving as the superintendent or assistant superintendent of an institution.

2. Positions in the Department of Corrections that are assigned primary duties of serving as the warden, assistant warden, colonel, or major of an institution or that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator.

3. Positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices, as defined in s. 20.23(4)(b) and (5)(c)~~, and captains and majors of the Office of Motor Carrier Compliance~~.

4. Positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator.

5. Positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator.

Unless otherwise fixed by law, the department shall set the salary and benefits of the positions listed in this paragraph in accordance with the rules established for the Selected Exempt Service.

Section 4. Paragraph (e) of subsection (2) of section 288.816, Florida Statutes, is amended to read:

288.816 Intergovernmental relations.—

(2) The Office of Tourism, Trade, and Economic Development shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The office shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The office shall promulgate rules which shall:

(e) Verify entitlement to issuance of special motor vehicle license plates by ~~the Division of Motor Vehicles of~~ the Department of Highway Safety and Motor Vehicles to honorary consuls or such other officials representing foreign governments who are not entitled to issuance of special Consul Corps license plates by the United States Government.

Section 5. Paragraph (f) of subsection (1) of section 311.115, Florida Statutes, is amended to read:

311.115 Seaport Security Standards Advisory Council.—The Seaport Security Standards Advisory Council is created under the Office of Drug Control. The council shall serve as an advisory council as provided in s. 20.03(7).

(1) The members of the council shall be appointed by the Governor and consist of the following:

(f) One member from the Office of Motor Carrier Compliance of the Department of *Highway Safety and Motor Vehicles* ~~Transportation~~.

Section 6. Paragraph (a) of subsection (3) of section 311.121, Florida Statutes, is amended to read:

311.121 Qualifications, training, and certification of licensed security officers at Florida seaports.—

(3) The Seaport Security Officer Qualification, Training, and Standards Coordinating Council is created under the Department of Law Enforcement.

(a) The executive director of the Department of Law Enforcement shall appoint 11 members to the council, to include:

1. The seaport administrator of the Department of Law Enforcement.

2. The Commissioner of Education or his or her designee.

3. The director of the Division of Licensing of the Department of Agriculture and Consumer Services.

4. The administrator of the Florida Seaport Transportation and Economic Development Council.

5. Two seaport security directors from seaports designated under s. 311.09.

6. One director of a state law enforcement academy.

7. One representative of a local law enforcement agency.

8. Two representatives of contract security services.

9. One representative of ~~the Division of Driver Licenses of~~ the Department of Highway Safety and Motor Vehicles.

Section 7. Subsections (1), (2), (4), and (5) of section 316.066, Florida Statutes, are amended, and present subsections (3), (4), (5), and (6) of that section are renumbered as subsections (2), (3), (4), and (5), respectively, to read:

316.066 Written reports of crashes.—

(1)(a) A Florida Traffic Crash Report, Long Form is required to be completed and submitted to the department within 10 days after completing an investigation by every law enforcement officer who in the regular course of duty investigates a motor vehicle crash *that*:

1. ~~That~~ Resulted in death or personal injury.

2. ~~That~~ Involved a violation of s. 316.061(1) or s. 316.193.

~~3. In which a vehicle was rendered inoperative to a degree that required a wrecker to remove it from traffic, if such action is appropriate, in the officer's discretion.~~

(b) In every crash for which a Florida Traffic Crash Report, Long Form is not required by this section, the law enforcement officer may complete a short-form crash report or provide a *driver exchange-of-information form* ~~short-form crash report~~ to be completed by each party involved in the crash. The short-form report must include:

1. The date, time, and location of the crash.

2. A description of the vehicles involved.

3. The names and addresses of the parties involved*, including all drivers and passengers*.

4. The names and addresses of witnesses.

5. The name, badge number, and law enforcement agency of the officer investigating the crash.

6. The names of the insurance companies for the respective parties involved in the crash.

(c) Each party to the crash *must* ~~shall~~ provide the law enforcement officer with proof of insurance*, which must be documented* ~~to be included~~ in the crash report. If a law enforcement officer submits a report on the *crash* ~~accident~~, proof of insurance must be provided to the officer by each party involved in the crash. Any party who fails to provide the required information commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318, unless the officer determines that due to injuries or other special circumstances such insurance information cannot be provided immediately. If the person provides the law enforcement agency, within 24 hours after the crash, proof of insurance that was valid at the time of the crash, the law enforcement agency may void the citation.

(d) The driver of a vehicle that was in any manner involved in a crash resulting in damage to any vehicle or other property in an amount of $500 or more~~,~~ which ~~crash~~ was not investigated by a law enforcement agency, shall, within 10 days after the crash, submit a written report of the crash to the department ~~or traffic records center~~. The entity receiving the report may require witnesses of *the crash* ~~crashes~~ to render reports and may require any driver of a vehicle involved in a crash of which a written report must be made ~~as provided in this section~~ to file supplemental written reports *if* ~~whenever~~ the original report is deemed insufficient by the receiving entity.

(e) Short-form crash reports prepared by law enforcement shall be maintained by the law enforcement officer's agency.

~~(2)(a) One or more counties may enter into an agreement with the appropriate state agency to be certified by the agency to have a traffic records center for the purpose of tabulating and analyzing countywide traffic crash reports. The agreement must include: certification by the agency that the center has adequate auditing and monitoring mechanisms in place to ensure the quality and accuracy of the data; the time period in which the traffic records center must report crash data to the agency; and the medium in which the traffic records must be submitted to the agency.~~

~~(b) In the case of a county or multicounty area that has a certified central traffic records center, a law enforcement agency or driver must submit to the center within the time limit prescribed in this section a written report of the crash. A driver who is required to file a crash report must be notified of the proper place to submit the completed report.~~

~~(c) Fees for copies of public records provided by a certified traffic records center shall be charged and collected as follows:~~

~~For a crash report . . . . . $10 per copy.~~

~~For a homicide report . . . . . $25 per copy.~~

~~For a uniform traffic citation. . . . . $0.50 per copy.~~

~~The fees collected for copies of the public records provided by a certified traffic records center shall be used to fund the center or otherwise as designated by the county or counties participating in the center.~~

(3)~~(4)~~(a) Any driver failing to file the written report required under subsection (1) ~~or subsection (2)~~ commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

(b) Any employee of a state or local agency in possession of information made confidential and exempt by this section who knowingly discloses such confidential and exempt information to a person not entitled to access such information under this section *commits* ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person, knowing that he or she is not entitled to obtain information made confidential and exempt by this section, who obtains or attempts to obtain such information commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Any person who knowingly uses confidential and exempt information in violation of a filed written sworn statement or contractual agreement required by this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)~~(5)~~ Except as specified in this subsection, each crash report made by a person involved in a crash and any statement made by such person to a law enforcement officer for the purpose of completing a crash report required by this section shall be without prejudice to the individual so reporting. ~~No~~ Such report or statement *may not* ~~shall~~ be used as evidence in any trial, civil or criminal. However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the crash if that person's privilege against self-incrimination is not violated. The results of breath, urine, and blood tests administered as provided in s. 316.1932 or s. 316.1933 are not confidential and *are* ~~shall be~~ admissible into evidence in accordance with the provisions of s. 316.1934(2). ~~Crash reports made by persons involved in crashes shall not be used for commercial solicitation purposes; however, the use of a crash report for purposes of publication in a newspaper or other news periodical or a radio or television broadcast shall not be construed as "commercial purpose."~~

Section 8. Section 316.1957, Florida Statutes, is amended to read:

316.1957 Parking violations; designated parking spaces for persons who have disabilities.—When evidence is presented in any court of the fact that any motor vehicle was parked in a properly designated parking space for persons who have disabilities in violation of s. 316.1955, it is prima facie evidence that the vehicle was parked and left in the space by the person, firm, or corporation in whose name the vehicle is registered and licensed according to the records of the *department* ~~Division of Motor Vehicles~~.

Section 9. Subsections (4), (5), (6), (7), and (8) of section 316.302, Florida Statutes, are amended to read:

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

(4)(a) Except as provided in this subsection, all commercial motor vehicles transporting any hazardous material on any road, street, or highway open to the public, whether engaged in interstate or intrastate commerce, and any person who offers hazardous materials for such transportation, are subject to the regulations contained in 49 C.F.R. part 107, subpart G, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180. Effective July 1, 1997, the exceptions for intrastate motor carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby adopted.

(b) In addition to the penalties provided in s. 316.3025(3)(b), (c), (d), and (e), any motor carrier or any of its officers, drivers, agents, representatives, employees, or shippers of hazardous materials that do not comply with this subsection or any rule adopted by a state agency that is consistent with the federal rules and regulations regarding hazardous materials commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. To ensure compliance with this subsection, ~~enforcement officers of the Motor Carrier Compliance Office within the Department of Transportation and~~ state highway patrol officers may inspect shipping documents and cargo of any vehicle known or suspected to be a transporter of hazardous materials.

(5) The Department of *Highway Safety and Motor Vehicles* ~~Transportation~~ may adopt and revise rules to assure the safe operation of commercial motor vehicles. The Department of *Highway Safety and Motor Vehicles* ~~Transportation~~ may enter into cooperative agreements as provided in 49 C.F.R. part 388. Department of *Highway Safety and Motor Vehicles* ~~Transportation~~ personnel may conduct motor carrier and shipper compliance reviews for the purpose of determining compliance with this section and s. 627.7415.

(6) The state Department of *Highway Safety and Motor Vehicles* ~~Transportation~~ shall perform the duties that are assigned to the Field Administrator, Federal Motor Carrier Safety Administration under the federal rules, and an agent of that department~~, as described in s. 316.545(9),~~ may enforce those rules.

(7) A person who operates a commercial motor vehicle solely in intrastate commerce shall direct to the state Department of *Highway Safety and Motor Vehicles* ~~Transportation~~ any communication that the federal rules require persons subject to the jurisdiction of the United States Department of Transportation to direct to that department.

(8) For the purpose of enforcing this section, any law enforcement officer of the Department of *Highway Safety and Motor Vehicles* ~~Transportation~~ or duly appointed agent who holds a current safety inspector certification from the Commercial Vehicle Safety Alliance may require the driver of any commercial vehicle operated on the highways of this state to stop and submit to an inspection of the vehicle or the driver's records. If the vehicle or driver is found to be operating in an unsafe condition, or if any required part or equipment is not present or is not in proper repair or adjustment, and the continued operation would present an unduly hazardous operating condition, the officer may require the vehicle or the driver to be removed from service pursuant to the North American Standard Out-of-Service Criteria, until corrected. However, if continuous operation would not present an unduly hazardous operating condition, the officer may give written notice requiring correction of the condition within 14 days.

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

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

Section 10. Paragraph (a) of subsection (6) of section 316.3025, Florida Statutes, is amended to read:

316.3025 Penalties.—

(6)(a) Only an officer or agent of the Department of *Highway Safety and Motor Vehicles* ~~Transportation~~ is authorized to collect the penalty provided by this section. Such officer or agent shall cooperate with the owner or driver of the motor vehicle so as not to unduly delay the vehicle.

Section 11. Subsections (1), (2), and (3) of section 316.3026, Florida Statutes, are amended to read:

316.3026 Unlawful operation of motor carriers.—

(1) The Office of Motor Carrier Compliance ~~of the Department of Transportation~~ may issue out-of-service orders to motor carriers, as defined in s. 320.01(33), who*,* ~~have~~ after proper notice*, have* failed to pay any penalty or fine assessed by the department, or its agent, against any owner or motor carrier for violations of state law, refused to submit to a compliance review and provide records pursuant to s. 316.302(5) or s. 316.70, or violated safety regulations pursuant to s. 316.302 or insurance requirements ~~found~~ in s. 627.7415. Such out-of-service orders ~~shall~~ have the effect of prohibiting the operations of any motor vehicles owned, leased, or otherwise operated by the motor carrier upon the roadways of this state, until ~~such time as~~ the violations have been corrected or penalties have been paid. Out-of-service orders ~~issued under this section~~ must be approved by the *director of the Division of the Florida Highway Patrol* ~~Secretary of Transportation~~ or his or her designee. An administrative hearing pursuant to s. 120.569 shall be afforded to motor carriers subject to such orders.

(2) Any motor carrier enjoined or prohibited from operating by an out-of-service order by this state, any other state, or the Federal Motor Carrier Safety Administration may not operate on the roadways of this state until the motor carrier has been authorized to resume operations by the originating enforcement jurisdiction. Commercial motor vehicles owned or operated by any motor carrier prohibited from operation found on the roadways of this state shall be placed out of service by law enforcement officers of the Department of *Highway Safety and Motor Vehicles* ~~Transportation~~, and the motor carrier assessed a $10,000 civil penalty pursuant to 49 C.F.R. s. 383.53, in addition to any other penalties imposed on the driver or other responsible person. Any person who knowingly drives, operates, or causes to be operated any commercial motor vehicle in violation of an out-of-service order issued by the department in accordance with this section commits a felony of the third degree, punishable as provided in s. 775.082(3)(d). Any costs associated with the impoundment or storage of such vehicles are the responsibility of the motor carrier. Vehicle out-of-service orders may be rescinded when the department receives proof of authorization for the motor carrier to resume operation.

(3) In addition to the sanctions found in subsections (1) and (2), the Department of *Highway Safety and Motor Vehicles* ~~Transportation~~ may petition the circuit courts of this state to enjoin any motor carrier from operating when it fails to comply with out-of-service orders issued by a competent authority within or outside this state.

Section 12. Subsection (1) of section 316.516, Florida Statutes, is amended to read:

316.516 Width, height, and length; inspection; penalties.—

(1) Any law enforcement officer, as prescribed in s. 316.640, or any weight *inspector* ~~and safety officer~~ of the Department of Transportation, as prescribed in s. 316.545(1), who has reason to believe that the width, height, or length of a vehicle or combination of vehicles and the load thereon is not in conformance with s. 316.515 is authorized to require the driver to stop and submit such vehicle and load to measurement of its width, height, or length.

Section 13. Subsection (1), paragraphs (a) and (b) of subsection (2), paragraph (b) of subsection (4), and subsections (5), (9), and (10) of section 316.545, Florida Statutes, are amended to read:

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

(1) Any *officer of the Florida Highway Patrol* ~~weight and safety officer of the Department of Transportation~~ having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or fixed scales and may require that such vehicle be driven to the nearest weigh station or public scales, provided such a facility is within 5 highway miles. Upon a request by the vehicle driver, the officer shall weigh the vehicle at fixed scales rather than by portable scales if such a facility is available within 5 highway miles. Anyone who refuses to submit to such weighing obstructs an officer pursuant to s. 843.02 and is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Anyone who knowingly and willfully resists, obstructs, or opposes a weight and safety officer while refusing to submit to such weighing by resisting the officer with violence to the officer's person pursuant to s. 843.01 is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(b) The officer *or inspector* shall inspect the license plate or registration certificate of the commercial vehicle, as defined in s. 316.003(66), to determine if its gross weight is in compliance with the declared gross vehicle weight. If its gross weight exceeds the declared weight, the penalty shall be 5 cents per pound on the difference between such weights. In those cases when the commercial vehicle, as defined in s. 316.003(66), is being operated over the highways of the state with an expired registration or with no registration from this or any other jurisdiction or is not registered under the applicable provisions of chapter 320, the penalty herein shall apply on the basis of 5 cents per pound on that scaled weight which exceeds 35,000 pounds on laden truck tractor-semitrailer combinations or tandem trailer truck combinations, 10,000 pounds on laden straight trucks or straight truck-trailer combinations, or 10,000 pounds on any unladen commercial motor vehicle. If the license plate or registration has not been expired for more than 90 days, the penalty imposed under this paragraph may not exceed $1,000. In the case of special mobile equipment as defined in s. 316.003(48), which qualifies for the license tax provided for in s. 320.08(5)(b), being operated on the highways of the state with an expired registration or otherwise not properly registered under the applicable provisions of chapter 320, a penalty of $75 shall apply in addition to any other penalty which may apply in accordance with this chapter. A vehicle found in violation of this section may be detained until the owner or operator produces evidence that the vehicle has been properly registered. Any costs incurred by the retention of the vehicle shall be the sole responsibility of the owner. A person who has been assessed a penalty pursuant to this paragraph for failure to have a valid vehicle registration certificate pursuant to the provisions of chapter 320 is not subject to the delinquent fee authorized in s. 320.07 if such person obtains a valid registration certificate within 10 working days after such penalty was assessed.

(4)

(b) In addition to the penalty provided for in paragraph (a), the vehicle may be detained until the owner or operator of the vehicle furnishes evidence that the vehicle has been properly registered pursuant to s. 207.004. Any officer *of the Florida Highway Patrol* or agent of the Department of Transportation may issue a temporary fuel use permit and collect the appropriate fee as provided for in s. 207.004(4). Notwithstanding the provisions of subsection (6), all permit fees collected pursuant to this paragraph shall be transferred to the Department of Highway Safety and Motor Vehicles to be allocated pursuant to s. 207.026.

(5) Whenever any person violates the provisions of this chapter and becomes indebted to the state because of such violation in the amounts aforesaid and refuses to pay said penalty, in addition to the provisions of s. 316.3026, such penalty shall become a lien upon the motor vehicle, and the same may be foreclosed by the state in a court of equity. It shall be presumed that the owner of the motor vehicle is liable for the sum. Any person, firm, or corporation claiming an interest in the seized motor vehicle may, at any time after the lien of the state attaches to the motor vehicle, obtain possession of the seized vehicle by filing a good and sufficient forthcoming bond with the officer having possession of the vehicle, payable to the Governor of the state in twice the amount of the state's lien, with a corporate surety duly authorized to transact business in this state as surety, conditioned to have the motor vehicle or combination of vehicles forthcoming to abide the result of any suit for the foreclosure of such lien. It shall be presumed that the owner of the motor vehicle is liable for the penalty imposed under this section. Upon the posting of such bond with the officer making the seizure, the vehicle shall be released and the bond shall be forwarded to the Department of *Highway Safety and Motor Vehicles* ~~Transportation~~ for safekeeping. The lien of the state against the motor vehicle aforesaid shall be foreclosed in equity, and the ordinary rules of court relative to proceedings in equity shall control. If it appears that the seized vehicle has been released to the defendant upon his or her forthcoming bond, the state shall take judgment of foreclosure against the property itself, and judgment against the defendant and the sureties on the bond for the amount of the lien, including cost of proceedings. After the rendition of the decree, the state may, at its option, proceed to sue out execution against the defendant and his or her sureties for the amount recovered as aforesaid or direct the sale of the vehicle under foreclosure.

~~(9) Any agent of the Department of Transportation who is employed for the purpose of being a weight and safety officer and who meets the qualifications established by law for law enforcement officers shall have the same arrest powers as are granted any law enforcement officer for the purpose of enforcing the provisions of weight, load, safety, commercial motor vehicle registration, and fuel tax compliance laws.~~

(9)~~(10)~~ The Department of Transportation may employ weight inspectors to operate its fixed-scale facilities. Weight inspectors on duty at a fixed-scale facility are authorized to enforce the laws governing commercial motor vehicle weight, registration, size, and load and to assess and collect civil penalties for violations of said laws. A weight inspector may detain a commercial motor vehicle that has an obvious safety defect critical to the continued safe operation of the vehicle or that is operating in violation of an out-of-service order as reported on the federal Safety and Fitness Electronic Records database. The weight inspector may immediately summon a law enforcement officer of the Department of *Highway Safety and Motor Vehicles* ~~Transportation~~, or other law enforcement officer authorized by s. 316.640 to enforce the traffic laws of this state, to take appropriate enforcement action. The vehicle shall be released if the defect is repaired prior to the arrival of a law enforcement officer. Weight inspectors shall not be classified as law enforcement officers subject to certification requirements of chapter 943, and are not authorized to carry weapons or make arrests. Any person who obstructs, opposes, or resists a weight inspector in the performance of the duties herein prescribed shall be guilty of an offense as described in subsection (1) for obstructing, opposing, or resisting a law enforcement officer.

Section 14. Paragraph (b) of subsection (1) of section 316.613, Florida Statutes, is amended to read:

316.613 Child restraint requirements.—

(1)

(b) The *department* ~~Division of Motor Vehicles~~ shall provide notice of the requirement for child restraint devices, which notice shall accompany the delivery of each motor vehicle license tag.

Section 15. Paragraph (a) of subsection (1) of section 316.640, Florida Statutes, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles; the Division of Law Enforcement of the Fish and Wildlife Conservation Commission; the Division of Law Enforcement of the Department of Environmental Protection; ~~law enforcement officers of the Department of Transportation;~~ and the agents, inspectors, and officers of the Department of Law Enforcement each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle.

b. University police officers shall have authority to enforce all of the traffic laws of this state when violations occur on or within 1,000 feet of any property or facilities that are under the guidance, supervision, regulation, or control of a state university, a direct-support organization of such state university, or any other organization controlled by the state university or a direct-support organization of the state university, or when such violations occur within a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with a law enforcement agency pursuant to s. 23.1225(1). Traffic laws may also be enforced off-campus when hot pursuit originates on or within 1,000 feet of any such property or facilities, or as agreed upon in accordance with the mutual aid agreement.

c. Community college police officers shall have the authority to enforce all the traffic laws of this state only when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the community college system.

d. Police officers employed by an airport authority shall have the authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

(I) An airport authority may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12. Nothing in this sub-sub-subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

(II) A parking enforcement specialist employed by an airport authority is authorized to enforce all state, county, and municipal laws and ordinances governing parking only when such violations are on property or facilities owned or operated by the airport authority employing the specialist, by appropriate state, county, or municipal traffic citation.

e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services shall have the authority to enforce traffic laws of this state.

f. School safety officers shall have the authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities which are under the guidance, supervision, regulation, or control of the district school board.

2. An agency of the state as described in subparagraph 1. is prohibited from establishing a traffic citation quota. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

4. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This subparagraph does not permit the officer to carry firearms or other weapons, and such an officer does not have authority to make arrests.

Section 16. Paragraph (a) of subsection (1) of section 318.15, Florida Statutes, is amended to read:

318.15 Failure to comply with civil penalty or to appear; penalty.—

(1)(a) If a person fails to comply with the civil penalties provided in s. 318.18 within the time period specified in s. 318.14(4), fails to enter into or comply with the terms of a penalty payment plan with the clerk of the court in accordance with ss. 318.14 and 28.246, fails to attend driver improvement school, or fails to appear at a scheduled hearing, the clerk of the court shall notify ~~the Division of Driver Licenses of~~ the Department of Highway Safety and Motor Vehicles of such failure within 10 days after such failure. Upon receipt of such notice, the department shall immediately issue an order suspending the driver's license and privilege to drive of such person effective 20 days after the date the order of suspension is mailed in accordance with s. 322.251(1), (2), and (6). Any such suspension of the driving privilege which has not been reinstated, including a similar suspension imposed outside Florida, shall remain on the records of the department for a period of 7 years from the date imposed and shall be removed from the records after the expiration of 7 years from the date it is imposed.

Section 17. Paragraph (b) of subsection (3) and subsection (5) of section 320.05, Florida Statutes, are amended to read:

320.05 Records of the department; inspection procedure; lists and searches; fees.—

(3)

(b) Fees therefor shall be charged and collected as follows:

1. For providing lists of motor vehicle or vessel records for the entire state, or any part or parts thereof, divided according to counties, a sum computed at a rate of not less than 1 cent nor more than 5 cents per item.

2. For providing noncertified photographic copies of motor vehicle or vessel documents, $1 per page.

3. For providing noncertified photographic copies of micrographic records, $1 per page.

4. For providing certified copies of motor vehicle or vessel records, $3 per record.

5. For providing noncertified computer-generated printouts of motor vehicle or vessel records, 50 cents per record.

6. For providing certified computer-generated printouts of motor vehicle or vessel records, $3 per record.

7. For providing electronic access to motor vehicle, vessel, and mobile home registration data requested by tag, vehicle identification number, title number, or decal number, 50 cents per item.

8. For providing electronic access to driver's license status report by name, sex, and date of birth or by driver license number, 50 cents per item.

9. For providing lists of licensed mobile home dealers and manufacturers and recreational vehicle dealers and manufacturers, $15 per list.

10. For providing lists of licensed motor vehicle dealers, $25 per list.

11. For each copy of a videotape record, $15 per tape.

12. For each copy of the Division of *Motorist Services* ~~Motor Vehicles~~ Procedures Manual, $25.

(5) The creation and maintenance of records by ~~the department and~~ the Division of *Motorist Services* ~~Motor Vehicles~~ pursuant to this chapter shall not be regarded as law enforcement functions of agency recordkeeping.

Section 18. Subsection (1) of section 320.18, Florida Statutes, is amended to read:

320.18 Withholding registration.—

(1) The department may withhold the registration of any motor vehicle or mobile home the owner of which has failed to register it under the provisions of law for any previous period or periods for which it appears registration should have been made in this state, until the tax for such period or periods is paid. The department may cancel any vehicle or vessel registration, driver's license, identification card, or fuel-use tax decal if the owner pays for the vehicle or vessel registration, driver's license, identification card, or fuel-use tax decal; pays any administrative, delinquency, or reinstatement fee; or pays any tax liability, penalty, or interest specified in chapter 207 by a dishonored check, or if the vehicle owner or motor carrier has failed to pay a penalty for a weight or safety violation issued by the Department of Transportation *or the Department of Highway Safety and Motor Vehicles* ~~Motor Carrier Compliance Office~~. The Department of Transportation and the Department of Highway Safety and Motor Vehicles may impound any commercial motor vehicle that has a canceled license plate or fuel-use tax decal until the tax liability, penalty, and interest specified in chapter 207, the license tax, or the fuel-use decal fee, and applicable administrative fees have been paid for by certified funds.

Section 19. Paragraphs (a) and (b) of subsection (2) of section 320.275, Florida Statutes, are amended to read:

320.275 Automobile Dealers Industry Advisory Board.—

(2) MEMBERSHIP, TERMS, MEETINGS.—

(a) The board shall be composed of 12 members. The executive director of the Department of Highway Safety and Motor Vehicles shall appoint the members from names submitted by the entities for the designated categories the member will represent. The executive director shall appoint one representative of the Department of Highway Safety and Motor Vehicles~~, who must represent the Division of Motor Vehicles~~; two representatives of the independent motor vehicle industry as recommended by the Florida Independent Automobile Dealers Association; two representatives of the franchise motor vehicle industry as recommended by the Florida Automobile Dealers Association; one representative of the auction motor vehicle industry who is from an auction chain and is recommended by a group affiliated with the National Auto Auction Association; one representative of the auction motor vehicle industry who is from an independent auction and is recommended by a group affiliated with the National Auto Auction Association; one representative from the Department of Revenue; a Florida tax collector representative recommended by the Florida Tax Collectors Association; one representative from the Better Business Bureau; one representative from the Department of Agriculture and Consumer Services, who must represent the Division of Consumer Services; and one representative of the insurance industry who writes motor vehicle dealer surety bonds.

(b)1. The executive director shall appoint the following initial members to 1-year terms: one representative from the motor vehicle auction industry who represents an auction chain, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Department of Revenue, one Florida tax collector, and one representative from the Better Business Bureau.

2. The executive director shall appoint the following initial members to 2-year terms: one representative from the motor vehicle auction industry who represents an independent auction, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Division of Consumer Services, one representative from the insurance industry, and one representative from the *department* ~~Division of Motor Vehicles~~.

3. As the initial terms expire, the executive director shall appoint successors from the same designated category for terms of 2 years. If renominated, a member may succeed himself or herself.

4. The board shall appoint a chair and vice chair at its initial meeting and every 2 years thereafter.

Section 20. Subsection (1) of section 321.05, Florida Statutes, is amended to read:

321.05 Duties, functions, and powers of patrol officers.—The members of the Florida Highway Patrol are hereby declared to be conservators of the peace and law enforcement officers of the state, with the common-law right to arrest a person who, in the presence of the arresting officer, commits a felony or commits an affray or breach of the peace constituting a misdemeanor, with full power to bear arms; and they shall apprehend, without warrant, any person in the unlawful commission of any of the acts over which the members of the Florida Highway Patrol are given jurisdiction as hereinafter set out and deliver him or her to the sheriff of the county that further proceedings may be had against him or her according to law. In the performance of any of the powers, duties, and functions authorized by law, members of the Florida Highway Patrol have the same protections and immunities afforded other peace officers, which shall be recognized by all courts having jurisdiction over offenses against the laws of this state, and have authority to apply for, serve, and execute search warrants, arrest warrants, capias, and other process of the court. The patrol officers under the direction and supervision of the Department of Highway Safety and Motor Vehicles shall perform and exercise throughout the state the following duties, functions, and powers:

(1) To patrol the state highways and regulate, control, and direct the movement of traffic thereon; to maintain the public peace by preventing violence on highways; to apprehend fugitives from justice; to enforce all laws ~~now in effect~~ regulating and governing traffic, travel, and public safety upon the public highways and providing for the protection of the public highways and public property thereon*, including the security and safety of this state's transportation infrastructure*; to make arrests without warrant for the violation of any state law committed in their presence in accordance with ~~the laws of this~~ state *law*; providing that no search *may* ~~shall~~ be made unless it is incident to a lawful arrest, to regulate and direct traffic concentrations and congestions; to enforce laws governing the operation, licensing, and taxing and limiting the size, weight, width, length, and speed of vehicles and licensing and controlling the operations of drivers and operators of vehicles*, including the safety, size, and weight of commercial motor vehicles*; ~~to cooperate with officials designated by law~~ to collect all state fees and revenues levied as an incident to the use or right to use the highways for any purpose*, including the taxing and registration of commercial motor vehicles*; to require the drivers of vehicles to stop and exhibit their driver's licenses, registration cards, or documents required by law to be carried by such vehicles; to investigate traffic accidents, secure testimony of witnesses and of persons involved, and make report thereof with copy, *if* ~~when~~ requested in writing, to any person in interest or his or her attorney; to investigate reported thefts of vehicles*;* and to seize contraband or stolen property on or being transported on the highways. Each patrol officer of the Florida Highway Patrol is subject to and has the same arrest and other authority provided for law enforcement officers generally in chapter 901 and has statewide jurisdiction. Each officer also has arrest authority as provided for state law enforcement officers in s. 901.15. This section *does* ~~shall~~ not ~~be construed as being in~~ conflict with, but is supplemental to, chapter 933.

Section 21. Subsections (2), (3), (4), and (5) of section 321.23, Florida Statutes, are amended to read:

321.23 Public records; fees for copies; destruction of obsolete records; photographing records; effect as evidence.—

(2) Fees for copies of public records shall be charged and collected as follows:

(a) For a crash report, a copy $10

(b) For a homicide report, a copy. $25

(c) For a uniform traffic citation, a copy $0.50

(d)~~(c)~~ Photographs (accidents, etc.):

Enlargement Proof	Color	Black & White
1. 5″ x 7″	$1.00	$0.75
2. 8″ x 10″	$1.50	$1.00
3. 11″ x 14″	Not Available	$1.75
4. 16″ x 20″	Not Available	$2.75
5. 20″ x 24″	Not Available	$3.75

~~(d)~~ The department shall furnish such information without charge to any local, state, or federal law enforcement agency upon proof satisfactory to the department as to the purpose of the investigation.

(3) Fees collected under this section shall be deposited in the Highway Safety Operating Trust Fund*, unless the department provides the crash report online, in which case the department may distribute up to $5 of the amount collected per copy to the investigating agency*.

(4) The department *may* ~~is authorized to~~ destroy reports, records, documents, papers, and correspondence which are considered obsolete.

(5) The department *may scan,* ~~is authorized to~~ photograph, microphotograph, or reproduce on film such documents, records, and reports as it may select. The photographs or microphotographs in the form of film or print of any records made in compliance with the provisions of this section shall have the same force and effect as the originals ~~thereof would have~~ and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

Section 22. Subsection (3) of section 322.02, Florida Statutes, is amended to read:

322.02 Legislative intent; administration.—

(3) The department shall employ a director, who is charged with the duty of serving as the executive officer of the Division of *Motorist Services* ~~Driver Licenses~~ of the department insofar as the administration of this chapter is concerned. He or she shall be subject to the supervision and direction of the department, and his or her official actions and decisions as executive officer shall be conclusive unless the same are superseded or reversed by the department or by a court of competent jurisdiction.

Section 23. Subsections (1) and (5) of section 322.135, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

322.135 Driver's license agents.—

(1) The department shall, upon application, authorize *by interagency agreement* any or all of the tax collectors *who are constitutional officers under s. 1(d), Art. VIII of the State Constitution* in the several counties of the state, subject to the requirements of law, in accordance with rules of the department, to serve as its agent for the provision of specified driver's license services.

(a) These services shall be limited to the issuance of driver's licenses and identification cards as authorized by this chapter.

(b) Each tax collector who is authorized by the department to provide driver's license services shall bear all costs associated with providing those services.

(c) A service fee of $6.25 shall be charged, in addition to the fees set forth in this chapter, for providing all services pursuant to this chapter. The service fee may not be charged:

1. More than once per customer during a single visit to a tax collector's office.

2. For a reexamination requested by the Medical Advisory Board or required pursuant to s. 322.221.

3. For a voter registration transaction.

4. In violation of any federal or state law.

(5) *All driver's license issuance services shall be assumed by the tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution by June 30, 2015. The implementation shall follow the schedule outlined in the transition report of February 1, 2011, which was required pursuant to chapter 2010-163, Laws of Florida.* ~~The department, in conjunction with the Florida Tax Collectors Association and the Florida Association of Counties, shall develop a plan to transition all driver's license issuance services to the county tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution. The transition plan must be submitted to the President of the Senate and the Speaker of the House of Representatives on or before February 1, 2011. The transition plan must include a timeline to complete the full transition of all driver's license issuance services no later than June 30, 2015, and may include, but is not limited to, recommendations on the use of regional service centers, interlocal agreements, and equipment.~~

(7) The department may create exceptions by rule for tax collectors who cannot provide full driver's license services due to the small population in the tax collectors' county.

Section 24. Subsections (9), (10), (13), (14), and (16) of section 322.20, Florida Statutes, are amended to read:

322.20 Records of the department; fees; destruction of records.—

(9) The department may, upon application, furnish to any person, from *its* ~~the~~ records ~~of the Division of Driver Licenses~~, a list of the names, addresses, and birth dates of the licensed drivers of the entire state or any portion thereof by age group. In addition, the department may furnish to the courts, for the purpose of establishing jury selection lists, the names, addresses, and birth dates of the persons of the entire state or any portion thereof by age group having identification cards issued by the department. Each person who requests such information shall pay a fee, set by the department, of 1 cent per name listed, except that the department shall furnish such information without charge to the courts for the purpose of jury selection or to any state agency or to any state attorney, sheriff, or chief of police. Such court, state agency, state attorney, or law enforcement agency may not sell, give away, or allow the copying of such information. Noncompliance with this prohibition shall authorize the department to charge the noncomplying court, state agency, state attorney, or law enforcement agency the appropriate fee for any subsequent lists requested. The department may adopt rules necessary to implement this subsection.

(10) The *department* ~~Division of Driver Licenses~~ is authorized, upon application of any person and payment of the proper fees, to search and to assist such person in the search of the records of the department and make reports thereof and to make photographic copies of the departmental records and attestations thereof.

(13) The *department* ~~Division of Driver Licenses~~ shall implement a system that allows either parent of a minor, or a guardian, or other responsible adult who signed a minor's application for a driver's license to have Internet access through a secure website to inspect the minor's driver history record. Internet access to driver history records granted to a minor's parents, guardian, or other responsible adult shall be furnished by the department at no fee and shall terminate when the minor attains 18 years of age.

(14) The department is authorized in accordance with chapter 257 to destroy reports, records, documents, papers, and correspondence ~~in the Division of Driver Licenses~~ which are considered obsolete.

(16) The creation and maintenance of records by *the Division of Motorist Services within* the department ~~and the Division of Driver Licenses~~ pursuant to this chapter shall not be regarded as law enforcement functions of agency recordkeeping.

Section 25. Section 322.202, Florida Statutes, is amended to read:

322.202 Admission of evidence obtained from the Division of *Motorist Services* ~~Driver Licenses and the Division of Motor Vehicles~~.—

(1) The Legislature finds that the Division of *Motorist Services* ~~Driver Licenses and the Division of Motor Vehicles~~ of the Department of Highway Safety and Motor Vehicles *is* ~~are~~ not *a* law enforcement *agency* ~~agencies~~. The Legislature also finds that the *division is not an adjunct* ~~divisions are not adjuncts~~ of any law enforcement agency in that employees have no stake in particular prosecutions. The Legislature further finds that errors in records maintained by the division~~s~~ are not within the collective knowledge of any law enforcement agency. The Legislature also finds that the missions of the division ~~of Driver Licenses, the Division of Motor Vehicles,~~ and the Department of Highway Safety and Motor Vehicles provide a sufficient incentive to maintain records in a current and correct fashion.

(2) The Legislature finds that the purpose of the exclusionary rule is to deter misconduct on the part of law enforcement officers and law enforcement agencies.

(3) The Legislature finds that the application of the exclusionary rule to cases where a law enforcement officer effects an arrest based on objectively reasonable reliance on information obtained from the divisions is repugnant to the purposes of the exclusionary rule and contrary to the decisions of the United States Supreme Court in *Arizona v. Evans,* 514 U.S. 1 (1995) and *United States v. Leon,* 468 U.S. 897 (1984).

(4) In any case where a law enforcement officer effects an arrest based on objectively reasonable reliance on information obtained from the divisions, evidence found pursuant to such an arrest shall not be suppressed by application of the exclusionary rule on the grounds that the arrest is subsequently determined to be unlawful due to erroneous information obtained from the divisions.

Section 26. Paragraphs (e) and (f) of subsection (1) and subsection (2) of section 322.21, Florida Statutes, are amended to read:

322.21 License fees; procedure for handling and collecting fees.—

(1) Except as otherwise provided herein, the fee for:

(e) A replacement driver's license issued pursuant to s. 322.17 is $25. Of this amount $7 shall be deposited into the Highway Safety Operating Trust Fund and $18 shall be deposited into the General Revenue Fund. *Beginning July 1, 2015, or upon completion of the transition of driver's license issuance services, if the replacement driver's license is issued by the tax collector, the tax collector shall retain the $7 that would otherwise be deposited into the Highway Safety Operating Trust Fund and the remaining revenues shall be deposited into the General Revenue Fund.*

(f) An original, renewal, or replacement identification card issued pursuant to s. 322.051 is $25. Funds collected from these fees shall be distributed as follows:

1. For an original identification card issued pursuant to s. 322.051 the fee is $25. This amount shall be deposited into the General Revenue Fund.

2. For a renewal identification card issued pursuant to s. 322.051 the fee is $25. Of this amount, $6 shall be deposited into the Highway Safety Operating Trust Fund and $19 shall be deposited into the General Revenue Fund.

3. For a replacement identification card issued pursuant to s. 322.051 the fee is $25. Of this amount, $9 shall be deposited into the Highway Safety Operating Trust Fund and $16 shall be deposited into the General Revenue Fund. *Beginning July 1, 2015, or upon completion of the transition of the driver's license issuance services, if the replacement identification card is issued by the tax collector, the tax collector shall retain the $9 that would otherwise be deposited into the Highway Safety Operating Trust Fund and the remaining revenues shall be deposited into the General Revenue Fund.*

(2) It is the duty of the director of the Division of *Motorist Services* ~~Driver Licenses~~ to set up a division in the department with the necessary personnel to perform the necessary clerical and routine work for the department in issuing and recording applications, licenses, and certificates of eligibility, including the receiving and accounting of all license funds and their payment into the State Treasury, and other incidental clerical work connected with the administration of this chapter. The department may use such electronic, mechanical, or other devices as necessary to accomplish the purposes of this chapter.

Section 27. Subsection (8) is added to section 322.56, Florida Statutes, to read:

322.56 Contracts for administration of driver's license examination.—

(8) The department shall contract with providers of approved online traffic law and substance abuse education courses to serve as third-party providers to conduct online, on behalf of the department, examinations required pursuant to ss. 322.12 and 322.1615 to applicants for Class E learner's driver's licenses.

(a) The online testing program shall:

1. Use personal questions before the examination, which the applicant is required to answer during the examination, to strengthen test security to deter fraud;

2. Require, before the start of the examination, the applicant's parent, guardian, or other responsible adult who meets the requirements of s. 322.09 to provide the third-party administrator with his or her driver's license number and to certify that the parent, guardian, or responsible adult will monitor the applicant during the examination; and

3. Require, before issuance by the department of a learner's driver's license to an applicant who has passed an online examination, the applicant's parent, guardian, or other responsible adult who meets the requirements of s. 322.09 to certify to the department that he or she monitored the applicant during the online examination. This certification shall be similar to the certification required by s. 322.05(3). This subsection does not preclude the department from continuing to provide written examinations at driver's license facilities.

(b) All data regarding an applicant's completion of the examinations required in ss. 322.12 and 322.1615 must be submitted to the department electronically in a format specified by the department. This shall be the official documentation for the completion of the examination. A third-party provider that is found to be in violation of this paragraph is automatically ineligible to provide online testing on behalf of the department for a minimum of 1 year.

(c) The department may adopt rules to administer this subsection.

Section 28. *Subsection (32) of section 334.044, Florida Statutes, is repealed.*

Section 29. Subsection (2) of section 413.012, Florida Statutes, is amended to read:

413.012 Confidential records disclosure prohibited; exemptions.—

(2) It is unlawful for any person to disclose, authorize the disclosure, solicit, receive, or make use of any list of names and addresses or any record containing any information set forth in subsection (1) and maintained in the division. The prohibition provided for in this subsection shall not apply to the use of such information for purposes directly connected with the administration of the vocational rehabilitation program or with the monthly dispatch to the Division of *Motorist Services* ~~Driver Licenses~~ of the Department of Highway Safety and Motor Vehicles of the name in full, place and date of birth, sex, social security number, and resident address of individuals with central visual acuity 20/200 or less in the better eye with correcting glasses, or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter or visual field subtends an angular distance no

greater than 20 degrees. When requested in writing by an applicant or client, or her or his representative, the Division of Blind Services shall release confidential information to the applicant or client or her or his representative.

Section 30. Paragraph (c) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 *(3)*~~(4)~~(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
379.2431 (1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
400.9935(4)	3rd	Operating a clinic without a license or filing false license application or other required information.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
796.05(1)	3rd	Live on earnings of a prostitute.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.
817.234 (8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods as new.
817.505(4)	3rd	Patient brokering.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
860.15(3)	3rd	Overcharging for repairs and parts.
870.01(2)	3rd	Riot; inciting or encouraging.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3.,

Florida Statute	Felony Degree	Description
		(2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c) 7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c) 7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

Section 31. *Effective July 1, 2011, a Law Enforcement Consolidation Task Force is created.*

(1) Members of the task force shall consist of the executive director of the Department of Highway Safety and Motor Vehicles, the executive director of the Department of Law Enforcement, a representative from the Office of the Attorney General, a representative from the Department of Agriculture and Consumer Services, the Colonel of the Florida Highway Patrol, the Colonel of the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, a representative from the Florida Sheriffs Association, and a representative from the Florida Police Chiefs Association.

(2) The Department of Highway Safety and Motor Vehicles shall provide administrative assistance to the task force. However, this does not include travel expenses incurred by members of the task force, which shall be borne by the agency that the member represents.

(3) The task force shall evaluate any duplication of law enforcement functions throughout state government and identify any functions that are appropriate for possible consolidation. The task force shall also evaluate administrative functions, including, but not limited to, accreditation, training, legal representation, vehicle fleets, aircraft, civilian-support staffing, information technology, and geographic regions, districts, or troops currently in use. The task force shall also evaluate whether the Florida Highway Patrol should limit its jurisdiction, except while in fresh pursuit, to the State Highway System or the Florida Intrastate Highway System. If the task force concludes that any state law enforcement consolidation is appropriate, the task force shall make recommendations and submit a plan to consolidate those state law enforcement responsibilities. Any plan submitted must include recommendations on the methodology to be used to achieve any state law enforcement consolidation recommended by the task force by June 30, 2013. The task force shall submit to the President of the Senate and the Speaker of the House of Representatives a report which includes any recommendations and plan developed by the task force by December 31, 2011. The task force expires June 30, 2012.

Section 32. *(1) The Office of Motor Carrier Compliance of the Department of Transportation is transferred to the Division of the Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles as provided in Senate Bill 2000 of the General Appropriations Act for the 2011-2012 fiscal year.*

(2) Notwithstanding ss. 216.192 and 216.351, Florida Statutes, upon approval by the Legislative Budget Commission, the Executive Office of the Governor may transfer funds and positions between agencies to implement this section.

Section 33. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 20.23, F.S.; creating motor carrier weight inspection as an area of program responsibility within the Department of Transportation, which replaces motor carrier compliance; amending s. 20.24, F.S.; revising the divisions within the Department of Highway Safety and Motor Vehicles; creating the Office of Motor Carrier Compliance of the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles; amending ss. 110.205, 311.115, 316.302, 316.3025, 316.3026, 316.516, 316.545, 316.640, 320.18, and 321.05, F.S.; conforming provisions to changes made by the act; amending s. 288.816, F.S.; requiring the department rather than the Division of Motor Vehicles to issue special motor vehicle license plates; amending s. 311.121, F.S.; providing for a representative of the department rather than the Division of Driver Licenses to be appointed to the Seaport Security Officer Qualification, Training, and Standards Coordinating Council; amending s. 316.066, F.S.; revising circumstances under which a law enforcement officer is required to submit to the department a Florida Traffic Crash Report, Long Form; providing for the use of driver exchange-of-information forms under certain circumstances; eliminating provisions authorizing counties to establish certified central traffic records centers, including provisions authorizing the funding of such centers; deleting restrictions on the commercial use of crash reports; amending s. 316.1957, F.S.; requiring that motor vehicle records be maintained by the department; amending s. 316.613, F.S.; requiring the department rather than the Division of Motor Vehicles to provide notice of the requirements for child restraint devices; amending s. 318.15, F.S.; providing for the department rather than the Division of Driver Licenses to administer certain provisions governing the suspension of a person's driver's license and privilege to drive; amending s. 320.05, F.S.; providing for a Division of Motorist Services Procedures Manual; clarifying that the creation and maintenance of records by the division is not a law enforcement function; amending s. 320.275, F.S.; providing for a representative of the department rather than the Divi-

sion of Motor Vehicles to be appointed to the Automobile Dealers Industry Advisory Board; amending s. 321.23, F.S.; specifying the fee to be charged for a copy of a uniform traffic citation; providing for a portion of the fees for crash reports to be distributed to the investigating agency under certain circumstances; authorizing the Department of Highway Safety and Motor Vehicles to scan the records of crash reports, which shall be considered original copies; amending s. 322.02, F.S.; providing for the Division of Motorist Services to administer ch. 322, F.S., relating to driver's licenses; amending s. 322.135, F.S.; providing duties of the tax collectors with respect to driver's license services; directing the tax collectors who are constitutional officers to assume all driver's license issuance services by a certain date and according to a specified schedule; deleting obsolete provisions; authorizing the department to create exceptions by rule for tax collectors in counties having small populations; amending s. 322.20, F.S.; providing for the department and the Division of Motorist Services to maintain certain records; amending s. 322.202, F.S.; clarifying that the Division of Motorist Services is not a law enforcement agency and is not an adjunct of any law enforcement agency; amending s. 322.21, F.S.; requiring that, beginning on a specified date, certain fees be retained by the tax collectors who issue driver's licenses following the transition of the driver's license issuance services; providing for the Division of Motorist Services to collect fees and issue driver's licenses and identification cards and account for all license funds in the administration of ch. 322, F.S.; amending s. 322.56, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to contract with third-party providers to conduct online examinations for applicants of learner's driver's licenses; providing for requirements for the online testing program; prohibiting a third-party provider from providing testing services on behalf of the department for a certain period if the provider fails to comply with certain requirements; authorizing the department to adopt rules; repealing s. 334.044(32), F.S., relating to the authorization of the Office of Motor Carrier Compliance within the Department of Transportation to employ sworn law enforcement officers to enforce traffic and criminal laws in this state; amending s. 413.012, F.S., relating to certain confidential records; conforming a reference to changes made by the act; amending s. 921.0022, F.S.; conforming a cross-reference; creating the Law Enforcement Consolidation Task Force; providing for membership; requiring the Department of Highway Safety and Motor Vehicles to provide administrative assistance to the task force; requiring the agency that is represented by a member of the task force to bear the travel expenses incurred by the member; requiring the task force to evaluate the duplication of law enforcement functions and to identify possible consolidation; requiring the task force to evaluate administrative functions; requiring the task force to make recommendations and submit a report to the Legislature by a certain date; providing for future expiration; transferring the Office of Motor Carrier Compliance of the Department of Transportation to the Division of the Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles; authorizing the Executive Office of the Governor to transfer funds and positions between agencies; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2160** was adopted. **SB 2160** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—36

Mr. President	Gaetz	Norman
Altman	Garcia	Oelrich
Benacquisto	Gardiner	Rich
Bennett	Hays	Richter
Bogdanoff	Hill	Ring
Braynon	Jones	Sachs
Dean	Joyner	Simmons
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Evers	Margolis	Storms
Fasano	Montford	Thrasher
Flores	Negron	Wise

Nays—2

Dockery	Siplin

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2162

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2162, same being:

An act relating to trust funds.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander	*s/ Joe Negron*
Chair	Vice Chair
s/ Thad Altman	*s/ Lizbeth Benacquisto*
s/ Michael S. "Mike" Bennett	*s/ Ellyn Setnor Bogdanoff*
s/ Oscar Braynon II	Larcenia J. Bullard
s/ Charles S. "Charlie" Dean, Sr.	*s/ Nancy C. Detert*
s/ Miguel Diaz de la Portilla	Paula Dockery
s/ Greg Evers	*s/ Mike Fasano*
s/ Anitere Flores	*s/ Don Gaetz*, At Large
s/ Rene Garcia	*s/ Andy Gardiner*, At Large
s/ Alan Hays	*s/ Anthony C. "Tony" Hill, Sr.*
s/ Dennis L. Jones, D.C.	*s/ Arthenia L. Joyner*
Jack Latvala	*s/ Evelyn J. Lynn*
s/ Gwen Margolis	*s/ Bill Montford*
s/ Jim Norman	*s/ Steve Oelrich*
s/ Nan H. Rich, At Large	*s/ Garrett Richter*
s/ Jeremy Ring	*s/ Maria Lorts Sachs*
s/ David Simmons	*s/ Gary Siplin*, At Large
Christopher L. "Chris" Smith	*s/ Eleanor Sobel*
s/ Ronda Storms	*s/ John Thrasher*, At Large
s/ Stephen R. Wise	

Managers on the part of the Senate

s/ Denise Grimsley	*s/ John Legg*
Chair	Lead House Manager
Gary Aubuchon, At Large	Charles S. "Chuck" Chestnut IV, At Large
s/ Dorothy L. Hukill, At Large	*s/ Carlos Lopez-Cantera*, At Large
s/ Paige Kreegel, At Large	*s/ William L. "Bill" Proctor*, At Large
s/ Seth McKeel, At Large	Ron Saunders, At Large
s/ Darryl Ervin Rouson, At Large	*s/ William D. Snyder*, At Large
Franklin Sands, At Large	
Robert C. "Rob" Schenck, At Large	
Will W. Weatherford, At Large	

Managers on the part of the House

The Conference Committee Amendment for SB 2162, relating to trust funds, provides for the following:

This bill creates the Welfare Transition Trust Fund within the Department of Education. This trust fund is needed in order to implement the transfer of programs to the Department of Education as proposed in legislation before the 2011 Legislature. Specifically, the School Readiness Program, proposed for transfer from the Agency for Workforce Innovation to the Department of Education as part of the creation of the Department of Economic Opportunity, is currently partially funded with federal funds derived from the Temporary Assistance for Needy Families (TANF) Block Grant.

The trust fund is established for use as a depository for receiving federal funds under the Temporary Assistance for Needy Families Program. Trust fund moneys shall be used exclusively for the purpose of providing services to individuals eligible for Temporary Assistance for Needy Families pursuant to the requirements and limitations of part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Funds credited to the trust fund consist of those funds collected from the Temporary Assistance for Needy Families Block Grant.

All funds transferred to and retained in the trust fund shall be invested pursuant to s. 17.61, Florida Statutes. Notwithstanding s. 216.301, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, any undisbursed balance remaining in the trust fund and interest accruing to the trust fund not distributed at the end of the fiscal year shall remain in the trust fund and shall increase the total funds available for appropriation from the trust fund.

In accordance with s. 19(f)(2), Article III of the State Constitution, the Welfare Transition Trust Fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2), Florida Statutes.

The effective date of the bill is July 1, 2011.

Conference Committee Amendment (171528)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Welfare Transition Trust Fund.—*

(1) The Welfare Transition Trust Fund is created within the Department of Education.

(2) The trust fund is established for use as a depository for receiving federal funds under the Temporary Assistance for Needy Families Program. Trust fund moneys shall be used exclusively for the purpose of providing services to individuals eligible for Temporary Assistance for Needy Families pursuant to the requirements and limitations of part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Funds credited to the trust fund consist of those funds collected from the Temporary Assistance for Needy Families Block Grant.

(3) In accordance with s. 19(f)(2), Article III of the State Constitution, the Welfare Transition Trust Fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2), Florida Statutes.

Section 2. This act shall take effect July 1, 2011, except that this act shall not take effect unless it is enacted by a three-fifths vote of the membership of each house of the Legislature.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to trust funds; creating the Welfare Transition Trust Fund within the Department of Education; providing for sources of funds and purposes; providing for future review and termination or recreation of the trust fund; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2162** was adopted. **SB 2162** passed by the required constitutional three-fifths vote of the membership as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Hill
Alexander	Dockery	Jones
Altman	Evers	Joyner
Benacquisto	Fasano	Latvala
Bennett	Flores	Lynn
Bogdanoff	Gaetz	Margolis
Braynon	Garcia	Montford
Dean	Gardiner	Negron
Detert	Hays	Norman
Oelrich	Sachs	Sobel
Rich	Simmons	Storms
Richter	Siplin	Thrasher
Ring	Smith	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2154

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2154, same being:

An act relating to the Florida Housing Finance Corporation.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Committee Chair
Gary Aubuchon, At Large
Mack Bernard
Douglas Vaughn "Doug" Broxson
Chris Dorworth
s/ Brad Drake
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ William L. "Bill" Proctor, At Large
s/ Darryl Ervin Rouson, At Large
Ron Saunders, At Large
s/ William D. Snyder, At Large
s/ Ritch Workman

s/ Mike Horner
Chair
Lori Berman
s/ Jeffrey "Jeff" Brandes
s/ Matthew H. "Matt" Caldwell
Charles S. "Chuck" Chestnut IV, At Large
s/ Dorothy L. Hukill, At Large
s/ John Legg, At Large
s/ Seth McKeel, At Large
s/ Lake Ray
Hazelle P. "Hazel" Rogers
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
Will W. Weatherford, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2154, creating the Federal Grants Trust Fund within the Executive Office of the Governor, provides for the following:

This bill creates the Federal Grants Trust Fund within the Executive Office of the Governor for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

This trust fund is needed in order to implement the transfer of the Division of Emergency Management from the Department of Community Affairs to the Executive Office of the Governor as proposed in legislation before the 2011 Legislature.

Notwithstanding s. 216.301, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, any undisbursed balance remaining in the trust fund and interest accruing to the trust fund not distributed at the end of the fiscal year shall remain in the trust fund and be available for carrying out the purposes of the trust fund.

In accordance with s. 19(f)(2), Article III of the State Constitution, the trust fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2), Florida Statutes.

The effective date of the bill is July 1, 2011.

Conference Committee Amendment (407470)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 14.235, Florida Statutes, is created to read:

14.235 Federal Grants Trust Fund; Executive Office of the Governor.—

(1) The Federal Grants Trust Fund is created within the Executive Office of the Governor.

(2) The trust fund is established for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources. Moneys to be credited to the trust fund shall consist of grants and funding from the Federal Government, interest earnings, and cash advances from other trust funds. Funds shall be expended only pursuant to legislative appropriation or an approved amendment to the office's operating budget pursuant to the provisions of chapter 216.

(3) Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

(4) In accordance with s. 19(f)(2), Art. III of the State Constitution, the trust fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).

Section 2. This act shall take effect July 1, 2011, except that this act shall not take effect unless it is enacted by a three-fifths vote of the membership of each house of the Legislature.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to trust funds; creating s. 14.235, F.S.; creating the Federal Grants Trust Fund within the Executive Office of the Governor; providing for sources of funds and purposes; providing for annual carryforward of trust fund balances; providing for future review and termination or re-creation of the trust fund; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2154** was adopted. **SB 2154** passed by the required constitutional three-fifths vote of the membership as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—33

Mr. President	Altman	Bennett
Alexander	Benacquisto	Bogdanoff
Dean	Hays	Oelrich
Detert	Hill	Richter
Diaz de la Portilla	Jones	Ring
Dockery	Latvala	Sachs
Evers	Lynn	Simmons
Fasano	Margolis	Siplin
Gaetz	Montford	Storms
Garcia	Negron	Thrasher
Gardiner	Norman	Wise

Nays—5

Braynon	Joyner	Sobel
Flores	Rich	

Vote after roll call:

Yea to Nay—Dockery

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 1738

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1738, same being:

An act relating to state financial information.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Chair
s/ Larry Ahern
s/ Frank Artiles
s/ Dennis K. Baxley

Joseph Abruzzo
s/ Janet H. Adkins
s/ Ben Albritton
Gary Aubuchon, At Large
Leonard L. Bembry

Lori Berman
Michael Bileca
s/ Jason T. Brodeur
s/ Matthew H. "Matt" Caldwell
Daphne D. Campbell
s/ Marti Coley
s/ Richard Corcoran
s/ Steve Crisafulli
s/ Jose Felix Diaz
Brad Drake
s/ Erik Fresen
s/ Matt Gaetz
s/ Richard "Rich" Glorioso
s/ Tom Goodson
s/ Gayle B. Harrell
s/ Ed Hooper
s/ Matt Hudson, At Large
s/ Clay Ingram
John Patrick Julien
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Larry Metz
s/ Bryan Nelson
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Ray Pilon
Elizabeth W. Porter
s/ William L. "Bill" Proctor, At Large
Kenneth L. "Ken" Roberson
s/ Patrick Rooney, Jr.
Franklin Sands, At Large
s/ Robert C. "Rob" Schenck, At Large
s/ William D. Snyder, At Large
Kelli Stargel
s/ Carlos Trujillo
Alan B. Williams
John Wood
s/ Dana D. Young

Mack Bernard
s/ Jeffrey "Jeff" Brandes
s/ Douglas Vaughn "Doug" Broxson
Charles S. "Chuck" Chestnut IV, At Large
s/ Fredrick W. "Fred" Costello
s/ Daniel Davis
Chris Dorworth
s/ Clay Ford
James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
Eduardo "Eddy" Gonzalez
James W. "J.W." Grant
s/ Doug Holder
s/ Mike Horner
s/ Dorothy L. Hukill, At Large
Mia L. Jones
Martin David "Marty" Kiar
s/ John Legg, At Large
Debbie Mayfield
s/ Seth McKeel, At Large
s/ Peter Nehr
Jeanette M. Nunez
Mark S. Pafford
s/ W. Keith Perry
Scott Plakon
s/ Stephen L. Precourt
s/ Lake Ray
Betty Reed
Hazelle P. "Hazel" Rogers
s/ Darryl Ervin Rouson, At Large
Ron Saunders, At Large
Irving "Irv" Slosberg
s/ Jimmie T. Smith
Darren Soto
s/ W. Gregory "Greg" Steube
Will W. Weatherford, At Large
s/ Trudi K. Williams
Ritch Workman

Managers on the part of the House

The Conference Committee Amendment for CS for SB 1738, relating to state financial information, provides for the following:

- Creates the Agency for Enterprise Business Services, which is administratively housed in the Department of Management Services, with the Governor and Cabinet as the agency head.
- Establishes an executive director appointed by Governor and Cabinet with at least three affirmative votes and who must be confirmed by the Senate.
- Provides duties to the new agency including:
  - Developing the Enterprise Financial Business Services Strategic Plan;
  - Providing assistance to the Chief Financial Officer in developing recommendations for the uniform chart of accounts;
  - Serving as a clearinghouse for enterprise information relating to the planning, development, implementation, and evaluation of improvements to enterprise financial business services;
  - Making recommendations to the Legislature for additional substantive changes required to implement the Enterprise Financial Business Services Strategic Plan including the associated governance structure.

Conference Committee Amendment (842824)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 215.922, Florida Statutes, is created to read:

215.922 Agency for Enterprise Business Services.—The Agency for Enterprise Business Services is created within the Department of Management Services.

(1) The head of the agency shall be the Governor and Cabinet.

(2) The agency is a separate budget entity and is not subject to control, supervision, or direction by the Department of Management Services, including, but not limited to, purchasing, transitions involving real or personal property, personnel, or budgetary matters.

(3) The agency shall have an executive director who is the Enterprise Financial Business Operations Officer. The officer shall be appointed by the Governor with at least three affirmative votes of the Governor and Cabinet, subject to confirmation by the Senate. The officer serves at the pleasure of the Governor and Cabinet. The Governor may appoint an interim director until an executive director is appointed by the Governor and confirmed by the Cabinet.

(4) The agency shall have the following duties and responsibilities:

(a) Develop and submit an Enterprise Financial Business Strategic Plan to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2012. The plan must include, but not be limited to, the following:

1. An inventory of all agency financial business systems that are maintained by executive branch agencies. At a minimum the inventory must include the following:

a. The name of each system, the number of end users who must use the system to perform their job functions, and the associated financial business processes and a description of the system functionality that supports these processes.

b. The total cost of operating and maintaining each agency financial business system on a fiscal-year basis. The total cost calculation must, at a minimum, include staffing requirements, hardware and software costs, and contracted services and external service provider costs.

c. A description of any projects and enhancements planned or underway for each agency financial business system for the 2011-2012 and 2012-2013 fiscal years.

d. Any state or federal laws that require the implementation and use of the agency financial business system.

2. Identification of and recommendations relating to the financial business functions that should be standardized and proposed as enterprise financial business functions. For purposes of this identification, an enterprise financial business function is a function that is currently common or should be common among multiple state agencies.

3. An assessment of whether any agency financial business systems should be considered for inclusion in the Florida Financial Management Information System. For purposes of this assessment, in order for an agency financial business system to be considered for inclusion in the system it must:

a. Provide financial and administrative data and information or functionality that is essential to a statewide financial operation.

b. Provide a financial business service that the agency recommends should be an enterprise financial business service.

c. Provide financial data, information, or functionality that is not partially or completely duplicated by a subsystem identified in s. 215.94.

d. Demonstrate that the agency financial business system's financial data, information, or functionality can be provided in a cost-effective manner.

4. The status of projects currently underway that affect agency financial business systems and the subsystems of the Florida Financial Management Information System.

5. The total cost of operating and maintaining each subsystem of the Florida Financial Management Information System pursuant to s. 215.94 on a fiscal-year basis, the staff required for operation and main-

tenance of each subsystem, the number of end users who must use the subsystem to perform their job functions, and federal law specifically requiring the implementation of the subsystem.

6. Recommendations for modifications and enhancements to the Florida Financial Management Information System which should include projects proposed to replace or enhance its subsystems and the decommissioning of any agency financial business systems. Recommendations must include, but not be limited to:

a. A description of the enterprise financial business services that should be provided by the Florida Financial Management Information System. The description must be sufficient to determine the functionality that will be provided by the system and to identify which agency financial business system services should be incorporated as enterprise financial business services;

b. A proposal of the agency financial business systems that should be considered for inclusion in the Florida Financial Management Information System;

c. Major initiatives and implementation strategies necessary to achieve the recommendations;

d. The proposed standardization of state financial data elements and codes and recommended changes to ensure the use of common data codes by the subsystems;

e. Proposals to eliminate specific impediments to achieving the standardized enterprise financial business services;

f. Proposed substantive and fiscal changes necessary to implement the recommended changes to the Florida Financial Information Management System; and

g. Proposed governance structure changes to the Florida Financial Management Board and its coordinating council.

(b) Provide assistance to the Chief Financial Officer in the recommendation of a uniform chart of accounts.

(c) Serve as a clearinghouse for enterprise information relating to the planning, development, implementation, and evaluation of improvements to enterprise financial business services.

(d) Develop and submit to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2012, recommendations for revisions to the Florida Financial Management Information Systems Act.

Section 2. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state financial information; creating s. 215.922, F.S.; establishing the Agency for Enterprise Business Services within the Department of Management Services; providing that the office is a separate budget entity not subject to the department; providing an executive director appointed by the Governor, confirmed by the Cabinet, and subject to confirmation by the Senate; providing for an executive director; providing the duties of the agency; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **CS for SB 1738** was adopted. **CS for SB 1738** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—36

Mr. President	Detert	Garcia
Altman	Diaz de la Portilla	Gardiner
Benacquisto	Dockery	Hays
Bennett	Evers	Hill
Bogdanoff	Fasano	Jones
Braynon	Flores	Joyner
Dean	Gaetz	Latvala
Lynn	Rich	Smith
Montford	Ring	Sobel
Negron	Sachs	Storms
Norman	Simmons	Thrasher
Oelrich	Siplin	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2096

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2096, same being:

An act relating to state financial information.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander	*s/ Joe Negron*
Chair	Vice Chair
s/ Thad Altman	*s/ Lizbeth Benacquisto*
s/ Michael S. "Mike" Bennett	*s/ Ellyn Setnor Bogdanoff*
s/ Oscar Braynon II	Larcenia J. Bullard
s/ Charles S. "Charlie" Dean, Sr.	*s/ Nancy C. Detert*
s/ Miguel Diaz de la Portilla	Paula Dockery
s/ Greg Evers	*s/ Mike Fasano*
s/ Anitere Flores	*s/ Don Gaetz*, At Large
s/ Rene Garcia	*s/ Andy Gardiner*, At Large
s/ Alan Hays	Anthony C. "Tony" Hill, Sr.
s/ Dennis L. Jones, D.C.	*s/ Arthenia L. Joyner*
Jack Latvala	*s/ Evelyn J. Lynn*
s/ Gwen Margolis	*s/ Bill Montford*
s/ Jim Norman	*s/ Steve Oelrich*
s/ Nan H. Rich, At Large	*s/ Garrett Richter*
s/ Jeremy Ring	*s/ Maria Lorts Sachs*
s/ David Simmons	*s/ Gary Siplin*, At Large
s/ Christopher L. "Chris" Smith	*s/ Eleanor Sobel*
s/ Ronda Storms	*s/ John Thrasher*, At Large
s/ Stephen R. Wise	

Managers on the part of the Senate

s/ Denise Grimsley	*s/ Janet H. Adkins*
Chair	*s/ Larry Ahern*
s/ Ben Albritton	*s/ Frank Artiles*
Gary Aubuchon, At Large	*s/ Dennis K. Baxley*
Leonard L. Bembry	Lori Berman
Mack Bernard	Michael Bileca
s/ Jeffrey "Jeff" Brandes	*s/ Jason T. Brodeur*
s/ Douglas Vaughn "Doug" Broxson	*s/ Matthew H. "Matt" Caldwell*
	Daphne D. Campbell
Charles S. "Chuck" Chestnut IV, At Large	*s/ Richard Corcoran*
	s/ Fredrick W. "Fred" Costello
s/ Steve Crisafulli	*s/ Daniel Davis*
s/ Jose Felix Diaz	Chris Dorworth
Brad Drake	*s/ Clay Ford*
s/ Erik Fresen	James C. "Jim" Frishe
s/ Matt Gaetz	Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso	Eduardo "Eddy" Gonzalez

Tom Goodson
s/ Gayle B. Harrell
s/ Ed Hooper
s/ Matt Hudson
s/ Clay Ingram
John Patrick Julien
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Larry Metz
s/ Bryan Nelson
s/ H. Marlene O'Toole
s/ Jimmy Patronis
Ray Pilon
Elizabeth W. Porter
s/ William L. "Bill" Proctor, At Large
Kenneth L. "Ken" Roberson
s/ Patrick Rooney, Jr.
Franklin Sands, At Large
s/ Robert C. "Rob" Schenck, At Large
s/ William D. Snyder, At Large
Kelli Stargel
s/ Carlos Trujillo
Alan B. Williams
John Wood
s/ Dana D. Young

James W. "J.W." Grant
s/ Doug Holder
s/ Mike Horner, At Large
s/ Dorothy L. Hukill, At Large
Mia L. Jones
Martin David "Marty" Kiar
s/ John Legg, At Large
Debbie Mayfield
s/ Seth McKeel, At Large
s/ Peter Nehr
Jeanette M. Nunez
Mark S. Pafford
s/ W. Keith Perry
Scott Plakon
s/ Stephen L. Precourt
s/ Lake Ray
Betty Reed
Hazelle P. "Hazel" Rogers
Darryl Ervin Rouson, At Large
Ron Saunders, At Large
Irving "Irv" Slosberg
s/ Jimmie T. Smith
Darren Soto
s/ W. Gregory "Greg" Steube
Will W. Weatherford, At Large
s/ Trudi K. Williams
Ritch Workman

Managers on the part of the House

The Conference Committee Amendment for SB 2096, relating to state financial information, provides for the following:

- Requires charter schools and charter technical career centers to post their financial information on the Transparency Florida website.

- Requires the Auditor General to annually submit to the Legislature a list of any school districts, charter schools, charter technical career centers, colleges, state universities, and water management districts that have failed to comply with the transparency requirements.

- Changes the exemption criteria for municipalities or special districts from a population threshold (fewer than 10,000) to a revenue threshold (less than $10 million in total annual revenues).

- Requires water management districts to post their financial statements on their websites by 9/1/11.

- Requires the Chief Financial Officer to make a state contract management system publically available that includes information and documentation relating to contracts procured by state governmental entities.

- Requires agency procurement staff to update information within 30 days of any major change to a contract or the execution of a new contract. A major change includes a contract renewal, extension, termination or amendment.

Conference Committee Amendment (360508)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (i) is added to subsection (7) of section 11.45, Florida Statutes, to read:

11.45 Definitions; duties; authorities; reports; rules.—

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

(i) Beginning in 2012, the Auditor General shall annually transmit by July 15, to the President of the Senate, the Speaker of the House of Representatives, and the Department of Financial Services, a list of all school districts, charter schools, charter technical career centers, Florida College System institutions, state universities, and water management districts that have failed to comply with the transparency requirements as identified in the audit reports reviewed pursuant to paragraph (b) and those conducted pursuant to (2).

Section 2. Subsections (2), (5), (6), and (11) through (14) of section 215.985, Florida Statutes, are amended, and subsections (15) and (16) are added to that section, to read:

215.985 Transparency in government spending.—

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

(a) "Governmental entity" means any state, regional, county, municipal, special district, or other political subdivision whether executive, judicial, or legislative, including, but not limited to, any department, division, bureau, commission, authority, district, or agency thereof, or any public school ~~district~~, *Florida College System institution* ~~community college~~, state university, or associated board.

(b) "Website" means a site on the Internet which is easily accessible to the public at no cost and does not require the user to provide any information.

(c) "Committee" means the Legislative Auditing Committee created in s. 11.40.

(5) The committee shall recommend a format for collecting and displaying information from state universities, ~~public schools~~, *Florida College System institutions* ~~community colleges~~, *school districts, charter schools, charter technical career centers,* local governmental units, and other governmental entities ~~receiving state appropriations~~.

(6) By *November 1, 2012, and annually thereafter* ~~March 1, 2010~~, the committee shall develop a schedule for adding *additional* ~~other~~ information to the website by type of information and governmental entity, including timeframes and development entity. The schedule *for adding additional information* shall be submitted to the President of the Senate and the Speaker of the House of Representatives. Additional information may include:

(a) Disbursements by the governmental entity from funds established within the treasury of the governmental entity, including, for all branches of state government, allotment balances in the Florida Accounting Information Resource Subsystem.

(b) Revenues received by each governmental entity, including receipts or deposits by the governmental entity into funds established within the treasury of the governmental entity.

(c) Information relating to a governmental entity's bonded indebtedness, including, but not limited to, the total amount of obligation stated in terms of principal and interest, an itemization of each obligation, the term of each obligation, the source of funding for repayment of each obligation, the amounts of principal and interest previously paid to reduce each obligation, the balance remaining of each obligation, any refinancing of any obligation, and the cited statutory authority to issue such bonds.

(d) Links to available governmental entity websites.

(11) *A* ~~Any~~ municipality or special district *that has total annual revenues of less than $10 million* ~~having a population of 10,000 or fewer~~ is exempt from this section. ~~Population determinations must be based on the most recent population estimates prepared pursuant to s. 186.901.~~

(12) By September 1, 2011, each water management district shall provide a monthly financial statement to its governing board and make such statement available for public access on its website.

(13)~~(12)~~ This section does not require or permit the disclosure of information that is considered confidential by state or federal law.

(14)~~(13)~~ The Office of Policy and Budget in the Executive Office of the Governor shall ensure that all data added to the website remains accessible to the public for 10 years.

(15)~~(14)~~ The committee shall prepare an annual report detailing progress in establishing the single website and providing recommendations for enhancement of the content and format of the website and related policies and procedures. The first report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2011, and annually by November 1 thereafter.

(16) The Chief Financial Officer shall provide public access to a state contract management system that provides information and documentation relating to contracts procured by governmental entities.

(a) The data collected in the system must include, but need not be limited to, the contracting agency; the procurement method; the contract beginning and ending dates; the type of commodity or service; the purpose of the commodity or service; the compensation to be paid; compliance information, such as performance metrics for the service or commodity; contract violations; the number of extensions or renewals; and the statutory authority for providing the service.

(b) Within 30 days after a major change to an existing contract or the execution of a new contract, agency procurement staff of the affected state governmental entity shall update the necessary information in the state contract management system. A major change to a contract includes, but is not limited to, a renewal, termination, or extension of the contract or an amendment to the contract.

Section 3. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state financial information; amending s. 11.45, F.S.; requiring that the Auditor General annually provide to the Legislature and the Department of Financial Services a list of specified entities that have failed to comply with certain financial transparency requirements; amending s. 215.985, F.S., relating to the Transparency Florida Act; revising the definition of the term "governmental entity"; adding additional governmental entities to those for which the Legislative Auditing Committee recommends a format for collecting and displaying financial information; revising the schedule for adding information to the state's official website; revising provisions exempting certain municipalities and special districts from the Transparency Florida Act; requiring each water management district to submit monthly detailed financial statements to its governing board and post such statement on its website; requiring the Chief Financial Officer to provide public access to a state contract management system; providing the information that must be available on the system; requiring agency procurement staff to update data in the system; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2096** was adopted. **SB 2096** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

Mr. President	Flores	Norman
Alexander	Gaetz	Richter
Altman	Garcia	Ring
Benacquisto	Gardiner	Sachs
Bennett	Hays	Simmons
Bogdanoff	Hill	Siplin
Braynon	Jones	Smith
Dean	Joyner	Sobel
Detert	Latvala	Storms
Diaz de la Portilla	Lynn	Thrasher
Dockery	Margolis	Wise
Evers	Montford	
Fasano	Negron	

Nays—None

Vote after roll call:

Yea—Rich

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2098

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2098, same being:

An act relating to the consolidation of state information technology services.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Chair
s/ Ben Albritton
Gary Aubuchon, At Large
Leonard L. Bembry
Mack Bernard
s/ Jeffrey "Jeff" Brandes
s/ Douglas Vaughn "Doug" Broxson
Charles S. "Chuck" Chestnut IV, At Large
s/ Fredrick W. "Fred" Costello
s/ Daniel Davis
Chris Dorworth
s/ Clay Ford
James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
Eduardo "Eddy" Gonzalez
James W. "J.W." Grant
s/ Doug Holder
s/ Mike Horner
s/ Dorothy L. Hukill, At Large
Mia L. Jones
Martin David "Marty" Kiar
s/ John Legg, At Large
Debbie Mayfield
s/ Seth McKeel, At Large
s/ Peter Nehr
Jeanette M. Nunez

s/ Janet H. Adkins
s/ Larry Ahern
s/ Frank Artiles
s/ Dennis K. Baxley
Lori Berman
Michael Bileca
s/ Jason T. Brodeur
s/ Matthew H. "Matt" Caldwell
Daphne D. Campbell
s/ Marti Coley
s/ Richard Corcoran
s/ Steve Crisafulli
s/ Jose Felix Diaz
Brad Drake
s/ Erik Fresen
s/ Matt Gaetz
s/ Richard "Rich" Glorioso
s/ Tom Goodson
s/ Gayle B. Harrell
s/ Ed Hooper
s/ Matt Hudson
s/ Clay Ingram
John Patrick Julien
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Larry Metz
s/ Bryan Nelson
s/ H. Marlene O'Toole

Mark S. Pafford
s/ W. Keith Perry
Scott Plakon
s/ Stephen L. Precourt
s/ Lake Ray
Betty Reed
Hazelle P. "Hazel" Rogers
Darryl Ervin Rouson, At Large
Ron Saunders, At Large
Irving "Irv" Slosberg
s/ Jimmie T. Smith
Darren Soto
s/ W. Gregory "Greg" Steube
Will W. Weatherford, At Large
s/ Trudi K. Williams
Ritch Workman
s/ Jimmy Patronis
s/ Ray Pilon
Elizabeth W. Porter
s/ William L. "Bill" Proctor, At Large
Kenneth L. "Ken" Roberson
s/ Patrick Rooney, Jr.
Franklin Sands, At Large
s/ Robert C. "Rob" Schenck, At Large
s/ William D. Snyder, At Large
Kelli Stargel
s/ Carlos Trujillo
Alan B. Williams
John Wood
s/ Dana D. Young

Managers on the part of the House

- The Conference Committee Amendment for SB 2098, 1st Eng., relating to the consolidation of state information technology services, provides for the following:

- Clarifies the required components of the Agency for Enterprise Information Technology's annual work plan.

- Clarifies the duties of the Agency for Enterprise Information Technology pertaining to the state data center system, to include developing rules relating to its operation.

- Establishes in statute the agency schedule for data center consolidations, providing requirements for the development and submission of appropriate transition plans, providing requirements for the execution of new or updated service level agreements, and establishing agency limitations pertaining to their agency data centers and email services.

- Provides that approval to transition to a statewide email system is contingent on approval by the Legislative Budget Commission.

- Eliminates the Agency Chief Information Officers Council.

- Eliminates the requirement that agencies hire a Chief Information Officer.

Conference Committee Amendment (490478)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (4), (5), and (6) of section 14.204, Florida Statutes, are amended to read:

14.204 Agency for Enterprise Information Technology.—The Agency for Enterprise Information Technology is created within the Executive Office of the Governor.

(4) The agency shall have the following duties and responsibilities:

(a) Develop strategies for the design, *planning, project management,* delivery, and management of ~~the~~ enterprise information technology services established in law*, including the state data center system service established in s. 282.201, the information technology security service established in s. 282.318, and the statewide e-mail service established in s. 282.34*.

(b) Monitor the *implementation,* delivery, and management of the enterprise information technology services as established in law.

(c) Make recommendations to the agency head and the Legislature concerning other information technology services that should be designed, delivered, and managed as enterprise information technology services as defined in s. 282.0041.

(d) Plan and establish policies for managing proposed statutorily authorized enterprise information technology services, which includes:

1. Developing business cases that, when applicable, include the components identified in s. 287.0571;

2. Establishing and coordinating project-management teams;

3. Establishing formal risk-assessment and mitigation processes; and

4. Providing for independent monitoring of projects for recommended corrective actions.

(e) ~~Beginning October 1, 2010,~~ Develop, publish, and biennially update a long-term strategic enterprise information technology plan that identifies and recommends strategies and opportunities to improve the delivery of cost-effective and efficient enterprise information technology services to be proposed for establishment pursuant to s. 282.0056.

(f) Perform duties related to *enterprise information technology services, including* the state data center system *established in* ~~as provided in~~ s. 282.201*, the information technology security service established in s. 282.318, and the statewide e-mail service established in s. 282.34*.

(g) Coordinate *technology resource* acquisition planning*, and assist the Department of Management Service's Division of Purchasing with using aggregate buying methodologies whenever possible* and *with* procurement negotiations for hardware and software products and services in order to improve the efficiency and reduce the cost of enterprise information technology services.

(h) In consultation with the Division of Purchasing in the Department of Management Services, coordinate procurement negotiations for information technology products as defined in s. 282.0041 which will be used by multiple agencies.

(i) In coordination with, and through the services of, the Division of Purchasing in the Department of Management Services, establish best practices for the procurement of information technology products as defined in s. 282.0041 in order to achieve savings for the state.

(j) Develop information technology standards for *the efficient design, planning, project management, implementation, and delivery of* enterprise information technology services. *All state agencies must make the transition to the new standards.*

(k) Provide annually, by December 31, recommendations to the Legislature relating to techniques for consolidating the purchase of information technology commodities and services~~,~~ which result in savings for the state, and for establishing a process to achieve savings through consolidated purchases.

(5) ~~The Office of Information Security shall be created within the agency.~~ The agency shall designate a state Chief Information Security Officer who shall ~~oversee the office and~~ report directly to the executive director.

(6) The agency shall operate in a manner that ensures the participation and representation of state agencies ~~and the Agency Chief Information Officers Council established in s. 282.315~~.

Section 2. Subsection (10) of section 20.315, Florida Statutes, is amended to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(10) SINGLE INFORMATION AND RECORDS SYSTEM.—~~There shall be~~ Only one offender-based information and records computer system *shall be* maintained by the Department of Corrections for the joint use of the department and the Parole Commission. *The* ~~This~~ data system shall be managed through the department's *office of information technology* ~~Justice Data Center~~. The department shall develop and maintain, in consultation with the Criminal and Juvenile Justice Information Systems Council under s. 943.08, such offender-based information, including clemency administration information and other computer services to serve the needs of both the department and the Parole Commission. The department shall notify the commission of all violations of parole and the circumstances thereof.

Section 3. Present subsections (4) through (30) of section 282.0041, Florida Statutes, are redesignated as subsections (2) through (28), respectively, and present subsections (2), (3), (14), and (19) of that section are amended, to read:

282.0041 Definitions.—As used in this chapter, the term:

~~(2) "Agency chief information officer" means the person employed by the agency head to coordinate and manage the information technology functions and responsibilities applicable to that agency, to participate and represent the agency in developing strategies for implementing enterprise information technology services established pursuant to this part, and to develop recommendations for enterprise information technology policy.~~

~~(3) "Agency Chief Information Officers Council" means the council created in s. 282.315.~~

(12)~~(14)~~ "E-mail, messaging, and calendaring service" means the enterprise information technology service that enables users to send, receive, file, store, manage, and retrieve electronic messages, attachments, appointments, and addresses. *The e-mail, messaging, and calendaring service must include e-mail account management; help desk; technical support and user provisioning services; disaster recovery and backup and restore capabilities; antispam and antivirus capabilities; archiving and e-discovery; and remote access and mobile messaging capabilities.*

(17)~~(19)~~ "Primary data center" means a ~~state or nonstate agency~~ data center that is a recipient entity for consolidation of nonprimary data centers and computing facilities *and that is established by*~~. A primary data center may be authorized in~~ law ~~or designated by the Agency for Enterprise Information Technology pursuant to s. 282.201~~.

Section 4. Subsection (1) of section 282.0056, Florida Statutes, is amended to read:

282.0056 Development of work plan; development of implementation plans; and policy recommendations.—

(1) For the purposes of carrying out its responsibilities under s. 282.0055, the Agency for Enterprise Information Technology shall develop an annual work plan within 60 days after the beginning of the fiscal year describing the activities that the agency intends to undertake for that year, including proposed outcomes and completion timeframes *for the planning and implementation of all enterprise information technology services*. The work plan must be presented at a public hearing *and* ~~that includes the Agency Chief Information Officers Council, which may review and comment on the plan. The work plan must thereafter be~~ approved by the Governor and Cabinet*,* and *thereafter* submitted to the President of the Senate and the Speaker of the House of Representatives. The work plan may be amended as needed, subject to approval by the Governor and Cabinet.

Section 5. Subsections (2) and (3) of section 282.201, Florida Statutes, are amended, present subsections (4) and (5) of that section are amended and renumbered as subsections (5) and (6), respectively, and a new subsection (4) is added to that section, to read:

282.201 State data center system; agency duties and limitations.—A state data center system that includes all primary data centers, other nonprimary data centers, and computing facilities, and that provides an enterprise information technology service as defined in s. 282.0041, is established.

(2) AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY DUTIES.—The Agency for Enterprise Information Technology shall:

(a) Collect and maintain information necessary for developing policies relating to the data center system, including, but not limited to, an inventory of facilities.

(b) Annually approve cost-recovery mechanisms and rate structures for primary data centers which recover costs through charges to customer entities.

(c) By *September 30* ~~December 31~~ of each year, submit to the *Legislature, the Executive Office of the Governor, and the primary data centers* ~~Legislature~~ recommendations to improve the efficiency and *cost-effectiveness* ~~effectiveness~~ of computing services provided by state data center system facilities. Such recommendations *must* ~~may~~ include, but need not be limited to:

1. Policies for improving the cost-effectiveness and efficiency of the state data center system*, which includes the primary data centers being transferred to a shared, virtualized server environment, and the associated cost savings resulting from the implementation of such policies*.

2. Infrastructure improvements supporting the consolidation of facilities or preempting the need to create additional data centers or computing facilities.

~~3. Standards for an objective, credible energy performance rating system that data center boards of trustees can use to measure state data center energy consumption and efficiency on a biannual basis.~~

3.~~4.~~ Uniform disaster recovery standards.

4.~~5.~~ Standards for primary data centers *which provide cost-effective services and* ~~providing~~ transparent financial data to user agencies.

5.~~6.~~ Consolidation of contract practices or coordination of software, hardware, or other technology-related procurements *and the associated cost savings*.

6.~~7.~~ Improvements to data center governance structures.

(d) By October 1 of each year beginning in *2011, provide recommendations* ~~2009, recommend~~ to the Governor and Legislature *relating to changes to the schedule for the consolidations of state agency data centers as provided in subsection (4)* ~~at least two nonprimary data centers for consolidation into a primary data center or nonprimary data center facility~~.

~~1. The consolidation proposal must provide a transition plan that includes:~~

~~a. Estimated transition costs for each data center or computing facility recommended for consolidation;~~

~~b. Detailed timeframes for the complete transition of each data center or computing facility recommended for consolidation;~~

~~c. Proposed recurring and nonrecurring fiscal impacts, including increased or decreased costs and associated budget impacts for affected budget entities;~~

~~d. Substantive legislative changes necessary to implement the transition; and~~

~~e. Identification of computing resources to be transferred and those that will remain in the agency. The transfer of resources must include all hardware, software, staff, contracted services, and facility resources performing data center management and operations, security, backup and recovery, disaster recovery, system administration, database administration, system programming, job control, production control, print, storage, technical support, help desk, and managed services but excluding application development.~~

1.~~2.~~ *The* recommendations *must* ~~shall~~ be based on the goal of maximizing current and future cost savings *by*~~. The agency shall consider the following criteria in selecting consolidations that maximize efficiencies by providing the ability to~~:

a. *Consolidating* ~~Consolidate~~ purchase decisions;

b. *Leveraging* ~~Leverage~~ expertise and other resources to gain economies of scale;

c. *Implementing* ~~Implement~~ state information technology policies more effectively; *and*

d. *Maintaining or improving* ~~Maintain or improve~~ the level of service provision to customer entities~~; and~~

~~e. Make progress towards the state's goal of consolidating data centers and computing facilities into primary data centers~~.

2.~~3.~~ The agency shall establish workgroups as necessary to ensure participation by affected agencies in the development of recommendations related to consolidations.

~~(e) By December 31, 2010, the agency shall develop and submit to the Legislature an overall consolidation plan for state data centers. The plan shall indicate a timeframe for the consolidation of all remaining non-~~

~~primary data centers into primary data centers, including existing and proposed primary data centers, by 2019.~~

(e)~~(f)~~ Develop and establish rules relating to the operation of the state data center system which comply with applicable federal regulations, including 2 C.F.R. part 225 and 45 C.F.R. *The agency shall publish notice of rule development in the Florida Administrative Weekly by October 1, 2011.* The rules *must* ~~may~~ address:

1. Ensuring that financial information is captured and reported consistently and accurately.

2. Identifying standards for hardware, including standards for a shared, virtualized server environment, and operations system software and other operational software, including security and network infrastructure, for the primary data centers; requiring compliance with such standards in order to enable the efficient consolidation of the agency data centers or computing facilities; and providing an exemption process from compliance with such standards, which must be consistent with paragraph (5)(b).

~~2. Requiring the establishment of service level agreements executed between a data center and its customer entities for services provided.~~

3. Requiring annual full cost recovery on an equitable rational basis. The cost-recovery methodology must ensure that no service is subsidizing another service and may include adjusting the subsequent year's rates as a means to recover deficits or refund surpluses from a prior year.

4. Requiring that any special assessment imposed to fund expansion is based on a methodology that apportions the assessment according to the proportional benefit to each customer entity.

5. Requiring that rebates be given when revenues have exceeded costs, that rebates be applied to offset charges to those customer entities that have subsidized the costs of other customer entities, and that such rebates may be in the form of credits against future billings.

6. Requiring that all service-level agreements have a contract term of up to 3 years, but may include an option to renew for up to 3 additional years contingent on approval by the board, and require at least a 180-day notice of termination.

~~7. Designating any nonstate data center as a primary data center if the center:~~

~~a. Has an established governance structure that represents customer entities proportionally.~~

~~b. Maintains an appropriate cost allocation methodology that accurately bills a customer entity based on the actual direct and indirect costs to the customer entity, and prohibits the subsidization of one customer entity's costs by another entity.~~

~~c. Has sufficient raised floor space, cooling, and redundant power capacity, including uninterruptible power supply and backup power generation, to accommodate the computer processing platforms and support necessary to host the computing requirements of additional customer entities.~~

~~8. Removing a nonstate data center from primary data center designation if the nonstate data center fails to meet standards necessary to ensure that the state's data is maintained pursuant to subparagraph 7.~~

(3) STATE AGENCY DUTIES.—

(a) For the purpose of completing its work activities as described in subsection (1), each state agency shall provide to the Agency for Enterprise Information Technology all requested information and any other information relevant to the agency's ability to effectively transition its computer services into a primary data center. The agency shall also participate as required in workgroups relating to specific consolidation planning and implementation tasks as assigned by the Agency for Enterprise Information Technology and determined necessary to accomplish consolidation goals.

(b) Each state agency shall submit to the Agency for Enterprise Information Technology information relating to its data centers and computing facilities as required in instructions issued by July 1 of each year by the Agency for Enterprise Information Technology. The information required may include:

1. Amount of floor space used and available.

2. Numbers and capacities of mainframes and servers.

3. Storage and network capacity.

4. Amount of power used and the available capacity.

5. Estimated expenditures by service area, including hardware and software, numbers of full-time equivalent positions, personnel turnover, and position reclassifications.

6. A list of contracts in effect for the fiscal year, including, but not limited to, contracts for hardware, software and maintenance, including the expiration date, the contract parties, and the cost of the contract.

7. Service-level agreements by customer entity.

~~(c) The chief information officer of each state agency shall assist the Agency for Enterprise Information Technology at the request of the Agency for Enterprise Information Technology.~~

(c)~~(d)~~ Each state agency customer of a primary data center shall notify the data center, by May 31 and November 30 of each year, of any significant changes in anticipated utilization of data center services pursuant to requirements established by the boards of trustees of each primary data center.

(4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.—

(a) Consolidations of agency data centers shall be made by the date and to the specified primary data center as provided in this section and in accordance with budget adjustments contained in the General Appropriations Act.

(b) By December 31, 2011, the following shall be consolidated into the Northwest Regional Data Center:

1. The Department of Education's Knott Data Center in the Turlington Building.

2. The Department of Education's Division of Vocational Rehabilitation.

3. The Department of Education's Division of Blind Services, except for the division's disaster recovery site in Daytona Beach.

4. The FCAT Explorer.

5. FACTS.org.

(c) During the 2011-2012 fiscal year, the following shall be consolidated into the Southwood Shared Resource Center:

1. By September 30, 2011, the Department of Corrections.

2. By March 31, 2012, the Department of Transportation's Burns Building.

3. By March 31, 2012, the Department of Transportation's Survey & Mapping Office.

(d) During the 2011-2012 fiscal year, the following shall be consolidated into the Northwood Shared Resource Center:

1. By July 1, 2011, the Department of Transportation's Office of Motor Carrier Compliance.

2. By March 31, 2012, the Department of Highway Safety and Motor Vehicles.

(e) During the 2012-2013 fiscal year, the following shall be consolidated into the Southwood Shared Resource Center:

1. By September 30, 2012, the Division of Emergency Management and the Department of Community Affairs, except for the Emergency

Operation Center's management system in Tallahassee and the Camp Blanding Emergency Operations Center in Starke.

2. By September 30, 2012, the Department of Revenue's Carlton Building and Imaging Center locations.

3. By December 31, 2012, the Department of Health's Test and Development Lab and all remaining data center resources located at the Capital Circle Office Complex.

(f) During the 2012-2013 fiscal year, the following shall be consolidated into the Northwood Shared Resource Center:

1. By July 1, 2012, the Agency for Health Care Administration.

2. By December 31, 2012, the Department of Environmental Protection's Palmetto Commons.

3. By March 30, 2013, the Department of Law Enforcement's headquarters location.

(g) During the 2013-2014 fiscal year, the following agencies shall work with the Agency for Enterprise Information Technology to begin preliminary planning for consolidation into a primary data center:

1. The Department of the Lottery's headquarters location.

2. The Department of Legal Affairs.

3. The Fish and Wildlife Conservation Commission, except for the commission's Fish and Wildlife Research Institute in St. Petersburg.

4. The Executive Office of the Governor.

5. The Department of Veterans' Affairs.

6. The Department of Elderly Affairs.

7. The Department of Financial Services' Hartman, Larson, and Fletcher Building Data Centers.

8. The Department of Agriculture and Consumer Services' Agriculture Management Information Center in the Mayo Building and Division of Licensing.

(h) During the 2014-2015 fiscal year, the following agencies shall work with the Agency for Enterprise Information Technology to begin preliminary planning for consolidation into a primary data center:

1. The Department of Health's Jacksonville Lab Data Center.

2. The Department of Transportation's district offices, toll offices, and the District Materials Office.

3. The Department of Military Affairs' Camp Blanding Joint Training Center in Starke.

4. The Department of Community Affairs' Camp Blanding Emergency Operations Center in Starke.

5. The Department of Education's Division of Blind Services disaster recovery site in Daytona Beach.

6. The Department of Education's disaster recovery site at Santa Fe College.

7. The Department of the Lottery's Disaster Recovery Backup Data Center in Orlando.

8. The Fish and Wildlife Conservation Commission's Fish and Wildlife Research Institute in St. Petersburg.

9. The Department of Children and Family Services' Suncoast Data Center in Tampa.

10. The Department of Children and Family Services' Florida State Hospital in Chattahoochee.

(i) During the 2015-2016 fiscal year, all computing resources remaining within an agency nonprimary data center or computing facility shall be transferred to a primary data center for consolidation unless otherwise required to remain in the agency for specified financial, technical, or business reasons that must be justified in writing and approved by the Agency for Enterprise Information Technology. Such data centers, computing facilities, and resources must be identified by the Agency for Enterprise Information Technology by October 1, 2014.

(j) Any agency that is consolidating agency data centers into a primary data center must execute a new or update an existing service-level agreement within 60 days after the specified consolidation date, as required by s. 282.203, in order to specify the services and levels of service it is to receive from the primary data center as a result of the consolidation. If an agency is unable to execute a service-level agreement by that date, the agency shall submit a report to the Executive Office of the Governor and to the chairs of the legislative appropriations committees within 5 working days after that date which explains the specific issues preventing execution and describing its plan and schedule for resolving those issues.

(k) Beginning September 1, 2011, and every 6 months thereafter until data center consolidations are complete, the Agency for Enterprise Information Technology shall provide a status report on the implementation of the consolidations that must be completed during the fiscal year. The report shall be submitted to the Executive Office of the Governor and the chairs of the legislative appropriations committees. The report must, at a minimum, describe:

1. Whether the consolidation is on schedule, including progress on achieving the milestones necessary for successful and timely consolidation of scheduled agency data centers and computing facilities; and

2. The risks that may affect the progress or outcome of the consolidation and how these risks are being addressed, mitigated, or managed.

(l) Each agency identified in this subsection for consolidation into a primary data center shall submit a transition plan to the Agency for Enterprise Information Technology by September 1 of the fiscal year before the fiscal year in which the scheduled consolidation will occur. Transition plans shall be developed in consultation with the appropriate primary data centers and the Agency for Enterprise Information Technology, and must include:

1. An inventory of the agency data center's resources being consolidated, including all hardware, software, staff, and contracted services, and the facility resources performing data center management and operations, security, backup and recovery, disaster recovery, system administration, database administration, system programming, job control, production control, print, storage, technical support, help desk, and managed services, but excluding application development;

2. A description of the level of services needed to meet the technical and operational requirements of the platforms being consolidated and an estimate of the primary data center's cost for the provision of such services;

3. A description of resources for computing services proposed to remain in the department;

4. A timetable with significant milestones for the completion of the consolidation; and

5. The specific recurring and nonrecurring budget adjustments of budget resources by appropriation category into the appropriate data-processing category pursuant to the legislative budget instructions in s. 216.023 necessary to support agency costs for the transfer.

(m) Each primary data center shall develop a transition plan for absorbing the transfer of agency data center resources based upon the timetables for transition as provided in this subsection. The plan shall be submitted to the Agency for Enterprise Information Technology, the Executive Office of the Governor, and the chairs of the legislative appropriations committees by September 30 of the fiscal year before the fiscal year in which the scheduled consolidations will occur. Each plan must include:

1. An estimate of the cost to provide data center services for each agency scheduled for consolidation;

2. A staffing plan that identifies the projected staffing needs and requirements based on the estimated workload identified in the agency transition plan;

3. The fiscal year adjustments to budget categories in order to absorb the transfer of agency data center resources pursuant to the legislative budget request instructions provided in s. 216.023;

4. An analysis of the cost effects resulting from the planned consolidations on existing agency customers; and

5. A description of any issues that must be resolved in order to accomplish as efficiently and effectively as possible all consolidations required during the fiscal year.

(n) The Agency for Enterprise Information Technology shall develop a comprehensive transition plan, which shall be submitted by October 15th of the fiscal year before the fiscal year in which the scheduled consolidations will occur to each primary data center, to the Executive Office of the Governor, and the chairs of the legislative appropriations committees. The transition plan shall be developed in consultation with agencies submitting agency transition plans and with the affected primary data centers. The comprehensive transition plan must include:

1. Recommendations for accomplishing the proposed transitions as efficiently and effectively as possible with minimal disruption to customer agency business processes;

2. Strategies to minimize risks associated with any of the proposed consolidations;

3. A compilation of the agency transition plans submitted by agencies scheduled for consolidation for the following fiscal year; and

4. Revisions to any budget adjustments provided in the agency or primary data center transition plans.

(o) Any agency data center scheduled for consolidation after the 2011-2012 fiscal year may consolidate into a primary data center before its scheduled date contingent upon the approval of the Agency for Enterprise Information Technology.

(5)~~(4)~~ AGENCY LIMITATIONS.—

(a) Unless authorized by the Legislature or as provided in paragraphs (b) and (c), a state agency may not:

1. Create a new computing facility or data center, or expand the capability to support additional computer equipment in an existing computing facility or nonprimary data center;

2. Spend funds before the agency's scheduled consolidation into a primary data center to purchase or modify hardware or operations software that does not comply with hardware and software standards established by the Agency for Enterprise Information Technology pursuant to paragraph (2)(e) for the efficient consolidation of the agency data centers or computing facilities;

3.~~2.~~ Transfer existing computer services to *any data center other than* a *primary* ~~nonprimary~~ data center ~~or computing facility~~;

4.~~3.~~ Terminate services with a primary data center or transfer services between primary data centers without giving written notice of intent to terminate or transfer services 180 days before such termination or transfer; or

5.~~4.~~ Initiate a new computer service if it does not currently have an internal data center except with a primary data center.

(b) Exceptions to the limitations in subparagraphs (a)1., 2., *3.,* and *5.* ~~4.~~ may be granted by the Agency for Enterprise Information Technology if there is insufficient capacity in a primary data center to absorb the workload associated with agency computing services*, if expenditures are compatible with the scheduled consolidation and the standards established pursuant to paragraph (2)(e), or if the equipment or resources are needed to meet a critical agency business need that cannot be satisfied from surplus equipment or resources of the primary data center until the agency data center is consolidated*.

1. A request for an exception must be submitted in writing to the Agency for Enterprise Information Technology. The agency must accept, accept with conditions, or deny the request within 60 days after receipt of the written request. The agency's decision is not subject to chapter 120.

2. At a minimum, the agency may not approve a request unless it includes:

a. Documentation approved by the primary data center's board of trustees which confirms that the center cannot meet the capacity requirements of the agency requesting the exception within the current fiscal year.

b. A description of the capacity requirements of the agency requesting the exception.

c. Documentation from the agency demonstrating why it is critical to the agency's mission that the expansion or transfer must be completed within the fiscal year rather than when capacity is established at a primary data center.

(c) Exceptions to subparagraph *(a)4.* ~~(a)3.~~ may be granted by the board of trustees of the primary data center if the termination or transfer of services can be absorbed within the current cost-allocation plan.

(d) Upon the termination of or transfer of agency computing services from the primary data center, the primary data center shall require information sufficient to determine compliance with this section. If a primary data center determines that an agency is in violation of this section, it shall report the violation to the Agency for Enterprise Information Technology.

(6)~~(5)~~ RULES.—The Agency for Enterprise Information Technology *may* ~~is authorized to~~ adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to administer ~~the provisions of~~ this part relating to the state data center system including the primary data centers.

Section 6. Paragraphs (f) through (l) of subsection (1), paragraph (a) of subsection (2), and paragraph (j) of subsection (3) of section 282.203, Florida Statutes, are amended to read:

282.203 Primary data centers.—

(1) DATA CENTER DUTIES.—Each primary data center shall:

~~(f) By December 31, 2010, submit organizational plans that minimize the annual recurring cost of center operations and eliminate the need for state agency customers to maintain data center skills and staff within their agency. The plans shall:~~

~~1. Establish an efficient organizational structure describing the roles and responsibilities of all positions and business units in the centers;~~

~~2. Define a human resources planning and management process that shall be used to make required center staffing decisions; and~~

~~3. Develop a process for projecting staffing requirements based on estimated workload identified in customer agency service level agreements.~~

(f)~~(g)~~ Maintain the performance of the facility, which includes ensuring proper data backup, data backup recovery, an effective disaster recovery plan, and appropriate security, power, cooling and fire suppression, and capacity.

(g)~~(h)~~ Develop a business continuity plan and conduct a live exercise of the plan at least annually. The plan must be approved by the board and the Agency for Enterprise Information Technology.

(h)~~(i)~~ Enter into a service-level agreement with each customer entity to provide services as defined and approved by the board ~~in compliance with rules of the Agency for Enterprise Information Technology~~. A service-level agreement may not have a term exceeding 3 years but may include an option to renew for up to 3 years contingent on approval by the board.

1. A service-level agreement, at a minimum, must:

a. Identify the parties and their roles, duties, and responsibilities under the agreement;

b. Identify the legal authority under which the service-level agreement was negotiated and entered into by the parties;

c. State the duration of the contractual term and specify the conditions for contract renewal;

d. Prohibit the transfer of computing services between primary data center facilities without at least 180 days' notice of service cancellation;

e. Identify the scope of work;

f. Identify the products or services to be delivered with sufficient specificity to permit an external financial or performance audit;

g. Establish the services to be provided, the business standards that must be met for each service, the cost of each service, and the process by which the business standards for each service are to be objectively measured and reported;

h. Identify applicable funds and funding streams for the services or products under contract;

i. Provide a timely billing methodology for recovering the cost of services provided to the customer entity;

j. Provide a procedure for modifying the service-level agreement to address changes in projected costs of service;

k. Provide that a service-level agreement may be terminated by either party for cause only after giving the other party and the Agency for Enterprise Information Technology notice in writing of the cause for termination and an opportunity for the other party to resolve the identified cause within a reasonable period; and

l. Provide for mediation of disputes by the Division of Administrative Hearings pursuant to s. 120.573.

2. A service-level agreement may include:

a. A dispute resolution mechanism, including alternatives to administrative or judicial proceedings;

b. The setting of a surety or performance bond for service-level agreements entered into with ~~nonstate~~ agency primary data centers *established by law*~~, which may be designated by the Agency for Enterprise Information Technology~~; or

c. Additional terms and conditions as determined advisable by the parties if such additional terms and conditions do not conflict with the requirements of this section or rules adopted by the Agency for Enterprise Information Technology.

3. The failure to execute a service-level agreement within 60 days after service commencement shall, in the case of an existing customer entity, result in a continuation of the terms of the service-level agreement from the prior fiscal year, including any amendments that were formally proposed to the customer entity by the primary data center within the 3 months before service commencement, and a revised cost-of-service estimate. If a new customer entity fails to execute an agreement within 60 days after service commencement, the data center may cease services.

(i)~~(j)~~ Plan, design, establish pilot projects for, and conduct experiments with information technology resources, and implement enhancements in services if such implementation is cost-effective and approved by the board.

(j)~~(k)~~ Enter into a memorandum of understanding with the agency where the data center is administratively located *if the data center requires the agency to provide any administrative* ~~which establishes the~~ services ~~to be provided by that agency~~ to the data center and the cost of such services.

(k)~~(l)~~ Be the custodian of resources and equipment that are located, operated, supported, and managed by the center for the purposes of chapter 273.

(l) Assume administrative access rights to the resources and equipment, such as servers, network components, and other devices that are consolidated into the primary data center.

1. Upon the date of each consolidation specified in s. 282.201, the General Appropriations Act, or the Laws of Florida, each agency shall relinquish all administrative access rights to such resources and equipment.

2. Each primary data center shall provide its customer agencies with the appropriate level of access to applications, servers, network components, and other devices necessary for agencies to perform their core business activities and functions.

(2) BOARD OF TRUSTEES.—Each primary data center shall be headed by a board of trustees as defined in s. 20.03.

(a) The members of the board shall be appointed by the agency head or chief executive officer of the representative customer entities of the primary data center and ~~shall~~ serve at the pleasure of the appointing customer entity. *Each agency head or chief executive officer may appoint an alternate member for each board member appointed pursuant to this subsection.*

1. *During the first fiscal year that a state agency is to consolidate its data center operations to a primary data center and for the following full fiscal year, the agency shall have a single trustee having one vote on the board of the state primary data center where it is to consolidate, unless it is entitled in the second year to a greater number of votes as provided in subparagraph 3.* ~~For each of the first 2 fiscal years that a center is in operation, membership shall be as provided in subparagraph 3. based on projected customer entity usage rates for the fiscal operating year of the primary data center. However, at a minimum:~~

~~a. During the Southwood Shared Resource Center's first 2 operating years, the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of Health, and the Department of Revenue must each have at least one trustee.~~

~~b. During the Northwood Shared Resource Center's first operating year, the Department of State and the Department of Education must each have at least one trustee.~~

2. *Board* ~~After the second full year of operation,~~ membership shall be as provided in subparagraph 3. based on the most recent estimate of customer entity usage rates for the prior year and a projection of usage rates for the first 9 months of the next fiscal year. Such calculation must be completed before the annual budget meeting held before the beginning of the next fiscal year so that any decision to add or remove board members can be voted on at the budget meeting and become effective on July 1 of the subsequent fiscal year.

3. Each customer entity that has a projected usage rate of 4 percent or greater during the fiscal operating year of the primary data center shall have one trustee on the board.

4. The total number of votes for each trustee shall be apportioned as follows:

a. Customer entities of a primary data center whose usage rate represents 4 but less than 15 percent of total usage shall have one vote.

b. Customer entities of a primary data center whose usage rate represents 15 but less than 30 percent of total usage shall have two votes.

c. Customer entities of a primary data center whose usage rate represents 30 but less than 50 percent of total usage shall have three votes.

d. A customer entity of a primary data center whose usage rate represents 50 percent or more of total usage shall have four votes.

e. A single trustee having one vote shall represent those customer entities that represent less than 4 percent of the total usage. The trustee shall be selected by a process determined by the board.

(3) BOARD DUTIES.—Each board of trustees of a primary data center shall:

(j) Maintain the capabilities of the primary data center's facilities. Maintenance responsibilities include, but are not limited to, ensuring that adequate conditioned floor space, fire suppression, cooling, and power is in place; replacing aging equipment when necessary; and making decisions related to data center expansion and renovation, periodic upgrades, and improvements that are required to ensure the ongoing suitability of the facility as an enterprise data center consolidation site in the state data center system. To the extent possible, the board shall ensure that its approved annual cost-allocation plan recovers sufficient funds from its customers to provide for these needs ~~pursuant to s. 282.201(2)(e)~~.

Section 7. Section 282.204, Florida Statutes, is amended to read:

282.204 Northwood Shared Resource Center.—The Northwood Shared Resource Center is an agency established within the Department of *Management Services* ~~Children and Family Services~~ for administrative purposes only.

(1) The center is a primary data center and *is* ~~shall be~~ a separate budget entity that is not subject to control, supervision, or direction of the department in any manner, including, but not limited to, purchasing, transactions involving real or personal property, personnel, or budgetary matters.

(2) The center shall be headed by a board of trustees as provided in s. 282.203, who shall comply with all requirements of that section related to the operation of the center and with the rules of the Agency for Enterprise Information Technology related to the design and delivery of enterprise information technology services.

Section 8. *Sections 282.3055 and 282.315, Florida Statutes, are repealed.*

Section 9. Subsections (3) through (7) of section 282.318, Florida Statutes, are amended to read:

282.318 Enterprise security of data and information technology.—

(3) The ~~Office of Information Security within the~~ Agency for Enterprise Information Technology is responsible for establishing rules and publishing guidelines for ensuring an appropriate level of security for all data and information technology resources for executive branch agencies. The *agency* ~~office~~ shall also perform the following duties and responsibilities:

(a) Develop, and annually update by February 1, an enterprise information security strategic plan that includes security goals and objectives for the strategic issues of information security policy, risk management, training, incident management, and survivability planning.

(b) Develop enterprise security rules and published guidelines for:

1. Comprehensive risk analyses and information security audits conducted by state agencies.

2. Responding to suspected or confirmed information security incidents, including suspected or confirmed breaches of personal information or exempt data.

3. Agency security plans, including strategic security plans and security program plans.

4. The recovery of information technology and data following a disaster.

5. The managerial, operational, and technical safeguards for protecting state government data and information technology resources.

(c) Assist agencies in complying with the provisions of this section.

(d) Pursue appropriate funding for the purpose of enhancing domestic security.

(e) Provide training for agency information security managers.

(f) Annually review the strategic and operational information security plans of executive branch agencies.

(4) To assist the *Agency for Enterprise Information Technology* ~~Office of Information Security~~ in carrying out its responsibilities, each agency head shall, at a minimum:

(a) Designate an information security manager to administer the security program of the agency for its data and information technology resources. This designation must be provided annually in writing to the *Agency for Enterprise Information Technology* ~~office~~ by January 1.

(b) Submit to the *Agency for Enterprise Information Technology* ~~office~~ annually by July 31, the agency's strategic and operational information security plans developed pursuant to the rules and guidelines established by the *Agency for Enterprise Information Technology* ~~office~~.

1. The agency strategic information security plan must cover a 3-year period and define security goals, intermediate objectives, and projected agency costs for the strategic issues of agency information security policy, risk management, security training, security incident response, and survivability. The plan must be based on the enterprise strategic information security plan created by the *Agency for Enterprise Information Technology* ~~office~~. Additional issues may be included.

2. The agency operational information security plan must include a progress report for the prior operational information security plan and a project plan that includes activities, timelines, and deliverables for security objectives that, subject to current resources, the agency will implement during the current fiscal year. The cost of implementing the portions of the plan which cannot be funded from current resources must be identified in the plan.

(c) Conduct, and update every 3 years, a comprehensive risk analysis to determine the security threats to the data, information, and information technology resources of the agency. The risk analysis information is confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General and the Agency for Enterprise Information Technology for performing postauditing duties.

(d) Develop, and periodically update, written internal policies and procedures, which include procedures for notifying the *Agency for Enterprise Information Technology* ~~office~~ when a suspected or confirmed breach, or an information security incident, occurs. Such policies and procedures must be consistent with the rules and guidelines established by the *Agency for Enterprise Information Technology* ~~office~~ to ensure the security of the data, information, and information technology resources of the agency. The internal policies and procedures that, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential information and exempt from s. 119.07(1), except that such information shall be available to the Auditor General and the Agency for Enterprise Information Technology for performing postauditing duties.

(e) Implement appropriate cost-effective safeguards to address identified risks to the data, information, and information technology resources of the agency.

(f) Ensure that periodic internal audits and evaluations of the agency's security program for the data, information, and information technology resources of the agency are conducted. The results of such audits and evaluations are confidential information and exempt from s. 119.07(1), except that such information shall be available to the Auditor General and the Agency for Enterprise Information Technology for performing postauditing duties.

(g) Include appropriate security requirements in the written specifications for the solicitation of information technology and information technology resources and services, which are consistent with the rules and guidelines established by the *Agency for Enterprise Information Technology* ~~office~~.

(h) Provide security awareness training to employees and users of the agency's communication and information resources concerning information security risks and the responsibility of employees and users to comply with policies, standards, guidelines, and operating procedures adopted by the agency to reduce those risks.

(i) Develop a process for detecting, reporting, and responding to suspected or confirmed security incidents, including suspected or con-

firmed breaches consistent with the security rules and guidelines established by the *Agency for Enterprise Information Technology* ~~office~~.

1. Suspected or confirmed information security incidents and breaches must be immediately reported to the *Agency for Enterprise Information Technology* ~~office~~.

2. For incidents involving breaches, agencies shall provide notice in accordance with s. 817.5681 and to the *Agency for Enterprise Information Technology* ~~office~~ in accordance with this subsection.

(5) Each state agency shall include appropriate security requirements in the specifications for the solicitation of contracts for procuring information technology or information technology resources or services which are consistent with the rules and guidelines established by the *Agency for Enterprise Information Technology* ~~Office of Information Security~~.

(6) The Agency for Enterprise Information Technology may adopt rules relating to information security and to administer the provisions of this section.

~~(7) By December 31, 2010, the Agency for Enterprise Information Technology shall develop, and submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a proposed implementation plan for information technology security. The agency shall describe the scope of operation, conduct costs and requirements analyses, conduct an inventory of all existing security information technology resources, and develop strategies, timeframes, and resources necessary for statewide migration.~~

Section 10. Subsections (2), (3), and (4) of section 282.33, Florida Statutes, are amended to read:

282.33 Objective standards for data center energy efficiency.—

(2) State shared resource data centers and other data centers that the Agency for Enterprise Information Technology has determined will be recipients for consolidating data centers, which are designated by the Agency for Enterprise Information Technology, shall evaluate their data center facilities for energy efficiency using the standards established in this section.

(a) Results of these evaluations shall be reported to the Agency for Enterprise Information Technology, the President of the Senate, and the Speaker of the House of Representatives. Reports shall enable the tracking of energy performance over time and comparisons between facilities.

(b) *Beginning* ~~By~~ December 31, 2010, and *every 3 years* ~~biennially~~ thereafter, the Agency for Enterprise Information Technology shall submit to the Legislature recommendations for reducing energy consumption and improving the energy efficiency of state primary data centers.

~~(3) The primary means of achieving maximum energy savings across all state data centers and computing facilities shall be the consolidation of data centers and computing facilities as determined by the Agency for Enterprise Information Technology. State data centers and computing facilities in the state data center system shall be established as an enterprise information technology service as defined in s. 282.0041. The Agency for Enterprise Information Technology shall make recommendations on consolidating state data centers and computing facilities, pursuant to s. 282.0056, by December 31, 2009.~~

(3)~~(4)~~ *If* ~~When~~ the total cost of ownership of an energy-efficient product is less than or equal to the cost of the existing data center facility or infrastructure, technical specifications for energy-efficient products should be incorporated in the plans and processes for replacing, upgrading, or expanding data center facilities or infrastructure, including, but not limited to, network, storage, or computer equipment and software.

Section 11. Section 282.34, Florida Statutes, is amended to read:

282.34 Statewide e-mail service.—A *statewide* ~~state~~ e-mail *service* ~~system~~ that includes the delivery and support of e-mail, messaging, and calendaring capabilities is established as an enterprise information technology service as defined in s. 282.0041. The service shall be designed to meet the needs of all executive branch agencies*, and may also be used by nonstate agency entities*. The primary goals of the service are to minimize the state investment required to establish, operate, and support the statewide service; reduce the cost of current e-mail operations and the number of duplicative e-mail systems; and eliminate the need for each state agency to maintain its own e-mail staff.

(1) The Southwood Shared Resource Center, a primary data center, shall be the provider of the statewide e-mail service for all state agencies. The center shall centrally host, manage, operate, and support the service, or outsource the hosting, management, operational, or support components of the service in order to achieve the primary goals identified in this section.

(2) The Agency for Enterprise Information Technology, in cooperation and consultation with all state agencies, shall prepare and submit for approval by the Legislative Budget Commission at a meeting scheduled before June 30, 2011, a proposed plan for the migration of all state agencies to the statewide e-mail service. The plan for migration must include:

(a) A cost-benefit analysis that compares the total recurring and nonrecurring operating costs of the current agency e-mail systems, including monthly mailbox costs, staffing, licensing and maintenance costs, hardware, and other related e-mail product and service costs to the costs associated with the proposed statewide e-mail service. The analysis must also include:

1. A comparison of the estimated total 7-year life-cycle cost of the current agency e-mail systems versus the feasibility of funding the migration and operation of the statewide e-mail service.

2. An estimate of recurring costs associated with the energy consumption of current agency e-mail equipment, and the basis for the estimate.

3. An identification of the overall cost savings resulting from state agencies migrating to the statewide e-mail service and decommissioning their agency e-mail systems.

(b) A proposed migration date for all state agencies to be migrated to the statewide e-mail service. The Agency for Enterprise Information Technology shall work with the Executive Office of the Governor to develop the schedule for migrating all state agencies to the statewide e-mail service except for the Department of Legal Affairs. The Department of Legal Affairs shall provide to the Agency for Enterprise Information Technology by June 1, 2011, a proposed migration date based upon its decision to participate in the statewide e-mail service and the identification of any issues that require resolution in order to migrate to the statewide e-mail service.

(c) A budget amendment, submitted pursuant to chapter 216, for adjustments to each agency's approved operating budget necessary to transfer sufficient budget resources into the appropriate data processing category to support its statewide e-mail service costs.

(d) A budget amendment, submitted pursuant to chapter 216, for adjustments to the Southwood Shared Resource Center approved operating budget to include adjustments in the number of authorized positions, salary budget and associated rate, necessary to implement the statewide e-mail service.

(3) Contingent upon approval by the Legislative Budget Commission, the Southwood Shared Resource Center may contract for the provision of a statewide e-mail service. Executive branch agencies must be completely migrated to the statewide e-mail service based upon the migration date included in the proposed plan approved by the Legislative Budget Commission.

(4) Notwithstanding chapter 216, General Revenue funds may be increased or decreased for each agency provided the net change to General Revenue in total for all agencies is zero or less.

(5) Subsequent to the approval of the consolidated budget amendment to reflect budget adjustments necessary to migrate to the statewide e-mail service, an agency may make adjustments subject to s. 216.177, notwithstanding provisions in chapter 216 which may require such adjustments to be approved by the Legislative Budget Commission.

(6) No agency may initiate a new e-mail service or execute a new e-mail contract or amend a current e-mail contract, other than with the Southwood Shared Resource Center, for nonessential products or services unless the Legislative Budget Commission denies approval for the Southwood Shared Resource Center to enter into a contract for the statewide e-mail service.

(7) The Agency for Enterprise Information Technology shall work with the Southwood Shared Resource Center to develop an implementation plan that identifies and describes the detailed processes and timelines for an agency's migration to the statewide e-mail service based on the migration date approved by the Legislative Budget Commission. The agency may establish and coordinate workgroups consisting of agency e-mail management, information technology, budget, and administrative staff to assist the agency in the development of the plan.

(8) Each executive branch agency shall provide all information necessary to develop the implementation plan, including, but not limited to, required mailbox features and the number of mailboxes that will require migration services. Each agency must also identify any known business, operational, or technical plans, limitations, or constraints that should be considered when developing the plan.

~~(2) The Agency for Enterprise Information Technology, in consultation with the Southwood Shared Resource Center, shall establish and coordinate a multiagency project team to develop a competitive solicitation for establishing the statewide e-mail service.~~

~~(a) The Southwood Shared Resource Center shall issue the competitive solicitation by August 31, 2010, with vendor responses required by October 15, 2010. Issuance of the competitive solicitation does not obligate the agency and the center to conduct further negotiations or to execute a contract. The decision to conduct or conclude negotiations, or execute a contract, must be made solely at the discretion of the agency.~~

~~(b) The competitive solicitation must include detailed specifications describing:~~

~~1. The current e-mail approach for state agencies and the specific business objectives met by the present system.~~

~~2. The minimum functional requirements necessary for successful statewide implementation and the responsibilities of the prospective service provider and the agency.~~

~~3. The form and required content for submitted proposals, including, but not limited to, a description of the proposed system and its internal and external sourcing options, a 5-year life-cycle based pricing based on cost per mailbox per month, and a decommissioning approach for current e-mail systems; an implementation schedule and implementation services; a description of e-mail account management, help desk, technical support, and user provisioning services; disaster recovery and backup and restore capabilities; antispam and antivirus capabilities; remote access and mobile messaging capabilities; and staffing requirements.~~

~~(c) Other optional requirements specifications may be included in the competitive solicitation if not in conflict with the primary goals of the statewide e-mail service.~~

~~(d) The competitive solicitation must permit alternative financial and operational models to be proposed, including, but not limited to:~~

~~1. Leasing or usage-based subscription fees;~~

~~2. Installing and operating the e-mail service within the Southwood Shared Resource Center or in a data center operated by an external service provider; or~~

~~3. Provisioning the e-mail service as an Internet-based offering provided to state agencies. Specifications for proposed models must be optimized to meet the primary goals of the e-mail service.~~

~~(3) By December 31, 2010, or within 1 month after negotiations are complete, whichever is later, the multiagency project team and the Agency for Enterprise Information Technology shall prepare a business case analysis containing its recommendations for procuring the statewide e-mail service for submission to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives. The business case is not subject to challenge or protest pursuant to chapter 120. The business case must include, at a minimum:~~

~~(a) An assessment of the major risks that must be managed for each proposal compared to the risks for the current state agency e-mail system and the major benefits that are associated with each.~~

~~(b) A cost-benefit analysis that estimates all major cost elements associated with each sourcing option, focusing on the nonrecurring and recurring life-cycle costs of each option. The analysis must include a comparison of the estimated total 5-year life-cycle cost of the current agency e-mail systems versus each enterprise e-mail sourcing option in order to determine the feasibility of funding the migration and operation of the statewide e-mail service and the overall level of savings that can be expected. The 5-year life-cycle costs for each state agency must include, but are not limited to:~~

~~1. The total recurring operating costs of the current agency e-mail systems, including monthly mailbox costs, staffing, licensing and maintenance costs, hardware, and other related e-mail product and service costs.~~

~~2. An estimate of nonrecurring hardware and software refresh, upgrade, or replacement costs based on the expected 5-year obsolescence of current e-mail software products and equipment through the 2014 fiscal year, and the basis for the estimate.~~

~~3. An estimate of recurring costs associated with the energy consumption of current agency e-mail equipment, and the basis for the estimate.~~

~~4. Any other critical costs associated with the current agency e-mail systems which can reasonably be estimated and included in the business case analysis.~~

~~(c) A comparison of the migrating schedules of each sourcing option to the statewide e-mail service, including the approach and schedule for the decommissioning of all current state agency e-mail systems beginning with phase 1 and phase 2 as provided in subsection (4).~~

~~(4) All agencies must be completely migrated to the statewide e-mail service as soon as financially and operationally feasible, but no later than June 30, 2015.~~

~~(a) The following statewide e-mail service implementation schedule is established for state agencies:~~

~~1. Phase 1. The following agencies must be completely migrated to the statewide e-mail system by June 30, 2012: the Agency for Enterprise Information Technology; the Department of Community Affairs, including the Division of Emergency Management; the Department of Corrections; the Department of Health; the Department of Highway Safety and Motor Vehicles; the Department of Management Services, including the Division of Administrative Hearings, the Division of Retirement, the Commission on Human Relations, and the Public Employees Relations Commission; the Southwood Shared Resource Center; and the Department of Revenue.~~

~~2. Phase 2. The following agencies must be completely migrated to the statewide e-mail system by June 30, 2013: the Department of Business and Professional Regulation; the Department of Education, including the Board of Governors; the Department of Environmental Protection; the Department of Juvenile Justice; the Department of the Lottery; the Department of State; the Department of Law Enforcement; the Department of Veterans' Affairs; the Judicial Administration Commission; the Public Service Commission; and the Statewide Guardian Ad Litem Office.~~

~~3. Phase 3. The following agencies must be completely migrated to the statewide e-mail system by June 30, 2014: the Agency for Health Care Administration; the Agency for Workforce Innovation; the Department of Financial Services, including the Office of Financial Regulation and the Office of Insurance Regulation; the Department of Agriculture and Consumer Services; the Executive Office of the Governor; the Department of Transportation; the Fish and Wildlife Conservation Commission; the Agency for Persons With Disabilities; the Northwood Shared Resource Center; and the State Board of Administration.~~

~~4. Phase 4.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2015: the Department of Children and Family Services; the Department of Citrus; the Department of Elderly Affairs; and the Department of Legal Affairs.~~

~~(b) Agency requests to modify their scheduled implementing date must be submitted in writing to the Agency for Enterprise Information Technology. Any exceptions or modifications to the schedule must be approved by the Agency for Enterprise Information Technology based only on the following criteria:~~

~~1. Avoiding nonessential investment in agency e-mail hardware or software refresh, upgrade, or replacement.~~

~~2. Avoiding nonessential investment in new software or hardware licensing agreements, maintenance or support agreements, or e-mail staffing for current e-mail systems.~~

~~3. Resolving known agency e-mail problems through migration to the statewide e-mail service.~~

~~4. Accommodating unique agency circumstances that require an acceleration or delay of the implementation date.~~

~~(5) In order to develop the implementation plan for the statewide e-mail service, the Agency for Enterprise Information Technology shall establish and coordinate a statewide e-mail project team. The agency shall also consult with and, as necessary, form workgroups consisting of agency e-mail management staff, agency chief information officers, agency budget directors, and other administrative staff. The statewide e-mail implementation plan must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2011.~~

~~(6) Unless authorized by the Legislature or as provided in subsection (7), a state agency may not:~~

~~(a) Initiate a new e-mail service or execute a new e-mail contract or new e-mail contract amendment for nonessential products or services with any entity other than the provider of the statewide e-mail service;~~

~~(b) Terminate a statewide e-mail service without giving written notice of termination 180 days in advance; or~~

~~(c) Transfer e-mail system services from the provider of the statewide e-mail service.~~

~~(7) Exceptions to paragraphs (6)(a), (b), and (c) may be granted by the Agency for Enterprise Information Technology only if the Southwood Shared Resource Center is unable to meet agency business requirements for the e-mail service, and if such requirements are essential to maintain agency operations. Requests for exceptions must be submitted in writing to the Agency for Enterprise Information Technology and include documented confirmation by the Southwood Shared Resource Center board of trustees that it cannot meet the requesting agency's e-mail service requirements.~~

~~(8) Each agency shall include the budget issues necessary for migrating to the statewide e-mail service in its legislative budget request before the first full year it is scheduled to migrate to the statewide service in accordance with budget instructions developed pursuant to s. 216.023.~~

~~(9) The Agency for Enterprise Information Technology shall adopt rules to standardize the format for state agency e-mail addresses.~~

~~(10) State agencies must fully cooperate with the Agency for Enterprise Information Technology in the performance of its responsibilities established in this section.~~

~~(11) The Agency for Enterprise Information Technology shall recommend changes to an agency's scheduled date for migration to the statewide e-mail service pursuant to this section, annually by December 31, until migration to the statewide service is complete.~~

Section 12. Paragraph (h) of subsection (3) and paragraph (b) of subsection (4) of section 287.042, Florida Statutes, are amended to read:

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

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

(h) Development~~, in consultation with the Agency Chief Information Officers Council,~~ of procedures to be used by state agencies when procuring information technology commodities and contractual services ~~to~~ ensure compliance with public records requirements and records retention and archiving requirements.

(4)

(b) To prescribe~~, in consultation with the Agency Chief Information Officers Council,~~ procedures for procuring information technology and information technology consultant services ~~which~~ provide for public announcement and qualification, competitive solicitations, contract award, and prohibition against contingent fees. Such procedures *are* ~~shall be~~ limited to information technology consultant contracts for which the total project costs, or planning or study activities, are estimated to exceed the threshold amount provided ~~for~~ in s. 287.017, for CATEGORY TWO.

Section 13. *The Northwood Shared Resource Center is transferred by a type one transfer, as defined in s. 20.06(1), Florida Statutes, from the Department of Children and Family Services to the Department of Management Services.*

Section 14. *The Agency for Enterprise Information Technology, in coordination with the Southwood Shared Resource Center, shall provide a written status report to the Executive Office of the Governor and to the chairs of the legislative appropriations committees detailing the progress made by the agencies required to migrate to the statewide e-mail service by the required migration date. The status report must be provided every 6 months, beginning September 1, 2011, until implementation is complete.*

Section 15. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the consolidation of state information technology services; amending s. 14.204, F.S.; revising the duties of the Agency for Enterprise Information Technology; deleting references to the Office of Information Security and the Agency Chief Information Officers Council; amending s. 20.315, F.S.; requiring that the Department of Corrections' Office of Information Technology manage the department's data system; amending s. 282.0041, F.S.; revising definitions; amending s. 282.0056, F.S.; revising provisions relating to the agency's annual work plan; amending s. 282.201, F.S.; revising the duties of the agency; requiring the agency to submit certain recommendations to the Legislature, the Executive Office of the Governor, and the primary data centers; deleting obsolete provisions; conforming provisions to changes made by the act; providing a schedule for the consolidations of state agency data centers; requiring agencies to update their service-level agreements and to develop consolidation plans; requiring the Agency for Enterprise Information Technology to submit a status report to the Governor and Legislature and to develop a comprehensive transition plan; requiring primary data centers to develop transition plans; revising agency limitations relating to technology services; amending s. 282.203, F.S.; deleting obsolete provisions; revising duties of primary data centers relating to state agency resources and equipment relinquished to the centers; requiring state agencies to relinquish all administrative access rights to certain resources and equipment upon consolidation; providing for the appointment of alternate board members; revising provisions relating to state agency representation on data center boards; conforming a cross-reference; amending s. 282.204, F.S.; establishing the Northwood Shared Resource Center in the Department of Management Services rather than the Department of Children and Family Services; repealing s. 282.3055, F.S., requiring each agency to appoint an agency chief information officer; repealing s. 282.315, F.S., relating to the Agency Chief Information Officers Council; amending s. 282.318, F.S.; deleting references to the Office of Information Security with respect to responsibility for enterprise security; deleting obsolete provisions; amending s. 282.33, F.S.; deleting an obsolete provision; re-

vising the schedule for the Agency for Enterprise Information Technology to submit certain recommendations to the Legislature; amending s. 282.34, F.S.; revising provisions relating to the statewide e-mail service; deleting the schedule and requiring the agency to develop and submit a plan to the Legislative Budget Commission for the migration of state agencies to the service; specifying what the plan must include; prohibiting state agencies from executing contracts for certain e-mail services; requiring the development of an implementation plan; requiring state agencies to provide all information necessary for the implementation plan; amending ss. 287.042, F.S.; conforming provisions to changes made by the act; transferring the Northwood Shared Resource Center to the Department of Management Services; requiring the agency to coordinate with the Southwood Shared Resource Center to provide a status report to the Executive Office of the Governor and to the Legislature; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2098** was adopted. **SB 2098** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

Mr. President	Garcia	Rich
Alexander	Gardiner	Richter
Altman	Hays	Ring
Benacquisto	Hill	Sachs
Bennett	Jones	Simmons
Bogdanoff	Joyner	Siplin
Braynon	Latvala	Smith
Dean	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	
Gaetz	Oelrich	

Nays—1

Detert

Vote after roll call:

Nay—Dockery

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for CS for SB 1292

The Honorable Mike Haridopolos
President of the Senate

May 5, 2011

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for CS for SB 1292, same being:

An act relating to the Chief Financial Officer.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Chair
s/ Larry Ahern
s/ Frank Artiles
s/ Dennis K. Baxley
Lori Berman
Michael Bileca
s/ Jason T. Brodeur
s/ Matthew H. "Matt" Caldwell
Daphne D. Campbell
s/ Marti Coley
s/ Richard Corcoran
s/ Steve Crisafulli
s/ Jose Felix Diaz
Brad Drake
s/ Erik Fresen
s/ Matt Gaetz
s/ Richard "Rich" Glorioso
s/ Tom Goodson
s/ Gayle B. Harrell
s/ Ed Hooper
s/ Matt Hudson, At Large
s/ Clay Ingram
John Patrick Julien
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Larry Metz
s/ Bryan Nelson
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Ray Pilon
Elizabeth W. Porter
s/ William L. "Bill" Proctor, At Large
Kenneth L. "Ken" Roberson
s/ Patrick Rooney, Jr.
Franklin Sands, At Large
s/ Robert C. "Rob" Schenck, At Large
s/ William D. Snyder, At Large
Kelli Stargel
s/ Carlos Trujillo
Alan B. Williams
John Wood
s/ Dana D. Young

Joseph Abruzzo
s/ Janet H. Adkins
s/ Ben Albritton
Gary Aubuchon, At Large
Leonard L. Bembry
Mack Bernard
s/ Jeffrey "Jeff" Brandes
s/ Douglas Vaughn "Doug" Broxson
Charles S. "Chuck" Chestnut IV, At Large
s/ Fredrick W. "Fred" Costello
s/ Daniel Davis
Chris Dorworth
s/ Clay Ford
James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
Eduardo "Eddy" Gonzalez
James W. "J.W." Grant
s/ Doug Holder
s/ Mike Horner
s/ Dorothy L. Hukill, At Large
Mia L. Jones
Martin David "Marty" Kiar
s/ John Legg, At Large
Debbie Mayfield
s/ Seth McKeel, At Large
s/ Peter Nehr
Jeanette M. Nunez
Mark S. Pafford
s/ W. Keith Perry
Scott Plakon
s/ Stephen L. Precourt
s/ Lake Ray
Betty Reed
Hazelle P. "Hazel" Rogers
s/ Darryl Ervin Rouson, At Large
Ron Saunders, At Large
Irving "Irv" Slosberg
s/ Jimmie T. Smith
Darren Soto
s/ W. Gregory "Greg" Steube
Will W. Weatherford, At Large
s/ Trudi K. Williams
Ritch Workman

Managers on the part of the House

The Conference Committee Amendment for CS for CS for SB 1292, relating to the Chief Financial Officer, provides for the following:

- Beginning October 1, 2011, the CFO will begin conducting workshops with state agencies, local governments, educational entities and entities of higher education to gather information for the development of a uniform chart of accounts.

- The CFO will provide to the state agencies, local governments, educational entities and entities of higher education a draft chart of accounts by July 1, 2013.

- The CFO shall accept comments and input from state agencies, local governments, educational entities and entities of higher education regarding the draft chart of accounts through November 1, 2013.

- By January 15, 2014, the CFO will present a report to the Governor, President of the Senate and the Speaker of the House of Representatives recommending a uniform chart of accounts which requires specific enterprise-wide information related to revenues and expenditures of state agencies, local governments, educational entities and entities of higher education. The report will include the estimated cost of adopting and implementing a uniform enterprise-wide chart of accounts.

Conference Committee Amendment (830612)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 215.89, Florida Statutes, is created to read:

215.89 Charts of account.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature that a mechanism be provided for obtaining detailed, uniform reporting of government financial information to enable citizens to view compatible information on the use of public funds by governmental entities. The Legislature intends that uniform reporting requirements be developed specifically to promote accountability and transparency in the use of public funds. In order to accommodate the different financial management systems currently in use, separate charts of account may be used as long as the financial information is captured and reported consistently and is compatible with any reporting entity.

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

(a) "Charts of account" means a compilation of uniform data codes that are to be used for reporting governmental assets, liabilities, equities, revenues, and expenditures to the Chief Financial Officer. Uniform data codes shall capture specific details of the assets, liabilities, equities, revenues, and expenditures that are of interest to the public.

(b) "State agency" means an official, officer, commission, board, authority, council, committee, or department of the executive branch; a state attorney, public defender, criminal conflict and civil regional counsel, or capital collateral regional counsel; the Florida Clerks of Court Operations Corporation; the Justice Administrative Commission; the Florida Housing Finance Corporation; the Florida Public Service Commission; the State Board of Administration; the Supreme Court or a district court of appeal, circuit court, or county court; or the Judicial Qualifications Commission.

(c) "Local government" means a municipality, county, water management district, special district, or any other entity created by a local government.

(d) "Educational entity" means a school district or an entity created by a school district.

(e) "Entity of higher education" means a state university, a state or Florida College System institution, or an entity created by a state university or state or Florida College System institution.

(f) "State and local government financial information" means the assets, liabilities, equities, revenues, and expenditure information that is recorded in financial management systems of state agencies, local governments, educational entities, and entities of higher education.

(3) REPORTING STRUCTURE.—

(a) Beginning October 1, 2011, the Chief Financial Officer shall conduct workshops with state agencies, local governments, educational entities, and entities of higher education to gather information pertaining to uniform statewide reporting requirements to be used to develop charts of account by the Chief Financial Officer. A draft proposed charts of account shall be provided by July 1, 2013, to the state agencies, local governments, educational entities, and entities of higher education.

(b) The Chief Financial Officer shall accept comments from state agencies, local governments, educational entities, entities of higher education, and other interested parties regarding the proposed charts of account until November 1, 2013.

(c) By January 15, 2014, the Chief Financial Officer, after consultation with affected state agencies, local governments, educational entities, entities of higher education, and the Auditor General, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report recommending a uniform charts of account which requires specific enterprise-wide information related to revenues and expenditures of state agencies, local governments, educational entities, and entities of higher education. The report must include the estimated cost of adopting and implementing a uniform enterprise-wide charts of account.

Section 2. *The Legislature finds that this act fulfills an important state interest.*

Section 3. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Chief Financial Officer; creating s. 215.89, F.S.; providing legislative intent; providing definitions; requiring the Chief Financial Officer to conduct workshops with state agencies, local governments, educational entities, and entities of higher education to gather information pertaining to uniform reporting requirements; requiring the Chief Financial Officer to accept comments from state agencies, local governments, educational entities, entities of higher education, and interested parties regarding proposed charts of account by a certain date; requiring the Chief Financial Officer to submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report recommending a uniform charts of account which meet certain requirements by a certain date; requiring the report to include the estimated cost of adopting and implementing a uniform enterprise-wide charts of account; providing a declaration of important state interest; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **CS for CS for SB 1292** was adopted. **CS for CS for SB 1292** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Joyner	Smith
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2104

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2104, same being:

An act relating to Governmental Reorganization.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.

2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Chair
s/ Ben Albritton
Gary Aubuchon, At Large
Leonard L. Bembry
Mack Bernard
s/ Jeffrey "Jeff" Brandes
s/ Douglas Vaughn "Doug" Broxson
Charles S. "Chuck" Chestnut IV
At Large
s/ Fredrick W. "Fred" Costello
s/ Daniel Davis
Chris Dorworth
Clay Ford
James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
Eduardo "Eddy" Gonzalez
James W. "J.W." Grant
s/ Doug Holder
s/ Mike Horner
s/ Dorothy L. Hukill, At Large
Mia L. Jones
Martin David "Marty" Kiar
s/ John Legg, At Large
Debbie Mayfield
s/ Seth McKeel, At Large
s/ Peter Nehr
Jeanette M. Nunez
Mark S. Pafford
s/ W. Keith Perry
Scott Plakon
s/ Stephen L. Precourt
s/ Lake Ray
Betty Reed
Hazelle P. "Hazel" Rogers
Darryl Ervin Rouson, At Large
Ron Saunders, At Large

s/ Janet H. Adkins
s/ Larry Ahern
s/ Frank Artiles
s/ Dennis K. Baxley
Lori Berman
Michael Bileca
s/ Jason T. Brodeur
s/ Matthew H. "Matt" Caldwell
Daphne D. Campbell
s/ Marti Coley
Richard Corcoran
s/ Steve Crisafulli
s/ Jose Felix Diaz
Brad Drake
s/ Erik Fresen
s/ Matt Gaetz
s/ Richard "Rich" Glorioso
s/ Tom Goodson
s/ Gayle B. Harrell
s/ Ed Hooper
s/ Matt Hudson
s/ Clay Ingram
John Patrick Julien
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Larry Metz
s/ Bryan Nelson
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Ray Pilon
Elizabeth W. Porter
s/ William L. "Bill" Proctor
At Large
Kenneth L. "Ken" Roberson
s/ Patrick Rooney, Jr.
Franklin Sands, At Large
s/ Robert C. "Rob" Schenck, Irving "Irv" Slosberg
s/ Jimmie T. Smith
Darren Soto
s/ W. Gregory "Greg" Steube
Will W. Weatherford, At Large
s/ Trudi K. Williams
Ritch Workman

At Large
s/ William D. Snyder, At Large
Kelli Stargel
s/ Carlos Trujillo
Alan B. Williams
John Wood
s/ Dana D. Young

Managers on the part of the House

The Conference Committee Amendment for SB 2104, 1st Eng., relating to governmental reorganization, provides for the following:

- Moves the Statewide Office for Suicide Prevention from Executive Office of Governor to Department of Children and Family Services.

- Repeals statute creating Seaport Security Standards Advisory Council.

- Removes Office of Drug Control from involvement in approving waivers to seaport security standards and maritime domain security awareness training.

- Repeals section of statute relating to Office of Drug Control; modifies intent language; moves Statewide Drug Policy Advisory Council from Office of Drug Control to the Department of Health.

- Removes the director of the Office of Drug Control from the Suicide Prevention Coordinating Council and replaces with staff from the Governor's Office of Planning and Budgeting.

- Amends section 1006.07, F.S. to eliminate language requiring the approval role of the Office of Drug Control for materials provided to school districts relating to suicide prevention educational resources.

Conference Committee Amendment (341472)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (1), (3), (4), and (5) of section 14.2019, Florida Statutes, are amended to read:

14.2019 Statewide Office for Suicide Prevention.—

(1) The Statewide Office for Suicide Prevention is created ~~as a unit of the Office of Drug Control~~ within the *Department of Children and Family Services* ~~Executive Office of the Governor~~.

~~(3) Contingent upon a specific appropriation, the director of the Office of Drug Control shall employ a coordinator for the Statewide office for Suicide Prevention who shall work under the direction of the director to achieve the goals and objectives set forth in this section.~~

(3)~~(4)~~ The Statewide Office for Suicide Prevention may seek and accept grants or funds from any federal, state, or local source to support the operation and defray the authorized expenses of the office and the Suicide Prevention Coordinating Council. Revenues from grants shall be deposited in the Grants and Donations Trust Fund within the *Department of Children and Family Services* ~~Executive Office of the Governor~~. In accordance with s. 216.181(11), the Executive Office of the Governor may request changes to the approved operating budget to allow the expenditure of any additional grant funds collected pursuant to this subsection.

(4)~~(5)~~ Agencies under the control of the Governor or the Governor and Cabinet are directed, and all others are encouraged, to provide information and support to the Statewide Office for Suicide Prevention as requested.

Section 2. Subsection (2) of section 14.20195, Florida Statutes, is amended to read:

14.20195 Suicide Prevention Coordinating Council; creation; membership; duties.—There is created within the Statewide Office for Suicide Prevention a Suicide Prevention Coordinating Council. The council shall develop strategies for preventing suicide.

(2) MEMBERSHIP.—The Suicide Prevention Coordinating Council shall consist of *27* ~~28~~ voting members *and one nonvoting member*.

(a) Thirteen members shall be appointed by the director of the *Statewide* Office *for Suicide Prevention* ~~of Drug Control~~ and shall represent the following organizations:

1. The Florida Association of School Psychologists.

2. The Florida Sheriffs Association.

3. The Suicide Prevention Action Network USA.

4. The Florida Initiative of Suicide Prevention.

5. The Florida Suicide Prevention Coalition.

6. The American Foundation of Suicide Prevention.

7. The Florida School Board Association.

8. The National Council for Suicide Prevention.

9. The state chapter of AARP.

10. The Florida Alcohol and Drug Abuse Association.

11. The Florida Council for Community Mental Health.

12. The Florida Counseling Association.

13. NAMI Florida.

(b) The following state officials or their designees shall serve on the coordinating council:

1. The Secretary of Elderly Affairs.

2. The State Surgeon General.

3. The Commissioner of Education.

4. The Secretary of Health Care Administration.

5. The Secretary of Juvenile Justice.

6. The Secretary of Corrections.

7. The executive director of the Department of Law Enforcement.

8. The executive director of the Department of Veterans' Affairs.

9. The Secretary of Children and Family Services.

10. The director of the Agency for Workforce Innovation.

(c) The Governor shall appoint four additional members to the coordinating council. The appointees must have expertise that is critical to the prevention of suicide or represent an organization that is not already represented on the coordinating council.

(d) For the members appointed by the director of the *Statewide* Office *for Suicide Prevention* ~~of Drug Control~~, seven members shall be appointed to initial terms of 3 years, and seven members shall be appointed to initial terms of 4 years. For the members appointed by the Governor, two members shall be appointed to initial terms of 4 years, and two members shall be appointed to initial terms of 3 years. Thereafter, such members shall be appointed to terms of 4 years. Any vacancy on the coordinating council shall be filled in the same manner as the original appointment, and any member who is appointed to fill a vacancy occurring because of death, resignation, or ineligibility for membership shall serve only for the unexpired term of the member's predecessor. A member is eligible for reappointment.

(e) The director of the *Statewide* Office *for Suicide Prevention* ~~of Drug Control~~ shall be a nonvoting member of the coordinating council and shall act as chair.

(f) Members of the coordinating council shall serve without compensation. Any member of the coordinating council who is a public employee is entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.

Section 3. *Section 311.115, Florida Statutes, is repealed.*

Section 4. Subsections (1), (3), (8), (10), and (11) of section 311.12, Florida Statutes, are amended to read:

311.12 Seaport security.—

(1) SECURITY STANDARDS.—

(a) The statewide minimum standards for seaport security applicable to seaports listed in s. 311.09 shall be those based on the Florida Seaport Security Assessment 2000 and set forth in the Port Security Standards Compliance Plan delivered to the Speaker of the House of Representatives and the President of the Senate on December 11, 2000. ~~The Office of Drug Control within the Executive Office of the Governor shall maintain a sufficient number of copies of the standards at its offices for distribution to the public and provide copies to each affected seaport upon request.~~

(b) A seaport may implement security measures that are more stringent, more extensive, or supplemental to the minimum security standards established by this subsection.

(c) The provisions of s. 790.251 are not superseded, preempted, or otherwise modified in any way by the provisions of this section.

(3) SECURITY PLAN.—Each seaport listed in s. 311.09 shall adopt and maintain a security plan specific to that seaport which provides for a secure seaport infrastructure that promotes the safety and security of state residents and visitors and the flow of legitimate trade and travel.

(a) Every 5 years after January 1, 2007, each seaport director, with the assistance of the Regional Domestic Security Task Force and in conjunction with the United States Coast Guard, shall revise the seaport's security plan based on the director's ongoing assessment of security risks, the risks of terrorist activities, and the specific and identifiable needs of the seaport for ensuring that the seaport is in substantial compliance with the minimum security standards established under subsection (1).

(b) Each adopted or revised security plan must be reviewed and approved by the ~~Office of Drug Control and the~~ Department of Law Enforcement for compliance with federal facility security assessment requirements under 33 C.F.R. s. 105.305 and the minimum security standards established under subsection (1). Within 30 days after completion, a copy of the written review shall be delivered to the United States Coast Guard, the Regional Domestic Security Task Force, and the Domestic Security Oversight Council.

(8) WAIVER FROM SECURITY REQUIREMENTS.—The ~~Office of Drug Control and the~~ Department of Law Enforcement may modify or waive any physical facility requirement or other requirement contained in the minimum security standards upon a determination that the purposes of the standards have been reasonably met or exceeded by the seaport requesting the modification or waiver. An alternate means of compliance must not diminish the safety or security of the seaport and must be verified through an extensive risk analysis conducted by the seaport director.

(a) Waiver requests shall be submitted in writing, along with supporting documentation, to the ~~Office of Drug Control and the~~ Department of Law Enforcement. The ~~office and the~~ department *has* ~~have~~ 90 days to jointly grant or reject the waiver, in whole or in part.

(b) The seaport may submit any waivers that are not granted or are ~~jointly~~ rejected to the Domestic Security Oversight Council for review within 90 days. The council shall recommend that ~~the Office of Drug Control and~~ the Department of Law Enforcement grant the waiver or reject the waiver, in whole or in part. The ~~office and the~~ department shall give great weight to the council's recommendations.

(c) A request seeking a waiver from the seaport law enforcement personnel standards established under s. 311.122(3) may not be granted for percentages below 10 percent.

(d) Any modifications or waivers granted under this subsection shall be noted in the annual report submitted by the Department of Law Enforcement pursuant to subsection (10).

(10) REPORTS.—The Department of Law Enforcement~~, in consultation with the Office of Drug Control,~~ shall annually complete a report indicating the observations and findings of all reviews, inspections, or other operations relating to the seaports conducted during the year and any recommendations resulting from such reviews, inspections, and operations. A copy of the report shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, the governing body of each seaport or seaport authority, and each seaport director. The report must include each director's response indicating what actions, if any, have been taken or are planned to be taken pursuant to the observations, findings, and recommendations reported by the department.

(11) FUNDING.—

(a) In making decisions regarding security projects or other funding applicable to each seaport listed in s. 311.09, the Legislature may consider the Department of Law Enforcement's annual report under subsection (10) as authoritative, especially regarding each seaport's degree of substantial compliance with the minimum security standards established in subsection (1).

(b) The Legislature shall regularly review the ongoing costs of operational security on seaports, the impacts of this section on those costs, mitigating factors that may reduce costs without reducing security, and the methods by which seaports may implement operational security using a combination of sworn law enforcement officers and private security services.

(c) Subject to the provisions of this chapter and appropriations made for seaport security, state funds may not be expended for security costs without certification of need for such expenditures by the Office of Ports Administrator within the Department of Law Enforcement.

(d) If funds are appropriated for seaport security, ~~the Office of Drug Control,~~ the Department of Law Enforcement~~,~~ and the Florida Seaport Transportation and Economic Development Council shall mutually determine the allocation of such funds for security project needs identified in the approved seaport security plans. Any seaport that receives state funds for security projects must enter into a joint participation agreement with the appropriate state entity and use the seaport security plan as the basis for the agreement.

1. If funds are made available over more than 1 fiscal year, the agreement must reflect the entire scope of the project approved in the security plan and, as practicable, allow for reimbursement for authorized projects over more than 1 year.

2. The agreement may include specific timeframes for completion of a security project and the applicable funding reimbursement dates. The agreement may also require a contractual penalty of up to $1,000 per day to be imposed for failure to meet project completion dates if state funding is available. Any such penalty shall be deposited into the State Transportation Trust Fund and used for seaport security operations and capital improvements.

Section 5. Subsection (1) of section 311.123, Florida Statutes, is amended to read:

311.123 Maritime domain security awareness training program.—

(1) The Florida Seaport Transportation and Economic Development Council, in conjunction with the Department of Law Enforcement ~~and the Office of Drug Control within the Executive Office of the Governor~~, shall create a maritime domain security awareness training program to instruct all personnel employed within a seaport's boundaries about the security procedures required of them for implementation of the seaport security plan required under s. 311.12(3).

Section 6. Subsection (2) of section 397.331, Florida Statutes, is amended to read:

397.331 Definitions; legislative intent.—

(2) It is the intent of the Legislature to establish and institutionalize a rational process for long-range planning, information gathering, strategic decisionmaking, and funding for the purpose of limiting substance abuse. The Legislature finds that the creation of a ~~state Office of Drug Control and a~~ Statewide Drug Policy Advisory Council affords the best means of establishing and institutionalizing such a process.

Section 7. *Section 397.332, Florida Statutes, is repealed.*

Section 8. Paragraphs (a), (b), and (c) of subsection (1) of section 397.333, Florida Statutes, are amended to read:

397.333 Statewide Drug Policy Advisory Council.—

(1)(a) The Statewide Drug Policy Advisory Council *shall be located in the Department of Health* ~~is created within the Executive Office of the Governor~~. The *Surgeon General or his or her designee* ~~director of the Office of Drug Control~~ shall be a nonvoting, ex officio member of the advisory council and shall act as chairperson. The director of the Office of Planning and Budgeting *or his or her designee* shall be a nonvoting, ex officio member of the advisory council. The *Department of Health or its successor agency* ~~Office of Drug Control and the Office of Planning and Budgeting~~ shall provide staff support for the advisory council.

(b) The following state officials shall be appointed to serve on the advisory council:

1. The Attorney General, or his or her designee.

2. The executive director of the Department of Law Enforcement, or his or her designee.

3. The Secretary of Children and Family Services, or his or her designee.

4. The *director of the Office of Planning and Budgeting in the Executive Office of the Governor* ~~State Surgeon General~~, or his or her designee.

5. The Secretary of Corrections, or his or her designee.

6. The Secretary of Juvenile Justice, or his or her designee.

7. The Commissioner of Education, or his or her designee.

8. The executive director of the Department of Highway Safety and Motor Vehicles, or his or her designee.

9. The Adjutant General of the state as the Chief of the Department of Military Affairs, or his or her designee.

(c) In addition, the Governor shall appoint *7* ~~11~~ members of the public to serve on the advisory council. Of the *7* ~~11~~ appointed members, one member must have professional or occupational expertise in drug enforcement, one member must have professional or occupational expertise in substance abuse prevention, one member must have professional or occupational expertise in substance abuse treatment, and two members must have professional or occupational expertise in faith-based substance abuse treatment services. The remainder of the members appointed should have professional or occupational expertise in, or be generally knowledgeable about, issues that relate to drug enforcement and substance abuse programs and services. The members appointed by the Governor must, to the extent possible, equitably represent all geographic areas of the state.

Section 9. Subsections (2) and (5) and paragraph (a) of subsection (6) of section 943.031, Florida Statutes, are amended to read:

943.031 Florida Violent Crime and Drug Control Council.—

(2) MEMBERSHIP.—The council shall consist of 14 members, as follows:

(a) The Attorney General or a designate.

(b) A designate of the executive director of the Department of Law Enforcement.

(c) The secretary of the Department of Corrections or a designate.

(d) The Secretary of Juvenile Justice or a designate.

(e) The Commissioner of Education or a designate.

(f) The president of the Florida Network of Victim/Witness Services, Inc., or a designate.

(g) The *policy coordinator in the Public Safety Unit of the Governor's Office of Planning and Budgeting* ~~director of the Office of Drug Control within the Executive Office of the Governor~~, or a designate.

(h) The Chief Financial Officer, or a designate.

(i) Six members appointed by the Governor, consisting of two sheriffs, two chiefs of police, one medical examiner, and one state attorney or their designates.

The Governor, when making appointments under this subsection, must take into consideration representation by geography, population, ethnicity, and other relevant factors to ensure that the membership of the council is representative of the state at large. Designates appearing on behalf of a council member who is unable to attend a meeting of the council are empowered to vote on issues before the council to the same extent the designating council member is so empowered.

(5) DUTIES OF COUNCIL.—The council shall provide advice and make recommendations, as necessary, to the executive director of the department.

(a) The council may advise the executive director on the feasibility of undertaking initiatives which include, but are not limited to, the following:

1. Establishing a program *that* ~~which~~ provides grants to criminal justice agencies that develop and implement effective violent crime prevention and investigative programs and which provides grants to law enforcement agencies for the purpose of drug control, criminal gang, and illicit money laundering investigative efforts or task force efforts that are determined by the council to significantly contribute to achieving the state's goal of reducing drug-related crime ~~as articulated by the Office of Drug Control~~, that represent significant criminal gang investigative efforts, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333, subject to the limitations provided in this section. The grant program may include an innovations grant program to provide startup funding for new initiatives by local and state law enforcement agencies to combat violent crime or to implement drug control, criminal gang, or illicit money laundering investigative efforts or task force efforts by law enforcement agencies, including, but not limited to, initiatives such as:

a. Providing enhanced community-oriented policing.

b. Providing additional undercover officers and other investigative officers to assist with violent crime investigations in emergency situations.

c. Providing funding for multiagency or statewide drug control, criminal gang, or illicit money laundering investigative efforts or task force efforts that cannot be reasonably funded completely by alternative sources and that significantly contribute to achieving the state's goal of reducing drug-related crime ~~as articulated by the Office of Drug Control~~, that represent significant criminal gang investigative efforts, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333.

2. Expanding the use of automated fingerprint identification systems at the state and local level.

3. Identifying methods to prevent violent crime.

4. Identifying methods to enhance multiagency or statewide drug control, criminal gang, or illicit money laundering investigative efforts or task force efforts that significantly contribute to achieving the state's goal of reducing drug-related crime ~~as articulated by the Office of Drug Control~~, that represent significant criminal gang investigative efforts, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333.

5. Enhancing criminal justice training programs *that* ~~which~~ address violent crime, drug control, illicit money laundering investigative techniques, or efforts to control and eliminate criminal gangs.

6. Developing and promoting crime prevention services and educational programs that serve the public, including, but not limited to:

a. Enhanced victim and witness counseling services that also provide crisis intervention, information referral, transportation, and emergency financial assistance.

b. A well-publicized rewards program for the apprehension and conviction of criminals who perpetrate violent crimes.

7. Enhancing information sharing and assistance in the criminal justice community by expanding the use of community partnerships and community policing programs. Such expansion may include the use of civilian employees or volunteers to relieve law enforcement officers of clerical work in order to enable the officers to concentrate on street visibility within the community.

(b) The full council shall:

1. Receive periodic reports from regional violent crime investigation and statewide drug control strategy implementation coordinating teams which relate to violent crime trends or the investigative needs or successes in the regions, including discussions regarding the activity of significant criminal gangs in the region, factors, and trends relevant to the implementation of the statewide drug strategy, and the results of drug control and illicit money laundering investigative efforts funded in part by the council.

2. Maintain and use criteria for the disbursement of funds from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account or any other account from which the council may disburse proactive investigative funds as may be established within the Department of Law Enforcement Operating Trust Fund or other appropriations provided to the Department of Law Enforcement by the Legislature in the General Appropriations Act. The criteria shall allow for the advancement of funds to reimburse agencies regarding violent crime investigations as approved by the full council and the advancement of funds to implement proactive drug control strategies or significant criminal gang investigative efforts as authorized by the Drug Control Strategy and Criminal Gang Committee or the Victim and Witness Protection Review Committee. Regarding violent crime investigation reimbursement, an expedited approval procedure shall be established for rapid disbursement of funds in violent crime emergency situations.

(c) As used in this section, "significant criminal gang investigative efforts" eligible for proactive funding must involve at a minimum an effort against a known criminal gang that:

1. Involves multiple law enforcement agencies.

2. Reflects a dedicated significant investigative effort on the part of each participating agency in personnel, time devoted to the investigation, and agency resources dedicated to the effort.

3. Reflects a dedicated commitment by a prosecuting authority to ensure that cases developed by the investigation will be timely and effectively prosecuted.

4. Demonstrates a strategy and commitment to dismantling the criminal gang via seizures of assets, significant money laundering and organized crime investigations and prosecutions, or similar efforts.

The council may require satisfaction of additional elements, to include reporting criminal investigative and criminal intelligence information related to criminal gang activity and members in a manner required by the department, as a prerequisite for receiving proactive criminal gang funding.

(6) DRUG CONTROL STRATEGY AND CRIMINAL GANG COMMITTEE.—

(a) The Drug Control Strategy and Criminal Gang Committee is created within the Florida Violent Crime and Drug Control Council, consisting of the following council members:

1. The Attorney General or a designate.

2. The designate of the executive director of the Department of Law Enforcement.

3. The secretary of the Department of Corrections or a designate.

4. The director of the Office of *Planning and Budgeting in the Executive Office of the Governor* ~~Drug Control within the Executive Office of the Governor~~ or a designate.

5. The state attorney, the two sheriffs, and the two chiefs of police, or their designates.

Section 10. Subsection (1) of section 943.042, Florida Statutes, is amended to read:

943.042 Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account.—

(1) There is created a Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account within the Department of Law Enforcement Operating Trust Fund. The account shall be used to provide emergency supplemental funds to:

(a) State and local law enforcement agencies *that* ~~which~~ are involved in complex and lengthy violent crime investigations, or matching funding to multiagency or statewide drug control or illicit money laundering investigative efforts or task force efforts that significantly contribute to achieving the state's goal of reducing drug-related crime ~~as articulated by the Office of Drug Control~~, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333;

(b) State and local law enforcement agencies *that* ~~which~~ are involved in violent crime investigations which constitute a significant emergency within the state; or

(c) Counties *that* ~~which~~ demonstrate a significant hardship or an inability to cover extraordinary expenses associated with a violent crime trial.

Section 11. *Subsection (7) of section 1006.07, Florida Statutes, is repealed.*

Section 12. *In accordance with s. 11.242, Florida Statutes, the Division of Statutory Revision of the Office of Legislative Services is requested to prepare a reviser's bill for consideration by the 2012 Regular Session of the Legislature to conform the Florida Statutes to the changes made by this act.*

Section 13. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Office of Drug Control; amending s. 14.2019, F.S.; relocating the Statewide Office for Suicide Prevention into the Department of Children and Family Services; requiring the director of the Statewide Office for Suicide Prevention to employ a coordinator for the office; requiring revenues from grants accepted by the Statewide Office for Suicide Prevention to be deposited into the Grants and Donations Trust Fund within the Department of Children and Family Services rather than the Executive Office of the Governor; amending s. 14.20195, F.S.; requiring the director of the Statewide Office for Suicide Prevention, rather than the director of the Office of Drug Control, to appoint members to the Suicide Prevention Coordinating Council; providing that the director of the Statewide Office for Suicide Prevention is a nonvoting member of the coordinating council; repealing s. 311.115, F.S., relating to Seaport Security Standards Advisory Council within the Office of Drug Control; amending s. 311.12, F.S.; deleting the provision that requires the Office of Drug Control within the Executive Office of the Governor to maintain a sufficient number of copies of the standards for seaport security at its offices for distribution to the public and provide copies to each affected seaport upon request; conforming provisions to changes made by the act; amending s. 311.123, F.S.; deleting the provision that requires the Office of Drug Control within the Executive Office of the Governor to create a maritime domain security awareness training program; amending s. 397.331, F.S.; conforming provisions to changes made by the act; repealing s. 397.332, F.S., relating to the creation of the Office of Drug Control; amending s. 397.333, F.S.; relocating the Statewide Drug Policy Advisory Council into the Department of Health; requiring the Surgeon General or his or her designee, rather than the director of the Office of Drug Control, to be a nonvoting, ex officio member of the advisory council; requiring the department to provide staff support for the advisory council; revising the state officials that are appointed to serve on the advisory council; amending s. 943.031, F.S.; revising the membership of the Florida Violent Crime and Drug Control Council; conforming provisions to changes made by the act; revising the membership of the Drug Control Strategy and Criminal Gang Committee; amending s. 943.042, F.S.; conforming provisions relating to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account to changes made by the act; repealing s. 1006.07(7), F.S., relating to suicide prevention education; requesting the Division of Statutory Revision of the Office of Legislative Services to prepare a reviser's bill to conform the Florida Statutes to the changes made by the act; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2104** was adopted. **SB 2104** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—35

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	

Nays—4

Dockery	Joyner	Siplin
Smith		

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2106

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2106, same being:

An act relating to Florida Energy and Climate Commission.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.

2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Chair
s/ Ben Albritton
Gary Aubuchon, At Large
Leonard L. Bembry
Mack Bernard
s/ Jeffrey "Jeff" Brandes
s/ Douglas Vaughn "Doug" Broxson
Charles S. "Chuck" Chestnut IV, At Large
s/ Fredrick W. "Fred" Costello
s/ Daniel Davis
Chris Dorworth
s/ Clay Ford
James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
Eduardo "Eddy" Gonzalez
James W. "J.W." Grant
s/ Doug Holder
s/ Mike Horner
s/ Dorothy L. Hukill, At Large
Mia L. Jones
Martin David "Marty" Kiar
s/ John Legg, At Large
Debbie Mayfield
s/ Seth McKeel, At Large
s/ Peter Nehr
Jeanette M. Nunez
Mark S. Pafford
s/ W. Keith Perry
Scott Plakon
s/ Stephen L. Precourt
s/ Lake Ray
Betty Reed
Hazelle P. "Hazel" Rogers
Darryl Ervin Rouson, At Large
Ron Saunders, At Large
Irving "Irv" Slosberg
s/ Jimmie T. Smith
Darren Soto
s/ W. Gregory "Greg" Steube
Will W. Weatherford, At Large
s/ Trudi K. Williams
Ritch Workman

s/ Janet H. Adkins
s/ Larry Ahern
s/ Frank Artiles
s/ Dennis K. Baxley
Lori Berman
Michael Bileca
s/ Jason T. Brodeur
s/ Matthew H. "Matt" Caldwell
Daphne D. Campbell
s/ Marti Coley
s/ Richard Corcoran
s/ Steve Crisafulli
s/ Jose Felix Diaz
Brad Drake
s/ Erik Fresen
s/ Matt Gaetz
s/ Richard "Rich" Glorioso
s/ Tom Goodson
s/ Gayle B. Harrell
s/ Ed Hooper
s/ Matt Hudson
s/ Clay Ingram
John Patrick Julien
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Larry Metz
s/ Bryan Nelson
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Ray Pilon
Elizabeth W. Porter
William L. "Bill" Proctor, At Large
Kenneth L. "Ken" Roberson
s/ Patrick Rooney, Jr.
Franklin Sands, At Large
s/ Robert C. "Rob" Schenck, At Large
s/ William D. Snyder, At Large
Kelli Stargel
s/ Carlos Trujillo
Alan B. Williams
John Wood
s/ Dana D. Young

Managers on the part of the House

The Conference Committee Amendment for SB 2106, relating to the Florida Energy and Climate Commission, provides for the following:

- Provides for a type two transfer of the Florida Energy and Climate Commission within the Governor's Office to the Department of Agriculture and Consumer Services;

- Abolishes the Commission and transfers the majority of the Commission's duties to the Department of Agriculture and Consumer Services;

- Transfers the duties of petroleum allocation from the Commission to the Division of Emergency Management;

- Transfers energy emergency contingency plans to the Division of Emergency Management;

- Requires the Department of Management Services to coordinate the energy conservation programs of all state agencies; and

- Transfers administration of the Coastal Energy Impact Program to the Department of Environmental Protection.

Conference Committee Amendment (947936)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The powers, duties, functions, records, personnel, property, pending issues and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds of the Florida Energy and Climate Commission within the Executive Office of the Governor are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Agriculture and Consumer Services.*

Section 2. Paragraph (y) of subsection (8) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(y) Information relative to ss. 212.08(7)(ccc) and 220.192 to the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ for use in the conduct of its official business.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 3. Subsections (3), (4), (5), and (8) and paragraph (b) of subsection (6) of section 220.192, Florida Statutes, are amended to read:

220.192 Renewable energy technologies investment tax credit.—

(3) CORPORATE APPLICATION PROCESS.—Any corporation wishing to obtain tax credits available under this section must submit to the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ an application for tax credit that includes a complete description of all eligible costs for which the corporation is seeking a credit and a description of the total amount of credits sought. The *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall make a determination on the eligibility of the applicant for the credits sought and certify the determination to the applicant and the Department of Revenue. The corporation must attach the *Department of Agriculture and Consumer Services'* ~~Florida Energy and Climate Commission's~~ certification to the tax return on which the credit is claimed. The *Department of Agriculture and Consumer Services is* ~~Florida Energy and Climate Commission shall be~~ responsible for ensuring that the corporate income tax credits granted in each fiscal year do not exceed the limits provided for in this section. The *Department of Agriculture and Consumer Services may* ~~Florida Energy and Climate Commission is authorized to~~ adopt the necessary rules~~, guidelines,~~ and *forms* ~~application materials~~ for the application process.

(4) TAXPAYER APPLICATION PROCESS.—To claim a credit under this section, each taxpayer must apply to the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ for an allocation of each type of annual credit by the date es-

tablished by the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~. The application form *adopted* ~~may be established~~ by the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission. The form~~ must include an affidavit from each taxpayer certifying that all information contained in the application, including all records of eligible costs claimed as the basis for the tax credit, are true and correct. Approval of the credits under this section *is* ~~shall be accomplished~~ on a first-come, first-served basis, based upon the date complete applications are received by the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~. A taxpayer *must* ~~shall~~ submit only one complete application based upon eligible costs incurred within a particular state fiscal year. Incomplete placeholder applications will not be accepted and will not secure a place in the first-come, first-served application line. If a taxpayer does not receive a tax credit allocation due to the exhaustion of the annual tax credit authorizations, then such taxpayer may reapply in the following year for those eligible costs and will have priority over other applicants for the allocation of credits.

(5) ADMINISTRATION; AUDIT AUTHORITY; RECAPTURE OF CREDITS.—

(a) In addition to its existing audit and investigation authority, the Department of Revenue may perform any additional financial and technical audits and investigations, including examining the accounts, books, and records of the tax credit applicant, which are necessary to verify the eligible costs included in the tax credit return and to ensure compliance with this section. The *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall provide technical assistance when requested by the Department of Revenue on any technical audits or examinations performed pursuant to this section.

(b) It is grounds for forfeiture of previously claimed and received tax credits if the Department of Revenue determines, as a result of an audit or examination or from information received from the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~, that a taxpayer received tax credits pursuant to this section to which the taxpayer was not entitled. The taxpayer is responsible for returning forfeited tax credits to the Department of Revenue, and such funds shall be paid into the General Revenue Fund of the state.

(c) The *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ may revoke or modify any written decision granting eligibility for tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive tax credits under this section. The *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the taxpayer must notify the Department of Revenue of any change in its tax credit claimed.

(d) The taxpayer shall file with the Department of Revenue an amended return or such other report as the Department of Revenue prescribes by rule and shall pay any required tax and interest within 60 days after the taxpayer receives notification from the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ that previously approved tax credits have been revoked or modified. If the revocation or modification order is contested, the taxpayer shall file an amended return or other report as provided in this paragraph within 60 days after a final order is issued after proceedings.

(e) A notice of deficiency may be issued by the Department of Revenue at any time within 3 years after the taxpayer receives formal notification from the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ that previously approved tax credits have been revoked or modified. If a taxpayer fails to notify the Department of Revenue of any changes to its tax credit claimed, a notice of deficiency may be issued at any time.

(6) TRANSFERABILITY OF CREDIT.—

(b) To perfect the transfer, the transferor shall provide the Department *of Revenue* with a written transfer statement notifying the Department *of Revenue* of the transferor's intent to transfer the tax credits to the transferee; the date the transfer is effective; the transferee's name, address, and federal taxpayer identification number; the tax period; and the amount of tax credits to be transferred. The Department *of Revenue* shall, upon receipt of a transfer statement conforming to the requirements of this section, provide the transferee with a certificate reflecting the tax credit amounts transferred. A copy of the certificate must be attached to each tax return for which the transferee seeks to apply such tax credits.

(8) PUBLICATION.—The *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall determine and publish on a regular basis the amount of available tax credits remaining in each fiscal year.

Section 4. Paragraphs (d) and (e) of subsection (2) and subsection (5) of section 288.1089, Florida Statutes, are amended to read:

288.1089 Innovation Incentive Program.—

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

~~(d) "Commission" means the Florida Energy and Climate Commission.~~

(d)~~(e)~~ "Cumulative investment" means cumulative capital investment and all eligible capital costs, as defined in s. 220.191.

(e) "Department" means the Department of Agriculture and Consumer Services.

(5) Enterprise Florida, Inc., shall evaluate proposals for all three categories of innovation incentive awards and transmit recommendations for awards to the office. Before making its recommendations on alternative and renewable energy projects, Enterprise Florida, Inc., shall solicit comments and recommendations from the *department* ~~Florida Energy and Climate Commission~~. For each project, the evaluation and recommendation to the office must include, but need not be limited to:

(a) A description of the project, its required facilities, and the associated product, service, or research and development associated with the project.

(b) The percentage of match provided for the project.

(c) The number of full-time equivalent jobs that will be created by the project, the total estimated average annual wages of such jobs, and the types of business activities and jobs likely to be stimulated by the project.

(d) The cumulative investment to be dedicated to the project within 5 years and the total investment expected in the project if more than 5 years.

(e) The projected economic and fiscal impacts on the local and state economies relative to investment.

(f) A statement of any special impacts the project is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

(g) A statement of any anticipated or proposed relationships with state universities.

(h) A statement of the role the incentive is expected to play in the decision of the applicant to locate or expand in this state.

(i) A recommendation and explanation of the amount of the award needed to cause the applicant to expand or locate in this state.

(j) A discussion of the efforts and commitments made by the local community in which the project is to be located to induce the applicant's location or expansion, taking into consideration local resources and abilities.

(k) A recommendation for specific performance criteria the applicant would be expected to achieve in order to receive payments from the fund and penalties or sanctions for failure to meet or maintain performance conditions.

(l) Additional evaluative criteria for a research and development facility project, including:

1. A description of the extent to which the project has the potential to serve as catalyst for an emerging or evolving cluster.

2. A description of the extent to which the project has or could have a long-term collaborative research and development relationship with one or more universities or community colleges in this state.

3. A description of the existing or projected impact of the project on established clusters or targeted industry sectors.

4. A description of the project's contribution to the diversity and resiliency of the innovation economy of this state.

5. A description of the project's impact on special needs communities, including, but not limited to, rural areas, distressed urban areas, and enterprise zones.

(m) Additional evaluative criteria for alternative and renewable energy proposals, including:

1. The availability of matching funds or other in-kind contributions applied to the total project from an applicant. The *department* ~~commission~~ shall give greater preference to projects that provide such matching funds or other in-kind contributions.

2. The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

3. The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

4. The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

5. The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

6. The degree to which a project demonstrates efficient use of energy and material resources.

7. The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.

8. The ability to administer a complete project.

9. Project duration and timeline for expenditures.

10. The geographic area in which the project is to be conducted in relation to other projects.

11. The degree of public visibility and interaction.

Section 5. Subsection (9) of section 288.9607, Florida Statutes, is amended to read:

288.9607 Guaranty of bond issues.—

(9) The membership of the corporation is authorized and directed to conduct such investigation as it may deem necessary for promulgation of regulations to govern the operation of the guaranty program authorized by this section. The regulations may include such other additional provisions, restrictions, and conditions as the corporation, after its investigation referred to in this subsection, shall determine to be proper to achieve the most effective utilization of the guaranty program. This may include, without limitation, a detailing of the remedies that must be exhausted by bondholders, a trustee acting on their behalf, or other credit provided before calling upon the corporation to perform under its guaranty agreement and the subrogation of other rights of the corporation with reference to the capital project and its operation or the financing in the event the corporation makes payment pursuant to the applicable guaranty agreement. The regulations promulgated by the corporation to govern the operation of the guaranty program may contain specific provisions with respect to the rights of the corporation to enter, take over, and manage all financed properties upon default. These regulations shall be submitted by the corporation to the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ for approval.

Section 6. Subsection (5) of section 366.82, Florida Statutes, is amended to read:

366.82 Definition; goals; plans; programs; annual reports; energy audits.—

(5) The *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall be a party in the proceedings to adopt goals and shall file with the commission comments on the proposed goals, including, but not limited to:

(a) An evaluation of utility load forecasts, including an assessment of alternative supply-side and demand-side resource options.

(b) An analysis of various policy options that can be implemented to achieve a least-cost strategy, including nonutility programs targeted at reducing and controlling the per capita use of electricity in the state.

(c) An analysis of the impact of state and local building codes and appliance efficiency standards on the need for utility-sponsored conservation and energy efficiency measures and programs.

Section 7. Subsection (3) of section 366.92, Florida Statutes, is amended to read:

366.92 Florida renewable energy policy.—

(3) The commission shall adopt rules for a renewable portfolio standard requiring each provider to supply renewable energy to its customers directly, by procuring, or through renewable energy credits. In developing the RPS rule, the commission shall consult the Department of Environmental Protection and the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~. The rule shall not be implemented until ratified by the Legislature. The commission shall present a draft rule for legislative consideration by February 1, 2009.

(a) In developing the rule, the commission shall evaluate the current and forecasted levelized cost in cents per kilowatt hour through 2020 and current and forecasted installed capacity in kilowatts for each renewable energy generation method through 2020.

(b) The commission's rule:

1. Shall include methods of managing the cost of compliance with the renewable portfolio standard, whether through direct supply or procurement of renewable power or through the purchase of renewable energy credits. The commission shall have rulemaking authority for providing annual cost recovery and incentive-based adjustments to authorized rates of return on common equity to providers to incentivize renewable energy. Notwithstanding s. 366.91(3) and (4), upon the ratification of the rules developed pursuant to this subsection, the commission may approve projects and power sales agreements with renewable power producers and the sale of renewable energy credits needed to comply with the renewable portfolio standard. In the event of any conflict, this subparagraph shall supersede s. 366.91(3) and (4). However, nothing in this section shall alter the obligation of each public utility to continuously offer a purchase contract to producers of renewable energy.

2. Shall provide for appropriate compliance measures and the conditions under which noncompliance shall be excused due to a determination by the commission that the supply of renewable energy or renewable energy credits was not adequate to satisfy the demand for such energy or that the cost of securing renewable energy or renewable energy credits was cost prohibitive.

3. May provide added weight to energy provided by wind and solar photovoltaic over other forms of renewable energy, whether directly supplied or procured or indirectly obtained through the purchase of renewable energy credits.

4. Shall determine an appropriate period of time for which renewable energy credits may be used for purposes of compliance with the renewable portfolio standard.

5. Shall provide for monitoring of compliance with and enforcement of the requirements of this section.

6. Shall ensure that energy credited toward compliance with the requirements of this section is not credited toward any other purpose.

7. Shall include procedures to track and account for renewable energy credits, including ownership of renewable energy credits that are derived from a customer-owned renewable energy facility as a result of any action by a customer of an electric power supplier that is independent of a program sponsored by the electric power supplier.

8. Shall provide for the conditions and options for the repeal or alteration of the rule in the event that new provisions of federal law supplant or conflict with the rule.

(c) Beginning on April 1 of the year following final adoption of the commission's renewable portfolio standard rule, each provider shall submit a report to the commission describing the steps that have been taken in the previous year and the steps that will be taken in the future to add renewable energy to the provider's energy supply portfolio. The report shall state whether the provider was in compliance with the renewable portfolio standard during the previous year and how it will comply with the renewable portfolio standard in the upcoming year.

Section 8. Section 377.6015, Florida Statutes, is amended to read:

377.6015 *Department of Agriculture and Consumer Services; powers and duties* ~~Florida Energy and Climate Commission.—~~

~~(1) The Florida Energy and Climate Commission is created within the Executive Office of the Governor. The commission shall be comprised of nine members appointed by the Governor, the Commissioner of Agriculture, and the Chief Financial Officer.~~

~~(a) The Governor shall appoint one member from three persons nominated by the Florida Public Service Commission Nominating Council, created in s. 350.031, to each of seven seats on the commission. The Commissioner of Agriculture shall appoint one member from three persons nominated by the council to one seat on the commission. The Chief Financial Officer shall appoint one member from three persons nominated by the council to one seat on the commission.~~

~~1. The council shall submit the recommendations to the Governor, the Commissioner of Agriculture, and the Chief Financial Officer by September 1 of those years in which the terms are to begin the following October or within 60 days after a vacancy occurs for any reason other than the expiration of the term. The Governor, the Commissioner of Agriculture, and the Chief Financial Officer may proffer names of persons to be considered for nomination by the council.~~

~~2. The Governor, the Commissioner of Agriculture, and the Chief Financial Officer shall fill a vacancy occurring on the commission by appointment of one of the applicants nominated by the council only after a background investigation of such applicant has been conducted by the Department of Law Enforcement.~~

~~3. Members shall be appointed to 3-year terms; however, in order to establish staggered terms, for the initial appointments, the Governor shall appoint four members to 3-year terms, two members to 2-year terms, and one member to a 1-year term, and the Commissioner of Agriculture and the Chief Financial Officer shall each appoint one member to a 3-year term and shall appoint a successor when that appointee's term expires in the same manner as the original appointment.~~

~~4. The Governor shall select from the membership of the commission one person to serve as chair.~~

~~5. A vacancy on the commission shall be filled for the unexpired portion of the term in the same manner as the original appointment.~~

~~6. If the Governor, the Commissioner of Agriculture, or the Chief Financial Officer has not made an appointment within 30 consecutive calendar days after the receipt of the recommendations, the council shall initiate, in accordance with this section, the nominating process within 30 days.~~

~~7. Each appointment to the commission shall be subject to confirmation by the Senate during the next regular session after the vacancy occurs. If the Senate refuses to confirm or fails to consider the appointment of the Governor, the Commissioner of Agriculture, or the Chief Financial Officer, the council shall initiate, in accordance with this section, the nominating process within 30 days.~~

~~8. The Governor or the Governor's successor may recall an appointee.~~

~~9. Notwithstanding subparagraph 7. and for the initial appointments to the commission only, each initial appointment to the commission is subject to confirmation by the Senate by the 2010 Regular Session. If the Senate refuses to confirm or fails to consider an appointment made by the Governor, the Commissioner of Agriculture, or the Chief Financial Officer, the council shall initiate, in accordance with this section, the nominating process within 30 days after the Senate's refusal to confirm or failure to consider such appointment. This subparagraph expires July 1, 2010.~~

~~(b) Members must meet the following qualifications and restrictions:~~

~~1. A member must be an expert in one or more of the following fields: energy, natural resource conservation, economics, engineering, finance, law, transportation and land use, consumer protection, state energy policy, or another field substantially related to the duties and functions of the commission. The commission shall fairly represent the fields specified in this subparagraph.~~

~~2. Each member shall, at the time of appointment and at each commission meeting during his or her term of office, disclose:~~

~~a. Whether he or she has any financial interest, other than ownership of shares in a mutual fund, in any business entity that, directly or indirectly, owns or controls, or is an affiliate or subsidiary of, any business entity that may be affected by the policy recommendations developed by the commission.~~

~~b. Whether he or she is employed by or is engaged in any business activity with any business entity that, directly or indirectly, owns or controls, or is an affiliate or subsidiary of, any business entity that may be affected by the policy recommendations developed by the commission.~~

~~(c) The chair may designate the following ex officio, nonvoting members to provide information and advice to the commission at the request of the chair:~~

~~1. The chair of the Florida Public Service Commission, or his or her designee.~~

~~2. The Public Counsel, or his or her designee.~~

~~3. A representative of the Department of Agriculture and Consumer Services.~~

~~4. A representative of the Department of Financial Services.~~

~~5. A representative of the Department of Environmental Protection.~~

~~6. A representative of the Department of Community Affairs.~~

~~7. A representative of the Board of Governors of the State University System.~~

~~8. A representative of the Department of Transportation.~~

~~(2) Members shall serve without compensation but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.~~

~~(3) Meetings of the commission may be held in various locations around the state and at the call of the chair; however, the commission must meet at least six times each year.~~

(1)~~(4)~~ The *department* ~~commission~~ may:

(a) Employ staff and counsel as needed in the performance of its duties.

(b) Prosecute and defend legal actions in its own name.

(c) Form advisory groups consisting of members of the public to provide information on specific issues.

(2)~~(5)~~ The *department* ~~commission~~ shall:

(a) Administer the Florida Renewable Energy and Energy-Efficient Technologies Grants Program pursuant to s. 377.804 to assure a robust grant portfolio.

(b) Develop policy for requiring grantees to provide royalty-sharing or licensing agreements with state government for commercialized products developed under a state grant.

(c) Administer the Florida Green Government Grants Act pursuant to s. 377.808 and set annual priorities for grants.

(d) Administer the information gathering and reporting functions pursuant to ss. 377.601-377.608.

~~(e) Administer petroleum planning and emergency contingency planning pursuant to ss. 377.701, 377.703, and 377.704.~~

(e)~~(f)~~ Represent Florida in the Southern States Energy Compact pursuant to ss. 377.71-377.712.

~~(g) Complete the annual assessment of the efficacy of Florida's Energy and Climate Change Action Plan, upon completion by the Governor's Action Team on Energy and Climate Change pursuant to the Governor's Executive Order 2007-128, and provide specific recommendations to the Governor and the Legislature each year to improve results.~~

(f)~~(h)~~ Administer the provisions of the Florida Energy and Climate Protection Act pursuant to ss. *377.801-377.807* ~~377.801-377.806~~.

(g)~~(i)~~ Advocate for energy and climate change issues and provide educational outreach and technical assistance in cooperation with the state's academic institutions.

(h)~~(j)~~ Be a party in the proceedings to adopt goals and submit comments to the Public Service Commission pursuant to s. 366.82.

(i)~~(k)~~ Adopt rules pursuant to chapter 120 in order to implement all powers and duties described in this section.

Section 9. Subsection (1) and paragraphs (a) and (b) of subsection (2) of section 377.602, Florida Statutes, are amended to read:

377.602 Definitions.—As used in ss. 377.601-377.608:

(1) *"Department"* ~~"Commission"~~ means the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~.

(2) "Energy resources" includes, but shall not be limited to:

(a) Energy converted from solar radiation, wind, hydraulic potential, tidal movements, biomass, geothermal sources, and other energy resources the *department* ~~commission~~ determines to be important to the production or supply of energy.

(b) Propane, butane, motor gasoline, kerosene, home heating oil, diesel fuel, other middle distillates, aviation gasoline, kerosene-type jet fuel, naphtha-type jet fuel, residual fuels, crude oil, and other petroleum products and hydrocarbons as may be determined by the *department* ~~commission~~ to be of importance.

Section 10. Section 377.603, Florida Statutes, is amended to read:

377.603 Energy data collection; powers and duties of the *department* ~~commission~~.—

(1) The *department* ~~commission~~ may collect data on the extraction, production, importation, exportation, refinement, transportation, transmission, conversion, storage, sale, or reserves of energy resources in this state in an efficient and expeditious manner.

(2) The *department* ~~commission~~ may prepare periodic reports of energy data it collects.

(3) The *department* ~~commission~~ may adopt and promulgate such rules and regulations as are necessary to carry out the provisions of ss. 377.601-377.608. Such rules shall be pursuant to chapter 120.

(4) The *department* ~~commission~~ shall maintain internal validation procedures to assure the accuracy of information received.

Section 11. Section 377.604, Florida Statutes, is amended to read:

377.604 Required reports.—Every person who produces, imports, exports, refines, transports, transmits, converts, stores, sells, or holds known reserves of any form of energy resources used as fuel shall report to the *department* ~~commission~~, at the request of and in a manner prescribed by the *department* ~~commission~~, on forms provided by the *department* ~~commission~~. Such forms shall be designed in such a manner as to indicate:

(1) The identity of the person or persons making the report.

(2) The quantity of energy resources extracted, produced, imported, exported, refined, transported, transmitted, converted, stored, or sold except at retail.

(3) The quantity of energy resources known to be held in reserve in the state.

(4) The identity of each refinery from which petroleum products have normally been obtained and the type and quantity of products secured from that refinery for sale or resale in this state.

(5) Any other information which the *department* ~~commission~~ deems proper pursuant to the intent of ss. 377.601-377.608.

Section 12. Section 377.605, Florida Statutes, is amended to read:

377.605 Use of existing information.—The *department* ~~commission~~ may utilize to the fullest extent possible any existing energy information already prepared for state or federal agencies. Every state, county, and municipal agency shall cooperate with the *department* ~~commission~~ and shall submit any information on energy to the *department* ~~commission~~ upon request.

Section 13. Section 377.606, Florida Statutes, is amended to read:

377.606 Records of the *department* ~~commission~~; limits of confidentiality.—The information or records of individual persons, as defined in this section, obtained by the *department* ~~commission~~ as a result of a report, investigation, or verification required by the *department* ~~commission~~ shall be open to the public, except such information the disclosure of which would be likely to cause substantial harm to the competitive position of the person providing such information and which is requested to be held confidential by the person providing such information. Such proprietary information is confidential and exempt from the provisions of s. 119.07(1). Information reported by entities other than the *department* ~~commission~~ in documents or reports open to public inspection shall under no circumstances be classified as confidential by the *department* ~~commission~~. Divulgence of proprietary information as is requested to be held confidential, except upon order of a court of competent jurisdiction or except to an officer of the state entitled to receive the same in his or her official capacity, shall be a misdemeanor of the second degree, punishable as provided in ss. 775.082 and 775.083. ~~Nothing in~~ This section *does not* ~~shall be construed to~~ prohibit the publication or divulgence by other means of data so classified as to prevent identification of particular accounts or reports made to the *department* ~~commission~~ in compliance with s. 377.603 or to prohibit the disclosure of such information to properly qualified legislative committees. The *department* ~~commission~~ shall establish a system which permits reasonable access to information developed.

Section 14. Section 377.608, Florida Statutes, is amended to read:

377.608 Prosecution of cases by state attorney.—The state attorney shall prosecute all cases certified to him or her for prosecution by the *department* ~~commission~~ immediately upon receipt of the evidence transmitted by the *department* ~~commission~~, or as soon thereafter as practicable.

Section 15. Subsections (1), (2), and (3) of section 377.701, Florida Statutes, are amended to read:

377.701 Petroleum allocation.—

(1) The *Division of Emergency Management* ~~Florida Energy and Climate Commission~~ shall assume the state's role in petroleum allocation and conservation, including the development of a fair and equitable petroleum plan. The *Division of Emergency Management* ~~commission~~ shall constitute the responsible state agency for performing the functions of any federal program delegated to the state, which relates to petroleum supply, demand, and allocation.

(2) The *Division of Emergency Management* ~~commission~~ shall, in addition to assuming the duties and responsibilities provided by subsection (1), perform the following:

(a) In projecting available supplies of petroleum, coordinate with the Department of Revenue to secure information necessary to assure the sufficiency and accuracy of data submitted by persons affected by any federal fuel allocation program.

(b) Require such periodic reports from public and private sources as may be necessary to the fulfillment of its responsibilities under this act. Such reports may include: petroleum use; all sales, including end-user sales, except retail gasoline and retail fuel oil sales; inventories; expected supplies and allocations; and petroleum conservation measures.

(c) In cooperation with the Department of Revenue and other relevant state agencies, provide for long-range studies regarding the usage of petroleum in the state in order to:

1. Comprehend the consumption of petroleum resources.

2. Predict future petroleum demands in relation to available resources.

3. Report the results of such studies to the Legislature.

(3) For the purpose of determining accuracy of data, all state agencies shall timely provide the *Division of Emergency Management* ~~commission~~ with petroleum-use information in a format suitable to the needs of the allocation program.

Section 16. Section 377.703, Florida Statutes, is amended to read:

377.703 Additional functions of the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~.—

(1) LEGISLATIVE INTENT.—Recognizing that energy supply and demand questions have become a major area of concern to the state which must be dealt with by effective and well-coordinated state action, it is the intent of the Legislature to promote the efficient, effective, and economical management of energy problems, centralize energy coordination responsibilities, pinpoint responsibility for conducting energy programs, and ensure the accountability of state agencies for the implementation of s. 377.601(2), the state energy policy. It is the specific intent of the Legislature that nothing in this act shall in any way change the powers, duties, and responsibilities assigned by the Florida Electrical Power Plant Siting Act, part II of chapter 403, or the powers, duties, and responsibilities of the Florida Public Service Commission.

(2) ~~FLORIDA ENERGY AND CLIMATE COMMISSION~~; DUTIES.—The *department* ~~commission~~ shall perform the following functions*, unless as otherwise provided,* consistent with the development of a state energy policy:

(a) The *Division of Emergency Management is responsible for the* ~~commission shall assume the responsibility for~~ development of an energy emergency contingency plan to respond to serious shortages of primary and secondary energy sources. Upon a finding by the Governor, implementation of any emergency program shall be upon order of the Governor that a particular kind or type of fuel is, or that the occurrence of an event which is reasonably expected within 30 days will make the fuel, in short supply. The *Division of Emergency Management* ~~commission~~ shall then respond by instituting the appropriate measures of the contingency plan to meet the given emergency or energy shortage. The Governor may utilize the provisions of s. 252.36(5) to carry out any emergency actions required by a serious shortage of energy sources.

(b) The *department is* ~~commission shall be~~ responsible for performing or coordinating the functions of any federal energy programs delegated to the state, including energy supply, demand, conservation, or allocation.

(c) The *department* ~~commission~~ shall analyze present and proposed federal energy programs and make recommendations regarding those programs to the Governor and the Legislature.

(d) The *department* ~~commission~~ shall coordinate efforts to seek federal support or other support for state energy activities, including energy conservation, research, or development, and *is* ~~shall be~~ responsible for the coordination of multiagency energy conservation programs and plans.

(e) The *department* ~~commission~~ shall analyze energy data collected and prepare long-range forecasts of energy supply and demand in coordination with the Florida Public Service Commission, which *is responsible* ~~shall have responsibility~~ for electricity and natural gas forecasts. To this end, the forecasts shall contain:

1. An analysis of the relationship of state economic growth and development to energy supply and demand, including the constraints to economic growth resulting from energy supply constraints.

2. Plans for the development of renewable energy resources and reduction in dependence on depletable energy resources, particularly oil and natural gas, and an analysis of the extent to which renewable energy sources are being utilized in the state.

3. Consideration of alternative scenarios of statewide energy supply and demand for 5, 10, and 20 years to identify strategies for long-range action, including identification of potential social, economic, and environmental effects.

4. An assessment of the state's energy resources, including examination of the availability of commercially developable and imported fuels, and an analysis of anticipated effects on the state's environment and social services resulting from energy resource development activities or from energy supply constraints, or both.

(f) The *department* ~~commission~~ shall submit an annual report to the Governor and the Legislature reflecting its activities and making recommendations of policies for improvement of the state's response to energy supply and demand and its effect on the health, safety, and welfare of the people of Florida. The report shall include a report from the Florida Public Service Commission on electricity and natural gas and information on energy conservation programs conducted and underway in the past year and shall include recommendations for energy conservation programs for the state, including, but not limited to, the following factors:

1. Formulation of specific recommendations for improvement in the efficiency of energy utilization in governmental, residential, commercial, industrial, and transportation sectors.

2. Collection and dissemination of information relating to energy conservation.

3. Development and conduct of educational and training programs relating to energy conservation.

4. An analysis of the ways in which state agencies are seeking to implement s. 377.601(2), the state energy policy, and recommendations for better fulfilling this policy.

(g) The *department may* ~~commission has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this act.

(h) The *department* ~~commission~~ shall promote the development and use of renewable energy resources, in conformance with the provisions of chapter 187 and s. 377.601, by:

1. Establishing goals and strategies for increasing the use of solar energy in this state.

2. Aiding and promoting the commercialization of solar energy technology, in cooperation with the Florida Solar Energy Center, Enterprise Florida, Inc., and any other federal, state, or local governmental

agency which may seek to promote research, development, and demonstration of solar energy equipment and technology.

3. Identifying barriers to greater use of solar energy systems in this state, and developing specific recommendations for overcoming identified barriers, with findings and recommendations to be submitted annually in the report to the Governor and Legislature required under paragraph (f).

4. In cooperation with the Department of Environmental Protection, the Department of Transportation, the Department of Community Affairs, Enterprise Florida, Inc., the Florida Solar Energy Center, and the Florida Solar Energy Industries Association, investigating opportunities, pursuant to the National Energy Policy Act of 1992, the Housing and Community Development Act of 1992, and any subsequent federal legislation, for solar electric vehicles and other solar energy manufacturing, distribution, installation, and financing efforts which will enhance this state's position as the leader in solar energy research, development, and use.

5. Undertaking other initiatives to advance the development and use of renewable energy resources in this state.

In the exercise of its responsibilities under this paragraph, the *department* ~~commission~~ shall seek the assistance of the solar energy industry in this state and other interested parties and is authorized to enter into contracts, retain professional consulting services, and expend funds appropriated by the Legislature for such purposes.

(i) The *department* ~~commission~~ shall promote energy conservation in all energy use sectors throughout the state and shall constitute the state agency primarily responsible for this function. ~~To this end,~~ The *Department of Management Services, in consultation with the department,* ~~commission~~ shall coordinate the energy conservation programs of all state agencies and review and comment on the energy conservation programs of all state agencies.

(j) The *department* ~~commission~~ shall serve as the state clearinghouse for indexing and gathering all information related to energy programs in state universities, in private universities, in federal, state, and local government agencies, and in private industry and shall prepare and distribute such information in any manner necessary to inform and advise the citizens of the state of such programs and activities. This shall include developing and maintaining a current index and profile of all research activities, which shall be identified by energy area and may include a summary of the project, the amount and sources of funding, anticipated completion dates, or, in case of completed research, conclusions, recommendations, and applicability to state government and private sector functions. The *department* ~~commission~~ shall coordinate, promote, and respond to efforts by all sectors of the economy to seek financial support for energy activities. The *department* ~~commission~~ shall provide information to consumers regarding the anticipated energy-use and energy-saving characteristics of products and services in coordination with any federal, state, or local governmental agencies as may provide such information to consumers.

(k) The *department* ~~commission~~ shall coordinate energy-related programs of state government, including, but not limited to, the programs provided in this section. To this end, the *department* ~~commission~~ shall:

1. Provide assistance to other state agencies, counties, municipalities, and regional planning agencies to further and promote their energy planning activities.

2. Require, in cooperation with the Department of Management Services, all state agencies to operate state-owned and state-leased buildings in accordance with energy conservation standards as adopted by the Department of Management Services. Every 3 months, the Department of Management Services shall furnish the *department* ~~commission~~ data on agencies' energy consumption and emissions of greenhouse gases in a format prescribed by the *department* ~~commission~~.

3. Promote the development and use of renewable energy resources, energy efficiency technologies, and conservation measures.

4. Promote the recovery of energy from wastes, including, but not limited to, the use of waste heat, the use of agricultural products as a source of energy, and recycling of manufactured products. Such promotion shall be conducted in conjunction with, and after consultation with, the Department of Environmental Protection and the Florida Public Service Commission where electrical generation or natural gas is involved, and any other relevant federal, state, or local governmental agency having responsibility for resource recovery programs.

(l) The *department* ~~commission~~ shall develop, coordinate, and promote a comprehensive research plan for state programs. Such plan shall be consistent with state energy policy and shall be updated on a biennial basis.

(m) In recognition of the devastation to the economy of this state and the dangers to the health and welfare of residents of this state caused by severe hurricanes, and the potential for such impacts caused by other natural disasters, the *Division of Emergency Management* ~~commission~~ shall include in its energy emergency contingency plan and provide to the Florida Building Commission for inclusion in the Florida Energy Efficiency Code for Building Construction specific provisions to facilitate the use of cost-effective solar energy technologies as emergency remedial and preventive measures for providing electric power, street lighting, and water heating service in the event of electric power outages.

(3) The *Department of Environmental Protection is* ~~commission shall be~~ responsible for the administration of the Coastal Energy Impact Program provided for and described in Pub. L. No. 94-370, 16 U.S.C. s. 1456a.

Section 17. Paragraph (h) of subsection (5) of section 377.711, Florida Statutes, is amended to read:

377.711 Florida party to Southern States Energy Compact.—The Southern States Energy Compact is enacted into law and entered into by the state as a party, and is of full force and effect between the state and any other states joining therein in accordance with the terms of the compact, which compact is substantially as follows:

(5) POWERS.—The board shall have the power to:

(h) Recommend such changes in, or amendments or additions to, the laws, codes, rules, regulations, administrative procedures and practices, or ordinances of the party states in any of the fields of its interest and competence as in its judgment may be appropriate. Any such recommendation shall be made, in the case of Florida, through the Department of *Agriculture and Consumer Services* ~~Commerce~~.

Section 18. Section 377.801, Florida Statutes, is amended to read:

377.801 Short title.—Sections *377.801-377.807* ~~377.801-377.806~~ may be cited as the "Florida Energy and Climate Protection Act."

Section 19. Section 377.803, Florida Statutes, is amended to read:

377.803 Definitions.—As used in ss. *377.801-377.807* ~~377.801-377.806~~, the term:

(1) "Act" means the Florida Energy and Climate Protection Act.

(2) *"Department"* ~~"Commission"~~ means the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, or any other public or private entity.

(4) "Renewable energy" means electrical, mechanical, or thermal energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen, biomass, as defined in s. 366.91, solar energy, geothermal energy, wind energy, ocean energy, waste heat, or hydroelectric power.

(5) "Renewable energy technology" means any technology that generates or utilizes a renewable energy resource.

(6) "Solar energy system" means equipment that provides for the collection and use of incident solar energy for water heating, space heating or cooling, or other applications that would normally require a conventional source of energy such as petroleum products, natural gas, or electricity that performs primarily with solar energy. In other systems

in which solar energy is used in a supplemental way, only those components that collect and transfer solar energy shall be included in this definition.

(7) "Solar photovoltaic system" means a device that converts incident sunlight into electrical current.

(8) "Solar thermal system" means a device that traps heat from incident sunlight in order to heat water.

Section 20. Subsection (1), paragraph (f) of subsection (2), and subsections (3) through (6) of section 377.804, Florida Statutes, are amended to read:

377.804 Renewable Energy and Energy-Efficient Technologies Grants Program.—

(1) The Renewable Energy and Energy-Efficient Technologies Grants Program is established within the *department* ~~commission~~ to provide renewable energy matching grants for demonstration, commercialization, research, and development projects relating to renewable energy technologies and innovative technologies that significantly increase energy efficiency for vehicles and commercial buildings.

(2) Matching grants for projects described in subsection (1) may be made to any of the following:

(f) Other qualified persons, as determined by the *department* ~~commission~~.

(3) The *department* ~~commission~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 to provide for application requirements, provide for ranking of applications, and administer the awarding of grants under this program.

(4) Factors the *department* ~~commission~~ shall consider in awarding grants include, but are not limited to:

(a) The availability of matching funds or other in-kind contributions applied to the total project from an applicant. The *department* ~~commission~~ shall give greater preference to projects that provide such matching funds or other in-kind contributions.

(b) The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

(c) The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

(d) The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

(e) The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

(f) The degree to which a project demonstrates efficient use of energy and material resources.

(g) The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.

(h) The ability to administer a complete project.

(i) Project duration and timeline for expenditures.

(j) The geographic area in which the project is to be conducted in relation to other projects.

(k) The degree of public visibility and interaction.

(5) The *department* ~~commission~~ shall solicit the expertise of state agencies, Enterprise Florida, Inc., and state universities, and may solicit the expertise of other public and private entities it deems appropriate, in evaluating project proposals. State agencies shall cooperate with the *department* ~~commission~~ and provide such assistance as requested.

(6) ~~The commission shall coordinate and actively consult with the Department of Agriculture and Consumer Services during the review and approval process of grants relating to bioenergy projects for renewable energy technology.~~ Factors for consideration in awarding grants *relating to bioenergy projects* may include, but are not limited to, the degree to which:

(a) The project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for bioenergy.

(b) The project produces bioenergy from Florida-grown crops or biomass.

(c) The project demonstrates efficient use of energy and material resources.

(d) The project fosters overall understanding and appreciation of bioenergy technologies.

(e) Matching funds and in-kind contributions from an applicant are available.

(f) The project duration and the timeline for expenditures are acceptable.

(g) The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.

(h) Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market.

Section 21. Subsections (1), (6), and (7) of section 377.806, Florida Statutes, are amended to read:

377.806 Solar Energy System Incentives Program.—

(1) PURPOSE.—The Solar Energy System Incentives Program is established within the *Department of Agriculture and Consumer Services* ~~commission~~ to provide financial incentives for the purchase and installation of solar energy systems. Any resident of the state who purchases and installs a new solar energy system of 2 kilowatts or larger for a solar photovoltaic system, a solar energy system that provides at least 50 percent of a building's hot water consumption for a solar thermal system, or a solar thermal pool heater, from July 1, 2006, through June 30, 2010, is eligible for a rebate on a portion of the purchase price of that solar energy system.

(6) REBATE AVAILABILITY.—The *department* ~~commission~~ shall determine and publish on a regular basis the amount of rebate funds remaining in each fiscal year. The total dollar amount of all rebates issued is subject to the total amount of appropriations in any fiscal year for this program. If funds are insufficient during the current fiscal year, any requests for rebates received during that fiscal year may be processed during the following fiscal year. Requests for rebates received in a fiscal year that are processed during the following fiscal year shall be given priority over requests for rebates received during the following fiscal year.

(7) RULES.—The *department* ~~commission~~ shall adopt rules pursuant to ss. 120.536(1) and 120.54 to develop rebate applications and administer the issuance of rebates.

Section 22. Section 377.807, Florida Statutes, is amended to read:

377.807 Energy-efficient appliance rebate program.—

(1) The *department may* ~~Florida Energy and Climate Commission is authorized to~~ develop and administer a consumer rebate program for residential energy-efficient appliances, consistent with 42 U.S.C. s. 15821 and any federal agency guidance or regulations issued in furtherance of federal law.

(2) The *department* ~~commission~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 designating eligible appliances, rebate amounts, and the administration of the issuance of rebates. The rules shall be consistent with 42 U.S.C. s. 15821 and any subsequent implementing federal regulations or guidance.

(3) The *department may* ~~commission is authorized to~~ enter into contracts or memoranda of agreement with other agencies of the state, public-private partnerships, or other arrangements such that the most efficient means of administering consumer rebates can be achieved.

Section 23. Subsections (2) through (5) of section 377.808, Florida Statutes, are amended to read:

377.808 Florida Green Government Grants Act.—

(2) The *department* ~~Florida Energy and Climate Commission~~ shall use funds specifically appropriated to award grants under this section to assist local governments, including municipalities, counties, and school districts, in the development and implementation of programs that achieve green standards. Green standards shall be determined by the *department* ~~commission~~ and shall provide for cost-efficient solutions, reducing greenhouse gas emissions, improving quality of life, and strengthening the state's economy.

(3) The *department* ~~commission~~ shall adopt rules pursuant to chapter 120 to administer the grants provided for in this section. In accordance with the rules adopted by the *department* ~~commission~~ under this section, the *department* ~~commission~~ may provide grants from funds specifically appropriated for this purpose to local governments for the costs of achieving green standards, including necessary administrative expenses. The rules of the *department* ~~commission~~ shall:

(a) Designate one or more suitable green government standards frameworks from which local governments may develop a greening government initiative and from which projects may be eligible for funding pursuant to this section.

(b) Require that projects that plan, design, construct, upgrade, or replace facilities reduce greenhouse gas emissions and be cost-effective, environmentally sound, permittable, and implementable.

(c) Require local governments to match state funds with direct project cost sharing or in-kind services.

(d) Provide for a scale of matching requirements for local governments on the basis of population in order to assist rural and undeveloped areas of the state with any financial burden of addressing climate change impacts.

(e) Require grant applications to be submitted on appropriate forms developed and adopted by the *department* ~~commission~~ with appropriate supporting documentation and require records to be maintained.

(f) Establish a system to determine the relative priority of grant applications. The system shall consider greenhouse gas reductions, energy savings and efficiencies, and proven technologies.

(g) Establish requirements for competitive procurement of engineering and construction services, materials, and equipment.

(h) Provide for termination of grants when program requirements are not met.

(4) Each local government is limited to not more than two grant applications during each application period announced by the *department* ~~commission~~. However, a local government may not have more than three active projects expending grant funds during any state fiscal year.

(5) The *department* ~~commission~~ shall perform an adequate overview of each grant, which may include technical review, site inspections, disbursement approvals, and auditing to successfully implement this section.

Section 24. Subsection (1) of section 377.809, Florida Statutes, is amended to read:

377.809 Energy Economic Zone Pilot Program.—

(1) The Department of Community Affairs, in consultation with the Department of Transportation, shall implement an Energy Economic Zone Pilot Program for the purpose of developing a model to help communities cultivate green economic development, encourage renewable electric energy generation, manufacture products that contribute to energy conservation and green jobs, and further implement chapter 2008-191, Laws of Florida, relative to discouraging sprawl and developing energy-efficient land use patterns and greenhouse gas reduction strategies. The Office of Tourism, Trade, and Economic Development and the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall provide technical assistance to the departments in developing and administering the program.

Section 25. Subsections (3) and (6) of section 403.44, Florida Statutes, are amended to read:

403.44 Florida Climate Protection Act.—

(3) The department may adopt rules for a cap-and-trade regulatory program to reduce greenhouse gas emissions from major emitters. When developing the rules, the department shall consult with the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ and the Florida Public Service Commission and may consult with the Governor's Action Team for Energy and Climate Change. The department shall not adopt rules until after January 1, 2010. The rules shall not become effective until ratified by the Legislature.

(6) Recognizing that the international, national, and neighboring state policies and the science of climate change will evolve, prior to submitting the proposed rules to the Legislature for consideration, the department shall submit the proposed rules to the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~, which shall review the proposed rules and submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the department. The report shall address:

(a) The overall cost-effectiveness of the proposed cap-and-trade system in combination with other policies and measures in meeting statewide targets.

(b) The administrative burden to the state of implementing, monitoring, and enforcing the program.

(c) The administrative burden on entities covered under the cap.

(d) The impacts on electricity prices for consumers.

(e) The specific benefits to the state's economy for early adoption of a cap-and-trade system for greenhouse gases in the context of federal climate change legislation and the development of new international compacts.

(f) The specific benefits to the state's economy associated with the creation and sale of emissions offsets from economic sectors outside of the emissions cap.

(g) The potential effects on leakage if economic activity relocates out of the state.

(h) The effectiveness of the combination of measures in meeting identified targets.

(i) The economic implications for near-term periods of short-term and long-term targets specified in the overall policy.

(j) The overall costs and benefits of a cap-and-trade system to the economy of the state.

(k) The impacts on low-income consumers that result from energy price increases.

(l) The consistency of the program with other state and possible federal efforts.

(m) The evaluation of the conditions under which the state should consider linking its trading system to the systems of other states or other countries and how that might be affected by the potential inclusion in the rule of a safety valve.

(n) The timing and changes in the external environment, such as proposals by other states or implementation of a federal program that would spur reevaluation of the Florida program.

(o) The conditions and options for eliminating the Florida program if a federal program were to supplant it.

(p) The need for a regular reevaluation of the progress of other emitting regions of the country and of the world, and whether other regions are abating emissions in a commensurate manner.

(q) The desirability of and possibilities of broadening the scope of the state's cap-and-trade system at a later date to include more emitting activities as well as sinks in Florida, the conditions that would need to be met to do so, and how the program would encourage these conditions to be met, including developing monitoring and measuring techniques for land use emissions and sinks, regulating sources upstream, and other considerations.

Section 26. Section 526.207, Florida Statutes, is amended to read:

526.207 Studies and reports.—

(1) The *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall conduct a study to evaluate and recommend the life-cycle greenhouse gas emissions associated with all renewable fuels, including, but not limited to, biodiesel, renewable diesel, biobutanol, and ethanol derived from any source. In addition, the *department* ~~commission~~ shall evaluate and recommend a requirement that all renewable fuels introduced into commerce in the state, as a result of the renewable fuel standard, shall reduce the life-cycle greenhouse gas emissions by an average percentage. The *department* ~~commission~~ may also evaluate and recommend any benefits associated with the creation, banking, transfer, and sale of credits among fuel refiners, blenders, and importers.

(2) The *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall submit a report containing specific recommendations to the President of the Senate and the Speaker of the House of Representatives no later than December 31, 2010.

Section 27. Section 570.074, Florida Statutes, is amended to read:

570.074 Department of Agriculture and Consumer Services; *energy and* water policy ~~coordination~~.—The commissioner may create an Office of *Energy and* Water ~~Coordination~~ under the supervision of a senior manager exempt under s. 110.205 in the Senior Management Service. The commissioner may designate the bureaus and positions in the various organizational divisions of the department that report to this office relating to any matter over which the department has jurisdiction in matters relating to *energy and* water policy affecting agriculture, application of such policies, and coordination of such matters with state and federal agencies.

Section 28. Subsection (3) of section 570.954, Florida Statutes, is amended to read:

570.954 Farm-to-fuel initiative.—

~~(3) The department shall coordinate with and solicit the expertise of the state energy office within the Department of Environmental Protection when developing and implementing this initiative.~~

Section 29. Subsections (5), (11), (12), and (13) of section 1004.648, Florida Statutes, are amended to read:

1004.648 Florida Energy Systems Consortium.—

(5) The director, whose office *is* ~~shall be~~ located at the University of Florida, shall report to the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission created pursuant to s. 377.6015~~.

(11) The oversight board, in consultation with the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~, shall ensure that the consortium:

(a) Maintains accurate records of any funds received by the consortium.

(b) Meets financial and technical performance expectations, which may include external technical reviews as required.

(12) The steering committee shall consist of the university representatives included in the Centers of Excellence proposals for the Florida Energy Systems Consortium and the Center of Excellence in Ocean Energy Technology-Phase II which were reviewed during the 2007-2008 fiscal year by the Florida Technology, Research, and Scholarship Board created in s. 1004.226(4); a university representative appointed by the President of Florida International University; and *a representative of* the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~. The steering committee *is* ~~shall be~~ responsible for establishing and ensuring the success of the consortium's mission under subsection (9).

(13) By November 1 of each year, the consortium shall submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ regarding its activities, including, but not limited to, education and research related to, and the development and deployment of, alternative energy technologies.

Section 30. Sections 1 and 2 of chapter 2010-282, Laws of Florida, are amended to read:

Section 1. (1) As provided in this section and section 2, a portion of the total amount appropriated in this act shall be *used* ~~utilized~~ by the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ to pay rebates to eligible applicants who submit an application pursuant to the Florida ENERGY STAR Residential HVAC Rebate Program administered by the *department* ~~commission~~, as approved by the United States Department of Energy. An applicant is eligible for a rebate under this section if:

(a) A complete application is submitted to the *department* ~~commission~~ on or before November 30, 2010.

(b) The central air conditioner, air source heat pump, or geothermal heat pump system replacement for which the applicant is seeking a rebate was purchased from or contracted for purchase with a Florida-licensed contractor after August 29, 2010, but before September 15, 2010, and fully installed prior to submission of the application for a rebate.

(c) The *department* ~~commission~~ determines that the application complies with this section and any existing agreement with the United States Department of Energy governing the Florida ENERGY STAR Residential HVAC Rebate Program.

(d) The applicant provides the following information to the *department* ~~commission~~ on or before November 30, 2010:

1.a. A copy of the sales receipt indicating a date of purchase after August 29, 2010, but before September 15, 2010, with the make and model number identified and circled along with the name and address of the Florida-licensed contractor who installed the system; or

b. A copy of the contract for the purchase and installation of the system indicating a contract date after August 29, 2010, but before September 15, 2010, and a copy of the sales receipt indicating a date of purchase after August 29, 2010, but on or before November 30, 2010, with the make and model number identified and circled along with the name and address of the Florida-licensed contractor who installed the system.

2. A copy of the mechanical building permit issued by the county or municipality and pulled by the Florida-licensed contractor who installed the system for the residence.

3. A copy of the Air Distribution System Test Report results from a Florida-certified Class 1 energy gauge rater, a Florida-licensed mechanical contractor, or a recognized test and balance agent. The results from the test must indicate the home has no more than 15 percent leakage to the outside as measured by 0.10 Qn.out or less.

4. A copy of the summary of the Manual J program completed for the residence to indicate that the proper methodology for sizing the new system was completed.

(2) The *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall pay a $1,500 rebate to each consumer who submits an application pursuant to the Florida ENERGY STAR Residential HVAC Rebate Program if the application is approved by the *department* ~~commission~~ in accordance with this act. The *depart-*

ment ~~commission~~ shall pay all rebates authorized in this section prior to paying any rebates authorized in section 2.

Section 2. Notwithstanding s. 377.806(6), Florida Statutes, the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall utilize up to $28,902,623, less any amount in excess of $2,467,244 used to pay rebates pursuant to section 1, to pay a percentage of each unpaid and approved rebate application submitted pursuant to the Solar Energy System Incentives Program established in s. 377.806, Florida Statutes. An applicant is eligible for a rebate under this section if the application submitted complies with s. 377.806, Florida Statutes. The percentage of each approved rebate to be paid shall be derived by dividing the remaining appropriation by the total dollar value of the backlog of final approved solar rebates, pursuant to the authorized limits provided in s. 377.806, Florida Statutes.

Section 31. *For the 2011-2012 fiscal year only, notwithstanding s. 216.181(2)(b), Florida Statutes, the Department of Agriculture may submit an amendment to the Legislative Budget Commission for increased budget authority for a fixed capital outlay appropriation for federal energy grants. Any such amendment is subject to the review and notice procedures provided in s. 216.177, Florida Statutes.*

Section 32. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Energy and Climate Commission; transferring the duties of the Florida Energy and Climate Commission with respect to planning and developing the state's energy policy and its duties under the Florida Energy and Climate Protection Act to the Department of Agriculture and Consumer Services; providing for the transfer of the commission's duties and records, personnel, property, unexpended balances of appropriations, allocations, and other funds, administrative authority, administrative rules, pending issues, and existing contracts to the Department of Agriculture and Consumer Services; amending ss. 213.053, 220.192, 288.1089, 288.9607, 366.82, 366.92, 377.6015, 377.602, 377.603, 377.604, 377.605, 377.606, and 377.608, F.S.; eliminating the Florida Energy and Climate Commission and transferring its duties to the Department of Agriculture and Consumer Services; conforming provisions to changes made by the act; amending s. 377.701, F.S.; transferring the duties of petroleum allocation from the Florida Energy and Climate Commission to the Division of Emergency Management; amending s. 377.703, F.S.; conforming provisions to changes made by the act; transferring energy emergency contingency plans to the Division of Emergency Management; providing for the Department of Management Services to coordinate the energy conservation programs of all state agencies; transferring administration of the Coastal Energy Impact Program to the Department of Environmental Protection; amending ss. 377.711, 377.801, 377.803, 377.804, 377.806, 377.807, 377.808, 377.809, 403.44, 526.207, 570.954, and 1004.648, F.S.; conforming provisions to changes made by the act; amending s. 570.074, F.S.; providing for the creation of the Office of Energy and Water within the Department of Agriculture and Consumer Services; amending ss. 1 and 2 of chapter 2010-282, Laws of Florida; conforming cross references in the chapter to changes made in the act; authorizing the Department of Agriculture to submit a request to the Legislative Budget Commission for a fixed capital outlay appropriation for federal energy grants; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2106** was adopted. **SB 2106** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Hill
Alexander	Dockery	Jones
Altman	Evers	Latvala
Benacquisto	Fasano	Lynn
Bennett	Flores	Margolis
Bogdanoff	Gaetz	Montford
Braynon	Garcia	Negron
Dean	Gardiner	Norman
Detert	Hays	Rich
Richter	Siplin	Thrasher
Ring	Smith	Wise
Sachs	Sobel	
Simmons	Storms	

Nays—2

Joyner	Oelrich

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2110

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2110, same being:

An act relating to the Auditor General.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Chair
s/ Ben Albritton
Gary Aubuchon, At Large
Leonard L. Bembry
Mack Bernard
s/ Jeffrey "Jeff" Brandes
s/ Douglas Vaughn "Doug"
Broxson
Charles S. "Chuck" Chestnut IV, At Large
s/ Fredrick W. "Fred" Costello
s/ Daniel Davis
Chris Dorworth
s/ Clay Ford
James C. "Jim" Frishe

s/ Janet H. Adkins
s/ Larry Ahern
s/ Frank Artiles
s/ Dennis K. Baxley
Lori Berman
Michael Bileca
s/ Jason T. Brodeur
s/ Matthew H. "Matt" Caldwell
Daphne D. Campbell
s/ Marti Coley
s/ Richard Corcoran
s/ Steve Crisafulli
s/ Jose Felix Diaz
Brad Drake
s/ Erik Fresen
s/ Matt Gaetz

Joseph A. "Joe" Gibbons
Eduardo "Eddy" Gonzalez
James W. "J.W." Grant
s/ Doug Holder
s/ Mike Horner
s/ Dorothy L. Hukill, At Large
Mia L. Jones
Martin David "Marty" Kiar
s/ John Legg, At Large
Debbie Mayfield
s/ Seth McKeel, At Large
s/ Peter Nehr
Jeanette M. Nunez
Mark S. Pafford
s/ W. Keith Perry
Scott Plakon
s/ Stephen L. Precourt
s/ Lake Ray
Betty Reed
Hazelle P. "Hazel" Rogers
Darryl Ervin Rouson, At Large
Ron Saunders, At Large
Irving "Irv" Slosberg
s/ Jimmie T. Smith
Darren Soto
s/ W. Gregory "Greg" Steube
Will W. Weatherford, At Large
s/ Trudi K. Williams
Ritch Workman
s/ Richard "Rich" Glorioso
s/ Tom Goodson
s/ Gayle B. Harrell
s/ Ed Hooper
s/ Matt Hudson
s/ Clay Ingram
John Patrick Julien
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Larry Metz
s/ Bryan Nelson
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Ray Pilon
Elizabeth W. Porter
s/ William L. "Bill" Proctor, At Large
Kenneth L. "Ken" Roberson
s/ Patrick Rooney, Jr.
Franklin Sands, At Large
s/ Robert C. "Rob" Schenck, At Large
s/ William D. Snyder, At Large
Kelli Stargel
s/ Carlos Trujillo
Alan B. Williams
John Wood
s/ Dana D. Young

Managers on the part of the House

The Conference Committee Amendment for SB 2110, relating to the Auditor General, provides for the following:

- Modifies statutory requirements relating to the frequency of certain operational and financial audits conducted by the Auditor General.

- Requires the Auditor General to submit an annual report which includes a projected two-year work plan.

- Authorizes the Auditor General to audit virtual education providers receiving state funds or funds from local ad valorem taxes.

- Authorizes the Auditor General audit water management district

Conference Committee Amendment (377130)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(1) DEFINITIONS.—As used in ss. 11.40-11.513, the term:

(a) "Audit" means a financial audit, operational audit, or performance audit.

(b) "County agency" means a board of county commissioners or other legislative and governing body of a county, however styled, including that of a consolidated or metropolitan government, a clerk of the circuit court, a separate or ex officio clerk of the county court, a sheriff, a property appraiser, a tax collector, a supervisor of elections, or any other officer in whom any portion of the fiscal duties of the above are under law separately placed.

(c) "Financial audit" means an examination of financial statements in order to express an opinion on the fairness with which they are presented in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements. Financial audits must be conducted in accordance with *auditing standards* generally accepted *in the United States* ~~auditing standards~~ and government auditing standards as adopted by the Board of Accountancy. *When applicable, the scope of financial audits shall encompass the additional activities necessary to establish compliance with the Single Audit Act Amendments of 1996, 31 U.S.C. ss. 7501-7507 and other applicable federal law.*

(d) "Governmental entity" means a state agency, a county agency, or any other entity, however styled, that independently exercises any type of state or local governmental function.

(e) "Local governmental entity" means a county agency, municipality, or special district as defined in s. 189.403, but does not include any housing authority established under chapter 421.

(f) "Management letter" means a statement of the auditor's comments and recommendations.

(g) "Operational audit" means *an* ~~a financial related~~ audit whose purpose is to evaluate management's performance in *establishing and maintaining internal controls, including controls designed to prevent and detect fraud, waste, and abuse, and in* administering assigned responsibilities in accordance with applicable laws, administrative rules, *contracts, grant agreements* and other guidelines*. Operational audits must be conducted in accordance with government auditing standards. Such audits examine* ~~and to determine the extent to which the~~ internal *controls that are* ~~control, as~~ designed and placed in operation *to promote*~~,~~ ~~promotes~~ and *encourage* ~~encourages~~ the achievement of management's control objectives in the categories of compliance, economic and efficient operations, reliability of financial records and reports, and safeguarding of assets*, and identify weaknesses in those internal controls*.

(h) "Performance audit" means an examination of a program, activity, or function of a governmental entity, conducted in accordance with applicable government auditing standards or auditing and evaluation standards of other appropriate authoritative bodies. The term includes an examination of issues related to:

1. Economy, efficiency, or effectiveness of the program.

2. Structure or design of the program to accomplish its goals and objectives.

3. Adequacy of the program to meet the needs identified by the Legislature or governing body.

4. Alternative methods of providing program services or products.

5. Goals, objectives, and performance measures used by the agency to monitor and report program accomplishments.

6. The accuracy or adequacy of public documents, reports, or requests prepared under the program by state agencies.

7. Compliance of the program with appropriate policies, rules, or laws.

8. Any other issues related to governmental entities as directed by the Legislative Auditing Committee.

(i) "Political subdivision" means a separate agency or unit of local government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village.

(j) "State agency" means a separate agency or unit of state government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, commission, department, division, institution, office, officer, or public corporation, as the case may be, except any such agency or unit within the legislative branch of state government other than the Florida Public Service Commission.

(2) DUTIES.—The Auditor General shall:

(a) Conduct audits of records and perform related duties as prescribed by law, concurrent resolution of the Legislature, or as directed by the Legislative Auditing Committee.

(b) Annually conduct a financial audit of state government.

(c) Annually conduct financial audits of all *state* universities and *state* ~~district boards of trustees of community~~ colleges.

(d) Annually conduct financial audits of the accounts and records of all district school boards in counties with populations of fewer than 150,000, according to the most recent federal decennial statewide census.

(e) *Once every 3 years, conduct financial audits of the accounts and records of all district school boards in counties that have populations of 150,000 or more, according to the most recent federal decennial statewide census.* ~~Through fiscal year 2008-2009, annually conduct an audit of the Wireless Emergency Telephone System Fund as described in s. 365.173.~~

~~(f) Annually conduct audits of the accounts and records of the Florida School for the Deaf and the Blind.~~

(f)~~(g)~~ At least every *3* ~~2~~ years, conduct operational audits of the accounts and records of state agencies*, state* ~~and~~ universities*, state colleges, district school boards, the Florida Clerks of Court Operations Corporation, water management districts, and the Florida School for the Deaf and the Blind*. ~~In connection with these audits, the Auditor General shall give appropriate consideration to reports issued by state agencies' inspectors general or universities' inspectors general and the resolution of findings therein.~~

(g)~~(h)~~ At least every *3* ~~2~~ years, conduct a performance audit of the local government financial reporting system, which, for the purpose of this chapter, means any statutory *provision* ~~provisions~~ related to local government financial reporting. The purpose of such an audit is to determine the accuracy, efficiency, and effectiveness of the reporting system in achieving its goals and to make recommendations to the local governments, the Governor, and the Legislature as to how the reporting system can be improved and how program costs can be reduced. The Auditor General shall determine the scope of *the* ~~such~~ audits. The local government financial reporting system should provide for the timely, accurate, uniform, and cost-effective accumulation of financial and other information that can be used by the members of the Legislature and other appropriate officials to accomplish the following goals:

1. Enhance citizen participation in local government;

2. Improve the financial condition of local governments;

3. Provide essential government services in an efficient and effective manner; and

4. Improve decisionmaking on the part of the Legislature, state agencies, and local government officials on matters relating to local government.

(h)~~(i)~~ *At least* ~~Once~~ every 3 years, conduct *a* performance *audit* ~~audits~~ of the Department of Revenue's administration of the ad valorem tax laws as described in s. 195.096. *The audit report shall report on the activities of the ad valorem tax program of the Department of Revenue related to the ad valorem tax rolls. The Auditor General shall include, for at least four counties reviewed, findings as to the accuracy of assessment procedures, projections, and computations made by the department, using the same generally accepted appraisal standards and procedures to which the department and the property appraisers are required to adhere. However, the report may not include any findings or statistics related to any ad valorem tax roll that is in litigation between the state and county officials at the time the report is issued.*

~~(j) Once every 3 years, conduct financial audits of the accounts and records of all district school boards in counties with populations of 125,000 or more, according to the most recent federal decennial statewide census.~~

(i)~~(k)~~ Once every 3 years, review a sample of ~~each state agency's~~ internal audit reports *at each state agency, as defined in s. 20.055(1),* to determine compliance with current Standards for the Professional Practice of Internal Auditing or, if appropriate, government auditing standards.

(j)~~(l)~~ Conduct audits of local governmental entities when determined to be necessary by the Auditor General, when directed by the Legislative Auditing Committee, or when otherwise required by law. No later than 18 months after the release of the audit report, the Auditor General shall perform such appropriate followup procedures as he or she deems necessary to determine the audited entity's progress in addressing the findings and recommendations contained within the Auditor General's previous report. The Auditor General shall *notify* ~~provide a copy of his or her determination to~~ each member of the audited entity's governing body and ~~to~~ the Legislative Auditing Committee *of the results of his or her determination*.

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

(a) The accounts and records of any governmental entity created or established by law.

(b) The information technology programs, activities, functions, or systems of any governmental entity created or established by law.

(c) The accounts and records of any charter school created or established by law.

(d) The accounts and records of any direct-support organization or citizen support organization created or established by law. The Auditor General is authorized to require and receive any records from the direct-support organization or citizen support organization, or from its independent auditor.

(e) The public records associated with any appropriation made by the Legislature to a nongovernmental agency, corporation, or person. All records of a nongovernmental agency, corporation, or person with respect to the receipt and expenditure of such an appropriation shall be public records and shall be treated in the same manner as other public records are under general law.

(f) State financial assistance provided to any nonstate entity as defined by s. 215.97.

(g) The Tobacco Settlement Financing Corporation created pursuant to s. 215.56005.

(h) Any purchases of federal surplus lands for use as sites for correctional facilities as described in s. 253.037.

(i) Enterprise Florida, Inc., including any of its boards, advisory committees, or similar groups created by Enterprise Florida, Inc., and programs. The audit report may not reveal the identity of any person who has anonymously made a donation to Enterprise Florida, Inc., pursuant to this paragraph. The identity of a donor or prospective donor to Enterprise Florida, Inc., who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

(j) The Florida Development Finance Corporation or the capital development board or the programs or entities created by the board. The audit or report may not reveal the identity of any person who has anonymously made a donation to the board pursuant to this paragraph. The identity of a donor or prospective donor to the board who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

(k) The records pertaining to the use of funds from voluntary contributions on a motor vehicle registration application or on a driver's license application authorized pursuant to ss. 320.023 and 322.081.

(l) The records pertaining to the use of funds from the sale of specialty license plates described in chapter 320.

(m) The transportation corporations under contract with the Department of Transportation that are acting on behalf of the state to secure and obtain rights-of-way for urgently needed transportation systems and to assist in the planning and design of such systems pursuant to ss. 339.401-339.421.

(n) The acquisitions and divestitures related to the Florida Communities Trust Program created pursuant to chapter 380.

(o) The Florida Water Pollution Control Financing Corporation created pursuant to s. 403.1837.

(p) The school readiness system, including the early learning coalitions, created under s. 411.01.

(q) The Florida Special Disability Trust Fund Financing Corporation created pursuant to s. 440.49.

(r) Workforce Florida, Inc., or the programs or entities created by Workforce Florida, Inc., created pursuant to s. 445.004.

(s) The corporation defined in s. 455.32 that is under contract with the Department of Business and Professional Regulation to provide administrative, investigative, examination, licensing, and prosecutorial support services in accordance with the provisions of s. 455.32 and the practice act of the relevant profession.

(t) The Florida Engineers Management Corporation created pursuant to chapter 471.

~~(u) The Investment Fraud Restoration Financing Corporation created pursuant to chapter 517.~~

(u)~~(v)~~ The books and records of any permitholder that conducts race meetings or jai alai exhibitions under chapter 550.

(v)~~(w)~~ The corporation defined in part II of chapter 946, known as the Prison Rehabilitative Industries and Diversified Enterprises, Inc., or PRIDE Enterprises.

(w)~~(x)~~ The Florida Virtual School pursuant to s. 1002.37.

(x) Virtual education providers receiving state funds or funds from local ad valorem taxes.

(4) SCHEDULING AND STAFFING OF AUDITS.—

(a) Each financial audit required or authorized by this section, when practicable, shall be made and completed within not more than 9 months following the end of each audited fiscal year of the state agency or political subdivision, or at such lesser time which may be provided by law or concurrent resolution or directed by the Legislative Auditing Committee. When the Auditor General determines that conducting any audit or engagement otherwise required by law would not be possible due to workload or would not be an efficient or effective use of his or her resources based on an assessment of risk, then, in his or her discretion, the Auditor General may temporarily or indefinitely postpone such audits or other engagements for such period or any portion thereof, unless otherwise directed by the committee.

(b) The Auditor General may, when in his or her judgment it is necessary, designate and direct any auditor employed by the Auditor General to audit any accounts or records within the authority of the Auditor General to audit. The auditor shall report his or her findings for review by the Auditor General, who shall prepare the audit report.

(c) The audit report when final shall be a public record. The audit workpapers and notes are not a public record; however, those workpapers necessary to support the computations in the final audit report may be made available by a majority vote of the Legislative Auditing Committee after a public hearing showing proper cause. The audit workpapers and notes shall be retained by the Auditor General until no longer useful in his or her proper functions, after which time they may be destroyed.

(d) At the conclusion of the audit, the Auditor General or the Auditor General's designated representative shall discuss the audit with the official whose office is subject to audit and submit to that official a list of the Auditor General's findings which may be included in the audit report. If the official is not available for receipt of the list of audit findings, then delivery is presumed to be made when it is delivered to his or her office. The official shall submit to the Auditor General or the designated representative, within 30 days after the receipt of the list of findings, his or her written statement of explanation or rebuttal concerning all of the findings, including corrective action to be taken to preclude a recurrence of all findings.

(e) The Auditor General shall provide the successor independent certified public accountant of a district school board with access to the prior year's working papers in accordance with the Statements on Auditing Standards, including documentation of planning, internal control, audit results, and other matters of continuing accounting and auditing significance, such as the working paper analysis of balance sheet accounts and those relating to contingencies.

(5) PETITION FOR AN AUDIT BY THE AUDITOR GENERAL.—

(a) The Legislative Auditing Committee shall direct the Auditor General to make an audit of any municipality whenever petitioned to do so by at least 20 percent of the registered electors in the last general election of that municipality pursuant to this subsection. The supervisor of elections of the county in which the municipality is located shall certify whether or not the petition contains the signatures of at least 20 percent of the registered electors of the municipality. After the completion of the audit, the Auditor General shall determine whether the municipality has the fiscal resources necessary to pay the cost of the audit. The municipality shall pay the cost of the audit within 90 days after the Auditor General's determination that the municipality has the available resources. If the municipality fails to pay the cost of the audit, the Department of Revenue shall, upon certification of the Auditor General, withhold from that portion of the distribution pursuant to s. 212.20(6)(d)5. which is distributable to such municipality, a sum sufficient to pay the cost of the audit and shall deposit that sum into the General Revenue Fund of the state.

(b) At least one registered elector in the most recent general election must file a letter of intent with the municipal clerk prior to any petition of the electors of that municipality for the purpose of an audit. Each petition must be submitted to the supervisor of elections and contain, at a minimum:

1. The elector's printed name;

2. The signature of the elector;

3. The elector's residence address;

4. The elector's date of birth; and

5. The date signed.

All petitions must be submitted for verification within 1 calendar year after the audit petition origination by the municipal electors.

(6) REQUEST BY A LOCAL GOVERNMENTAL ENTITY FOR AN AUDIT BY THE AUDITOR GENERAL.—Whenever a local governmental entity requests the Auditor General to conduct an audit of all or part of its operations and the Auditor General conducts the audit under his or her own authority or at the direction of the Legislative Auditing Committee, the expenses of the audit shall be paid by the local governmental entity. The Auditor General shall estimate the cost of the audit. Fifty percent of the cost estimate shall be paid by the local governmental entity before the initiation of the audit and deposited into the General Revenue Fund of the state. After the completion of the audit, the Auditor General shall notify the local governmental entity of the actual cost of the audit. The local governmental entity shall remit the remainder of the cost of the audit to the Auditor General for deposit into the General Revenue Fund of the state. If the local governmental entity fails to comply with paying the remaining cost of the audit, the Auditor General shall notify the Legislative Auditing Committee. The committee shall proceed in accordance with s. 11.40(5).

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

(a) The Auditor General shall notify the Legislative Auditing Committee of any local governmental entity, district school board, charter school, or charter technical career center that does not comply with the

reporting requirements of s. 218.39. The committee shall proceed in accordance with s. 11.40(5).

(b) The Auditor General, in consultation with the Board of Accountancy, shall review all audit reports submitted pursuant to s. 218.39. The Auditor General shall request any significant items that were omitted in violation of a rule adopted by the Auditor General. The items must be provided within 45 days after the date of the request. If the governmental entity does not comply with the Auditor General's request, the Auditor General shall notify the Legislative Auditing Committee. The committee shall proceed in accordance with s. 11.40(5).

(c) The Auditor General shall provide annually a list of those special districts which are not in compliance with s. 218.39 to the Special District Information Program of the Department of Community Affairs.

(d) During the Auditor General's review of audit reports, he or she shall contact those units of local government, as defined in s. 218.403, that are not in compliance with s. 218.415 and request evidence of corrective action. The unit of local government shall provide the Auditor General with evidence of corrective action within 45 days after the date it is requested by the Auditor General. If the unit of local government fails to comply with the Auditor General's request, the Auditor General shall notify the Legislative Auditing Committee. The committee shall proceed in accordance with s. 11.40(5).

(e) The Auditor General shall notify the Governor or the Commissioner of Education, as appropriate, and the Legislative Auditing Committee of any audit report reviewed by the Auditor General pursuant to paragraph (b) which contains a statement that a local governmental entity, charter school, charter technical career center, or district school board has met one or more of the conditions specified in s. 218.503. If the Auditor General requests a clarification regarding information included in an audit report to determine whether a local governmental entity, charter school, charter technical career center, or district school board has met one or more of the conditions specified in s. 218.503, the requested clarification must be provided within 45 days after the date of the request. If the local governmental entity, charter school, charter technical career center, or district school board does not comply with the Auditor General's request, the Auditor General shall notify the Legislative Auditing Committee. If, after obtaining the requested clarification, the Auditor General determines that the local governmental entity, charter school, charter technical career center, or district school board has met one or more of the conditions specified in s. 218.503, he or she shall notify the Governor or the Commissioner of Education, as appropriate, and the Legislative Auditing Committee.

(f) The Auditor General shall annually compile and transmit to the President of the Senate, the Speaker of the House of Representatives, and the Legislative Auditing Committee a summary of significant findings and financial trends identified in audit reports reviewed in paragraph (b) or otherwise identified by the Auditor General's review of such audit reports and financial information, and identified in audits of district school boards conducted by the Auditor General. The Auditor General shall include financial information provided pursuant to s. 218.32(1)(e) for entities with fiscal years ending on or after June 30, 2003, within his or her reports submitted pursuant to this paragraph.

(g) If the Auditor General discovers significant errors, improper practices, or other significant discrepancies in connection with his or her audits of a state agency or state officer, the Auditor General shall notify the President of the Senate, the Speaker of the House of Representatives, and the Legislative Auditing Committee. The President of the Senate and the Speaker of the House of Representatives shall promptly forward a copy of the notification to the chairs of the respective legislative committees, which in the judgment of the President of the Senate and the Speaker of the House of Representatives are substantially concerned with the functions of the state agency or state officer involved. Thereafter, and in no event later than the 10th day of the next succeeding legislative session, the person in charge of the state agency involved, or the state officer involved, as the case may be, shall explain in writing to the President of the Senate, the Speaker of the House of Representatives, and to the Legislative Auditing Committee the reasons or justifications for such errors, improper practices, or other significant discrepancies and the corrective measures, if any, taken by the agency.

(h) The Auditor General shall *annually compile and* transmit to the President of the Senate, the Speaker of the House of Representatives, and the Legislative Auditing Committee by December 1 of each year *a report that includes a projected 2-year work plan identifying the audit and other accountability activities to be undertaken and* a list of statutory and fiscal changes recommended by the Auditor General. The Auditor General may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

(8) RULES OF THE AUDITOR GENERAL.—The Auditor General, in consultation with the Board of Accountancy, shall adopt rules for the form and conduct of all financial audits performed by independent certified public accountants pursuant to ss. 215.981, 218.39, 1001.453, 1004.28, and 1004.70. The rules for audits of local governmental entities, charter schools, charter technical career centers, and district school boards must include, but are not limited to, requirements for the reporting of information necessary to carry out the purposes of the Local Governmental Entity, Charter School, Charter Technical Career Center, and District School Board Financial Emergencies Act as stated in s. 218.501.

(9) TECHNICAL ADVICE PROVIDED BY THE AUDITOR GENERAL.—The Auditor General may provide technical advice to:

(a) The Department of Education in the development of a compliance supplement for the financial audit of a district school board conducted by an independent certified public accountant.

(b) Governmental entities on their financial and accounting systems, procedures, and related matters.

(c) Governmental entities on promoting the building of competent and efficient accounting and internal audit organizations in their offices.

Section 2. Section 25.075, Florida Statutes, is amended to read:

25.075 Uniform case reporting system.—

(1) The Supreme Court shall develop a uniform case reporting system, including a uniform means of reporting categories of cases, time required in the disposition of cases, and manner of disposition of cases.

(2) If any clerk ~~shall~~ willfully *fails* ~~fail~~ to report to the Supreme Court as directed by the court, the clerk shall be guilty of misfeasance in office.

~~(3) The Auditor General shall audit the reports made to the Supreme Court in accordance with the uniform system established by the Supreme Court.~~

Section 3. Subsection (5) of section 28.35, Florida Statutes, is amended to read:

28.35 Florida Clerks of Court Operations Corporation.—

(5)~~(a) The corporation shall submit an annual audited financial statement to the Auditor General in a form and manner prescribed by the Auditor General. The Auditor General shall conduct an annual audit of the operations of the corporation, including the use of funds and compliance with the provisions of this section and ss. 28.36 and 28.37.~~

~~(b)~~ Certified public accountants conducting audits of counties pursuant to s. 218.39 shall report, as part of the audit, whether or not the clerks of the courts have complied with the requirements of this section and s. 28.36. In addition, each clerk of court shall forward a copy of the portion of the financial audit relating to the court-related duties of the clerk of court to the Supreme Court. The Auditor General shall develop a compliance supplement for the audit of compliance with the budgets and applicable performance standards certified by the corporation.

Section 4. *Subsection (7) of section 195.096, Florida Statutes, is repealed.*

Section 5. Subsection (17) of section 218.31, Florida Statutes, is amended to read:

218.31 Definitions.—As used in this part, except where the context clearly indicates a different meaning:

(17) "Financial audit" means an examination of financial statements in order to express an opinion on the fairness with which they are presented in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements. Financial audits must be conducted in accordance with *auditing standards* generally accepted *in the United States* ~~auditing standards~~ and government auditing standards as adopted by the Board of Accountancy and as prescribed by rules promulgated by the Auditor General. *When applicable, the scope of financial audits shall encompass the additional activities necessary to establish compliance with the Single Audit Act Amendments of 1996, 31 U.S.C. ss. 7501-7507 and other applicable federal law.*

Section 6. Subsection (5) of section 273.05, Florida Statutes, is amended to read:

273.05 Surplus property.—

(5) The custodian shall maintain records of property that is certified as surplus with information indicating the value and condition of the property. Agency records for property certified as surplus shall comply with rules issued by the *Chief Financial Officer* ~~Auditor General~~.

Section 7. *Subsection (3) of section 365.173, Florida Statutes, is repealed.*

Section 8. *Subsection (3) of section 943.25, Florida Statutes, is repealed.*

Section 9. Subsection (3) of section 1002.36, Florida Statutes, is amended to read:

1002.36 Florida School for the Deaf and the Blind.—

(3) AUDITS.—The Auditor General shall conduct ~~annual~~ audits of the accounts and records of the Florida School for the Deaf and the Blind *as provided in s. 11.45*. The Department of Education's Inspector General is authorized to conduct investigations at the school as provided in s. 1001.20(4)(e).

Section 10. Subsection (5) of section 1009.53, Florida Statutes, is amended to read:

1009.53 Florida Bright Futures Scholarship Program.—

(5) The department shall issue awards from the scholarship program annually. Annual awards may be for up to 45 semester credit hours or the equivalent. Before the registration period each semester, the department shall transmit payment for each award to the president or director of the postsecondary education institution, or his or her representative, except that the department may withhold payment if the receiving institution fails to report or to make refunds to the department as required in this section.

(a) Within 30 days after the end of regular registration each semester, the educational institution shall certify to the department the eligibility status of each student who receives an award. After the end of the drop and add period, an institution is not required to reevaluate or revise a student's eligibility status; however, an institution must make a refund to the department within 30 days after the end of the semester of any funds received for courses dropped by a student or courses from which a student has withdrawn after the end of the drop and add period, unless the student has been granted an exception by the department pursuant to subsection (11).

(b) An institution that receives funds from the program shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days after the end of regular registration.

(c) Each institution that receives moneys through this program shall *provide for a* ~~prepare an annual report that includes an annual~~ financial audit, *as defined in s. 11.45,* conducted by an independent certified public accountant or the Auditor General *for each fiscal year in which the institution expends program moneys in excess of $100,000. At least every 2 years,* the *audit* ~~report~~ shall include an *examination* ~~audit~~ of the institution's administration of the program and *the institution's* ~~a complete~~ accounting of the moneys for the program *since the last examination of the institution's administration of the program. The* ~~This~~ report *on the audit* must be submitted to the department *within 9 months after the end of the fiscal year* ~~annually by March 1~~. The department may conduct its own annual audit of an institution's administration of the program. The department may request a refund of any moneys overpaid to the institution for the program. The department may suspend or revoke an institution's eligibility to receive future moneys for the program if the department finds that an institution has not complied with this section. The institution must remit within 60 days any refund requested in accordance with this subsection.

(d) Any institution that is not subject to an audit pursuant to this subsection shall attest, under penalty of perjury, that the moneys were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.

Section 11. For the purpose of incorporating the amendment made by this act to section 11.45, Florida Statutes, in a reference thereto, subsection (3) of section 11.40, Florida Statutes, is reenacted to read:

11.40 Legislative Auditing Committee.—

(3) The Legislative Auditing Committee may direct the Auditor General or the Office of Program Policy Analysis and Government Accountability to conduct an audit, review, or examination of any entity or record described in s. 11.45(2) or (3).

Section 12. Paragraph (b) of subsection (1) of section 938.01, Florida Statutes, is amended to read:

938.01 Additional Court Cost Clearing Trust Fund.—

(1) All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, require every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance to pay $3 as a court cost. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be liable for payment of such cost. In addition, $3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be remitted to the Department of Revenue as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(b) All funds in the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund shall be disbursed only in compliance with s. 943.25*(8)*~~(9)~~.

Section 13. Paragraph (c) of subsection (1) of section 943.17, Florida Statutes, is amended to read:

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.—The commission shall, by rule, design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for basic recruit, advanced, and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(1) The commission shall:

(c) Design, implement, maintain, evaluate, revise, or adopt a career development training program which is limited to those courses related to promotion to a higher rank or position. Career development courses will not be eligible for funding as provided in s. 943.25*(8)*~~(9)~~.

Section 14. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Auditor General; amending s. 11.45, F.S.; redefining the term "financial audit" to conform with applicable auditing standards; defining the term "operational audit" to provide the objectives of such audits; clarifying the requirement for the Auditor General to conduct financial audits of the accounts and records of all district school boards in counties of a specified size once every 3 years; revising duties and responsibilities of the Auditor General; requiring that the Auditor

General conduct operational audits at least every 3 years of certain additional state entities and district school boards and report on the activities of the ad valorem tax program of the Department of Revenue; amending ss. 25.075 and 28.35, F.S.; revising the duties of the Auditor General with respect to responsibilities for auditing certain reports made to the State Supreme Court and the operations of the Florida Clerks of Court Operations Corporation, respectively; repealing s. 195.096(7), F.S., relating to the Auditor General's responsibility for conducting a performance audit of the Department of Revenue's administration of ad valorem tax laws; amending s. 218.31, F.S.; redefining the term "financial audit" to conform with applicable auditing standards; amending s. 273.05, F.S.; revising requirements to issue rules for surplus property; repealing ss. 365.173(3) and 943.25(3), F.S., relating to the Auditor General's responsibilities for auditing the Emergency Communications Number E911 System Fund and criminal justice trust funds, respectively; amending s. 1002.36, F.S.; conforming provisions to changes made by the act; amending s. 1009.53, F.S.; requiring colleges and universities that receive Florida Bright Futures Scholarship Program moneys to submit to the Department of Education a financial audit prepared by an independent certified public accountant or the Auditor General if the college or university expended more than a specified amount of program money; requiring that the audit include an examination of the institute's administration of the program; providing that the audit be submitted to the department within a certain time; requiring any institution that is not subject to the audit to attest, under penalty of perjury, that the moneys were used in compliance with the law; providing for the attestation be made annually in a form and format determined by the Department of Education; reenacting s. 11.40(3), F.S., relating to the Legislative Auditing Committee, to incorporate the amendments made to s. 11.45, F.S., in a reference thereto; amending ss. 938.01 and 943.17, F.S.; conforming cross-references to changes made by the act; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2110** was adopted. **SB 2110** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38

Mr. President	Gaetz	Oelrich
Alexander	Garcia	Rich
Altman	Gardiner	Richter
Benacquisto	Hays	Ring
Bennett	Hill	Sachs
Bogdanoff	Jones	Simmons
Braynon	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for CS for SB 1314

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for CS for SB 1314, same being:

An act relating to State Financial Matters.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.

2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Chair
s/ Larry Ahern
s/ Frank Artiles
s/ Dennis K. Baxley
Lori Berman
Michael Bileca
s/ Jason T. Brodeur
s/ Matthew H. "Matt" Caldwell
Daphne D. Campbell
s/ Marti Coley
s/ Richard Corcoran
s/ Steve Crisafulli
s/ Jose Felix Diaz
Brad Drake
s/ Erik Fresen
s/ Matt Gaetz
s/ Richard "Rich" Glorioso
s/ Tom Goodson
s/ Gayle B. Harrell
s/ Ed Hooper
s/ Matt Hudson, At Large
s/ Clay Ingram
John Patrick Julien
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Larry Metz
s/ Bryan Nelson
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Ray Pilon
Elizabeth W. Porter
s/ William L. "Bill" Proctor, At Large
Kenneth L. "Ken" Roberson
s/ Patrick Rooney, Jr.
Franklin Sands, At Large
s/ Robert C. "Rob" Schenck, At Large
s/ William D. Snyder, At Large
Kelli Stargel
s/ Carlos Trujillo
Alan B. Williams
John Wood

Joseph Abruzzo
s/ Janet H. Adkins
s/ Ben Albritton
Gary Aubuchon, At Large
Leonard L. Bembry
Mack Bernard
s/ Jeffrey "Jeff" Brandes
s/ Douglas Vaughn "Doug" Broxson
Charles S. "Chuck" Chestnut IV, At Large
s/ Fredrick W. "Fred" Costello
s/ Daniel Davis
Chris Dorworth
s/ Clay Ford
James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
Eduardo "Eddy" Gonzalez
James W. "J.W." Grant
s/ Doug Holder
s/ Mike Horner
s/ Dorothy L. Hukill, At Large
Mia L. Jones
Martin David "Marty" Kiar
s/ John Legg, At Large
Debbie Mayfield
s/ Seth McKeel, At Large
s/ Peter Nehr
Jeanette M. Nunez
Mark S. Pafford
s/ W. Keith Perry
Scott Plakon
s/ Stephen L. Precourt
s/ Lake Ray
Betty Reed
Hazelle P. "Hazel" Rogers
s/ Darryl Ervin Rouson, At Large
Ron Saunders, At Large
Irving "Irv" Slosberg
s/ Jimmie T. Smith
Darren Soto
s/ W. Gregory "Greg" Steube
Will W. Weatherford, At Large
s/ Trudi K. Williams
Ritch Workman

s/ Dana D. Young

Managers on the part of the House

The Conference Committee Amendment for CS for CS for SB 1314, relating to state financial matters, provides for the following:

- This bill makes agencies more accountable in their contracting practices, and the Legislature more informed about the agencies' actions. Specifically, the bill:

- Defines a new budget category "Lease or lease/purchase of equipment." in s. 216.011, Florida Statutes for the Legislature to better track expenditures.

- Requires each state agency to provide certain contract information in its Legislative Budget Request when granting a concession contract.

- Requires state agencies to identify the specific appropriation in the contract that will be used to make payment for the first year of the contract with a $5 million threshold, unless the Legislature specifically authorizes otherwise.

- The Act applies to contracts, contract amendments, contract extensions, or contract renewals which are executed on or after July 1, 2011.

Conference Committee Amendment (615258)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present paragraph (vv) of subsection (1) of section 216.011, Florida Statutes, is redesignated as paragraph (ww), and a new paragraph (vv) is added to that subsection, to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(vv) "Lease or lease-purchase of equipment" means the appropriations category used to fund the lease or lease-purchase of equipment, fixtures, and other tangible personal property.

Section 2. Present subsections (6) through (9) of section 216.023, Florida Statutes, are renumbered as subsections (7) through (10), respectively, and a new subsection (6) is added to that section, to read:

216.023 Legislative budget requests to be furnished to Legislature by agencies.—

(6) As part of the legislative budget request, each state agency must include the following information for each contract in which the consideration to be paid to the agency is a percentage of the vendor revenue and in excess of $10 million under the contract period:

(a) The name of the vendor.

(b) A brief description of the services provided by the vendor.

(c) The term of the contract and the years remaining on the contract.

(d) The amount of revenue generated or expected to be generated by the vendor under the contract for the prior fiscal year, the current fiscal year, and the next fiscal year.

(e) The amount of revenue remitted or expected to be remitted to the state agency by the vendor for the prior fiscal year, the current fiscal year, and the next fiscal year.

(f) The value of capital improvements, if any, on state property which have been funded by the vendor over the term of the contract.

(g) The remaining amount of capital improvements, if any, on state property which have not been fully amortized by June 30 of the prior fiscal year.

(h) The amount, if any, of state appropriations made to the state agency to pay for services provided by the vendor.

Section 3. Section 216.313, Florida Statutes, is created to read:

216.313 Contract appropriation; requirements.—An executive or judicial branch public officer or employee may not enter into any contract or agreement on behalf of the state or judicial branch which binds the state or its executive agencies or the judicial branch for the purchase of services or tangible personal property in excess of $5 million unless the contract identifies the specific appropriation of state funds from which the state will make payment under the contract in the first year of the contract, unless the Legislature expressly authorizes the agency or the judicial branch to enter into such contract absent a specific appropriation of funds.

Section 4. Subsections (2) and (3) of section 287.056, Florida Statutes, are amended to read:

287.056 Purchases from purchasing agreements and state term contracts.—

~~(2) Agencies may have the option to purchase commodities or contractual services from state term contracts procured, pursuant to s. 287.057, by the department.~~

(2)~~(3)~~ Agencies and eligible users may use a request for quote to obtain written pricing or services information from a state term contract vendor for commodities or contractual services available on state term contract from that vendor. The purpose of a request for quote is to determine whether a price, term, or condition more favorable to the agency or eligible user than that provided in the state term contract is available. Use of a request for quote does not constitute a decision or intended decision that is subject to protest under s. 120.57(3).

Section 5. Section 45 of chapter 2010-151, Laws of Florida, is amended to read:

Section 45. Contracts for academic program reviews, auditing services, health services, or Medicaid services are subject to the transaction or user fees imposed under ss. 287.042(1)(h) and 287.057(22), Florida Statutes, only to the extent that such contracts were ~~not~~ subject to such transaction or user fees before July 1, 2010.

Section 6. This act shall take effect July 1, 2011, and applies to initial contracts and agreements, amendments to a contract or agreement, and extensions or renewals of a contract or agreement which are executed on or after that date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state financial matters; amending s. 216.011, F.S.; defining the term "lease or lease-purchase of equipment"; amending s. 216.023, F.S.; requiring that specified information relating to certain contracts be included in an agency's legislative budget request; creating s. 216.313, F.S.; requiring certain state contracts to identify the appropriation that funds a contract; amending s. 287.056, F.S.; deleting a provision relating to an option to purchase commodities or contractual services from state term contracts; amending s. 45, chapter 2010-151, Laws of Florida; providing that certain contracts are subject to transaction fees; providing for application of the act to certain contracts and agreements; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **CS for CS for SB 1314** was adopted. **CS for CS for SB 1314** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

Mr. President	Evers	Joyner
Alexander	Fasano	Latvala
Altman	Flores	Lynn
Benacquisto	Gaetz	Margolis
Braynon	Garcia	Montford
Dean	Gardiner	Negron
Detert	Hays	Norman
Diaz de la Portilla	Hill	Oelrich
Dockery	Jones	Rich

Richter	Siplin	Thrasher
Ring	Smith	Wise
Sachs	Sobel	
Simmons	Storms	

Nays—None

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed CS for CS for CS for HB 251 as further amended, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for CS for HB 251—A bill to be entitled An act relating to sexual offenses; providing a short title; amending s. 90.404, F.S.; revising offenses that are considered "child molestation" for purposes of admitting evidence of other crimes, wrongs, or acts in a criminal case involving child molestation; providing for admission of evidence of other crimes, wrongs, or acts in cases involving a sexual offense; defining the term "sexual offense"; amending s. 92.55, F.S.; authorizing the use of service or therapy animals in courts hearing sexual offense cases under certain circumstances; requiring certain property or material that is used in a criminal proceeding to remain in the care, custody, and control of the law enforcement agency, the state attorney, or the court; prohibiting the reproduction of such property or material by the defendant when specified criteria are met by the state attorney; permitting access to the materials by the defendant; amending s. 395.1021, F.S.; requiring a licensed facility that provides emergency room services to arrange for the gathering of forensic medical evidence required for investigation and prosecution from a victim who has reported a sexual battery to a law enforcement agency or who requests that such evidence be gathered for a possible future report; amending s. 775.15, F.S.; providing that a prosecution for video voyeurism in violation of specified provisions may, in addition to existing time periods, be commenced within 1 year after the victim of video voyeurism obtains actual knowledge of the existence of such a recording or the recording is confiscated by a law enforcement agency, whichever occurs first; providing that dissemination of a recording before such knowledge or confiscation does not affect such a time period; amending s. 794.052, F.S.; requiring a law enforcement officer to provide or arrange for transportation of a victim of sexual battery to an appropriate facility for medical treatment or forensic examination; providing for a review of a police officer's final report by a victim and an opportunity for a statement by a victim; amending ss. 794.056 and 938.085, F.S.; requiring that an additional court cost or surcharge be assessed against a defendant who pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, certain criminal offenses; providing for proceeds of the additional court cost or surcharge to be deposited into the Rape Crisis Program Trust Fund; reenacting s. 20.435(21)(a), F.S., relating to the Rape Crisis Program Trust Fund, to incorporate the amendment made to s. 794.056, F.S., in a reference thereto; reenacting s. 794.055(3)(b), F.S., relating to access to services for victims of sexual battery, to incorporate the amendment made to s. 938.085, F.S., in a reference thereto; amending s. 960.003, F.S.; providing for hepatitis testing of persons charged with certain offenses; amending s. 1003.42, F.S.; requiring that public schools provide comprehensive health education that addresses concepts of Internet safety; providing an effective date.

House Amendment 1 to Senate Amendment 1 (858423) (with title amendment)—Remove lines 5-28 and insert:

Section 13. *The sum of $1.5 million in nonrecurring funds from the General Revenue Fund is appropriated in fiscal year 2011-2012 to the Department of Legal Affairs for the purpose of funding Lauren's Kids, a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code, tax I.D. number 26-1252588, to educate adults and children about sexual abuse topics through an in-school curriculum and maintain a 24-hour Crisis Hotline.*

And the title is amended as follows:

Remove lines 34-37 and insert: offenses; providing an appropriation to the Department of Legal Affairs for the purpose of funding a nonprofit organization for specified purposes; amending s. 1003.42, F.S.; requiring that public

On motion by Senator Fasano, the Senate concurred in the House amendment to the Senate amendment.

CS for CS for CS for HB 251 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed CS for CS for HB 7005 as further amended, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for HB 7005—A bill to be entitled An act relating to unemployment compensation; amending s. 213.053, F.S.; increasing the number of employer payroll service providers who qualify for access to unemployment tax information by filing a memorandum of understanding; amending s. 443.031, F.S.; revising provisions relating to statutory construction; amending s. 443.036, F.S.; revising and providing definitions; revising the term "misconduct" to include conduct outside of the workplace and additional lapses in behavior; amending s. 443.041, F.S.; conforming a cross-reference; amending s. 443.091, F.S.; conforming provisions to changes made by the act; requiring that an applicant for benefits participate in an initial skills review; providing exceptions; requiring the administrator or operator of the initial skills review to notify specified entities regarding review completion and results; amending s. 443.101, F.S.; clarifying "good cause" for voluntarily leaving employment; disqualifying a person for benefits due to the receipt of severance pay; revising provisions relating to the effects of criminal acts on eligibility for benefits; amending s. 443.111, F.S.; providing a definition; reducing the amount and revising the calculation of the number of weeks of a claimant's benefit eligibility; amending s. 443.1216, F.S.; conforming provisions to changes made by the act; amending s. 443.131, F.S.; providing definitions; revising an employer's unemployment compensation contribution rate by certain factors; amending s. 443.141, F.S.; providing an employer payment schedule for 2012, 2013, and 2014 contributions; amending s. 443.151, F.S.; revising allowable forms of evidence in benefit appeals; revising the judicial venue for reviewing commission orders; amending s. 443.171, F.S.; specifying that evidence of mailing an agency document is based on the date stated on the document; reviving, readopting, and amending s. 443.1117, F.S., relating to temporary extended benefits; providing for retroactive application; establishing temporary state extended benefits for weeks of unemployment; revising definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; providing severability; providing applicability; providing appropriations for purposes of implementation; providing that the act fulfills an important state interest; providing effective dates.

House Amendment 1 to Senate Amendment 1 (700945) (with title amendment)—Remove lines 421-592

And the title is amended as follows:

Remove lines 1311-1316 and insert: the act;

House Amendment 2 to Senate Amendment 1 (437127) (with title amendment)—Remove lines 605-619 and insert: exceed *$6,325 or the product arrived at by multiplying the weekly benefit amount with the number of weeks determined in paragraph (c), whichever is less* ~~$7,150~~. However, the total amount of benefits, if not a multiple of $1, is rounded downward to the nearest full dollar amount. These benefits are payable at a weekly rate no greater than the weekly benefit amount.

(c) For claims submitted during a calendar year, the duration of benefits is limited to:

1. Twelve weeks if this state's average unemployment rate is at or below 5 percent.

2. An additional week in addition to the 12 weeks for each 0.5 percent increment in this state's average unemployment rate above 5 percent.

3. Up to a maximum of 23 weeks if this state's average unemployment rate equals or exceeds 10.5 percent.

And the title is amended as follows:

Remove line 1308 and insert: 2011; reducing the amount and revising the manner in which benefits are

House Amendment 3 to Senate Amendment 1 (945287)—Remove lines 651-652 and insert:

Section 10. Effective upon this act becoming a law and retroactive to June 30, 2010, for tax rates effective on or after January 1, 2011, paragraphs (b) and

House Amendment 5 to Senate Amendment 1 (396855)—Remove lines 1264-1275 and insert:

Section 18. *For the 2011-2012 fiscal year, the sum of $242,300 in nonrecurring funds is appropriated from the Operating Trust Fund to the Administration of Unemployment Compensation Tax Special Category in the Department of Revenue to be used to implement this act. In addition, for the 2010-2011 fiscal year, the sum of $256,891 in nonrecurring funds is appropriated from the Employment Security Administration Trust Fund in the contracted services appropriation category to the Agency for Workforce Innovation to be used to contract with the Department of Revenue for tax-related services as required to implement this act.*

Senator Detert moved the following amendment which was adopted:

Senate Amendment 1 (635592) to House Amendment 5 to Senate Amendment 1—Delete lines 5-15 and insert:

Section 18. *There is appropriated to the Department of Revenue $9,600 of nonrecurring funds from the Federal Grants Trust Fund for Fiscal Year 2011-2012 to implement the provisions of this act. There is appropriated to the Agency for Workforce Innovation $9,600 of nonrecurring funds from Employment Security Trust Fund for Fiscal Year 2011-2012 to be used to contract with the Department of Revenue for services as required to implement this act. For the 2011-2012 fiscal year, the sum of $242,300 in nonrecurring funds is appropriated from the Operating Trust Fund to the Administration of Unemployment Compensation Tax Special Category in the Department of Revenue to be used to implement this act.*

On motion by Senator Detert, the Senate concurred in **House Amendments 1** and **2 to Senate Amendment 1**; refused to concur in **House Amendment 3 to Senate Amendment 1** and the House was requested to recede; and concurred in **House Amendment 5 to Senate Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment to the Senate amendment.

CS for CS for HB 7005 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—27

Mr. President	Alexander	Altman
Benacquisto	Flores	Negron
Bennett	Gaetz	Norman
Bogdanoff	Garcia	Oelrich
Dean	Gardiner	Richter
Detert	Hays	Simmons
Diaz de la Portilla	Jones	Storms
Dockery	Latvala	Thrasher
Evers	Lynn	Wise

Nays—11

Braynon	Montford	Siplin
Hill	Rich	Smith
Joyner	Ring	Sobel
Margolis	Sachs	

SENATOR FASANO PRESIDING

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2100

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2100, same being:

An act relating to Retirement.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander	*s/ Joe Negron*
Chair	Vice Chair
s/ Thad Altman	*s/ Lizbeth Benacquisto*
s/ Michael S. "Mike" Bennett	*s/ Ellyn Setnor Bogdanoff*
s/ Oscar Braynon II	Larcenia J. Bullard
s/ Charles S. "Charlie" Dean, Sr.	*s/ Nancy C. Detert*
s/ Miguel Diaz de la Portilla	Paula Dockery
s/ Greg Evers	*s/ Mike Fasano*
s/ Anitere Flores	*s/ Don Gaetz*, At Large
s/ Rene Garcia	*s/ Andy Gardiner*, At Large
s/ Alan Hays	*s/ Anthony C. "Tony" Hill, Sr.*
s/ Dennis L. Jones, D.C.	*s/ Arthenia L. Joyner*
Jack Latvala	*s/ Evelyn J. Lynn*
s/ Gwen Margolis	*s/ Bill Montford*
s/ Jim Norman	*s/ Steve Oelrich*
s/ Nan H. Rich, At Large	*s/ Garrett Richter*
s/ Jeremy Ring	*s/ Maria Lorts Sachs*
s/ David Simmons	*s/ Gary Siplin*, At Large
s/ Christopher L. "Chris" Smith	*s/ Eleanor Sobel*
s/ Ronda Storms	*s/ John Thrasher*, At Large
s/ Stephen R. Wise	

Managers on the part of the Senate

s/ Denise Grimsley	*s/ Ritch Workman*
Chair	Lead House Manager
Gary Aubuchon, At Large	Charles S. "Chuck" Chestnut IV, At Large
s/ Dorothy L. Hukill, At Large	
s/ Paige Kreegel, At Large	*s/ John Legg*, At Large

s/ Carlos Lopez-Cantera, At Large
s/ William L. "Bill" Proctor, At Large
Ron Saunders, At Large
s/ William D. Snyder, At Large
s/ Seth McKeel, At Large
s/ Darryl Ervin Rouson, At Large
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
Will W. Weatherford, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2100, 2nd Eng., relating to retirement, provides for the following:

- Effective July 1, 2011, requires 3% employee contribution for all FRS members. DROP participants are not required to pay employee contributions.

- For employees initially enrolled on or after July 1, 2011, the definition of "average final compensation" means the average of the 8 highest fiscal years of compensation for creditable service prior to retirement, for purposes of calculation of retirement benefits. For employees initially enrolled prior to July 1, 2011, the definition of "average final compensation" continues to be the average of the 5 highest fiscal years of compensation.

- For employees initially enrolled in the pension plan on or after July 1, 2011, such members will vest in 100% of employer contributions upon completion of 8 years of creditable service. For existing employees, vesting will remain at 6 years of creditable service.

- For employees, initially enrolled on or after July 1, 2011, increases the normal retirement age and years of service requirements, as follows:

  - For Special Risk Class: Increases the age from 55 to 60 years of age; and increases the years of creditable service from 25 to 30.

  - For all other classes: Increases the age from 62 to 65 years of age; and increases the years of creditable service from 30 to 33 years.

- Maintains DROP; however, employees entering DROP on or after July 1, 2011 will earn interest at a reduced accrual rate of 1.3%. For employees currently in DROP or entering before July 1, 2011, the interest rate remains 6.5%.

- Eliminates the cost-of-living adjustment (COLA) for service earned on or after July 1, 2011. Subject to the availability of funding and the Legislature enacting sufficient employer contributions specifically for the purpose of funding the reinstatement of the COLA, the new COLA formula will expire effective June 30, 2016, and the current 3% cost-of-living adjustment will be reinstated.

- To implement the bill for the 2011-12 fiscal year, funds the Division of Retirement with four positions and $207,070 in recurring funds and 31,184 in non-recurring funds.

Conference Committee Amendment (328098)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (g) of subsection (2) of section 110.123, Florida Statutes, is amended to read:

110.123 State group insurance program.—

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

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

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

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

Section 2. Section 112.0801, Florida Statutes, is amended to read:

112.0801 Group insurance; participation by retired employees.—

(1) Any state agency, county, municipality, special district, community college, or district school board *that* ~~which~~ provides life, health, accident, hospitalization, or annuity insurance, or all of any kinds of such insurance, for its officers and employees and their dependents upon a group insurance plan or self-insurance plan shall allow all former personnel who ~~have~~ retired *before* ~~prior to~~ October 1, 1987, as well as those who retire on or after such date, and their eligible dependents, the option of continuing to participate in *the* ~~such~~ group insurance plan or self-insurance plan. Retirees and their eligible dependents shall be offered the same health and hospitalization insurance coverage as is offered to active employees at a premium cost of no more than the premium cost applicable to active employees. For ~~the~~ retired employees and their eligible dependents, the cost of ~~any such~~ continued participation ~~in any type of plan or any of the cost thereof~~ may be paid by the employer or by the retired employees. To determine health and hospitalization plan costs, the employer shall commingle the claims experience of the retiree group with the claims experience of the active employees; and, for other types of coverage, the employer may commingle the claims experience of the retiree group with the claims experience of active employees. Retirees covered under Medicare may be experience-rated separately from the retirees not covered by Medicare and from active employees *if*~~, provided that~~ the total premium does not exceed that of the active group and coverage is basically the same as for the active group.

(2) For purposes of this section, "retiree" means any officer or employee who retires under a state retirement system or a state optional annuity or retirement program or is placed on disability retirement and who begins receiving retirement benefits immediately after retirement from employment. In addition to these requirements, any officer or employee who retires under the *Florida Retirement System Investment Plan* ~~Public Employee Optional Retirement Program~~ established under part II of chapter 121 *is* ~~shall be~~ considered a "retired officer or employee" or "retiree" as used in this section if he or she:

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

(b) Has attained the age specified by s. 72(t)(2)(A)(i) of the Internal Revenue Code and has *the years of service required for vesting as set forth in s. 121.021(45)* ~~6 years of creditable service~~.

Section 3. Paragraphs (b) and (c) of subsection (2) and paragraph (e) of subsection (3) of section 112.363, Florida Statutes, are amended to read:

112.363 Retiree health insurance subsidy.—

(2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—

(b) For purposes of this section, a person is deemed retired from a state-administered retirement system when he or she terminates employment with all employers participating in the Florida Retirement System as described in s. 121.021(39) and:

1. For a *member* ~~participant~~ of the *investment plan* ~~Public Employee Optional Retirement Program~~ established under part II of chapter 121, the participant meets the age or service requirements to qualify for normal retirement as set forth in s. 121.021(29) *and meets the definition of retiree in s. 121.4501(2).*

2. For a member of the Florida Retirement System *Pension Plan* ~~defined benefit program~~, or any employee who maintains creditable service under ~~both~~ the *pension plan* ~~defined benefit program~~ and the *investment plan* ~~Public Employee Optional Retirement Program~~, the member begins drawing retirement benefits from the *pension plan* ~~defined benefit program of the Florida Retirement System~~.

(c)~~1.~~ Effective July 1, 2001, any person retiring on or after *that* ~~such~~ date as a member of the Florida Retirement System, including *a member* ~~any participant~~ of the *investment plan* ~~defined contribution program~~ administered pursuant to part II of chapter 121, must have satisfied the

vesting requirements for his or her membership class under the *pension plan* ~~Florida Retirement System defined benefit program~~ as administered under part I of chapter 121. *However,*

~~2. Notwithstanding the provisions of subparagraph 1.,~~ a person retiring due to disability must ~~either~~ qualify for a regular or in-line-of-duty disability benefit as provided in s. 121.091(4) or qualify for a disability benefit under a disability plan established under part II of chapter 121, as appropriate.

(3) RETIREE HEALTH INSURANCE SUBSIDY AMOUNT.—

(e)1. Beginning July 1, 2001, each eligible retiree of the *pension plan* ~~defined benefit program~~ of the Florida Retirement System, or, if the retiree is deceased, his or her beneficiary who is receiving a monthly benefit from such retiree's account and who is a spouse, or a person who meets the definition of joint annuitant in s. 121.021~~(28)~~, shall receive a monthly retiree health insurance subsidy payment equal to the number of years of creditable service, as defined in s. 121.021~~(17)~~, completed at the time of retirement multiplied by $5; however, no eligible retiree or beneficiary may receive a subsidy payment of more than $150 or less than $30. If there are multiple beneficiaries, the total payment *may* ~~must~~ not be greater than the payment to which the retiree was entitled. The health insurance subsidy amount payable to any person receiving the retiree health insurance subsidy payment on July 1, 2001, *may* ~~shall~~ not be reduced solely by operation of this subparagraph.

2. Beginning July 1, 2002, each eligible *member* ~~participant~~ of the *investment plan* ~~Public Employee Optional Retirement Program~~ of the Florida Retirement System who has met the requirements of this section, or, if the *member* ~~participant~~ is deceased, his or her spouse who is the *member's* ~~participant's~~ designated beneficiary, shall receive a monthly retiree health insurance subsidy payment equal to the number of years of creditable service, as provided in this subparagraph, completed at the time of retirement, multiplied by $5; however, *an* ~~no~~ eligible retiree or beneficiary may *not* receive a subsidy payment of more than $150 or less than $30. For purposes of determining a *member's* ~~participant's~~ creditable service used to calculate the health insurance subsidy, a *member's* ~~participant's~~ years of service credit or fraction thereof shall be based on the *member's* ~~participant's~~ work year as defined in s. 121.021(54). Credit *must* ~~shall~~ be awarded for a full work year *if* ~~whenever~~ health insurance subsidy contributions have been made ~~as required by law~~ for each month in the *member's* ~~participant's~~ work year. In addition, all years of creditable service retained under the Florida Retirement System *Pension Plan must* ~~defined benefit program shall~~ be included as creditable service for purposes of this section. Notwithstanding any other provision in this section ~~to the contrary~~, the spouse at the time of death *is* ~~shall be~~ the *member's* ~~participant's~~ beneficiary unless such *member* ~~participant~~ has designated a different beneficiary subsequent to the *member's* ~~participant's~~ most recent marriage.

Section 4. Subsection (1) of section 112.65, Florida Statutes, is amended to read:

112.65 Limitation of benefits.—

(1) ESTABLISHMENT OF PROGRAM.—The normal retirement benefit or pension payable to a retiree who becomes a member of any retirement system or plan and who has not previously participated in such plan, on or after January 1, 1980, *may* ~~shall~~ not exceed 100 percent of his or her average final compensation. However, ~~nothing contained in~~ this section *does not* ~~shall~~ apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments. For the purposes of this section, benefits accruing in individual *member* ~~participant~~ accounts established under the *investment plan* ~~Public Employee Optional Retirement Program~~ established in part II of chapter 121 are considered supplemental benefits. As used in this section, the term "average final compensation" means the average of the member's earnings over a period of time which the governmental entity has established by statute, charter, or ordinance.

Section 5. Paragraph (g) of subsection (3) of section 121.011, Florida Statutes, is amended, and paragraph (h) is added to that subsection, to read:

121.011 Florida Retirement System.—

(3) PRESERVATION OF RIGHTS.—

(g) Any member of the Florida Retirement System or any member of an existing system under this chapter who is not retired and who is, has been, or shall be dismissed from employment shall be considered terminated from active membership in such system.

1. If such dismissal is rescinded by proper authority or through legal proceedings, the member is eligible to receive retirement service credit for such period of dismissal *if* ~~provided~~:

a. The dismissal action taken against the member is determined to be incorrect and is negated, the employee is made whole for the period of the dismissal or any portion thereof, and employment is reinstated; and

b. The employer pays into the Retirement System Trust Fund the total required employer contributions for the period for which the employee is made whole, plus interest at 6.5 percent compounded annually until full payment is made. The employee shall pay the total employee contributions~~, plus interest,~~ if applicable. *The employer shall pay the interest on employee contributions, if applicable.*

2. If the dismissal action is subsequently changed to a suspension by proper authority or through legal proceedings, the member is eligible to receive retirement service credit, provided the member's employment is reinstated, restoring the employee-employer relationship, and the employee pays the total required employer and employee contributions and complies with all requirements in paragraph (e).

(h) Effective July 1, 2011, the retirement system shall require employer and employee contributions as provided in s. 121.071 and part III of this chapter.

Section 6. Subsections (3), (7), and (15), paragraph (a) of subsection (19), paragraph (b) of subsection (22), and subsections (24), (29), (38), (39), (45), (55), and (59) of section 121.021, Florida Statutes, are amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(3) *"Florida Retirement System" or* "system" means the general retirement system established by this chapter*,* ~~to be known and cited as the "Florida Retirement System,"~~ including, but not limited to, the defined benefit ~~retirement~~ program administered under ~~the provisions of part I of~~ this *part, referred to as the "Florida Retirement System Pension Plan" or "pension plan,"* ~~chapter~~ and the defined contribution ~~retirement~~ program ~~known as the Public Employee Optional Retirement Program and~~ administered under ~~the provisions of~~ part II of this chapter*, referred to as the "Florida Retirement System Investment Plan" or "investment plan"*.

(7) *"Division" means the Division of Retirement in the department.* ~~"City" means any municipality duly incorporated under the laws of the state.~~

(15) *"Special risk member" or "Special Risk Class member" means a member of the Florida Retirement System who meets the eligibility and criteria required under s. 121.0515 for participation in the Special Risk Class.*

~~(a) Until October 1, 1978, "special risk member" means any officer or employee whose application is approved by the administrator and who receives salary payments for work performed as a peace officer; law enforcement officer; police officer; highway patrol officer; custodial employee at a correctional or detention facility; correctional agency employee whose duties and responsibilities involve direct contact with inmates, but excluding secretarial and clerical employees; firefighter; or an employee in any other job in the field of law enforcement or fire protection if the duties of such person are certified as hazardous by his or her employer.~~

~~(b) Effective October 1, 1978, "special risk member" means a member of the Florida Retirement System who is designated as a special risk member by the division in accordance with s. 121.0515. Such member must be employed as a law enforcement officer, a firefighter, or a correctional officer and must meet certain other special criteria as set forth in s. 121.0515.~~

~~(c) Effective October 1, 1999, "special risk member" means a member of the Florida Retirement System who is designated as a special risk member by the division in accordance with s. 121.0515. Such member must be employed as a law enforcement officer, a firefighter, a correctional officer, an emergency medical technician, or a paramedic and must meet certain other special criteria as set forth in s. 121.0515.~~

~~(d)1. Effective January 1, 2001, "special risk member" includes any member who is employed as a community-based correctional probation officer and meets the special criteria set forth in s. 121.0515(2)(e).~~

~~2. Effective January 1, 2001, "special risk member" includes any professional health care bargaining unit or non-unit member who is employed by the Department of Corrections or the Department of Children and Family Services and meets the special criteria set forth in s. 121.0515(2)(f).~~

~~(e) Effective July 1, 2001, the term "special risk member" includes any member who is employed as a youth custody officer by the Department of Juvenile Justice and meets the special criteria set forth in s. 121.0515(2)(g).~~

~~(f) Effective August 1, 2008, "special risk member" includes any member who meets the special criteria for continued membership set forth in s. 121.0515(2)(k).~~

(19) "Prior service" under *part I of* this chapter means:

(a) Service for which the member had credit under one of the existing systems and received a refund of his or her contributions upon termination of employment. Prior service ~~shall~~ also *includes* ~~include that~~ service ~~between December 1, 1970, and the date the system becomes noncontributory~~ for which the member had credit under the Florida Retirement System and received a refund of his or her contributions upon termination of employment.

(22) "Compensation" means the monthly salary paid a member by his or her employer for work performed arising from that employment.

(b) ~~Under no circumstances shall~~ Compensation for a member participating in the *pension plan* ~~defined benefit retirement program~~ or the *investment plan* ~~Public Employee Optional Retirement Program~~ of the Florida Retirement System *may not* include:

1. Fees paid professional persons for special or particular services or ~~include~~ salary payments made from a faculty practice plan authorized by the Board of Governors of the State University System for eligible clinical faculty at a college in a state university that has a faculty practice plan; or

2. Any bonuses or other payments prohibited from inclusion in the member's average final compensation ~~and defined in subsection (47)~~.

(24)*(a)* "Average final compensation" means*:*

1. For members initially enrolled before July 1, 2011, the average of the 5 highest fiscal years of compensation for creditable service *before* ~~prior to~~ retirement, termination, or death. For in-line-of-duty disability benefits, if less than 5 years of creditable service have been completed, the term ~~"average final compensation"~~ means the average annual compensation of the total number of years of creditable service. Each year used *to calculate the* ~~in the calculation of~~ average final compensation *commences* ~~shall commence~~ on July 1.

2. For members initially enrolled on or after July 1, 2011, the average of the 8 highest fiscal years of compensation for creditable service before retirement, termination, or death. For in-line-of-duty disability benefits, if less than 8 years of creditable service have been completed, the term means the average annual compensation of the total number of years of creditable service. Each year used to calculate average final compensation commences on July 1.

(b)~~(a)~~ The average final compensation *includes* ~~shall include~~:

1. Accumulated annual leave payments, not to exceed 500 hours; and

2. All payments defined as compensation in subsection (22).

(c)~~(b)~~ The average final compensation *does* ~~shall~~ not include:

1. Compensation paid to professional persons for special or particular services;

2. Payments for accumulated sick leave made due to retirement or termination;

3. Payments for accumulated annual leave in excess of 500 hours;

4. Bonuses as defined in subsection (47);

5. Third party payments made on and after July 1, 1990; or

6. Fringe benefits (for example, automobile allowances or housing allowances).

(29) "Normal retirement date" means the date a member attains normal retirement age and is vested, which is determined as follows:

(a)*1.* If a Regular Class member, a Senior Management Service Class member, or an Elected Officers' Class member *initially enrolled before July 1, 2011*:

a.~~1.~~ The first day of the month the member ~~completes 6 or more years of creditable service and~~ attains age 62; or

b.~~2.~~ The first day of the month following the date the member completes 30 years of creditable service, regardless of age.

2. If a Regular Class member, a Senior Management Service Class member, or an Elected Officers' Class member initially enrolled on or after July 1, 2011:

a. The first day of the month the member attains age 65; or

b. The first day of the month following the date the member completes 33 years of creditable service, regardless of age.

(b)*1.* If a Special Risk Class member *initially enrolled before July 1, 2011*:

a.~~1.~~ The first day of the month the member ~~completes 6 or more years of creditable service in the Special Risk Class and~~ attains age 55 *and completes the years of creditable service in the Special Risk Class equal to or greater than the years of service required for vesting*;

b.~~2.~~ The first day of the month following the date the member completes 25 years of creditable service in the Special Risk Class, regardless of age; or

c.~~3.~~ The first day of the month following the date the member completes 25 years of creditable service and attains age 52, which service may include a maximum of 4 years of military service credit *if* ~~as long as~~ such credit is not claimed under any other system and the remaining years are in the Special Risk Class.

2. If a Special Risk Class member initially enrolled on or after July 1, 2011:

a. The first day of the month the member attains age 60 and completes the years of creditable service in the Special Risk Class equal to or greater than the years of service required for vesting;

b. The first day of the month following the date the member completes 30 years of creditable service in the Special Risk Class, regardless of age; or

c. The first day of the month following the date the member completes 30 years of creditable service and attains age 57, which service may include a maximum of 4 years of military service credit if such credit is not claimed under any other system and the remaining years are in the Special Risk Class.

"Normal retirement age" is attained on the "normal retirement date."

(38) "Continuous service" means creditable service as a member, beginning with the first day of employment with an employer covered under a state-administered retirement system consolidated herein and continuing for as long as the member remains in an employer-employee relationship with an employer covered under this chapter. An absence of 1 calendar month or more from an employer's payroll shall be considered

a break in continuous service, except for periods of absence during which an employer-employee relationship continues to exist and such period of absence is creditable under this chapter or under one of the existing systems consolidated herein. However, a law enforcement officer as defined in s. 121.0515*(3)*~~(2)~~(a) who was a member of a state-administered retirement system under chapter 122 or chapter 321 and who resigned and was subsequently reemployed in a law enforcement position within 12 calendar months of such resignation by an employer under such state-administered retirement system shall be deemed to have not experienced a break in service. Further, with respect to a state-employed law enforcement officer who meets the criteria specified in s. 121.0515*(3)*~~(2)~~(a), if the absence from the employer's payroll is the result of a "layoff" as defined in s. 110.107 or a resignation to run for an elected office that meets the criteria specified in s. 121.0515*(3)*~~(2)~~(a), no break in continuous service shall be deemed to have occurred if the member is reemployed as a state law enforcement officer or is elected to an office which meets the criteria specified in s. 121.0515*(3)*~~(2)~~(a) within 12 calendar months after the date of the layoff or resignation, notwithstanding the fact that such period of layoff or resignation is not creditable service under this chapter. A withdrawal of contributions will constitute a break in service. Continuous service also includes past service purchased under this chapter, provided such service is continuous within this definition and the rules established by the administrator. The administrator may establish administrative rules and procedures for applying this definition to creditable service authorized under this chapter. Any correctional officer, as defined in s. 943.10, whose participation in the state-administered retirement system is terminated due to the transfer of a county detention facility through a contractual agreement with a private entity pursuant to s. 951.062, shall be deemed an employee with continuous service in the Special Risk Class, provided return to employment with the former employer takes place within 3 years due to contract termination or the officer is employed by a covered employer in a special risk position within 1 year after his or her initial termination of employment by such transfer of its detention facilities to the private entity.

(39)(a) "Termination" occurs, except as provided in paragraph (b), when a member ceases all employment relationships with *participating employers* ~~an employer~~, however:

1. For retirements effective before July 1, 2010, if a member is employed by any such employer within the next calendar month, termination shall be deemed not to have occurred. A leave of absence constitutes a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute termination if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). The department or state board may require other evidence of termination as it deems necessary.

2. For retirements effective on or after July 1, 2010, if a member is employed by any such employer within the next 6 calendar months, termination shall be deemed not to have occurred. A leave of absence constitutes a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute termination if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). The department or state board may require other evidence of termination as it deems necessary.

(b) "Termination" for a member electing to participate in the Deferred Retirement Option Program occurs when the program participant ceases all employment relationships with *participating employers* ~~an employer~~ in accordance with s. 121.091(13), however:

1. For termination dates occurring before July 1, 2010, if the *member* ~~participant~~ is employed by any such employer within the next calendar month, termination will be deemed not to have occurred, except as provided in s. 121.091(13)(b)4.c. A leave of absence shall constitute a continuation of the employment relationship.

2. For termination dates occurring on or after July 1, 2010, if the *member* ~~participant~~ becomes employed by any such employer within the next 6 calendar months, termination will be deemed not to have occurred, except as provided in s. 121.091(13)(b)4.c. A leave of absence constitutes a continuation of the employment relationship.

(c) Effective July 1, 2011, "termination" for a member receiving a refund of employee contributions occurs when a member ceases all employment relationships with participating employers for 3 calendar months. A leave of absence constitutes a continuation of the employment relationship.

(45)~~(a)~~ "Vested" or "vesting" means the guarantee that a member is eligible to receive a future retirement benefit upon completion of the required years of creditable service for the employee's class of membership, even though the member may have terminated covered employment before reaching normal or early retirement date. Being vested does not entitle a member to a disability benefit. Provisions governing entitlement to disability benefits are set forth under s. 121.091(4).

(a)~~(b)~~ Effective July 1, 2001, *through June 30, 2011,* a 6-year vesting requirement shall be implemented for the ~~defined benefit program of the~~ Florida Retirement *System Pension Plan* ~~System. Pursuant thereto~~:

1. Any member employed in a regularly established position on July 1, 2001, who completes or has completed a total of 6 years of creditable service *is* ~~shall be~~ considered vested ~~as described in paragraph (a)~~.

2. Any member not employed in a regularly established position on July 1, 2001, shall be deemed vested upon completion of 6 years of creditable service *if*~~, provided that~~ such member is employed in a covered position for at least 1 work year after July 1, 2001. However, *a* ~~no~~ member *is not* ~~shall be~~ required to complete more years of creditable service than would have been required for that member to vest under retirement laws in effect before July 1, 2001.

3. Any member initially enrolled in the Florida Retirement System on July 1, 2001, through June 30, 2011, shall be deemed vested upon completion of 6 years of creditable service.

(b) Any member initially enrolled in the Florida Retirement System on or after July 1, 2011, shall be vested upon completion of 8 years of creditable service.

(55) "Benefit" means any *pension* payment, lump-sum or periodic, to a member, retiree, or beneficiary, based partially or entirely on employer contributions *or employee contributions, if applicable*.

(59) "Payee" means a retiree or beneficiary of a retiree who *has received or* is receiving a retirement benefit payment.

Section 7. Paragraphs (b) and (c) of subsection (2) and subsection (3) of section 121.051, Florida Statutes, are amended to read:

121.051 Participation in the system.—

(2) OPTIONAL PARTICIPATION.—

(b)1. The governing body of any municipality, metropolitan planning organization, or special district in the state may elect to participate in the *Florida Retirement* System upon proper application to the administrator and may cover all ~~or any~~ of its units as approved by the Secretary of Health and Human Services and the administrator. The department shall adopt rules establishing *procedures* ~~provisions~~ for the submission of documents necessary for such application. *Before* ~~Prior to~~ being approved for participation in the ~~Florida Retirement~~ system, the governing body of *a* ~~any such~~ municipality, metropolitan planning organization, or special district that has a local retirement system *must* ~~shall~~ submit to the administrator a certified financial statement showing the condition of the local retirement system ~~as of a date~~ within 3 months *before* ~~prior to~~ the proposed effective date of membership in the Florida Retirement System. The statement must be certified by a recognized accounting firm that is independent of the local retirement system. All required documents necessary for extending Florida Retirement System coverage must be received by the department for consideration at least 15 days *before* ~~prior to~~ the proposed effective date of coverage. If the municipality, metropolitan planning organization, or special district does not comply with this requirement, the department may require that the effective date of coverage be changed.

2. *A municipality* ~~Any city~~, metropolitan planning organization, or special district that has an existing retirement system covering the employees in the units that are to be brought under the Florida Retirement System may participate only after holding a referendum in which all employees in the affected units have the right to participate. Only those employees electing coverage under the Florida Retirement System by affirmative vote in *the* ~~said~~ referendum *are* ~~shall be~~ eligible for coverage under this chapter, and those not participating or electing

not to be covered by the Florida Retirement System shall remain in their present systems and *are* ~~shall~~ not ~~be~~ eligible for coverage under this chapter. After the referendum is held, all future employees *are* ~~shall be~~ compulsory members of the Florida Retirement System.

3. *At the time of joining the Florida Retirement System,* the governing body of *a municipality* ~~any city~~, metropolitan planning organization, or special district complying with subparagraph 1. may elect to provide, or not provide, benefits based on past service of officers and employees as described in s. 121.081(1). However, if such employer elects to provide past service benefits, such benefits must be provided for all officers and employees of its covered group.

4. Once this election is made and approved it may not be revoked, except pursuant to subparagraphs 5. and 6., and all present officers and employees electing coverage ~~under this chapter~~ and all future officers and employees *are* ~~shall be~~ compulsory members of the Florida Retirement System.

5. Subject to ~~the conditions set forth in~~ subparagraph 6., the governing body of *a* ~~any~~ hospital licensed under chapter 395 which is governed by the board of a special district as defined in s. 189.403~~(1)~~ or by the board of trustees of a public health trust created under s. 154.07, hereinafter referred to as "hospital district," and which participates in the *Florida Retirement* System, may elect to cease participation in the system with regard to future employees in accordance with the following ~~procedure~~:

a. No more than 30 days and at least 7 days before adopting a resolution to partially withdraw from the ~~Florida Retirement~~ system and establish an alternative retirement plan for future employees, a public hearing must be held on the proposed withdrawal and proposed alternative plan.

b. From 7 to 15 days before such hearing, notice of intent to withdraw, specifying the time and place of the hearing, must be provided in writing to employees of the hospital district proposing partial withdrawal and must be published in a newspaper of general circulation in the area affected, as provided by ss. 50.011-50.031. Proof of publication *must* ~~of such notice shall~~ be submitted to the Department of Management Services.

c. The governing body of *a* ~~any~~ hospital district seeking to partially withdraw from the system must, before such hearing, have an actuarial report prepared and certified by an enrolled actuary, as defined in s. 112.625~~(3)~~, illustrating the cost to the hospital district of providing, through the retirement plan that the hospital district is to adopt, benefits for new employees comparable to those provided under the ~~Florida Retirement~~ system.

d. Upon meeting all applicable requirements of this subparagraph, and subject to ~~the conditions set forth in~~ subparagraph 6., partial withdrawal from the system and adoption of the alternative retirement plan may be accomplished by resolution duly adopted by the hospital district board. The hospital district board must provide written notice of such withdrawal to the division by mailing a copy of the resolution to the division, postmarked *by* ~~no later than~~ December 15, 1995. The withdrawal shall take effect January 1, 1996.

6. Following the adoption of a resolution under sub-subparagraph 5.d., all employees of the withdrawing hospital district who were *members of* ~~participants in~~ the ~~Florida Retirement~~ system *before* ~~prior to~~ January 1, 1996, shall remain as *members of* ~~participants in~~ the system for as long as they are employees of the hospital district, and all rights, duties, and obligations between the hospital district, the system, and the employees ~~shall~~ remain in full force and effect. Any employee who is hired or appointed on or after January 1, 1996, may not participate in the ~~Florida Retirement~~ system, and the withdrawing hospital district *has* ~~shall have~~ no obligation to the system with respect to such employees.

(c) Employees of public community colleges or charter technical career centers sponsored by public community colleges, designated in s. 1000.21(3), who are members of the Regular Class of the Florida Retirement System and who comply with the criteria set forth in this paragraph and s. 1012.875 may, in lieu of participating in the Florida Retirement System, elect to withdraw from the system altogether and participate in the State Community College System Optional Retirement Program provided by the employing agency under s. 1012.875.

1.*a.* Through June 30, 2001, the cost to the employer for *benefits under the optional retirement program* ~~such annuity~~ equals the normal cost portion of the employer retirement contribution which would be required if the employee were a member of the *pension plan's* Regular Class ~~defined benefit program~~, plus the portion of the contribution rate required by s. 112.363(8) which would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund.

b. Effective July 1, 2001, *through June 30, 2011,* each employer shall contribute on behalf of each *member of* ~~participant in~~ the optional program an amount equal to 10.43 percent of the *employee's* ~~participant's~~ gross monthly compensation. The employer shall deduct an amount for the administration of the program.

c. Effective July 1, 2011, each member shall contribute an amount equal to the employee contribution required under s. 121.71(3). The employer shall contribute on behalf of each program member an amount equal to the difference between 10.43 percent of the employee's gross monthly compensation and the employee's required contribution based on the employee's gross monthly compensation.

d. The employer shall contribute an additional amount to the Florida Retirement System Trust Fund equal to the unfunded actuarial accrued liability portion of the Regular Class contribution rate.

2. The decision to participate in *the* ~~an~~ optional retirement program is irrevocable as long as the employee holds a position eligible for participation, except as provided in subparagraph 3. Any service creditable under the Florida Retirement System is retained after the member withdraws from the system; however, additional service credit in the system may not be earned while a member of the optional retirement program.

3. An employee who has elected to participate in the optional retirement program shall have one opportunity, at the employee's discretion, to transfer from the optional retirement program to the *pension plan* ~~defined benefit program~~ of the Florida Retirement System or to the *investment plan established under part II of this chapter* ~~Public Employee Optional Retirement Program~~, subject to the terms of the applicable optional retirement program contracts.

a. If the employee chooses to move to the *investment plan* ~~Public Employee Optional Retirement Program~~, any contributions, interest, and earnings creditable to the employee under the ~~State Community College System~~ optional retirement program are retained by the employee in the ~~State Community College System~~ optional retirement program, and the applicable provisions of s. 121.4501(4) govern the election.

b. If the employee chooses to move to the *pension plan* ~~defined benefit program~~ of the Florida Retirement System, the employee shall receive service credit equal to his or her years of service under the ~~State Community College System~~ optional retirement program.

(I) The cost for such credit is the amount representing the present value of the employee's accumulated benefit obligation for the affected period of service. The cost shall be calculated as if the benefit commencement occurs on the first date the employee becomes eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System *Pension* ~~defined benefit~~ Plan liabilities in the most recent actuarial valuation. The calculation must include any service already maintained under the *pension* ~~defined benefit~~ plan in addition to the years under the ~~State Community College System~~ optional retirement program. The present value of any service already maintained must be applied as a credit to total cost resulting from the calculation. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.

(II) The employee must transfer from his or her ~~State Community College System~~ optional retirement program account and from other employee moneys as necessary, a sum representing the present value of the employee's accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the *pension plan* ~~defined benefit program~~

and service in the ~~State Community College System~~ optional retirement program.

4. Participation in the optional retirement program is limited to employees who satisfy the following eligibility criteria:

a. The employee *is* ~~must be~~ otherwise eligible for membership or renewed membership in the Regular Class of the Florida Retirement System, as provided in s. 121.021(11) and (12) or s. 121.122.

b. The employee *is* ~~must be~~ employed in a full-time position classified in the Accounting Manual for Florida's Public Community Colleges as:

(I) Instructional; or

(II) Executive Management, Instructional Management, or Institutional Management *and the*~~, if a~~ community college determines that recruiting to fill a vacancy in the position is to be conducted in the national or regional market, and the duties and responsibilities of the position include the formulation, interpretation, or implementation of policies, or the performance of functions that are unique or specialized within higher education and that frequently support the mission of the community college.

c. The employee *is* ~~must be~~ employed in a position not included in the Senior Management Service Class of the Florida Retirement System~~,~~ as described in s. 121.055.

5. *Members of* ~~Participants in~~ the program are subject to the same reemployment limitations, renewed membership provisions, and forfeiture provisions ~~as are~~ applicable to regular members of the Florida Retirement System under ss. 121.091(9), 121.122, and 121.091(5), respectively. A *member* ~~participant~~ who receives a program distribution funded by employer *and required employee* contributions *is* ~~shall be~~ deemed to be retired from a state-administered retirement system if the *member* ~~participant~~ is subsequently employed with an employer that participates in the Florida Retirement System.

6. Eligible community college employees are compulsory members of the Florida Retirement System until, pursuant to s. 1012.875, a written election to withdraw from the system and participate in the ~~State Community College System~~ optional retirement program is filed with the program administrator and received by the division.

a. A community college employee whose program eligibility results from initial employment *shall* ~~must~~ be enrolled in the ~~State Community College System~~ optional retirement program retroactive to the first day of eligible employment. The employer *and employee* retirement contributions paid through the month of the employee plan change shall be transferred to the community college to the employee's optional program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

b. A community college employee whose program eligibility is due to the subsequent designation of the employee's position as one of those specified in subparagraph 4., or due to the employee's appointment, promotion, transfer, or reclassification to a position specified in subparagraph 4., must be enrolled in the program on the first day of the first full calendar month that such change in status becomes effective. The employer *and employee* retirement contributions paid from the effective date through the month of the employee plan change must be transferred to the community college to the employee's optional program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

7. Effective July 1, 2003, through December 31, 2008, any *member* ~~participant~~ of the ~~State Community College System~~ optional retirement program who has service credit in the *pension* ~~defined benefit~~ plan of the Florida Retirement System for the period between his or her first eligibility to transfer from the *pension* ~~defined benefit~~ plan to the optional retirement program and the actual date of transfer may, during employment, transfer to the optional retirement program a sum representing the present value of the accumulated benefit obligation under the defined benefit retirement program for the period of service credit. Upon transfer, all service credit previously earned under the *pension plan* ~~defined benefit program of the Florida Retirement System~~ during this period is nullified for purposes of entitlement to a future benefit under the *pension plan* ~~defined benefit program of the Florida Retirement System~~.

(3) SOCIAL SECURITY COVERAGE.—Social security coverage shall be provided for all officers and employees who become members under ~~the provisions of~~ subsection (1) or subsection (2). Any modification of the present agreement with the Social Security Administration, or referendum required under the Social Security Act, for the purpose of providing social security coverage for any member shall be requested by the state agency in compliance with the applicable provisions of the Social Security Act governing such coverage. However, retroactive social security coverage for service *before* ~~prior to~~ December 1, 1970, with the employer *may* ~~shall~~ not be provided for *a* ~~any~~ member who was not covered under the agreement as of November 30, 1970. *The employer-paid employee contributions specified in s. 121.71(3) are subject to taxes imposed under the Federal Insurance Contributions Act, 26 U.S.C. ss. 3101-3128.*

Section 8. Section 121.0515, Florida Statutes, is amended to read:

121.0515 Special Risk *Class* ~~membership~~.—

(1) *ESTABLISHMENT OF CLASS* ~~LEGISLATIVE INTENT~~.—*A separate* ~~In creating the Special Risk~~ class of membership within the Florida Retirement System, *to be known as the "Special Risk Class," is established* ~~it is the intent and purpose of the Legislature~~ to recognize that persons employed in certain categories of law enforcement, firefighting, criminal detention, and emergency medical care positions are required as one of the essential functions of their positions to perform work that is physically demanding or arduous, or work that requires extraordinary agility and mental acuity, and that such persons, because of diminishing physical and mental faculties, may find that they are not able, without risk to the health and safety of themselves, the public, or their coworkers, to continue performing such duties and thus enjoy the full career and retirement benefits enjoyed by persons employed in other *membership classes* ~~positions~~ and that, if they find it necessary, due to the physical and mental limitations of their age, to retire at an earlier age and usually with less service, they will suffer an economic deprivation therefrom. *To address* ~~Therefore, as a means of recognizing~~ the peculiar and special problems of this class of employees, ~~it is the intent and purpose of the Legislature to establish~~ a class of retirement membership *is established* that awards more retirement credit per year of service than that awarded to other employees; however, nothing contained herein shall require ineligibility for Special Risk *Class* membership upon reaching age 55.

(2) MEMBERSHIP.—

(a) Until October 1, 1978, "special risk member" means any officer or employee whose application is approved by the administrator and who receives salary payments for work performed as a peace officer; law enforcement officer; police officer; highway patrol officer; custodial employee at a correctional or detention facility; correctional agency employee whose duties and responsibilities involve direct contact with inmates, but excluding secretarial and clerical employees; firefighter; or an employee in any other job in the field of law enforcement or fire protection if the duties of such person are certified as hazardous by his or her employer.

(b) Effective October 1, 1978, through September 30, 1999, "special risk member" means a member of the Florida Retirement System who is designated as a special risk member by the division in accordance with this section. Such member must be employed as a law enforcement officer, a firefighter, or a correctional officer and must meet certain other special criteria as set forth in this section.

(c) Effective October 1, 1999, "special risk member" means a member of the Florida Retirement System who is designated as a special risk member by the division in accordance with this section. Such member must be employed as a law enforcement officer, a firefighter, a correctional officer, an emergency medical technician, or a paramedic and must meet certain other special criteria as set forth in this section.

(d) Effective January 1, 2001, "special risk member" includes:

1. Any member who is employed as a community-based correctional probation officer and meets the special criteria set forth in paragraph (3)(e).

2. Any professional health care bargaining unit or non-unit member who is employed by the Department of Corrections or the Department of Children and Family Services and meets the special criteria set forth in paragraph (3)(f).

(e) Effective July 1, 2001, "special risk member" includes any member who is employed as a youth custody officer by the Department of Juvenile Justice and meets the special criteria set forth in paragraph (3)(g).

(f) Effective October 1, 2005, through June 30, 2008, the member must be employed by a law enforcement agency or medical examiner's office in a forensic discipline and meet the special criteria set forth in paragraph (3)(h).

(g) Effective July 1, 2008, the member must be employed by the Department of Law Enforcement in the crime laboratory or by the Division of State Fire Marshal in the forensic laboratory and meet the special criteria set forth in paragraph (3)(i).

(h) Effective July 1, 2008, the member must be employed by a local government law enforcement agency or medical examiner's office and meet the special criteria set forth in paragraph (3)(j).

(i) Effective August 1, 2008, "special risk member" includes any member who meets the special criteria for continued membership set forth in paragraph (3)(k).

(3)~~(2)~~ CRITERIA.—A member, to be designated as a special risk member, must meet the following criteria:

(a) *Effective October 1, 1978,* the member must be employed as a law enforcement officer and be certified, or required to be certified, in compliance with s. 943.1395; however, sheriffs and elected police chiefs *are* ~~shall be~~ excluded from meeting the certification requirements of this paragraph. In addition, the member's duties and responsibilities must include the pursuit, apprehension, and arrest of law violators or suspected law violators; or *as of July 1, 1982,* the member must be an active member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices; or the member must be the supervisor or command officer of a member or members who have such responsibilities.~~; provided, however,~~ Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, *are* ~~shall~~ not ~~be~~ included;

(b) *Effective October 1, 1978,* the member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.35 and be employed solely within the fire department of a local government employer or an agency of state government with firefighting responsibilities. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires*; as of October 1, 2001*, fire prevention~~,~~ or firefighter training; *as of October 1, 2001,* direct supervision of firefighting units, fire prevention, or firefighter training; or *as of July 1, 2001,* aerial firefighting surveillance performed by fixed-wing aircraft pilots employed by the Division of Forestry of the Department of Agriculture and Consumer Services; or the member must be the supervisor or command officer of a member or members who have such responsibilities.~~; provided, however,~~ Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, *are* ~~shall~~ not ~~be~~ included. ~~and further provided that~~ All periods of creditable service in fire prevention or firefighter training, or as the supervisor or command officer of a member or members who have such responsibilities, and for which the employer paid the special risk contribution rate, *are* ~~shall be~~ included;

(c) *Effective October 1, 1978,* the member must be employed as a correctional officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the custody, and physical restraint when necessary, of prisoners or inmates within a prison, jail, or other criminal detention facility, or while on work detail outside the facility, or while being transported; or *as of July 1, 1984,* the member must be the supervisor or command officer of a member or members who have such responsibilities.~~; provided, however,~~ Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, *are* ~~shall~~ not ~~be~~ included; however, wardens and assistant wardens, as defined by rule, *are included* ~~shall participate in the Special Risk Class~~;

(d) *Effective October 1, 1999,* the member must be employed by a licensed Advance Life Support (ALS) or Basic Life Support (BLS) employer as an emergency medical technician or a paramedic and be certified in compliance with s. 401.27. In addition, the member's primary duties and responsibilities must include on-the-scene emergency medical care or *as of October 1, 2001,* direct supervision of emergency medical technicians or paramedics, or the member must be the supervisor or command officer of one or more members who have such responsibility. ~~However,~~ Administrative support personnel, including, but not limited to, those whose primary responsibilities are in accounting, purchasing, legal, and personnel, *are* ~~shall~~ not ~~be~~ included;

(e) *Effective January 1, 2001,* the member must be employed as a community-based correctional probation officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, and counseling of assigned inmates, probationers, parolees, or community controllees within the community; or the member must be the supervisor of a member or members who have such responsibilities. Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal services, and personnel management, *are* ~~shall~~ not ~~be~~ included; however, probation and parole circuit and deputy circuit administrators *are included* ~~shall participate in the Special Risk Class~~;

(f) *Effective January 1, 2001,* the member must be employed in one of the following classes and must spend at least 75 percent of his or her time performing duties which involve contact with patients or inmates in a correctional or forensic facility or institution:

1. Dietitian (class codes 5203 and 5204);

2. Public health nutrition consultant (class code 5224);

3. Psychological specialist (class codes 5230 and 5231);

4. Psychologist (class code 5234);

5. Senior psychologist (class codes 5237 and 5238);

6. Regional mental health consultant (class code 5240);

7. Psychological Services Director—DCF (class code 5242);

8. Pharmacist (class codes 5245 and 5246);

9. Senior pharmacist (class codes 5248 and 5249);

10. Dentist (class code 5266);

11. Senior dentist (class code 5269);

12. Registered nurse (class codes 5290 and 5291);

13. Senior registered nurse (class codes 5292 and 5293);

14. Registered nurse specialist (class codes 5294 and 5295);

15. Clinical associate (class codes 5298 and 5299);

16. Advanced registered nurse practitioner (class codes 5297 and 5300);

17. Advanced registered nurse practitioner specialist (class codes 5304 and 5305);

18. Registered nurse supervisor (class codes 5306 and 5307);

19. Senior registered nurse supervisor (class codes 5308 and 5309);

20. Registered nursing consultant (class codes 5312 and 5313);

21. Quality management program supervisor (class code 5314);

22. Executive nursing director (class codes 5320 and 5321);

23. Speech and hearing therapist (class code 5406); or

24. Pharmacy manager (class code 5251);

(g) *Effective July 1, 2001,* the member must be employed as a youth custody officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, apprehension, arrest, and counseling of assigned juveniles within the community;

(h) Effective October 1, 2005, through June 30, 2008, the member must be employed by a law enforcement agency or medical examiner's office in a forensic discipline recognized by the International Association for Identification and must qualify for active membership in the International Association for Identification. The member's primary duties and responsibilities must include the collection, examination, preservation, documentation, preparation, or analysis of physical evidence or testimony, or both, or the member must be the direct supervisor, quality management supervisor, or command officer of one or more individuals with such responsibility. Administrative support personnel, including, but not limited to, those whose primary responsibilities are clerical or in accounting, purchasing, legal, and personnel, *are* ~~shall~~ not ~~be~~ included;

(i) Effective July 1, 2008, the member must be employed by the Department of Law Enforcement in the crime laboratory or by the Division of State Fire Marshal in the forensic laboratory in one of the following classes:

1. Forensic technologist (class code 8459);

2. Crime laboratory technician (class code 8461);

3. Crime laboratory analyst (class code 8463);

4. Senior crime laboratory analyst (class code 8464);

5. Crime laboratory analyst supervisor (class code 8466);

6. Forensic chief (class code 9602); or

7. Forensic services quality manager (class code 9603);

(j) Effective July 1, 2008, the member must be employed by a local government law enforcement agency or medical examiner's office and must spend at least 65 percent of his or her time performing duties that involve the collection, examination, preservation, documentation, preparation, or analysis of human tissues or fluids or physical evidence having potential biological, chemical, or radiological hazard or contamination, or use chemicals, processes, or materials that may have carcinogenic or health-damaging properties in the analysis of such evidence, or the member must be the direct supervisor of one or more individuals having such responsibility. If a special risk member changes to another position within the same agency, he or she must submit a complete application as provided in paragraph *(4)*~~(3)~~(a); or

(k) The member must have already qualified for and be actively participating in special risk membership under paragraph (a), paragraph (b), or paragraph (c), must have suffered a qualifying injury as defined in this paragraph, must not be receiving disability retirement benefits as provided in s. 121.091(4), and must satisfy the requirements of this paragraph.

1. The ability to qualify for the class of membership defined in *paragraph (2)(f) occurs* ~~s. 121.021(15)(f) shall occur~~ when two licensed medical physicians, one of whom is a primary treating physician of the member, certify the existence of the physical injury and medical condition that constitute a qualifying injury as defined in this paragraph and that the member has reached maximum medical improvement after August 1, 2008. The certifications from the licensed medical physicians must include, at a minimum, that the injury to the special risk member has resulted in a physical loss, or loss of use, of at least two of the following: left arm, right arm, left leg, or right leg; and:

a. That this physical loss or loss of use is total and permanent, except in the event that the loss of use is due to a physical injury to the member's brain, in which event the loss of use is permanent with at least 75-percent loss of motor function with respect to each arm or leg affected.

b. That this physical loss or loss of use renders the member physically unable to perform the essential job functions of his or her special risk position.

c. That, notwithstanding this physical loss or loss of use, the individual is able to perform the essential job functions required by the member's new position, as provided in subparagraph 3.

d. That use of artificial limbs is either not possible or does not alter the member's ability to perform the essential job functions of the member's position.

e. That the physical loss or loss of use is a direct result of a physical injury and not a result of any mental, psychological, or emotional injury.

2. For the purposes of this paragraph, "qualifying injury" means an injury sustained in the line of duty, as certified by the member's employing agency, by a special risk member that does not result in total and permanent disability as defined in s. 121.091(4)(b). An injury is a qualifying injury *if* ~~when~~ the injury is a physical injury to the member's physical body resulting in a physical loss, or loss of use, of at least two of the following: left arm, right arm, left leg, or right leg. Notwithstanding *any other provision of* ~~anything in~~ this section ~~to the contrary~~, an injury that would otherwise qualify as a qualifying injury *is* ~~shall~~ not ~~be~~ considered a qualifying injury if and when the member ceases employment with the employer for whom he or she was providing special risk services on the date the injury occurred.

3. The new position, as described in sub-subparagraph 1.c., that is required for qualification as a special risk member under this paragraph is not required to be a position with essential job functions that entitle an individual to special risk membership. Whether a new position as described in sub-subparagraph 1.c. exists and is available to the special risk member is a decision to be made solely by the employer in accordance with its hiring practices and applicable law.

4. This paragraph does not grant or create additional rights for any individual to continued employment or to be hired or rehired by his or her employer that are not already provided within the Florida Statutes, the State Constitution, the Americans with Disabilities Act, if applicable, or any other applicable state or federal law.

(4)~~(3)~~ PROCEDURE FOR DESIGNATING.—

(a) Any member of the Florida Retirement System employed by a county, *municipality* ~~city~~, or special district who feels that *his or her position* ~~he or she~~ meets the criteria set forth in this section for membership in the Special Risk Class may request that his or her employer submit an application to the department requesting that the department designate him or her as a Special Risk member. If the employer agrees that the member meets the requirements for Special Risk *Class* membership, the employer shall submit an application to the department *on* ~~in~~ behalf of the employee containing a certification that the member meets the criteria for Special Risk *Class* membership set forth in this section and such other supporting documentation as may be required by administrative rule. The department shall, within 90 days, ~~either~~ designate or refuse to designate the member as a special risk member. If the employer declines to submit the member's application to the department or if the department does not designate the member as a special risk member, the member or the employer may appeal to the State Retirement Commission, as provided in s. 121.23, for designation as a special risk member. A member who receives a final affirmative ruling pursuant to such appeal ~~for Special Risk membership~~ shall have Special Risk *Class* membership retroactive to the date such member would have had Special Risk *Class* membership had such membership been approved by the employer and the department, as determined by the department, and the employer contributions shall be paid in full within 1 year after such final ruling.

(b)~~1.~~ Applying the criteria set forth in this section, the department ~~of Management Services~~ shall specify which current and newly created classes of positions under the uniform classification plan established pursuant to chapter 110 entitle the incumbents of positions in those classes to membership in the Special Risk Class. Only employees employed in the classes so specified shall be special risk members.

~~2.~~ *If* ~~When~~ a class is not specified by the department ~~as provided in subparagraph 1.~~, the employing agency may petition the State Retirement Commission for approval in accordance with s. 121.23.

(5)~~(4)~~ REMOVAL OF SPECIAL RISK *CLASS* MEMBERSHIP.—

(a) Any member who is a special risk member on October 1, 1978, and who fails to meet the criteria for Special Risk *Class* membership established by this section shall have his or her special risk designation removed and thereafter shall be a regular member and ~~shall~~ earn only regular membership credit. The department *may* ~~shall have the authority to~~ review the special risk designation of members to determine whether or not those members continue to meet the criteria for Special Risk *Class* membership.

(b) Any member who is a special risk member on July 1, 2008, and who became eligible to participate under paragraph *(3)*~~(2)~~(h) but fails to meet the criteria for Special Risk *Class* membership established by paragraph *(3)*~~(2)~~(i) or paragraph *(3)*~~(2)~~(j) shall have his or her special risk designation removed and thereafter shall be a Regular Class member and earn only Regular Class membership credit. The department may review the special risk designation of members to determine whether or not those members continue to meet the criteria for Special Risk *Class* membership.

(6)~~(5)~~ CREDIT FOR PAST SERVICE.—A special risk member may purchase retirement credit in the Special Risk Class based upon past service, and may upgrade retirement credit for such past service, to the extent of 2 percent of the member's average monthly compensation as specified in s. 121.091(1)(a) for such service as follows:

(a) The member may purchase special risk credit for past service with a *municipality* ~~city~~ or special district which has elected to join the Florida Retirement System, or with a participating agency to which a member's governmental unit was transferred, merged, or consolidated as provided in s. 121.081(1)(f), if the member was employed with the *municipality* ~~city~~ or special district at the time it commenced participating in the Florida Retirement System or with the governmental unit at the time of its transfer, merger, or consolidation with the participating agency. The service must satisfy the criteria set forth in subsection *(3)* ~~(2)~~ for Special Risk *Class* membership as a law enforcement officer, firefighter, or correctional officer; however, *a* ~~no~~ certificate or waiver of certificate of compliance with s. 943.1395 or s. 633.35 *is not* ~~shall be~~ required for such service.

(b) Contributions for upgrading the additional special risk credit *must* ~~pursuant to this subsection shall~~ be equal to the difference in the *employer and, if applicable, employee* contributions paid and the special risk percentage rate of gross salary in effect at the time of purchase for the period being claimed, plus interest thereon at the rate of 4 percent a year compounded annually from the date of such service until July 1, 1975, and 6.5 percent a year thereafter until the date of payment. This past service may be purchased by the member or by the employer on behalf of the member.

(7)~~(6)~~ CREDIT FOR PRIOR SERVICE.—A special risk member who has creditable service with an employer under chapter 122 or chapter 321, or was employed as a correctional counselor with the Department of Corrections between December 1, 1970, and September 30, 1979, in a position *that* ~~which~~ satisfies the criteria provided ~~for~~ in subsection *(3)* ~~(2)~~ for Special Risk *Class* membership except the requirement for a certificate or waiver of certificate, shall have those years of service counted towards the attainment of the normal retirement date as a special risk member under this chapter. The percentage value of each such year of creditable service under chapter 122, chapter 321, or as a correctional counselor *may* ~~shall~~ not change as a result of the application of this subsection. A special risk member who has taken a refund of contributions for such creditable service under chapter 122 or chapter 321 and has reclaimed it as prior service credit under this chapter shall be permitted to have such creditable service counted towards the attainment of the normal retirement date for the Special Risk Class of membership under this chapter.

(8)~~(7)~~ *SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS* ~~RETENTION OF SPECIAL RISK NORMAL RETIREMENT DATE~~.—

(a) A special risk member who is moved or reassigned to a nonspecial risk law enforcement, firefighting, correctional, or emergency medical care administrative support position with the same agency, or who is subsequently employed in such a position *within* ~~with~~ any law enforcement, firefighting, correctional, or emergency medical care agency under the Florida Retirement System, shall participate in the Special Risk Administrative Support Class and ~~shall~~ earn credit for such service at the same percentage rate as that earned by a regular member. Notwithstanding ~~the provisions of~~ subsection *(5)* ~~(4)~~, service in ~~such~~ an administrative support position ~~shall~~, for purposes of s. 121.091, *applies* ~~apply~~ toward satisfaction of the special risk normal retirement date, as defined in s. 121.021~~(29)(b)~~ *if*, ~~provided that,~~ while in such position, the member remains certified as a law enforcement officer, firefighter, correctional officer, emergency medical technician, or paramedic; remains subject to reassignment at any time to a position qualifying for special risk membership; and completes an aggregate of *the* ~~6 or more~~ years of service as a designated special risk member *before* ~~prior to~~ retirement *which is equal to or greater than the years of service required to be vested*.

(b) Upon application by a member, the provisions of this subsection ~~shall~~ apply, with respect to such member, retroactively to October 1, 1978, *if* ~~provided that~~ the member was removed from the Special Risk Class effective October 1, 1978, due to a change in special risk criteria as a result of the enactment of chapter 78-308, Laws of Florida, or was reassigned or employed for training or career development or to fill a critical agency need.

(c) The department shall adopt ~~such~~ rules as ~~are~~ required to administer this subsection.

(d) Notwithstanding any *other* provision of this subsection ~~to the contrary~~, this subsection does not apply to any special risk member who qualifies for continued membership pursuant to ~~the provisions of~~ paragraph *(3)*~~(2)~~(k).

(9)~~(8)~~ RESTORATION OF SPECIAL RISK CREDIT FOR SPECIFIED PERIOD OF EMPLOYMENT.—A special risk member who was removed from the Special Risk Class effective October 1978, for the sole reason that he or she did not possess the required certificate or temporary waiver of certificate, and who obtained certification and was approved for Special Risk *Class* membership on or before June 30, 1982, *may* ~~shall be permitted to~~ have special risk credit restored for that period upon:

(a) Certification by his or her employer that all requirements for Special Risk *Class* membership except the requirement for certification or temporary waiver of certification were met; and

(b) Payment of contributions equal to the difference in the contributions that were paid during the period and the contributions required for special risk members during that period, plus 6.5 percent interest thereon, compounded each June 30 from date of service until date of payment.

This credit may be purchased by the member or by the employer on behalf of the member.

(10)~~(9)~~ CREDIT FOR UPGRADED SERVICE.—

(a) Any member of the Special Risk Class who has earned creditable service *through September 30, 1999,* in another membership class of the Florida Retirement System as an emergency medical technician or paramedic, which service is within the purview of the Special Risk Class, may purchase additional retirement credit to upgrade such service to Special Risk Class service, to the extent of the percentages of the member's average final compensation provided in s. 121.091(1)(a)2. Contributions for upgrading such service to Special Risk Class credit *must* ~~under this subsection shall~~ be equal to the difference in the contributions paid and the Special Risk Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

(b) Any member of the Special Risk Class who has earned creditable service *through September 30, 2001,* in another membership class of the Florida Retirement System whose responsibilities included fire prevention or firefighter training, which service is within the purview of the Special Risk Class, may purchase additional retirement credit to upgrade such service to Special Risk Class service, to the extent of the

percentages of the member's average final compensation provided in s. 121.091(1)(a)2. Contributions for upgrading such service to Special Risk Class credit *must* ~~under this subsection shall~~ be equal to the difference in the contributions paid and the Special Risk Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

(c) Any member of the Special Risk Class who has earned creditable service *through June 30, 2008,* in another membership class of the Florida Retirement System in a position with the Department of Law Enforcement or the Division of State Fire Marshal and became covered by the Special Risk Class as described in paragraph *(3)*~~(2)~~(i), or with a local government law enforcement agency or medical examiner's office and became covered by the Special Risk Class as described in paragraph *(3)*~~(2)~~(j), which service is within the purview of the Special Risk Class, and is employed in such position on or after July 1, 2008, may purchase additional retirement credit to upgrade such service to Special Risk Class service, to the extent of the percentages of the member's average final compensation provided in s. 121.091(1)(a)2. The cost for such credit *must* ~~shall~~ be an amount representing the actuarial accrued liability for the difference in accrual value during the affected period of service. The cost shall be calculated using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System *Pension* ~~defined benefit~~ Plan liabilities in the most recent actuarial valuation. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary. The cost must be paid immediately upon notification by the division. The local government employer may purchase the upgraded service credit on behalf of the member if the member has been employed by that employer for at least 3 years.

Section 9. Paragraphs (a) and (d) of subsection (4), paragraph (b) of subsection (7), and subsections (8) and (10) of section 121.052, Florida Statutes, are amended, present paragraph (c) of subsection (7) of that section is redesignated as paragraph (d), and a new paragraph (c) is added to that subsection, to read:

121.052 Membership class of elected officers.—

(4) PARTICIPATION BY ELECTED OFFICERS SERVING A SHORTENED TERM DUE TO APPORTIONMENT, FEDERAL INTERVENTION, ETC.—

(a) *A* ~~Any~~ duly elected officer whose term of office was shortened by legislative or judicial apportionment pursuant to ~~the provisions of~~ s. 16, Art. III of the State Constitution may, after the term of office to which he or she was elected is completed, pay into the *Florida Retirement* System Trust Fund the amount of contributions that would have been made by *the officer or* the officer's employer on his or her behalf, plus 4 percent interest compounded annually from the date he or she left office until July 1, 1975, and 6.5 percent interest compounded annually thereafter, and may receive service credit for the length of time the officer would have served if such term had not been shortened by apportionment.

(d)1. Any justice or judge, or any retired justice or judge who retired before July 1, 1993, who has attained the age of 70 years and who is prevented under s. 8, Art. V of the State Constitution from completing his or her term of office because of age may elect to purchase credit for all or a portion of the months he or she would have served during the remainder of the term of office*; however*, ~~but~~ he or she may claim those months only after the date the service would have occurred. The justice or judge must pay into the *Florida Retirement* System Trust Fund the amount of contributions that would have been made by the employer on his or her behalf for the period of time being claimed, plus 6.5 percent interest thereon compounded each June 30 from the date he or she left office, in order to receive service credit in this class for the period of time being claimed. After the date the service would have occurred, and upon payment of the required contributions, the retirement benefit of a retired justice or judge *shall* ~~will~~ be adjusted prospectively to include *the* ~~this~~ additional creditable service; however, such adjustment may be made only once.

2. Any justice or judge who does not seek election to a subsequent term of office because he or she would be prevented under s. 8, Art. V of the State Constitution from completing such term of office upon attaining the age of 70 years may elect to purchase service credit for service as a temporary judge as assigned by the court if the temporary assignment ~~follows~~ immediately *follows* the last full term of office served and the purchase is limited to the number of months of service needed to vest retirement benefits. To receive retirement credit for such temporary service beyond termination, the justice or judge must pay into the *Florida Retirement* System Trust Fund the amount of contributions that would have been made by the *justice or judge and the* employer on his or her behalf had he or she continued in office for the period of time being claimed, plus 6.5 percent interest thereon compounded each June 30 from the date he or she left office.

(7) CONTRIBUTIONS.—

(b) The employer paying the salary of a member of the Elected Officers' Class shall contribute an amount as specified in this subsection or s. 121.71, as appropriate, which shall constitute the ~~entire~~ employer retirement contribution with respect to such member. The employer shall also withhold one-half of the entire contribution of the member required for social security coverage. *Effective July 1, 2011, each member of the Elected Officers' Class shall pay employee contributions as specified in s. 121.71.*

(c) If a member of the Elected Officers' Class ceases to fill an office covered by this class for 3 calendar months for any reason other than retirement and has not been employed in any capacity with any participating employer for 3 calendar months, the member may receive a refund of all contributions he or she has made to the pension plan, subject to the restrictions otherwise provided in this chapter. Partial refunds are not permitted. The refund shall not include any interest earnings on the contributions for a member of the pension plan. Employer contributions made on behalf of the member are not refundable. A member may not receive a refund of employee contributions if a pending or an approved qualified domestic relations order is filed against the member's retirement account. By obtaining a refund of contributions, a member waives all rights under the Florida Retirement System and the health insurance subsidy provided under s. 112.363 to the service credit represented by the refunded contributions, except the right to purchase his or her prior service credit in accordance with s. 121.081(2).

(8) NORMAL RETIREMENT DATE; VESTING REQUIREMENT.—A member of the Elected Officers' Class shall have the same normal retirement date *and vesting requirement,* as *those terms are* defined in s. 121.021(29) *and (45),* for a member of the regular class of the Florida Retirement System. Any public service commissioner who was removed from the Elected State Officers' Class on July 1, 1979, after attaining at least 8 years of creditable service in that class *is* ~~shall be~~ considered to have reached the normal retirement date upon attaining age 62 as required in s. 121.021(29)(a).

(10) ACCRUED SERVICE VALUE.—A member of the Elected Officers' Class who is a Supreme Court justice, district court of appeal judge, circuit judge, or county court judge shall receive judicial retirement credit of 3 $^{1}/_{3}$ percent of average final compensation, and all other members shall receive elected officer *accrual value* ~~retirement credit~~ of 3 percent of average final compensation, for each year of creditable service in such class.

Section 10. Paragraph (a) of subsection (7) of section 121.053, Florida Statutes, is amended to read:

121.053 Participation in the Elected Officers' Class for retired members.—

(7) A member who is elected or appointed to an elective office and who is participating in the Deferred Retirement Option Program is not subject to termination as defined in s. 121.021, or reemployment limitations as provided in s. 121.091(9), until the end of his or her current term of office or, if the officer is consecutively elected or reelected to an elective office eligible for coverage under the Florida Retirement System, until he or she no longer holds an elective office, as follows:

(a) At the end of the 60-month DROP period:

1. The officer's DROP account may not accrue additional monthly benefits, but does continue to earn interest as provided in s. 121.091(13). However, an officer whose DROP participation begins on or after July 1, 2010, may not continue to earn such interest.

2. Retirement contributions*, except for unfunded actuarial liability and health insurance subsidy contributions required in ss. 121.71(5) and 121.76,* are not required of the employer of the elected officer and additional retirement credit may not be earned under the Florida Retirement System.

Section 11. Paragraphs (b) and (j) of subsection (1), paragraph (b) of subsection (3), paragraph (b) of subsection (4), and paragraphs (c), (d), and (e) of subsection (6) of section 121.055, Florida Statutes, are amended, present paragraph (c) of subsection (3) of that section is redesignated as paragraph (d), and a new paragraph (c) is added to that subsection, to read:

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

(1)

(b)1. Except as provided in subparagraph 2., effective January 1, 1990, participation in the Senior Management Service Class *is* ~~shall be~~ compulsory for the president of each community college, the manager of each participating *municipality* ~~city~~ or county, and all appointed district school superintendents. Effective January 1, 1994, additional positions may be designated for inclusion in the Senior Management Service Class *if* ~~of the Florida Retirement System, provided that~~:

a. Positions to be included in the class *are* ~~shall be~~ designated by the local agency employer. Notice of intent to designate positions for inclusion in the class *must* ~~shall~~ be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. Up to 10 nonelective full-time positions may be designated for each local agency employer reporting to the department ~~of Management Services~~; for local agencies with 100 or more regularly established positions, additional nonelective full-time positions may be designated, not to exceed 1 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policymaking position filled by an employee who is not subject to continuing contract and serves at the pleasure of the local agency employer without civil service protection, and who:

(I) Heads an organizational unit; or

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

2. In lieu of participation in the Senior Management Service Class, members of the Senior Management Service Class*,* pursuant to ~~the provisions of~~ subparagraph 1.*,* may withdraw from the Florida Retirement System altogether. The decision to withdraw from the ~~Florida Retirement~~ system *is* ~~shall be~~ irrevocable ~~for~~ as long as the employee holds *the* ~~such a~~ position. Any service creditable under the Senior Management Service Class shall be retained after the member withdraws from the ~~Florida Retirement~~ system; however, additional service credit in the Senior Management Service Class *may* ~~shall~~ not be earned after such withdrawal. Such members *are* ~~shall~~ not ~~be~~ eligible to participate in the Senior Management Service Optional Annuity Program.

3. Effective January 1, 2006, through June 30, 2006, an employee who has withdrawn from the Florida Retirement System under subparagraph 2. has one opportunity to elect to participate in ~~either~~ the *pension plan* ~~defined benefit program~~ or the *investment plan* ~~Public Employee Optional Retirement Program of the Florida Retirement System~~.

a. If the employee elects to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~, membership shall be prospective, and the applicable provisions of s. 121.4501(4) ~~shall~~ govern the election.

b. If the employee elects to participate in the *pension plan* ~~defined benefit program of the Florida Retirement System~~, the employee shall, upon payment to the system trust fund of the amount calculated under sub-sub-subparagraph (I), receive service credit for prior service based upon the time during which the employee had withdrawn from the system.

(I) The cost for such credit shall be an amount representing the actuarial accrued liability for the affected period of service. The cost shall be calculated using the discount rate and other relevant actuarial assumptions that were used to value the *pension* ~~Florida Retirement System defined benefit~~ plan liabilities in the most recent actuarial valuation. The calculation *must* ~~shall~~ include any service already maintained under the *pension* ~~defined benefit~~ plan in addition to the period of withdrawal. The actuarial accrued liability attributable to any service already maintained under the *pension* ~~defined benefit~~ plan shall be applied as a credit to the total cost resulting from the calculation. The division *must* ~~shall~~ ensure that the transfer sum is prepared using a formula and methodology certified by an actuary.

(II) The employee must transfer a sum representing the net cost owed for the actuarial accrued liability in sub-sub-subparagraph (I) immediately following the time of such movement, determined assuming that attained service equals the sum of service in the *pension plan* ~~defined benefit program~~ and the period of withdrawal.

(j) Except as may otherwise be provided, *a* ~~any~~ member of the Senior Management Service Class may purchase additional retirement credit in such class for creditable service within the purview of the Senior Management Service Class retroactive to February 1, 1987, and may upgrade retirement credit for such service, to the extent of 2 percent of the member's average monthly compensation as specified in paragraph (4)(d) for such service. Contributions for upgrading the additional Senior Management Service credit *must* ~~pursuant to this paragraph shall~~ be equal to the difference in the *employer and, if applicable, employee* contributions paid and the Senior Management Service Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

(3)

(b) The employer paying the salary of a member of the Senior Management Service Class shall contribute an amount as specified in this section or s. 121.71, as appropriate, which shall constitute the entire employer retirement contribution with respect to such member. The employer shall also withhold one-half of the entire contribution of the member required for social security coverage. *Effective July 1, 2011, each member shall pay employee contributions as specified in s. 121.71.*

(c) Upon termination of employment from all participating employers for 3 calendar months for any reason other than retirement pursuant to s. 121.021(39)(c), a member may receive a refund of all contributions he or she has made to the pension plan, subject to the restrictions otherwise provided in this chapter. Partial refunds are not permitted. The refund shall not include any interest earnings on the contributions for a member of the pension plan. Employer contributions made on behalf of the member are not refundable. A member may not receive a refund of employee contributions if a pending or an approved qualified domestic relations order is filed against the member's retirement account. By obtaining a refund of contributions, a member waives all rights under the Florida Retirement System and the health insurance subsidy provided under s. 112.363 to the service credit represented by the refunded contributions, except the right to purchase his or her prior service credit in accordance with s. 121.081(2).

(4)

(b) Service in an eligible position *before* ~~prior to~~ February 1, 1987, or after January 31, 1987, shall satisfy the requirement of attaining the normal retirement date as defined in s. 121.021(29) for a Senior Management Service Class member, *if* ~~provided~~ the employee is a member of the Senior Management Service Class after January 31, 1987. A member of this class who fails to complete *the* ~~6~~ years of creditable service *required for vesting* in an eligible position *must* ~~shall be required to~~ satisfy the requirements for the normal retirement date for a regular member as provided in s. 121.021(29) *and vesting as provided in s. 121.021(45).*

(6)

(c) *Participation.*—

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

2. Except as provided in subparagraph 6., an employee who becomes eligible to participate in the optional annuity program by reason of initial employment commencing after February 1, 1987, may, within 90 days after the date of commencing employment, elect to participate in the optional annuity program. Such election must be made in writing and filed with the personnel officer of the employer. An eligible employee who does not within 90 days after commencing employment elect to participate in the optional annuity program shall be deemed to have elected membership in the Senior Management Service Class.

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

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

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

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

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

c. The employee must transfer the total accumulated employer contributions and earnings on deposit in his or her Senior Management Service Optional Annuity Program account. If the transferred amount is not sufficient to pay the amount due, the employee must pay a sum representing the remainder of the amount due. The employee may not retain any employer contributions or earnings ~~thereon~~ from the Senior Management Service Optional Annuity Program account.

6. A retiree of a state-administered retirement system who is initially reemployed on or after July 1, 2010, may not renew membership in the Senior Management Service Optional Annuity Program.

(d) *Contributions.*—

1.*a.* Through June 30, 2001, each employer shall contribute on behalf of each *member of* ~~participant in~~ the Senior Management Service Optional Annuity Program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the *member* ~~participant~~ were a Senior Management Service Class member of the Florida Retirement System *Pension Plan* ~~defined benefit program~~, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund.

b. Effective July 1, 2001, *through June 30, 2011,* each employer shall contribute on behalf of each *member of* ~~participant in~~ the optional program an amount equal to 12.49 percent of the *employee's* ~~participant's~~ gross monthly compensation.

c. Effective July 1, 2011, each member of the optional annuity program shall contribute an amount equal to the employee contribution required under s. 121.71(3). The employer shall contribute on behalf of such employee an amount equal to the difference between 12.49 percent of the employee's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

d. The department shall deduct an amount approved by the Legislature to provide for the administration of this program. ~~The~~ Payment of the contributions*, including contributions made by the employee,* ~~to the optional program which is required by this subparagraph for each participant~~ shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the *member* ~~participant~~ under the program.

2. Each employer shall contribute on behalf of each *member of* ~~participant in~~ the Senior Management Service Optional Annuity Program an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for members of the Senior Management Service Class in the Florida Retirement System. This contribution shall be paid to the department for transfer to the Florida Retirement System Trust Fund.

3. An Optional Annuity Program Trust Fund shall be established in the State Treasury and administered by the department to make payments to provider companies on behalf of the optional annuity program *members* ~~participants~~, and to transfer the unfunded liability portion of the state optional annuity program contributions to the Florida Retirement System Trust Fund.

4. Contributions required for social security by each employer and *employee* ~~each participant~~, in the amount required for social security coverage as now or hereafter may be provided by the federal Social Security Act shall be maintained for each *member of* ~~participant in~~ the Senior Management Service retirement program and *are* ~~shall be~~ in addition to the retirement contributions specified in this paragraph.

5. Each *member of* ~~participant in~~ the Senior Management Service Optional Annuity Program may contribute by way of salary reduction or deduction a percentage amount of the *employee's* ~~participant's~~ gross compensation not to exceed the percentage amount contributed by the employer to the optional annuity program. Payment of the *employee's* ~~participant's~~ contributions shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the *member* ~~participant~~ under the program.

(e) *Benefits.*—

1. Benefits under the Senior Management Service Optional Annuity Program are payable only to *members of* ~~participants in~~ the program, or their beneficiaries as designated by the *member* ~~participant~~ in the contract with the provider company, and must be paid by the designated company in accordance with the terms of the annuity contract applicable to the *member* ~~participant~~. A *member* ~~participant~~ must be terminated from all employment relationships with Florida Retirement System employers *for 3 calendar months* ~~as provided in s. 121.021(39)~~ to begin receiving the employer-funded *and employee-funded* benefit. *The member must meet the definition of termination in s. 121.021(39) beginning the month after receiving a benefit, including a distribution.* Benefits funded by employer *and employee* contributions are payable under the terms of the contract to the *member* ~~participant~~, his or her beneficiary, or his or her estate, in addition to:

a. A lump-sum payment to the beneficiary upon the death of the *member* ~~participant~~;

b. A cash-out of a de minimis account upon the request of a former *member* ~~participant~~ who has been terminated for a minimum of 6 calendar months from the employment that entitled him or her to optional annuity program participation. Such cash-out must be a complete liquidation of the account balance with that company and is subject to the Internal Revenue Code;

c. A mandatory distribution of a de minimis account of a former *member* ~~participant~~ who has been terminated for a minimum of 6 calendar months from the employment that entitled him or her to optional annuity program participation as authorized by the department; or

d. A lump-sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the *member's* ~~participant's~~ account directly to the custodian of an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the *member* ~~participant~~.

2. Under the Senior Management Service Optional Annuity Program, benefits, including employee contributions, are not payable for employee hardships, unforeseeable emergencies, loans, medical expenses, educational expenses, purchase of a principal residence, payments necessary to prevent eviction or foreclosure on an employee's principal residence, or any other reason before termination from all employment relationships with participating employers for 3 calendar months.

3.~~2.~~ The benefits payable to any person under the Senior Management Service Optional Annuity Program, and any contribution accumulated under such program, are not subject to assignment, execution, or attachment or to any legal process whatsoever.

4.~~3.~~ Except as provided in subparagraph *5.* ~~4.~~, a *member* ~~participant~~ who terminates employment and receives a distribution, including a rollover or trustee-to-trustee transfer, funded by employer *and required employee* contributions *is* ~~shall be~~ deemed to be retired from a state-administered retirement system if the *member* ~~participant~~ is subsequently employed with an employer that participates in the Florida Retirement System.

5.~~4.~~ A *member* ~~participant~~ who receives optional annuity program benefits funded by employer *and employee* contributions as a mandatory distribution of a de minimis account authorized by the department is not considered a retiree.

As used in this paragraph, a "de minimis account" means an account with a provider company containing employer *and employee* contributions and accumulated earnings of not more than $5,000 made under this chapter.

Section 12. Subsection (2) of section 121.061, Florida Statutes, is amended to read:

121.061 Funding.—

(2)(a) Should any employer other than a state employer fail to make the retirement and social security contributions, both member and employer contributions, required by this chapter, then, upon request by the administrator, the Department of Revenue or the Department of Financial Services, as the case may be, shall deduct the amount owed by the employer from any funds to be distributed by it to the county, *municipality* ~~city~~, metropolitan planning organization, special district, or consolidated form of government. The amounts so deducted shall be transferred to the administrator for further distribution to the trust funds in accordance with this chapter.

(b) Should any employer for whom the *municipality* ~~city~~ or county tax collector collects taxes, fail to make the retirement and social security contributions required by this chapter, the tax collector, at the request of the administrator and upon receipt of a certificate from the administrator showing the amount owed by the employer, shall deduct the amount so certified from any taxes collected for the employer and remit the amount to the administrator for further distribution to the trust funds in accordance with this chapter.

(c) The governing body of each county, *municipality* ~~city~~, metropolitan planning organization, special district, or consolidated form of government participating under this chapter or the administrator, acting individually or jointly, is hereby authorized to file and maintain an action in the courts of the state to require any employer to remit any retirement or social security member contributions or employer matching payments due the retirement or social security trust funds under the provisions of this chapter.

(d) Should the income of any constitutional fee officer, in any year, be insufficient to make the matching payments required by this chapter, the board of county commissioners shall provide such fee officer sufficient funds to make these required payments when due.

Section 13. Subsections (2) and (5) and paragraph (c) of subsection (6) of section 121.071, Florida Statutes, are amended, present paragraph (d) of subsection (6) of that section is redesignated as paragraph (e), a new paragraph (d) is added to that subsection, and subsection (7) is added to that section, to read:

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

(2)(a) Effective January 1, 1975, or October 1, 1975, as applicable, *and through June 30, 2011,* each employer shall *make* ~~accomplish~~ the contribution required by subsection (1) by a procedure in which no employee's gross salary *is* ~~shall be~~ reduced. *Effective July 1, 2011, each employer and employee shall pay retirement contributions as specified in s. 121.71.*

(b) Upon termination of employment *from all participating employers* for *3 calendar months for* any reason other than retirement *pursuant to s. 121.021(39)(c)*, a member *may receive* ~~shall be entitled to~~ a ~~full~~ refund of *all* ~~the~~ contributions he or she has made *to the pension* ~~prior or subsequent to participation in the noncontributory~~ plan, subject to the restrictions otherwise provided in this chapter. *Partial refunds are not permitted. The refund may not include any interest earnings on the contributions for a member of the pension plan. Employer contributions made on behalf of the member are not refundable. A member may not receive a refund of employee contributions if a pending or an approved qualified domestic relations order is filed against his or her retirement account. By obtaining a refund of contributions, a member waives all rights under the Florida Retirement System and the health insurance subsidy to the service credit represented by the refunded contributions, except the right to purchase his or her prior service credit in accordance with s. 121.081(2).*

(5) Contributions made in accordance with subsections (1), (2), (3), and (4)~~,~~ and s. 121.71 shall be paid ~~by the employer~~ into the system trust funds in accordance with rules adopted by the administrator pursuant to chapter 120, except as may be otherwise specified herein. Effective July 1, 2002, contributions paid under subsections (1) and (4) and accompanying payroll data are due and payable no later than the 5th working day of the month immediately following the month during which the payroll period ended.

(6)

(c) By obtaining a refund of contributions, a member waives all rights under the Florida Retirement System *and the health insurance subsidy as provided in s. 112.363* to the service credit represented by the refunded contributions, except the right to purchase his or her prior service credit in accordance with s. 121.081(2).

(d) If a member or former member of the pension plan receives an invalid refund from the Florida Retirement System Trust Fund, such person must repay the full amount of the invalid refund, plus interest at 6.5 percent compounded annually on each June 30 from the date of refund until full payment is made to the trust fund. The invalid refund must be repaid before the member retires or, if applicable, transfers to the investment plan.

(7) Before termination of employment, benefits, including employee contributions, are not payable under the pension plan for employee hardships, unforeseeable emergencies, loans, medical expenses, educational expenses, purchase of a principal residence, payments necessary to prevent eviction or foreclosure on an employee's principal residence, or any other reason before termination from all employment relationships with participating employers.

Section 14. Paragraphs (b) and (c) of subsection (1) and subsection (2) of section 121.081, Florida Statutes, are amended to read:

121.081 Past service; prior service; contributions.—Conditions under which past service or prior service may be claimed and credited are:

(1)

(b) Past service earned after January 1, 1975, may be claimed by officers or employees of a municipality, metropolitan planning organization, charter school, charter technical career center, or special district who become a covered group under this system. The governing body of a covered group may elect to provide benefits for past service earned after January 1, 1975, in accordance with this chapter. ~~, and~~ The cost for such past service is established by applying the following formula: The employer shall contribute an amount equal to the *employer* contribution rate in effect at the time the service was earned *and, if applicable, the employee contribution rate*, multiplied by the employee's gross salary for each year of past service claimed, plus *6.5 percent* ~~6.5 percent~~ interest thereon, compounded annually, *for* ~~figured on~~ each year of past service, with interest compounded from date of annual salary earned until date of payment.

(c) *If an employer joins the Florida Retirement System and does* ~~Should the employer~~ not elect to provide past service for the member *at the time of joining*, ~~then~~ the member may claim and pay *for the service as provided in* ~~same, based on~~ paragraphs (a) and (b).

(2) Prior service, as defined in s. 121.021~~(19)~~, may be claimed as creditable service under the Florida Retirement System after a member has been reemployed for 1 complete year of creditable service ~~within a period of 12 consecutive months~~, except as provided in paragraph (c). Service performed as a *member* ~~participant~~ of the optional retirement program for the State University System under s. 121.35 or the Senior Management Service Optional Annuity Program under s. 121.055 may be used to satisfy the reemployment requirement of 1 complete year of creditable service. The member shall not be permitted to make any contributions for prior service until after completion of the 1 year of creditable service. If a member does not wish to claim credit for all of his or her prior service, the service the member claims must be the most recent period of service. The required contributions for claiming the various types of prior service are:

(a) For prior service performed *before* ~~prior to~~ the date the system becomes noncontributory for the member and for which the member had credit under one of the existing retirement systems and received a refund of contributions upon termination of employment, the member shall contribute 4 percent of all salary received during the period being claimed, plus *4 percent* ~~4 percent~~ interest compounded annually from date of refund until July 1, 1975, and *6.5 percent* ~~6.5 percent~~ interest compounded annually thereafter, until full payment is made to the *Florida* Retirement *System* Trust Fund, and ~~shall~~ receive credit in the Regular Class. A member who elected to transfer to the Florida Retirement System from an existing system may receive credit for prior service under the existing system if he or she was eligible under the existing system to claim the prior service at the time of the transfer. Contributions for such prior service shall be determined by the applicable provisions of the system under which the prior service is claimed and shall be paid by the member, with matching contributions paid by the employer at the time the service was performed. Effective July 1, 1978, the account of a person who terminated under s. 238.05(3) may not be charged interest for contributions that remained on deposit in the Annuity Savings Trust Fund established under chapter 238, upon retirement under this chapter or chapter 238.

(b) For prior service performed *before* ~~prior to~~ the date the system becomes noncontributory for the member and for which the member had credit under the Florida Retirement System and received a refund of contributions upon termination of employment, the member shall contribute at the rate that was required of him or her during the period of service being claimed, on all salary received during such period, plus *4 percent* ~~4 percent~~ interest compounded annually from date of refund until July 1, 1975, and *6.5 percent* ~~6.5 percent~~ interest compounded annually thereafter, until the full payment is made to the *Florida* Retirement *System* Trust Fund, and ~~shall~~ receive credit in the membership class in which the member participated during the period claimed.

(c) For prior service as defined in s. 121.021(19)(b) and (c) during which no contributions were made because the member did not participate in a retirement system, the member shall contribute 14.38 percent of all salary received during such period or 14.38 percent of $100 per month during such period, whichever is greater, plus *4 percent* ~~4 percent~~ interest compounded annually from the first year of service claimed until July 1, 1975, and *6.5 percent* ~~6.5 percent~~ interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund, and shall receive credit in the Regular Class.

(d) In order to claim credit for prior service as defined in s. 121.021(19)(d) for which no retirement contributions were paid during the period of such service, the member shall contribute the total employee and employer contributions which were required to be made to the Highway Patrol Pension Trust Fund, as provided in chapter 321, during the period claimed, plus *4 percent* ~~4 percent~~ interest compounded annually from the first year of service until July 1, 1975, and *6.5 percent* ~~6.5 percent~~ interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund. However, any governmental entity *that* ~~which~~ employed such member may elect to pay up to 50 percent of the contributions and interest required to purchase *the* ~~this~~ prior service credit. The service shall be credited in accordance with ~~the provisions of~~ the Highway Patrol Pension Plan in effect during the period claimed unless the member terminated and withdrew his or her retirement contributions and was thereafter enrolled in the State and County Officers and Employees' Retirement System or the Florida Retirement System, in which case the service shall be credited as Regular Class service.

(e) For service performed under the Florida Retirement System after December 1, 1970, *which* ~~that~~ was never reported to the division or the department due to error, retirement credit may be claimed by a member of the Florida Retirement System. The department shall adopt rules establishing criteria for claiming such credit and detailing the documentation required to substantiate the error.

(f) For prior service performed on or after July 1, 2011, for which the member had credit under the Florida Retirement System and received a refund of contributions 3 calendar months after termination of employment, the member shall contribute at the rate that was required during the period of service being claimed, plus 6.5 percent interest, compounded annually on each June 30 from date of refund until the full payment is made to the Florida Retirement System Trust Fund, and receive credit in the membership class in which the member participated during the period claimed.

(g)~~(f)~~ The employer may not be required to make contributions for prior service credit for any member, except that the employer shall pay the employer portion of contributions for any legislator who elects to withdraw from the Florida Retirement System and later rejoins the system and pays any employee contributions required in accordance with s. 121.052(3)(d).

Section 15. Paragraphs (a) and (b) of subsection (3), paragraphs (a) and (j) of subsection (4), paragraphs (a) and (c) of subsection (5), paragraph (d) of subsection (9), paragraphs (a) and (c) of subsection (13), and paragraph (d) of subsection (14) of section 121.091, Florida Statutes, are amended to read:

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

(3) EARLY RETIREMENT BENEFIT.—Upon retirement on his or her early retirement date, the member shall receive an immediate monthly benefit that shall begin to accrue on the first day of the month of the retirement date and be payable on the last day of that month and each month thereafter during his or her lifetime. Such benefit shall be calculated as follows:

(a) *For a member initially enrolled:*

1. Before July 1, 2011, the amount of each monthly payment shall be computed in the same manner as for a normal retirement benefit, in

accordance with subsection (1), but shall be based on the member's average monthly compensation and creditable service as of the member's early retirement date. The benefit so computed shall be reduced by five-twelfths of 1 percent for each complete month by which the early retirement date precedes the normal retirement date of age 62 for a member of the Regular Class, Senior Management Service Class, or the Elected Officers' Class, and age 55 for a member of the Special Risk Class, or age 52 if a Special Risk member has completed 25 years of creditable service in accordance with s. *121.021(29)(b)1.c.* ~~121.021(29)(b) 2.~~

2. On or after July 1, 2011, the amount of each monthly payment shall be computed in the same manner as for a normal retirement benefit, in accordance with subsection (1), but shall be based on the member's average monthly compensation and creditable service as of the member's early retirement date. The benefit so computed shall be reduced by five-twelfths of 1 percent for each complete month by which the early retirement date precedes the normal retirement date of age 65 for a member of the Regular Class, Senior Management Service Class, or the Elected Officers' Class, and age 60 for a member of the Special Risk Class, or age 57 if a special risk member has completed 30 years of creditable service in accordance with s. 121.021(29)(b)2.c.

(b) If the employment of a member is terminated by reason of death *within 10 years before normal retirement as described in s. 121.021(29)(a) 1.b. or s. 121.021(29)(a)2.b.* ~~subsequent to the completion of 20 years of creditable service~~, the monthly benefit payable to the member's beneficiary shall be calculated in accordance with subsection (1), but *must* ~~shall~~ be based on average monthly compensation and creditable service as of the date of death. The benefit so computed shall be reduced by five-twelfths of 1 percent for each complete month by which death precedes the normal retirement date specified above or the date on which the member would have attained *the normal retirement date* ~~30 years of creditable service~~ had he or she survived and continued his or her employment, whichever provides a higher benefit.

(4) DISABILITY RETIREMENT BENEFIT.—

(a) *Disability retirement; entitlement and effective date.—*

1.a. A member who becomes totally and permanently disabled, as defined in paragraph (b), after completing 5 years of creditable service, or a member who becomes totally and permanently disabled in the line of duty regardless of service, *is* ~~shall be~~ entitled to a monthly disability benefit; except that any member with less than 5 years of creditable service on July 1, 1980, or any person who becomes a member of the Florida Retirement System on or after such date must have completed 10 years of creditable service *before* ~~prior to~~ becoming totally and permanently disabled in order to receive disability retirement benefits for any disability which occurs other than in the line of duty. However, if a member employed on July 1, 1980, *who has* ~~with~~ less than 5 years of creditable service as of that date~~,~~ becomes totally and permanently disabled after completing 5 years of creditable service and is found not to have attained fully insured status for benefits under the federal Social Security Act, such member *is* ~~shall be~~ entitled to a monthly disability benefit.

b. Effective July 1, 2001, a member of the *pension plan* ~~defined benefit retirement program~~ who becomes totally and permanently disabled, as defined in paragraph (b), after completing 8 years of creditable service, or a member who becomes totally and permanently disabled in the line of duty regardless of service, *is* ~~shall be~~ entitled to a monthly disability benefit.

2. If the division has received from the employer the required documentation of the member's termination of employment, the effective retirement date for a member who applies and is approved for disability retirement shall be established by rule of the division.

3. For a member who is receiving Workers' Compensation payments, the effective disability retirement date may not precede the date the member reaches Maximum Medical Improvement (MMI), unless the member terminates employment *before* ~~prior to~~ reaching MMI.

(j) *Disability retirement of justice or judge by order of Supreme Court.—*

1. If a member is a justice of the Supreme Court, judge of a district court of appeal, circuit judge, or judge of a county court who has served for *the number of years equal to, or greater than, the vesting requirement in s. 121.021(45)* ~~6 years or more~~ as an elected constitutional judicial officer, including service as a judicial officer*,* in any court abolished pursuant to Art. V of the State Constitution, and who is retired for disability by order of the Supreme Court upon recommendation of the Judicial Qualifications Commission pursuant to ~~the provisions of~~ Art. V of the State Constitution, the member's Option 1 monthly benefit as provided in subparagraph (6)(a)1. *may* ~~shall~~ not be less than two-thirds of his or her monthly compensation as of the member's disability retirement date. Such ~~a~~ member may alternatively elect to receive a disability retirement benefit under any other option as provided in paragraph (6)(a).

2. Should any justice or judge who is a member of the Florida Retirement System be retired for disability by order of the Supreme Court upon recommendation of the Judicial Qualifications Commission pursuant to ~~the provisions of~~ Art. V of the State Constitution, then all contributions to his or her account and all contributions made on his or her behalf by the employer shall be transferred to and deposited in the General Revenue Fund of the state, and there is hereby appropriated annually out of the General Revenue Fund, to be paid into the Florida Retirement System Fund, an amount necessary to pay the benefits of all justices and judges retired from the Florida Retirement System pursuant to Art. V of the State Constitution.

(5) TERMINATION BENEFITS.—A member whose employment is terminated prior to retirement retains membership rights to previously earned member-noncontributory service credit, and to member-contributory service credit, if the member leaves the member contributions on deposit in his or her retirement account. If a terminated member receives a refund of member contributions, such member may reinstate membership rights to the previously earned service credit represented by the refund by completing 1 year of creditable service and repaying the refunded member contributions, plus interest.

(a) A member whose employment is terminated for any reason other than death or retirement *before* ~~prior to~~ becoming vested is entitled to the return of his or her accumulated contributions as of the date of termination. *Effective July 1, 2011, upon termination of employment from all participating employers for 3 calendar months as defined in s. 121.021(39)(c) for any reason other than retirement, a member may receive a refund of all contributions he or she has made to the pension plan, subject to the restrictions otherwise provided in this chapter. The refund may be received as a lump-sum payment, a rollover to a qualified plan, or a combination of these methods. Partial refunds are not permitted. The refund may not include any interest earnings on the contributions for a member of the pension plan. Employer contributions made on behalf of the member are not refundable. A member may not receive a refund of employee contributions if a pending or an approved qualified domestic relations order is filed against his or her retirement account. By obtaining a refund of contributions, a member waives all rights under the Florida Retirement System and the health insurance subsidy to the service credit represented by the refunded contributions, except the right to purchase his or her prior service credit in accordance with s. 121.081(2).*

(c) In lieu of the deferred monthly benefit provided in paragraph (b), the terminated member may elect to receive a lump-sum amount equal to his or her accumulated contributions as of the date of termination. *Effective July 1, 2011, upon termination of employment from all participating employers for 3 calendar months as defined in s. 121.021(39)(c) for any reason other than retirement, a member may receive a refund of all contributions he or she has made to the pension plan, subject to the restrictions otherwise provided in this chapter. Partial refunds are not permitted. The refund may not include any interest earnings on the contributions for a member of the pension plan. Employer contributions made on behalf of the member are not refundable. A member may not receive a refund of employee contributions if a pending or an approved qualified domestic relations order is filed against his or her retirement account. By obtaining a refund of contributions, a member waives all rights under the Florida Retirement System and the health insurance subsidy to the service credit represented by the refunded contributions, except the right to purchase his or her prior service credit in accordance with s. 121.081(2).*

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(d) ~~The provisions of~~ This subsection *applies* ~~apply~~ to retirees, as defined in s. 121.4501(2), of the *Florida Retirement System Investment Plan* ~~Public Employee Optional Retirement Program~~, subject to the following conditions:

1. *A retiree* ~~The retirees~~ may not be reemployed with an employer participating in the Florida Retirement System until such person has been retired for 6 calendar months.

2. A retiree employed in violation of this subsection and an employer that employs or appoints such person are jointly and severally liable for reimbursement of any benefits paid to the retirement trust fund from which the benefits were paid~~, including the Retirement System Trust Fund and the Public Employee Optional Retirement Program Trust Fund, as appropriate~~. The employer must have a written statement from the retiree that he or she is not retired from a state-administered retirement system.

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to this section, the Deferred Retirement Option Program, hereinafter referred to as DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the Florida Retirement System on behalf of the *member* ~~participant~~, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the *member* ~~participant~~ shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP. Participation in DROP by an eligible member beyond the initial 60-month period as authorized in this subsection shall be on an annual contractual basis for all participants.

(a) *Eligibility of member to participate in DROP.*—All active Florida Retirement System members in a regularly established position, and all active members of the Teachers' Retirement System established in chapter 238 or the State and County Officers' and Employees' Retirement System established in chapter 122, which are consolidated within the Florida Retirement System under s. 121.011, are eligible to elect participation in DROP if:

1. The member is not a renewed member under s. 121.122 or a member of the State Community College System Optional Retirement Program under s. 121.051, the Senior Management Service Optional Annuity Program under s. 121.055, or the optional retirement program for the State University System under s. 121.35.

2. Except as provided in subparagraph 6., election to participate is made within 12 months immediately following the date on which the member first reaches normal retirement date, or, for a member who reaches normal retirement date based on service before he or she reaches age 62, or age 55 for Special Risk Class members, election to participate may be deferred to the 12 months immediately following the date the member attains age 57, or age 52 for Special Risk Class members. A member who delays DROP participation during the 12-month period immediately following his or her maximum DROP deferral date, except as provided in subparagraph 6., loses a month of DROP participation for each month delayed. A member who fails to make an election within the 12-month limitation period forfeits all rights to participate in DROP. The member shall advise his or her employer and the division in writing of the date DROP begins. The beginning date may be subsequent to the 12-month election period but must be within the original 60-month participation period provided in subparagraph (b)1. When establishing eligibility ~~of the member~~ to participate in DROP, the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member who has dual normal retirement dates is eligible to elect to participate in DROP after attaining normal retirement date in either class.

3. The employer of a member electing to participate in DROP, or employers if dually employed, shall acknowledge in writing to the division the date the member's participation in DROP begins and the date the member's employment and DROP participation *terminates* ~~will terminate~~.

4. Simultaneous employment of a *member* ~~participant~~ by additional Florida Retirement System employers subsequent to the commencement of *a member's* participation in DROP is permissible if such employers acknowledge in writing a DROP termination date no later than the *member's* ~~participant's~~ existing termination date or the maximum participation period provided in subparagraph (b)1.

5. A *member* ~~DROP participant~~ may change employers while participating in DROP, subject to the following:

a. A change of employment *takes* ~~must take~~ place without a break in service so that the member receives salary for each month of continuous DROP participation. If a member receives no salary during a month, DROP participation *ceases* ~~shall cease~~ unless the employer verifies a continuation of the employment relationship for such *member* ~~participant~~ pursuant to s. 121.021(39)(b).

b. *The member* ~~Such participant~~ and new employer ~~shall~~ notify the division of the identity of the new employer on forms required by the division.

c. The new employer *acknowledges* ~~shall acknowledge~~, in writing, the *member's* ~~participant's~~ DROP termination date, which may be extended but not beyond the maximum participation period provided in subparagraph (b)1., *acknowledges* ~~shall acknowledge~~ liability for any additional retirement contributions and interest required if the *member* ~~participant~~ fails to timely terminate employment, and is subject to the adjustment required in sub-subparagraph (c)5.d.

6. Effective July 1, 2001, for instructional personnel as defined in s. 1012.01(2), election to participate in DROP may be made at any time following the date on which the member first reaches normal retirement date. The member shall advise his or her employer and the division in writing of the date on which DROP begins. When establishing eligibility of the member to participate in DROP for the 60-month participation period provided in subparagraph (b)1., the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member who has dual normal retirement dates is eligible to elect to participate in either class.

(c) *Benefits payable under DROP.*—

1. Effective on the date of DROP participation, the member's initial normal monthly benefit, including creditable service, optional form of payment, and average final compensation, and the effective date of retirement are fixed. The beneficiary established under the Florida Retirement System is the beneficiary eligible to receive any DROP benefits payable if the DROP participant dies before completing the period of DROP participation. If a joint annuitant predeceases the member, the member may name a beneficiary to receive accumulated DROP benefits payable. The retirement benefit, the annual cost of living adjustments provided in s. 121.101, and interest accrue monthly in the Florida Retirement System Trust Fund. *For members whose DROP participation begins:*

a. Before July 1, 2011, the interest accrues at an effective annual rate of 6.5 percent compounded monthly, on the prior month's accumulated ending balance, up to the month of termination or death, except as provided in s. 121.053(7).

b. On or after July 1, 2011, the interest accrues at an effective annual rate of 1.3 percent, compounded monthly, on the prior month's accumulated ending balance, up to the month of termination or death, except as provided in s. 121.053(7).

2. Each employee who elects to participate in DROP may elect to receive a lump-sum payment for accrued annual leave earned in accordance with agency policy upon beginning participation in DROP. The accumulated leave payment certified to the division upon commencement of DROP shall be included in the calculation of the member's average final compensation. The employee electing the lump-sum payment is not eligible to receive a second lump-sum payment upon termination, except to the extent the employee has earned additional annual leave which, combined with the original payment, does not exceed the maximum lump-sum payment allowed by the employing agency's policy or rules. An early lump-sum payment shall be based on the hourly wage of the employee at the time he or she begins participation in DROP.

If the member elects to wait and receive a lump-sum payment upon termination of DROP and termination of employment with the employer, any accumulated leave payment made at that time may not be included in the member's retirement benefit, which was determined and fixed by law when the employee elected to participate in DROP.

3. The effective date of DROP participation and the effective date of retirement of a DROP participant shall be the first day of the month selected by the member to begin participation in DROP, provided such date is properly established, with the written confirmation of the employer, and the approval of the division, on forms required by the division.

4. Normal retirement benefits and any interest ~~shall~~ continue to accrue in DROP until the established termination date of DROP or until the *member* ~~participant~~ terminates employment or dies *before* ~~prior to~~ such date, except as provided in s. 121.053(7). Although individual DROP accounts *may* ~~shall~~ not be established, a separate accounting of each *member's* ~~participant's~~ accrued benefits under DROP shall be calculated and provided to *the member* ~~participants~~.

5. At the conclusion of *the member's participation in* ~~the participant's~~ DROP, the division shall distribute the *member's* ~~participant's~~ total accumulated DROP benefits, subject to the following:

a. The division shall receive verification by the *member's* ~~participant's~~ employer or employers that the *member* ~~participant~~ has terminated all employment relationships as provided in s. 121.021(39).

b. The terminated DROP participant or, if deceased, the *member's* ~~participant's~~ named beneficiary, shall elect on forms provided by the division to receive payment of the DROP benefits in accordance with one of the options listed below. If a *member* ~~participant~~ or beneficiary fails to elect a method of payment within 60 days after termination of DROP, the division shall pay a lump sum as provided in sub-sub-subparagraph (I).

(I) Lump sum.—All accrued DROP benefits, plus interest, less withholding taxes remitted to the Internal Revenue Service, shall be paid to the DROP participant or surviving beneficiary.

(II) Direct rollover.—All accrued DROP benefits, plus interest, shall be paid from DROP directly to the custodian of an eligible retirement plan as defined in s. 402(c)(8)(B) of the Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased *member* ~~participant~~, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in s. 402(c)(9) of the Internal Revenue Code.

(III) Partial lump sum.—A portion of the accrued DROP benefits shall be paid to DROP participant or surviving spouse, less withholding taxes remitted to the Internal Revenue Service, and the remaining DROP benefits must be transferred directly to the custodian of an eligible retirement plan as defined in s. 402(c)(8)(B) of the Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased *member* ~~participant~~, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in s. 402(c)(9) of the Internal Revenue Code. The proportions must be specified by the DROP participant or surviving beneficiary.

c. The form of payment selected by the DROP participant or surviving beneficiary must comply with the minimum distribution requirements of the Internal Revenue Code.

d. A DROP participant who fails to terminate all employment relationships as provided in s. 121.021(39) shall be deemed as not retired, and the DROP election is null and void. Florida Retirement System membership shall be reestablished retroactively to the date of the commencement of DROP, and each employer with whom the *member* ~~participant~~ continues employment must pay to the Florida Retirement System Trust Fund the difference between the DROP contributions paid in paragraph (i) and the contributions required for the applicable Florida Retirement System class of membership during the period the member participated in DROP, plus 6.5 percent interest compounded annually.

6. The retirement benefits of any DROP participant who terminates all employment relationships as provided in s. 121.021(39) but is reemployed in violation of the reemployment provisions of subsection (9) *are* ~~shall be~~ suspended during those months in which the retiree is in violation. Any retiree in violation of this subparagraph and any employer that employs or appoints such person without notifying the division ~~of Retirement~~ to suspend retirement benefits are jointly and severally liable for any benefits paid during the reemployment limitation period. The employer must have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retiree while employed in violation of the reemployment limitations must be repaid to the Florida Retirement System Trust Fund, and his or her retirement benefits shall remain suspended until payment is made. Benefits suspended beyond the end of the reemployment limitation period apply toward repayment of benefits received in violation of the reemployment limitation.

7. The accrued benefits of any DROP participant, and any contributions accumulated under the program, are not subject to assignment, execution, attachment, or any legal process ~~whatsoever,~~ except for qualified domestic relations *court* orders ~~by a court of competent jurisdiction~~, income deduction orders as provided in s. 61.1301, and federal income tax levies.

8. DROP participants are not eligible for disability retirement benefits as provided in subsection (4).

(14) PAYMENT OF BENEFITS.—This subsection applies to the payment of benefits to a payee (retiree or beneficiary) under the Florida Retirement System:

(d) A payee whose retirement benefits are reduced by the application of maximum benefit limits under s. 415(b) of the Internal Revenue Code, as specified in s. 121.30(5), shall have the portion of his or her calculated benefit in the Florida Retirement *System Pension* ~~System defined benefit~~ Plan which exceeds such federal limitation paid through the Florida Retirement System Preservation of Benefits Plan, as provided in s. 121.1001.

Section 16. Subsection (1) and paragraph (a) of subsection (2) of section 121.1001, Florida Statutes, are amended to read:

121.1001 Florida Retirement System Preservation of Benefits Plan.—Effective July 1, 1999, the Florida Retirement System Preservation of Benefits Plan is established as a qualified governmental excess benefit arrangement pursuant to s. 415(m) of the Internal Revenue Code. The Preservation of Benefits Plan is created as a separate portion of the Florida Retirement System, for the purpose of providing benefits to a payee (retiree or beneficiary) of the Florida Retirement System whose benefits would otherwise be limited by s. 415(b) of the Internal Revenue Code.

(1) ELIGIBILITY TO PARTICIPATE IN THE PRESERVATION OF BENEFITS PLAN.—A payee of the Florida Retirement System shall participate in the Preservation of Benefits Plan *if* ~~whenever~~ his or her earned benefit under the Florida Retirement *System Pension* ~~System defined benefit~~ Plan exceeds the benefit maximum established under s. 415(b) of the Internal Revenue Code. Participation in the Preservation of Benefits Plan shall continue for as long as the payee's earned benefit under the *pension* ~~Florida Retirement System defined benefit~~ plan is reduced by the application of the maximum benefit limit under s. 415(b) of the Internal Revenue Code.

(2) BENEFITS PAYABLE UNDER THE PRESERVATION OF BENEFITS PLAN.—

(a) On and after July 1, 1999, the division ~~of Retirement~~ shall pay to each eligible payee of the Florida Retirement System who retires before, on, or after *that* ~~such~~ date, a supplemental retirement benefit equal to the difference between the amount of the payee's monthly retirement benefit which would have been payable under the Florida Retirement *System Pension* ~~System defined benefit~~ Plan if not for a reduction due to the application of s. 415(b) of the Internal Revenue Code and the reduced monthly retirement benefit as paid to the payee. The Preservation of Benefits Plan benefit shall be computed and payable under the same terms and conditions and to the same person as would have applied under the *pension* ~~Florida Retirement System defined benefit~~ plan were it not for the federal limitation.

Section 17. Subsections (1) and (3) of section 121.101, Florida Statutes, are amended, present subsections (4) through (7) of that section are redesignated as subsections (6) through (9), respectively, and new subsections (4) and (5) are added to that section, to read:

121.101 Cost-of-living adjustment of benefits.—

(1) The purpose of this section is to provide cost-of-living adjustments to the monthly benefits payable to ~~all~~ retired members of state-supported retirement systems.

(3) Commencing July 1, 1987, the benefit of each retiree and annuitant *whose effective retirement date is before July 1, 2011,* shall be adjusted *annually* on ~~each~~ July 1 ~~thereafter,~~ as follows:

(a) For those retirees and annuitants who have never received a cost-of-living adjustment under this section, the amount of the monthly benefit payable for the 12-month period commencing on the adjustment date shall be the amount of the member's initial benefit plus an amount equal to a percentage of the member's initial benefit; this percentage is derived by dividing the number of months the member has received an initial benefit by 12, and multiplying the result by 3.

(b) For those retirees and annuitants who have received a cost-of-living adjustment under this *subsection* ~~section~~, the adjusted monthly benefit shall be the amount of the monthly benefit being received on June 30 immediately preceding the adjustment date plus an amount equal to 3 percent of this benefit.

(4) For members whose effective retirement date is on or after July 1, 2011, the benefit of each retiree and annuitant shall be adjusted annually on July 1 as follows:

(a) For those retirees and annuitants who have never received a cost-of-living adjustment under this subsection, the amount of the monthly benefit payable for the 12-month period commencing on the adjustment date shall be the amount of the member's initial benefit plus an amount equal to a percentage of the member's initial benefit. This percentage is derived by dividing the number of months the member has received an initial benefit by 12, and multiplying the result by the factor calculated pursuant to paragraph (c).

(b) For those retirees and annuitants who have received a cost-of-living adjustment under this subsection, the adjusted monthly benefit shall be the amount of the monthly benefit being received on June 30 immediately preceding the adjustment date plus an amount determined by multiplying the benefit by the factor calculated pursuant to paragraph (c).

(c) The department shall calculate a cost-of-living factor for each retiree and beneficiary retiring on or after July 1, 2011. This factor shall equal the product of 3 percent multiplied by the quotient of the sum of the member's service credit earned for service before July 1, 2011, divided by the sum of the member's total service credit earned.

(5) Subject to the availability of funding and the Legislature enacting sufficient employer contributions specifically for the purpose of funding the expiration of the cost-of-living adjustment specified in subsection (4), in accordance with s. 14, Art. X of the State Constitution, the cost-of-living adjustment formula provided for in subsection (4) shall expire effective June 30, 2016, and the benefit of each retiree and annuitant shall be adjusted on each July 1 thereafter, as provided in subsection (3).

Section 18. Paragraph (b) of subsection (1) of section 121.1115, Florida Statutes, is amended to read:

121.1115 Purchase of retirement credit for out-of-state or federal service.—Effective January 1, 1995, a member may purchase creditable service for periods of public employment in another state and receive creditable service for such periods of employment. Service with the Federal Government, including any active military service, may be claimed. Upon completion of each year of service earned under the Florida Retirement System, a member may purchase up to 1 year of retirement credit for his or her out-of-state service, subject to the following provisions:

(1) LIMITATIONS AND CONDITIONS.—To receive credit for the out-of-state service:

(b) The member must have completed *the* ~~a minimum of 6~~ years of creditable service *required for vesting* under the Florida Retirement System, excluding out-of-state service and in-state service claimed and purchased under s. 121.1122.

Section 19. Paragraph (a) of subsection (2) of section 121.1122, Florida Statutes, is amended to read:

121.1122 Purchase of retirement credit for in-state public service and in-state service in accredited nonpublic schools and colleges, including charter schools and charter technical career centers.—Effective January 1, 1998, a member of the Florida Retirement System may purchase creditable service for periods of certain public or nonpublic employment performed in this state, as provided in this section.

(2) LIMITATIONS AND CONDITIONS.—

(a) A member is not eligible to receive credit for in-state service under this section until he or she has completed *the* ~~6~~ years of creditable service *required for vesting* under the Florida Retirement System, excluding service purchased under this section and out-of-state service claimed and purchased under s. 121.1115.

Section 20. Subsection (1) of section 121.121, Florida Statutes, is amended to read:

121.121 Authorized leaves of absence.—

(1) A member may purchase creditable service for up to 2 work years of authorized leaves of absence, including any leaves of absence covered under the Family Medical Leave Act, if:

(a) The member has completed *the* ~~a minimum of 6~~ years of creditable service *required for vesting*, excluding periods for which a leave of absence was authorized;

(b) The leave of absence is authorized in writing by the employer of the member and approved by the administrator;

(c) The member returns to active employment performing service with a Florida Retirement System employer in a regularly established position immediately upon termination of the leave of absence and remains on the employer's payroll for 1 calendar month, except that a member who retires on disability while on a medical leave of absence *may* ~~shall~~ not be required to return to employment. A member whose work year is less than 12 months and whose leave of absence terminates between school years is eligible to receive credit for the leave of absence *if* ~~as long as~~ he or she returns to the employment ~~of his or her employer~~ at the beginning of the next school year and remains on the employer's payroll for 1 calendar month; and

(d) The member makes the required contributions for service credit during the leave of absence, which shall be 8 percent until January 1, 1975, and 9 percent thereafter of his or her rate of monthly compensation in effect immediately *before* ~~prior to~~ the commencement of such leave for each month of such period, plus 4 percent interest until July 1, 1975, and 6.5 percent interest thereafter on such contributions, compounded annually each June 30 from the due date of the contribution to date of payment.

1. Effective July 1, 1980, any leave of absence purchased pursuant to this section *is* ~~shall be~~ at the contribution rates specified in s. 121.071 *or s. 121.71* in effect at the time the leave is granted for the class of membership from which the leave of absence was granted; however, any member who purchased leave-of-absence credit *before* ~~prior to~~ July 1, 1980, for a leave of absence from a position in a class other than the regular membership class, may pay the appropriate additional contributions plus compound interest thereon and receive creditable service for such leave of absence in the membership class from which the member was granted the leave of absence.

2. Effective July 1, 2011, any leave of absence purchased by the member pursuant to this section shall be at the employer and employee contribution rates specified in s. 121.71 in effect during the leave for the class of membership from which the leave of absence was granted.

Section 21. Section 121.125, Florida Statutes, is amended to read:

121.125 Credit for workers' compensation payment periods.—A member of the retirement system created by this chapter who has been eligible or becomes eligible to receive workers' compensation payments for an injury or illness occurring during his or her employment while a member of any state retirement system shall, upon return to active employment with a covered employer for 1 calendar month or upon approval for disability retirement in accordance with s. 121.091(4), receive full retirement credit for the period prior to such return to active employment or disability retirement for which the workers' compensation payments were received. However, *a* ~~no~~ member may *not* receive retirement credit for any such period occurring after the earlier of the date of maximum medical improvement as defined in s. 440.02 or the date termination has occurred as defined in s. 121.021(39). The employer of record at the time of the worker's compensation injury or illness shall make the required *employer and employee* retirement contributions based on the member's rate of monthly compensation immediately prior to his or her receiving workers' compensation payments for retirement credit received by the member. *The employer of record at the time of the workers' compensation injury or illness shall be assessed by the division a penalty of 1 percent of the contributions on all contributions not paid on the first payroll report after the member becomes eligible to receive credit. This delinquent assessment may not be waived.*

Section 22. Section 121.161, Florida Statutes, is reenacted to read:

121.161 References to other laws include amendments.—References in this chapter to state or federal laws or agreements are intended to include such laws as they now exist or may hereafter be amended.

Section 23. Section 121.182, Florida Statutes, is amended to read:

121.182 Retirement annuities authorized for city and county personnel.—*Municipalities* ~~Cities~~ and counties are authorized to purchase annuities for all *municipal* ~~city~~ and county personnel with 25 or more years of creditable service who have reached age 50 and have applied for retirement under the Florida Retirement System. No such annuity shall provide for more than the total difference in retirement income between the retirement benefit based on average monthly compensation and creditable service as of the member's early retirement date and the early retirement benefit. *Municipalities* ~~Cities~~ and counties may also purchase annuities for members of the Florida Retirement System who have out-of-state service in another state or country which is documented as valid by the appropriate city or county. Such annuities may be based on no more than 5 years of out-of-state service and may equal, but not exceed, the benefits that would be payable under the Florida Retirement System if credit for out-of-state service was authorized under that system. *Municipalities* ~~Cities~~ and counties are authorized to invest funds, purchase annuities, or provide local supplemental retirement programs for purposes of providing annuities for city or county personnel. All retirement annuities shall comply with s. 14, Art. X of the State Constitution.

Section 24. Paragraphs (g) and (i) of subsection (3), subsection (4), and subsection (5) of section 121.35, Florida Statutes, are amended to read:

121.35 Optional retirement program for the State University System.—

(3) ELECTION OF OPTIONAL PROGRAM.—

(g) An eligible employee who is a member of the Florida Retirement System at the time of election to participate in the optional retirement program shall retain all retirement service credit earned under the Florida Retirement System~~,~~ at the rate earned. ~~No~~ Additional service credit in the Florida Retirement System *may not* ~~shall~~ be earned while the employee participates in the optional program, *and* ~~nor shall~~ the employee *is not* ~~be~~ eligible for disability retirement under the Florida Retirement System. An eligible employee may transfer from the Florida Retirement System to his or her accounts under the State University System Optional Retirement Program a sum representing the present value of the employee's accumulated benefit obligation under ~~the defined benefit program of~~ the *pension plan* ~~Florida Retirement System~~ for any service credit accrued from the employee's first eligible transfer date to the optional retirement program through the actual date of such transfer, if such service credit was earned ~~in the period~~ from July 1, 1984, through December 31, 1992. The present value of the employee's accumulated benefit obligation shall be calculated as described in s. 121.4501(3)~~(c)~~*2*. Upon ~~such~~ transfer, all ~~such~~ service credit ~~previously~~ earned under the ~~defined benefit program of the~~ *pension plan* ~~Florida Retirement System~~ during this period *is* ~~shall be~~ nullified for purposes of entitlement to a future benefit under the *pension plan* ~~defined benefit program of the Florida Retirement System~~.

(i) Effective January 1, 2008, through December 31, 2008, except for an employee who is a mandatory participant of the State University System Optional Retirement Program, an employee who has elected to participate in the State University System Optional Retirement Program shall have one opportunity, at the employee's discretion, ~~to choose~~ to transfer from this program to the ~~defined benefit program of the~~ Florida Retirement System *Pension Plan* or to the *investment plan* ~~Public Employee Optional Retirement Program~~, subject to the terms of the applicable contracts of the State University System Optional Retirement Program.

1. If the employee chooses to move to the *investment plan* ~~Public Employee Optional Retirement Program~~, any contributions, interest, and earnings creditable to the employee under the State University System Optional Retirement Program *must* ~~shall~~ be retained by the employee in the State University System Optional Retirement Program, and the applicable provisions of s. 121.4501(4) shall govern the election.

2. If the employee chooses to move to the *pension plan* ~~defined benefit program~~ of the Florida Retirement System, the employee shall receive service credit equal to his or her years of service under the State University System Optional Retirement Program.

a. The cost for such credit *must be in* ~~shall be~~ an amount representing the actuarial accrued liability for the affected period of service. The cost *must* ~~shall~~ be calculated using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System *Pension* ~~defined benefit~~ Plan liabilities in the most recent actuarial valuation. The calculation *must* ~~shall~~ include any service already maintained under the *pension* ~~defined benefit~~ plan in addition to the years under the State University System Optional Retirement Program. The actuarial accrued liability of any service already maintained under the *pension* ~~defined benefit~~ plan *must* ~~shall~~ be applied as a credit to total cost resulting from the calculation. The division *must* ~~shall~~ ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.

b. The employee must transfer from his or her State University System Optional Retirement Program account, and from other employee moneys as necessary, a sum representing the actuarial accrued liability immediately following the time of such movement, determined assuming that attained service equals the sum of service in the *pension plan* ~~defined benefit program~~ and service in the State University System Optional Retirement Program.

(4) CONTRIBUTIONS.—

(a)*1.* Through June 30, 2001, each employer shall contribute on behalf of each *member of* ~~participant in~~ the optional retirement program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the *employee* ~~participant~~ were a regular member of the Florida Retirement *System Pension Plan* ~~System defined benefit program~~, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund.

2. Effective July 1, 2001, *through June 30, 2011,* each employer shall contribute on behalf of each *member of* ~~participant in~~ the optional *retirement* program an amount equal to 10.43 percent of the *employee's* ~~participant's~~ gross monthly compensation.

3. Effective July 1, 2011, each member of the optional retirement program shall contribute an amount equal to the employee contribution required in s. 121.71(3). The employer shall contribute on behalf of each such member an amount equal to the difference between 10.43 percent of the employee's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

4. ~~The department shall deduct an amount approved by the Legislature to provide for the administration of this program.~~ The payment of the contributions*, including contributions by the employee,* ~~to the optional program which is required by this paragraph for each participant~~

shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for *members of* ~~the participant under~~ the program. However, such contributions paid on behalf of an employee described in paragraph (3)(c) *may* ~~shall~~ not be forwarded to a company and *do* ~~shall~~ not begin to accrue interest until the employee has executed a contract and notified the department. *The department shall deduct an amount from the contributions to provide for the administration of this program.*

(b) Each employer shall contribute on behalf of each *member of* ~~participant in~~ the optional retirement program an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for members of the Florida Retirement System. This contribution shall be paid to the department for transfer to the Florida Retirement System Trust Fund.

(c) An Optional Retirement Program Trust Fund shall be established in the State Treasury and administered by the department to make payments to the provider companies on behalf of ~~the~~ optional retirement program *members* ~~participants~~, and to transfer the unfunded liability portion of the state optional retirement program contributions to the Florida Retirement System Trust Fund.

(d) Contributions required for social security by each employer and each *employee* ~~participant~~, in the amount required for social security coverage as now or hereafter may be provided by the federal Social Security Act, shall be maintained for each *member of* ~~participant in~~ the optional retirement program and *are* ~~shall be~~ in addition to the retirement contributions specified in this subsection.

(e) Each *member of* ~~participant in~~ the optional retirement program who has executed a contract may contribute by way of salary reduction or deduction a percentage amount of the *employee's* ~~participant's~~ gross compensation not to exceed the percentage amount contributed by the employer to the optional program, but ~~in no case may~~ such contribution *may not* exceed federal limitations. Payment of the *employee's* ~~participant's~~ contributions shall be made by the financial officer of the employer to the division which shall forward the contributions to the designated company or companies contracting for payment of benefits for *members of* ~~the participant under~~ the program. A *member* ~~participant~~ may not make, through salary reduction, any voluntary employee contributions to any other plan under s. 403(b) of the Internal Revenue Code, with the exception of a custodial account under s. 403(b)(7) of the Internal Revenue Code, until he or she has made an employee contribution to his or her optional program equal to the employer contribution. *An employee* ~~A participant~~ is responsible for monitoring his or her individual tax-deferred income to ensure he or she does not exceed the maximum deferral amounts permitted under the Internal Revenue Code.

(f) The Optional Retirement Trust Fund may accept for deposit into *member* ~~participant~~ contracts contributions in the form of rollovers or direct trustee-to-trustee transfers by or on behalf of *members* ~~participants~~ who are reasonably determined by the department to be eligible for rollover or transfer to the optional retirement program pursuant to the Internal Revenue Code~~,~~ if such contributions are made in accordance with rules adopted by the department. Such contributions shall be accounted for in accordance with any applicable requirements of the Internal Revenue Code and *department* rules ~~of the department~~.

(g) Effective July 1, 2008, for purposes of paragraph (a) and notwithstanding s. 121.021(22)(b)1., the term "*employee's* ~~participant's~~ gross monthly compensation" includes salary payments made to eligible clinical faculty from a state university using funds provided by a faculty practice plan authorized by the Board of Governors of the State University System if:

1. There is *no* ~~not any~~ employer contribution from the state university to any other retirement program with respect to such salary payments; and

2. The employer contribution on behalf of *a member of* ~~the participant in~~ the optional retirement program with respect to such salary payments is made using funds provided by the faculty practice plan.

(5) BENEFITS.—

(a) Benefits are payable under the optional retirement program only to vested *members participating* ~~participants~~ in the program, or their beneficiaries as designated by the *member* ~~participant~~ in the contract with a provider company, and such benefits shall be paid only by the designated company in accordance with s. 403(b) of the Internal Revenue Code and the terms of the annuity contract or contracts applicable to the *member* ~~participant~~. Benefits accrue in individual accounts that are *member-directed* ~~participant-directed~~, portable, and funded by employer *and employee* contributions and the earnings thereon. The *member* ~~participant~~ must be terminated *for 3 calendar months* from all employment relationships with all Florida Retirement System employers~~, as provided in s. 121.021(39),~~ to begin receiving the ~~employer funded~~ benefit. Benefits funded by employer *and employee* contributions are payable in accordance with the following terms and conditions:

1. Benefits shall be paid only to a *participating member* ~~participant~~, to his or her beneficiaries, or to his or her estate, as designated by the *member* ~~participant~~.

2. Benefits shall be paid by the provider company or companies in accordance with the law, the provisions of the contract, and any applicable department rule or policy.

3. In the event of a *member's* ~~participant's~~ death, moneys accumulated by, or on behalf of, the *member* ~~participant~~, less withholding taxes remitted to the Internal Revenue Service, if any, shall be distributed to the *member's* ~~participant's~~ designated beneficiary or beneficiaries, or to the *member's* ~~participant's~~ estate, as if the *member* ~~participant~~ retired on the date of death, as provided in paragraph *(d)* ~~(c)~~. No other death benefits are available to survivors of *members* ~~participants~~ under the optional retirement program except for such benefits, or coverage for such benefits, as are separately afforded by the employer, at the employer's discretion.

(b) Benefits, including employee contributions, are not payable for employee hardships, unforeseeable emergencies, loans, medical expenses, educational expenses, purchase of a principal residence, payments necessary to prevent eviction or foreclosure on an employee's principal residence, or any other reason before termination from all employment relationships with participating employers for 3 calendar months.

(c)~~(b)~~ Upon receipt by the provider company of a properly executed application for distribution of benefits, the total accumulated benefit *is* ~~shall be~~ payable to the *participating member* ~~participant~~, as:

1. A lump-sum distribution to the *member* ~~participant~~;

2. A lump-sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the *member's* ~~participant's~~ account directly to an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the *member* ~~participant~~;

3. Periodic distributions;

4. A partial lump-sum payment whereby a portion of the accrued benefit is paid to the *member* ~~participant~~ and the remaining amount is transferred to an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the *member* ~~participant~~; or

5. Such other distribution options as are provided ~~for~~ in the *member's* ~~participant's~~ optional retirement program contract.

(d)~~(c)~~ Survivor benefits *are* ~~shall be~~ payable as:

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

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

3. Such other distribution options as are provided ~~for~~ in the *member's* ~~participant's~~ optional retirement program contract; or

4. A partial lump-sum payment whereby a portion of the accrued benefit is paid to the deceased *member's* ~~participant's~~ surviving spouse or other designated beneficiaries, less withholding taxes remitted to the Internal Revenue Service, if any, and the remaining amount is transferred directly to an eligible retirement plan, as described in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse. The proportions must be specified by the *member* ~~participant~~ or the surviving beneficiary.

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

(e)~~(d)~~ The benefits payable to any person under the optional retirement program, and any contribution accumulated under such program, *are* ~~shall~~ not ~~be~~ subject to assignment, execution, or attachment or to any legal process ~~whatsoever~~.

(f)~~(e)~~ A *participating member* ~~participant~~ who chooses to receive his or her benefits *must be terminated for 3 calendar months to be eligible to receive benefits funded by employer and employee contributions. The member* ~~upon termination as defined in s. 121.021~~ must notify the provider company of the date he or she wishes benefits funded by *required* employer *and employee* contributions to begin *and must be terminated as defined in s. 121.021 after the initial benefit payment or distribution is received*. Benefits may be deferred until the *member* ~~participant~~ chooses to make such application.

(g)~~(f)~~ Benefits funded by the *participating member's voluntary* ~~participant's~~ personal contributions may be paid out at any time and in any form within the limits provided in the contract between the *member* ~~participant~~ and *the* ~~his or her~~ provider company. The *member* ~~participant~~ shall notify the provider company regarding the date and provisions under which he or she wants to receive the employee-funded portion of the plan.

(h)~~(g)~~ For purposes of this section, "retiree" means a former *participating member* ~~participant~~ of the optional retirement program who has terminated employment and has taken a distribution as provided in this subsection, except for a mandatory distribution of a de minimis account authorized by the department.

Section 25. Section 121.355, Florida Statutes, is amended to read:

121.355 Community College Optional Retirement Program and State University System Optional Retirement Program member transfer.—Effective January 1, 2009, through December 31, 2009, an employee who is a former *member of* ~~participant in~~ the Community College Optional Retirement Program or the State University System Optional Retirement Program and present mandatory *member of* ~~participant in~~ the Florida Retirement *System Pension* ~~System defined benefit~~ Plan may receive service credit equal to his or her years of service under the Community College Optional Retirement Program or the State University System Optional Retirement Program under the following conditions:

(1) The cost for such credit *must represent* ~~shall be an amount representing~~ the actuarial accrued liability for the affected period of service. The cost shall be calculated using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement *System Pension* ~~System defined benefit~~ Plan liabilities in the most recent actuarial valuation. The calculation *must* ~~shall~~ include any service already maintained under the *pension* ~~defined benefit~~ plan in addition to the years under the Community College Optional Retirement Program or the State University System Optional Retirement Program. The actuarial accrued liability of any service already maintained under the *pension* ~~defined benefit~~ plan shall be applied as a credit to total cost resulting from the calculation. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.

(2) The employee must transfer from his or her Community College Optional Retirement Program account or State University System Optional Retirement Program account, subject to the terms of the applicable optional retirement program contract, and from other employee moneys as necessary, a sum representing the actuarial accrued liability immediately following the time of such movement, determined assuming that attained service equals the sum of service in the *pension plan* ~~defined benefit program~~ and service in the Community College Optional Retirement Program or State University System Optional Retirement Program.

(3) The employee may not receive service credit for a period of mandatory participation in the State University Optional Retirement Program or for a period for which a distribution was received from the Community College Optional Retirement Program or State University System Optional Retirement Program.

Section 26. Section 121.4501, Florida Statutes, is amended to read:

121.4501 *Florida Retirement System Investment Plan* ~~Public Employee Optional Retirement Program~~.—

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

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

(a) "Approved provider" or "provider" means a private sector company that is selected and approved by the state board to offer one or more investment products or services to the *investment plan* ~~optional retirement program~~. The term includes a bundled provider that offers *members* ~~participants~~ a range of individually allocated or unallocated investment products and may offer a range of administrative and customer services, which may include accounting and administration of individual *member* ~~participant~~ benefits and contributions; individual *member* ~~participant~~ recordkeeping; asset purchase, control, and safekeeping; direct execution of the *member's* ~~participant's~~ instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to *member* ~~participant~~ account information; periodic reporting to *members* ~~participants~~, at least quarterly, on account balances and transactions; guidance, advice, and allocation services directly relating to the provider's own investment options or products, but only if the bundled provider complies with the standard of care of s. 404(a)(1)(A-B) of the Employee Retirement Income Security Act of 1974 (ERISA)*,* and if providing such guidance, advice, or allocation services does not constitute a prohibited transaction under s. 4975(c)(1) of the Internal Revenue Code or s. 406 of ERISA, notwithstanding that such prohibited transaction provisions do not apply to the ~~optional~~ retirement program; a broad array of distribution options; asset allocation; and retirement counseling and education. Private sector companies include investment management companies, insurance companies, depositories, and mutual fund companies.

(b) "Average monthly compensation" means one-twelfth of average final compensation as defined in s. 121.021.

(c) "Covered employment" means employment in a regularly established position as defined in s. 121.021.

~~(d) "Defined benefit program" means the defined benefit program of the Florida Retirement System administered under part I of this chapter.~~

~~(e) "Division" means the Division of Retirement within the department.~~

(d)~~(f)~~ "Electronic means" means by telephone, if the required information is received on a recorded line, or through Internet access, if the required information is captured online.

(e)~~(g)~~ "Eligible employee" means an officer or employee, as defined in s. 121.021, who:

1. Is a member of, or is eligible for membership in, the Florida Retirement System, including any renewed member of the Florida Retirement System initially enrolled before July 1, 2010; or

2. Participates in, or is eligible to participate in, the Senior Management Service Optional Annuity Program as established under s. 121.055(6), the State Community College System Optional Retirement Program as established under s. 121.051(2)(c), or the State University System Optional Retirement Program established under s. 121.35.

The term does not include any member participating in the Deferred Retirement Option Program established under s. 121.091(13), a retiree of a state-administered retirement system initially reemployed on or after July 1, 2010, or a mandatory participant of the State University System Optional Retirement Program established under s. 121.35.

(f)~~(h)~~ "Employer" means an employer, as defined in s. 121.021, of an eligible employee.

(g)~~(i)~~ *"Florida Retirement System Investment Plan" or "investment plan"* ~~"Optional retirement program" or "optional program"~~ means the *defined contribution program* ~~Public Employee Optional Retirement Program~~ established under this part.

(h) "Florida Retirement System Pension Plan" or "pension plan" means the defined benefit program of the Florida Retirement System administered under part I of this chapter.

(i)~~(j)~~ *"Member" or "employee"* ~~"Participant"~~ means an eligible employee who enrolls in the *investment plan* ~~optional program~~ as provided in subsection (4)*,* ~~or~~ a terminated Deferred Retirement Option Program *member* ~~participant~~ as described in subsection (21)*, or a beneficiary or alternate payee of a member or employee*.

(j) "Member contributions" or "employee contributions" means the sum of all amounts deducted from the salary of a member by his or her employer in accordance with s. 121.71(3) and credited to his or her individual account in the investment plan, plus any earnings on such amounts and any contributions specified in paragraph (5)(e).

(k) "Retiree" means a former *member* ~~participant~~ of the *investment plan* ~~optional retirement program~~ who has terminated employment and ~~has~~ taken a distribution *of vested employee or employer contributions* as provided in s. 121.591, except for a mandatory distribution of a de minimis account authorized by the state board *or a minimum required distribution provided by s. 401(a)(9) of the Internal Revenue Code*.

(l) "Vested" or "vesting" means the guarantee that a *member* ~~participant~~ is eligible to receive a retirement benefit upon completion of the required years of service under the *investment plan* ~~optional retirement program~~.

(3) ~~ELIGIBILITY;~~ RETIREMENT SERVICE CREDIT*; TRANSFER OF BENEFITS*.—

~~(a) Participation in the Public Employee Optional Retirement Program is limited to eligible employees. Participation in the optional retirement program is in lieu of participation in the defined benefit program of the Florida Retirement System.~~

(a)~~(b)~~ An eligible employee who is *employed in a regularly established position by a state employer on June 1, 2002; by a district school board employer on September 1, 2002; or by a local employer on December 1, 2002, and who is* a member of the *pension plan* ~~defined benefit retirement program of the Florida Retirement System~~ at the time of his or her election to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~ shall retain all retirement service credit earned under the *pension plan* ~~defined benefit retirement program of the Florida Retirement System~~ as credited under the system and *is* ~~shall be~~ entitled to a deferred benefit upon termination~~, if eligible under the system~~. However, election to *enroll* ~~participate~~ in the *investment plan* ~~Public Employee Optional Retirement Program~~ terminates the active membership of the employee in the *pension plan* ~~defined benefit program of the Florida Retirement System~~, and the service of a *member* ~~participant~~ in the *investment plan is* ~~Public Employee Optional Retirement Program shall~~ not ~~be~~ creditable under the *pension plan* ~~defined benefit retirement program of the Florida Retirement System~~ for purposes of benefit accrual but *is creditable* ~~shall be credited~~ for purposes of vesting.

(b)~~(c)1.~~ Notwithstanding paragraph *(a), an* ~~(b), each~~ eligible employee who elects to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~ and establishes one or more individual *member* ~~participant~~ accounts ~~under the optional program~~ may elect to transfer to the *investment plan* ~~optional program~~ a sum representing the present value of the employee's accumulated benefit obligation under the *pension plan* ~~defined benefit retirement program of the Florida Retirement System~~. Upon ~~such~~ transfer, all service credit ~~previously~~ earned under the *pension plan is* ~~defined benefit program of the Florida Retirement System shall be~~ nullified for purposes of entitlement to a future benefit under the *pension plan* ~~defined benefit program of the Florida Retirement System~~. A *member may not transfer* ~~participant is precluded from transferring~~ the accumulated benefit obligation balance from the *pension plan after the time* ~~defined benefit program upon the expiration of the~~ period *for enrolling* ~~afforded to enroll~~ in the *investment plan has expired* ~~optional program~~.

1.~~2.~~ For purposes of this subsection, the present value of the member's accumulated benefit obligation is based upon the member's estimated creditable service and estimated average final compensation under the *pension plan* ~~defined benefit program~~, subject to recomputation under subparagraph *2.* ~~3.~~ For state employees ~~enrolling under subparagraph (4)(a)1.~~, initial estimates *shall* ~~will~~ be based upon creditable service and average final compensation as of midnight on June 30, 2002; for district school board employees ~~enrolling under subparagraph (4)(b)1.~~, initial estimates *shall* ~~will~~ be based upon creditable service and average final compensation as of midnight on September 30, 2002; and for local government employees ~~enrolling under subparagraph (4)(c)1.~~, initial estimates *shall* ~~will~~ be based upon creditable service and average final compensation as of midnight on December 31, 2002. The dates ~~respectively~~ specified *are* ~~above shall be construed as~~ the "estimate date" for these employees. The actuarial present value of the employee's accumulated benefit obligation shall be based on the following:

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

b. A benefit commencement age, based on the member's estimated creditable service as of the estimate date.

c. Except as provided under sub-subparagraph d., for a member initially enrolled:

(I) Before July 1, 2011, the benefit commencement age *is* ~~shall be~~ the younger of the following, but *may* ~~shall~~ not be younger than the member's age as of the estimate date:

(A)~~(I)~~ Age 62; or

(B)~~(II)~~ The age the member would attain if the member completed 30 years of service with an employer, assuming the member worked continuously from the estimate date, and disregarding any vesting requirement that would otherwise apply under the *pension plan* ~~defined benefit program of the Florida Retirement System~~.

(II) On or after July 1, 2011, the benefit commencement age is the younger of the following, but may not be younger than the member's age as of the estimate date:

(A) Age 65; or

(B) The age the member would attain if the member completed 33 years of service with an employer, assuming the member worked continuously from the estimate date, and disregarding any vesting requirement that would otherwise apply under the pension plan.

d.~~e.~~ For members of the Special Risk Class and for members of the Special Risk Administrative Support Class entitled to retain *the* special risk normal retirement date*:*

(I) Initially enrolled before July 1, 2011, the benefit commencement age *is* ~~shall be~~ the younger of the following, but *may* ~~shall~~ not be younger than the member's age as of the estimate date:

(A)~~(I)~~ Age 55; or

(B)~~(II)~~ The age the member would attain if the member completed 25 years of service with an employer, assuming the member worked continuously from the estimate date, and disregarding any vesting requirement that would otherwise apply under the *pension plan* ~~defined benefit program of the Florida Retirement System~~.

(II) Initially enrolled on or after July 1, 2011, the benefit commencement age is the younger of the following, but may not be younger than the member's age as of the estimate date:

(A) Age 60; or

(B) The age the member would attain if the member completed 30 years of service with an employer, assuming the member worked continuously from the estimate date, and disregarding any vesting requirement that would otherwise apply under the pension plan.

e.~~d.~~ The calculation *must* ~~shall~~ disregard vesting requirements and early retirement reduction factors that would otherwise apply under the *pension plan* ~~defined benefit retirement program~~.

2.~~3.~~ For each *member* ~~participant~~ who elects to transfer moneys from the *pension plan* ~~defined benefit program~~ to his or her account in the *investment plan* ~~optional program~~, the division shall recompute the amount transferred under subparagraph *1. within* ~~2. not later than~~ 60 days after the actual transfer of funds based upon the *member's* ~~participant's~~ actual creditable service and actual final average compensation as of the initial date of participation in the *investment plan* ~~optional program~~. If the recomputed amount differs from the amount transferred ~~under subparagraph 2.~~ by $10 or more, the division shall:

a. Transfer, or cause to be transferred, from the Florida Retirement System Trust Fund to the *member's* ~~participant's~~ account ~~in the optional program~~ the excess, if any, of the recomputed amount over the previously transferred amount together with interest from the initial date of transfer to the date of transfer under this subparagraph, based upon *the* effective annual interest equal to the assumed return on the actuarial investment which was used in the most recent actuarial valuation of the system, compounded annually.

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

3. If contribution adjustments are made as a result of employer errors or corrections, including plan corrections, following recomputation of the amount transferred under subparagraph 1., the member is entitled to the additional contributions or is responsible for returning any excess contributions resulting from the correction. However, any return of such erroneous excess pretax contribution by the plan must be made within the period allowed by the Internal Revenue Service. The present value of the member's accumulated benefit obligation shall not be recalculated.

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

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

(4) PARTICIPATION; ENROLLMENT.—

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

a. Any such employee may elect to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~ in lieu of retaining his or her membership in the *pension plan* ~~defined benefit program of the Florida Retirement System~~. The election must be made in writing or by electronic means and must be filed with the third-party administrator by August 31, 2002, or, in the case of an active employee who is on a leave of absence on April 1, 2002, by the last business day of the 5th month following the month the leave of absence concludes. This election is irrevocable, except as provided in paragraph *(g)* ~~(c)~~. Upon making such election, the employee shall be enrolled as a *member* ~~participant~~ of the *investment plan* ~~Public Employee Optional Retirement Program~~, the employee's membership in the Florida Retirement System *is* ~~shall be~~ governed by the provisions of this part, and the employee's membership in the *pension plan terminates* ~~defined benefit program of the Florida Retirement System shall terminate~~. The employee's enrollment in the *investment plan is* ~~Public Employee Optional Retirement Program shall be~~ effective the first day of the month for which a full month's employer contribution is made to the *investment plan* ~~optional program~~.

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

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

a. Any such employee shall, by default, be enrolled in the *pension plan* ~~defined benefit retirement program of the Florida Retirement System~~ at the commencement of employment, and may, by the last business day of the 5th month following the employee's month of hire, elect to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~. The employee's election must be made in writing or by electronic means and must be filed with the third-party administrator. The election to participate in the *investment plan* ~~optional program~~ is irrevocable, except as provided in paragraph *(g)* ~~(c)~~.

b. If the employee files such election within the prescribed time period, enrollment in the *investment plan is* ~~optional program shall be~~ effective on the first day of employment. The ~~employer~~ retirement contributions paid through the month of the employee plan change shall be transferred to the *investment* ~~optional~~ program, and, effective the first day of the next month, the employer *and employee must* ~~shall~~ pay the applicable contributions based on the employee membership class in the ~~optional~~ program.

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

3. With respect to employees who become eligible to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~ pursuant to s. 121.051(2)(c)3. or s. 121.35(3)(i), *the* ~~any such~~ employee may elect to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~ in lieu of retaining his or her *membership* ~~participation~~ in the State Community College System Optional Retirement Program or the State University System Optional Retirement Program. The election must be made in writing or by electronic means and must be filed with the third-party administrator. This election is irrevocable, except as provided in paragraph *(g)* ~~(c)~~. Upon making such election, the employee shall be enrolled as a *member in* ~~participant of~~ the *investment plan* ~~Public Employee Optional Retirement Program~~, the employee's membership in the Florida Retirement System *is* ~~shall be~~ governed by the provisions of this part, and the employee's participation in the State Community College System Optional Retirement Program or the State University System Optional Retirement Program *terminates* ~~shall terminate~~. The employee's enrollment in the *investment plan is* ~~Public Employee Optional Retirement Program shall be~~ effective *on* the first day of the month for which a full month's employer *and employee* contribution is made to the *investment plan* ~~optional program~~.

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

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

a. Any such employee may elect to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~ in lieu of retaining his or her membership in the *pension plan* ~~defined benefit program of the Florida Retirement System~~. The election must be made in writing or by electronic means and must be filed with the third-party administrator by November 30, or, in the case of an active employee who is on a leave of absence on July 1, 2002, by the last business day of the 5th month following the month the leave of absence concludes. This election is irrevocable, except as provided in paragraph *(g)* ~~(e)~~. Upon making such election, the employee shall be enrolled as a *member* ~~participant~~ of the *investment plan* ~~Public Employee Optional Retirement Program~~, the employee's membership in the Florida Retirement System *is* ~~shall be~~ governed by the provisions of this part, and the employee's membership in the *pension plan terminates* ~~defined benefit program of the Florida Retirement System shall terminate~~. The employee's enrollment in the *investment plan is* ~~Public Employee Optional Retirement Program shall be~~ effective the first day of the month for which a full month's employer contribution is made to the *investment* ~~optional~~ program.

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

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

a. Any such employee shall, by default, be enrolled in the *pension plan* ~~defined benefit retirement program of the Florida Retirement System~~ at the commencement of employment, and may, by the last business day of the 5th month following the employee's month of hire, elect to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~. The employee's election must be made in writing or by electronic means and must be filed with the third-party administrator. The election to participate in the *investment plan* ~~optional program~~ is irrevocable, except as provided in paragraph *(g)* ~~(e)~~.

b. If the employee files such election within the prescribed time period, enrollment in the *investment plan is* ~~optional program shall be~~ effective on the first day of employment. The employer retirement contributions paid through the month of the employee plan change shall be transferred to the *investment plan* ~~optional program~~, and, effective the first day of the next month, the employer shall pay the applicable contributions based on the employee membership class in the *investment plan* ~~optional program~~.

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

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

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

a. Any such employee may elect to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~ in lieu of retaining his or her membership in the *pension plan* ~~defined benefit program of the Florida Retirement System~~. The election must be made in writing or by electronic means and must be filed with the third-party administrator by February 28, 2003, or, in the case of an active employee who is on a leave of absence on October 1, 2002, by the last business day of the 5th month following the month the leave of absence concludes. This election is irrevocable, except as provided in paragraph *(g)* ~~(e)~~. Upon making such election, the employee shall be enrolled as a participant of the *investment plan* ~~Public Employee Optional Retirement Program~~, the employee's membership in the Florida Retirement System *is* ~~shall be~~ governed by the provisions of this part, and the employee's membership in the *pension plan terminates* ~~defined benefit program of the Florida Retirement System shall terminate~~. The employee's enrollment in the *investment plan is* ~~Public Employee Optional Retirement Program shall be~~ effective the first day of the month for which a full month's employer contribution is made to the *investment plan* ~~optional program~~.

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

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

a. Any such employee shall, by default, be enrolled in the *pension plan* ~~defined benefit retirement program of the Florida Retirement System~~ at the commencement of employment, and may, by the last business day of the 5th month following the employee's month of hire, elect to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~. The employee's election must be made in writing or by electronic means and must be filed with the third-party administrator. The election to participate in the *investment plan* ~~optional program~~ is irrevocable, except as provided in paragraph *(g)* ~~(e)~~.

b. If the employee files such election within the prescribed time period, enrollment in the *investment plan is* ~~optional program shall be~~ effective on the first day of employment. The employer retirement contributions paid through the month of the employee plan change shall be transferred to the *investment plan* ~~optional program~~, and, effective the first day of the next month, the employer shall pay the applicable contributions based on the employee membership class in the *investment plan* ~~optional program~~.

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

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

(d) Contributions available for self-direction by a *member* ~~participant~~ who has not selected one or more specific investment products shall be allocated as prescribed by the *state* board. The third-party administrator shall notify *the member* ~~any such participant~~ at least quarterly that the *member* ~~participant~~ should take an affirmative action to make an asset allocation among the *investment* ~~optional program~~ products.

(e) On or after July 1, 2011, a member of the pension plan who obtains a refund of employee contributions retains his or her prior plan choice upon return to employment in a regularly established position with a participating employer.

(f) A member of the investment plan who takes a distribution of any contributions from his or her investment plan account is considered a retiree. A retiree who is initially reemployed on or after July 1, 2010, is not eligible for renewed membership.

(g)~~(e)~~ After the period during which an eligible employee had the choice to elect the *pension plan* ~~defined benefit program~~ or the *investment plan* ~~optional retirement program~~, or the month following the re-

ceipt of the eligible employee's plan election, if sooner, the employee shall have one opportunity, at the employee's discretion, to choose to move from the *pension plan* ~~defined benefit program~~ to the *investment plan* ~~optional retirement program~~ or from the *investment plan* ~~optional retirement program~~ to the *pension plan* ~~defined benefit program~~. Eligible employees may elect to move between *plans* ~~Florida Retirement System programs~~ only if they are earning service credit in an employer-employee relationship consistent with s. 121.021(17)(b), excluding leaves of absence without pay. Effective July 1, 2005, such elections are effective on the first day of the month following the receipt of the election by the third-party administrator and are not subject to the requirements regarding an employer-employee relationship or receipt of contributions for the eligible employee in the effective month, except when the election is received by the third-party administrator. This paragraph is contingent upon approval *by* ~~from~~ the Internal Revenue Service ~~for including the choice described herein within the programs offered by the Florida Retirement System~~.

1. If the employee chooses to move to the *investment plan* ~~optional retirement program~~, the ~~applicable~~ provisions of *subsection (3)* ~~this section shall~~ govern the transfer.

2. If the employee chooses to move to the *pension plan* ~~defined benefit program~~, the employee must transfer from his or her *investment plan* ~~optional retirement program~~ account, and from other employee moneys as necessary, a sum representing the present value of that employee's accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the *pension plan* ~~defined benefit program~~ and service in the *investment plan* ~~optional retirement program~~. Benefit commencement occurs on the first date the employee is eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the *pension* ~~defined benefit~~ plan liabilities in the most recent actuarial valuation. For any employee who, at the time of the second election, already maintains an accrued benefit amount in the *pension plan* ~~defined benefit program~~, the then-present value of the accrued benefit *is* ~~shall be~~ deemed part of the required transfer amount. The division *must* ~~shall~~ ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary. *A refund of any employee contributions or additional member payments made which exceed the employee contributions that would have accrued had the member remained in the pension plan and not transferred to the investment plan is not permitted.*

3. Notwithstanding subparagraph 2., an employee who chooses to move to the *pension plan* ~~defined benefit program~~ and who became eligible to participate in the *investment plan* ~~optional retirement program~~ by reason of employment in a regularly established position with a state employer after June 1, 2002; a district school board employer after September 1, 2002; or a local employer after December 1, 2002, must transfer from his or her *investment plan* ~~optional retirement program~~ account, and from other employee moneys as necessary, a sum representing the employee's actuarial accrued liability. *A refund of any employee contributions or additional participant payments made which exceed the employee contributions that would have accrued had the member remained in the pension plan and not transferred to the investment plan is not permitted.*

4. An employee's ability to transfer from the *pension plan* ~~defined benefit program~~ to the *investment plan* ~~optional retirement program~~ pursuant to paragraphs (a)-(d), and the ability of a current employee to have an option to later transfer back into the *pension plan* ~~defined benefit program~~ under subparagraph 2., shall be deemed a significant system amendment. Pursuant to s. 121.031(4), any resulting unfunded liability arising from actual original transfers from the *pension plan* ~~defined benefit program~~ to the *investment plan* ~~optional program~~ must be amortized within 30 plan years as a separate unfunded actuarial base independent of the reserve stabilization mechanism defined in s. 121.031(3)(f). For the first 25 years, a direct amortization payment may not be calculated for this base. During this 25-year period, the separate base shall be used to offset the impact of employees exercising their second program election under this paragraph. ~~It is the intent of the Legislature that~~ The actuarial funded status of the *pension plan will* ~~defined benefit program~~ not be affected by such second program elections in any significant manner, after due recognition of the separate unfunded actuarial base. Following the initial 25-year period, any remaining balance of the original separate base shall be amortized over the remaining 5 years of the required 30-year amortization period.

5. If the employee chooses to transfer from the *investment plan* ~~optional retirement program~~ to the *pension plan* ~~defined benefit program~~ and retains an excess account balance in the *investment plan* ~~optional program~~ after satisfying the buy-in requirements under this paragraph, the excess may not be distributed until the member retires from the *pension plan* ~~defined benefit program~~. The excess account balance may be rolled over to the *pension plan* ~~defined benefit program~~ and used to purchase service credit or upgrade creditable service in *the pension plan* ~~that program~~.

(5) CONTRIBUTIONS.—

(a) *The employee and* ~~Each~~ employer shall *make the required contributions to* ~~contribute on behalf of each participant in~~ the *investment plan based on a percentage of the employee's gross monthly compensation* ~~Public Employee Optional Retirement Program~~, as provided in part III of this chapter.

(b) Employee contributions shall be paid as provided in s. 121.71.

(c) The state board, acting as plan fiduciary, *must* ~~shall~~ ensure that all plan assets are held in a trust, pursuant to s. 401 of the Internal Revenue Code. The fiduciary *must* ~~shall~~ ensure that *such* ~~said~~ contributions are allocated as follows:

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

2. The *employer contribution* portion earmarked for administrative and educational expenses shall be transferred to the *Florida Retirement System Investment Plan Trust Fund* ~~board~~.

3. The *employer contribution* portion earmarked for disability benefits shall be transferred to the *Florida Retirement System Trust Fund* ~~department~~.

(d)~~(b)~~ *The third-party administrator is* ~~Employers are~~ responsible for *monitoring and* notifying *employers of the* ~~participants regarding~~ maximum contribution levels *allowed for members* ~~permitted~~ under the Internal Revenue Code. If a *member* ~~participant~~ contributes to any other tax-deferred plan, *the member* ~~he or she~~ is responsible for ensuring that total contributions made to the *investment plan* ~~optional program~~ and to any other such plan do not exceed federally permitted maximums.

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

(6) VESTING REQUIREMENTS.—

(a) A member is fully and immediately vested in all employee contributions paid to the investment plan as provided in s. 121.71, plus interest and earnings thereon and less investment fees and administrative charges.

(b)~~(a)~~1. With respect to employer contributions paid on behalf of the *member* ~~participant~~ to the *investment plan* ~~optional retirement program~~, plus interest and earnings thereon and less investment fees and administrative charges, a *member* ~~participant~~ is vested after completing 1 work year with an employer, including any service while the *member* ~~participant~~ was a member of the *pension plan* ~~defined benefit program~~ or an optional retirement program authorized under s. 121.051(2)(c) or s. 121.055(6).

2. If the *member* ~~participant~~ terminates employment before satisfying the vesting requirements, the nonvested accumulation must be transferred from the *member's* ~~participant's~~ accounts to the state board for deposit and investment by the state board in *its* ~~the~~ suspense account created within the *Florida Retirement System Investment Plan* ~~Public~~

~~Employee Optional Retirement Program~~ Trust Fund. If the terminated *member* ~~participant~~ is reemployed as an eligible employee within 5 years, the state board shall transfer to the *member's* ~~participant's~~ account any amount previously transferred from the *member's* ~~participant's~~ accounts to the suspense account, plus actual earnings on such amount while in the suspense account.

(c)~~(b)~~1. With respect to amounts *contributed by an employer and* transferred from the *pension plan* ~~defined benefit program~~ to the investment *plan* ~~program~~, plus interest and earnings, and less investment fees and administrative charges, a *member* ~~participant~~ shall be vested in the amount transferred upon meeting the *vesting* ~~service~~ requirements for the *member's* ~~participant's~~ membership class as set forth in s. *121.021(45)* ~~121.021(29)~~. The third-party administrator shall account for such amounts for each *member* ~~participant~~. The division shall notify the *member* ~~participant~~ and the third-party administrator when the *member* ~~participant~~ has satisfied the vesting period for Florida Retirement System purposes.

2. If the *member* ~~participant~~ terminates employment before satisfying the vesting requirements, the nonvested accumulation must be transferred from the *member's* ~~participant's~~ accounts to the state board for deposit and investment by the state board in the suspense account created within the *Florida Retirement System Investment Plan* ~~Public Employee Optional Retirement Program~~ Trust Fund. If the terminated *member* ~~participant~~ is reemployed as an eligible employee within 5 years, the state board shall transfer to the *member's accounts* ~~participant's account~~ any amount previously transferred from the *member's* ~~participant's~~ accounts to the suspense account, plus the actual earnings on such amount while in the suspense account.

(d)~~(c)~~ Any nonvested accumulations transferred from a *member's* ~~participant's~~ account to the *state board's* suspense account shall be forfeited*, including accompanying service credit,* by the *member* ~~participant~~ if the *member* ~~participant~~ is not reemployed as an eligible employee within 5 years after termination.

(e) If the member elects to receive any of his or her vested employee or employer contributions upon termination of employment as provided in s. 121.021(39)(a), except for a mandatory distribution of a de minimis account authorized by the state board or a minimum required distribution provided by s. 401(a)(9) of the Internal Revenue Code, the member shall forfeit all nonvested employer contributions, and accompanying service credit, paid on behalf of the member to the investment plan.

(7) BENEFITS.—Under the *investment plan, benefits must* ~~Public Employee Optional Retirement Program~~:

(a) ~~Benefits shall~~ Be provided in accordance with s. 401(a) of the Internal Revenue Code.

(b) ~~Benefits shall~~ Accrue in individual accounts that are *member-directed* ~~participant directed~~, portable, and funded by employer *and employee* contributions and earnings thereon.

(c) ~~Benefits shall~~ Be payable in accordance with ~~the provisions of~~ s. 121.591.

(8) *INVESTMENT PLAN* ADMINISTRATION ~~OF PROGRAM~~.—

~~(a)~~ The *investment plan* ~~optional retirement program~~ shall be administered by the state board and affected employers. The *state* board may require oaths, by affidavit or otherwise, and acknowledgments from persons in connection with the administration of its statutory duties and responsibilities for *the investment plan* ~~this program~~. An oath, by affidavit or otherwise, may not be required of *a member* ~~an employee participant~~ at the time of enrollment. Acknowledgment of an employee's election to participate in the program shall be no greater than necessary to confirm the employee's election. The state board shall adopt rules to carry out its statutory duties with respect to administering the *investment plan* ~~optional retirement program~~, including establishing the roles and responsibilities of affected state, local government, and education-related employers, the state board, the department, and third-party contractors. The department shall adopt rules necessary to administer the *investment plan* ~~optional program~~ in coordination with the *pension plan* ~~defined benefit program~~ and the disability benefits available under the *investment plan* ~~optional program~~.

(a)~~(b)~~1. The state board shall select and contract with *a* ~~one~~ third-party administrator to provide administrative services if those services cannot be competitively and contractually provided by the division ~~of Retirement within the Department of Management Services~~. With the approval of the state board, the third-party administrator may subcontract ~~with other organizations or individuals~~ to provide components of the administrative services. As a cost of administration, the *state* board may compensate any such contractor for its services, in accordance with the terms of the contract, as is deemed necessary or proper by the board. The third-party administrator may not be an approved provider or be affiliated with an approved provider.

2. These administrative services may include, but are not limited to, enrollment of eligible employees, collection of employer *and employee* contributions, disbursement of ~~such~~ contributions to approved providers in accordance with the allocation directions of *members* ~~participants~~; services relating to consolidated billing; individual and collective recordkeeping and accounting; asset purchase, control, and safekeeping; and direct disbursement of funds to and from the third-party administrator, the division, the *state* board, employers, *members* ~~participants~~, approved providers, and beneficiaries. This section does not prevent or prohibit a bundled provider from providing any administrative or customer service, including accounting and administration of individual *member* ~~participant~~ benefits and contributions; individual *member* ~~participant~~ recordkeeping; asset purchase, control, and safekeeping; direct execution of the *member's* ~~participant's~~ instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to *member* ~~participant~~ account information; or periodic reporting to *members* ~~participants~~, at least quarterly, on account balances and transactions, if these services are authorized by the *state* board as part of the contract.

(b)1.~~3.~~ The state board shall select and contract with one or more organizations to provide educational services. With approval of the *state* board, the organizations may subcontract ~~with other organizations or individuals~~ to provide components of the educational services. As a cost of administration, the *state* board may compensate any such contractor for its services in accordance with the terms of the contract, as is deemed necessary or proper by the board. The education organization may not be an approved provider or be affiliated with an approved provider.

2.~~4.~~ Educational services shall be designed by the *state* board and department to assist employers, eligible employees, *members* ~~participants~~, and beneficiaries in order to maintain compliance with United States Department of Labor regulations under s. 404(c) of the Employee Retirement Income Security Act of 1974 and to assist employees in their choice of *pension plan* ~~defined benefit~~ or *investment plan* ~~defined contribution~~ retirement alternatives. Educational services include, but are not limited to, disseminating educational materials; providing retirement planning education; explaining the *pension* ~~differences between the defined benefit retirement~~ plan and the *investment* ~~defined contribution retirement~~ plan; and offering financial planning guidance on matters such as investment diversification, investment risks, investment costs, and asset allocation. An approved provider may also provide educational information, including retirement planning and investment allocation information concerning its products and services.

(c)1. In evaluating and selecting a third-party administrator, the *state* board shall establish criteria *for evaluating* ~~under which it shall consider~~ the relative capabilities and qualifications of each proposed administrator. In developing such criteria, the *state* board shall consider:

a. The administrator's demonstrated experience in providing administrative services to public or private sector retirement systems.

b. The administrator's demonstrated experience in providing daily valued recordkeeping to defined contribution *programs* ~~plans~~.

c. The administrator's ability and willingness to coordinate its activities with ~~the Florida Retirement System~~ employers, the *state* board, and the division, and to supply to such employers, the board, and the division the information and data they require, including, but not limited to, monthly management reports, quarterly *member* ~~participant~~ reports, and ad hoc reports requested by the department or *state* board.

d. The cost-effectiveness and levels of the administrative services provided.

e. The administrator's ability to interact with the *members* ~~participants~~, the employers, the *state* board, the division, and the providers; the means by which *members* ~~participants~~ may access account information, direct investment of contributions, make changes to their accounts, transfer moneys between available investment vehicles, and transfer moneys between investment products; and any fees that apply to such activities.

f. Any other factor deemed necessary by the ~~Trustees of the~~ state board ~~of Administration~~.

2. In evaluating and selecting an educational provider, the *state* board shall establish criteria under which it shall consider the relative capabilities and qualifications of each proposed educational provider. In developing such criteria, the *state* board shall consider:

a. Demonstrated experience in providing educational services to public or private sector retirement systems.

b. Ability and willingness to coordinate its activities with the ~~Florida Retirement System~~ employers, the *state* board, and the division, and to supply to such employers, the board, and the division the information and data they require, including, but not limited to, reports on educational contacts.

c. The cost-effectiveness and levels of the educational services provided.

d. Ability to provide educational services via different media, including, but not limited to, the Internet, personal contact, seminars, brochures, and newsletters.

e. Any other factor deemed necessary by the ~~Trustees of the~~ state board ~~of Administration~~.

3. The establishment of the criteria shall be solely within the discretion of the *state* board.

(d) The *state* board shall develop the form and content of any contracts to be offered under the *investment plan* ~~Public Employee Optional Retirement Program~~. In developing *the* ~~its~~ contracts, the board *shall* ~~must~~ consider:

1. The nature and extent of the rights and benefits to be afforded in relation to the ~~required~~ contributions *required* under the *plan* ~~program~~.

2. The suitability of the rights and benefits *provided* ~~to be afforded~~ and the interests of employers in the recruitment and retention of eligible employees.

(e)1. The *state* board may contract ~~with any consultant~~ for professional services, including legal, consulting, accounting, and actuarial services, deemed necessary to implement and administer the *investment plan* ~~optional program by the Trustees of the State Board of Administration~~. The *state* board may enter into a contract with one or more vendors to provide low-cost investment advice to *members* ~~participants~~, supplemental to education provided by the third-party administrator. All fees under any such contract shall be paid by those *members* ~~participants~~ who choose to use the services of the vendor.

2. The department may contract ~~with consultants~~ for professional services, including legal, consulting, accounting, and actuarial services, deemed necessary to implement and administer the *investment plan* ~~optional program~~ in coordination with the *pension plan* ~~defined benefit program of the Florida Retirement System~~. The department, in coordination with the *state* board, may enter into a contract with the third-party administrator in order to coordinate services common to the various programs within the Florida Retirement System.

(f) The third-party administrator *may* ~~shall~~ not receive direct or indirect compensation from an approved provider, except as specifically provided for in the contract with the *state* board.

(g) The state board shall receive and resolve *member* ~~participant~~ complaints against the program, the third-party administrator, or any program vendor or provider; shall resolve any conflict between the third-party administrator and an approved provider if such conflict threatens the implementation or administration of the program or the quality of services to employees; and may resolve any other conflicts. The third-party administrator shall retain all *member* ~~participant~~ records for at least 5 years for use in resolving any *member* ~~participant~~ conflicts. The state board, the third-party administrator, or a provider is not required to produce documentation or an audio recording to justify action taken with regard to a *member* ~~participant~~ if the action occurred 5 or more years before the complaint is submitted to the state board. It is presumed that all action taken 5 or more years before the complaint is submitted was taken at the request of the *member* ~~participant~~ and with the *member's* ~~participant's~~ full knowledge and consent. To overcome this presumption, the *member* ~~participant~~ must present documentary evidence or an audio recording demonstrating otherwise.

(9) INVESTMENT OPTIONS OR PRODUCTS; PERFORMANCE REVIEW.—

(a) The *state* board shall develop policy and procedures for selecting, evaluating, and monitoring the performance of approved providers and investment products ~~to which employees may direct retirement contributions~~ under the *investment plan* ~~program~~. In accordance with such policy and procedures, the *state* board shall designate and contract for a number of investment products as determined by the board. The board shall also select one or more bundled providers*,* each of *which* ~~whom~~ may offer multiple investment options and related services*, if* ~~when~~ such ~~an~~ approach is determined by the board to *provide* ~~afford~~ value to the *members* ~~participants~~ otherwise not available through individual investment products. Each approved bundled provider may offer investment options that provide *members* ~~participants~~ with the opportunity to invest in each of the following asset classes, to be composed of individual options that represent ~~either~~ a single asset class or a combination thereof: money markets, United States fixed income, United States equities, and foreign stock. The *state* board shall review and manage all educational materials, contract terms, fee schedules, and other aspects of the approved provider relationships to ensure that no provider is unduly favored or penalized by virtue of its status within the *investment* plan.

(b) The *state* board shall consider investment options or products it considers appropriate to give *members* ~~participants~~ the opportunity to accumulate retirement benefits, subject to the following:

1. The *investment plan* ~~Public Employee Optional Retirement Program~~ must offer a diversified mix of low-cost investment products that span the risk-return spectrum and may include a guaranteed account as well as investment products, such as individually allocated guaranteed and variable annuities, which meet the requirements of this subsection and combine the ability to accumulate investment returns with the option of receiving lifetime income consistent with the long-term retirement security of a pension plan and similar to the lifetime-income benefit provided by the Florida Retirement System.

2. Investment options or products offered by ~~the group of~~ approved providers may include mutual funds, group annuity contracts, individual retirement annuities, interests in trusts, collective trusts, separate accounts, and other such financial instruments, and ~~may include~~ products that give *members* ~~participants~~ the option of committing their contributions for an extended time period in an effort to obtain returns higher than those that could be obtained from investment products offering full liquidity.

3. The *state* board *may* ~~shall~~ not contract with *a* ~~any~~ provider that imposes a front-end, back-end, contingent, or deferred sales charge, or any other fee that limits or restricts the ability of *members* ~~participants~~ to select any investment product available in the *investment plan* ~~optional program~~. This prohibition does not apply to fees or charges that are imposed on withdrawals from products that give *members* ~~participants~~ the option of committing ~~their~~ contributions for an extended time period in an effort to obtain returns higher than those that could be obtained from investment products offering full liquidity, *if* ~~provided that~~ the product ~~in question~~, net of all fees and charges, produces material benefits relative to other comparable products in the *investment plan* ~~program~~ offering full liquidity.

4. Fees or charges for insurance features, such as mortality and expense-risk charges, must be reasonable relative to the benefits provided.

(c) In evaluating and selecting approved providers and products, the *state* board shall establish criteria *for evaluating* ~~under which it shall consider~~ the relative capabilities and qualifications of each proposed

provider company and product. In developing such criteria, the board shall consider the following to the extent such factors may be applied in connection with investment products, services, or providers:

1. Experience in the United States providing retirement products and related financial services under defined contribution retirement *programs* ~~plans~~.

2. Financial strength and stability *as* ~~which shall be~~ evidenced by the highest ratings assigned by nationally recognized rating services when comparing proposed providers that are so rated.

3. Intrastate and interstate portability of the product offered, including early withdrawal options.

4. Compliance with the Internal Revenue Code.

5. The cost-effectiveness of the product provided and the levels of service supporting the product relative to its benefits and its characteristics, including~~, without limitation,~~ the level of risk borne by the provider.

6. The provider company's ability and willingness to coordinate its activities with Florida Retirement System employers, the department, and the *state* board, and to supply *the* ~~to such~~ employers, the department, and the board *with* the information and data they require.

7. The methods available to *members* ~~participants~~ to interact with the provider company; the means by which *members* ~~participants~~ may access account information, direct investment of contributions, make changes to their accounts, transfer moneys between available investment vehicles, and transfer moneys between provider companies; and any fees that apply to such activities.

8. The provider company's policies with respect to the transfer of individual account balances, contributions, and earnings thereon, both internally among investment products offered by the provider company and externally between approved providers, as well as any fees, charges, reductions, or penalties that may be applied.

9. An evaluation of specific investment products, taking into account each product's experience in meeting its investment return objectives net of all related fees, expenses, and charges, including, but not limited to, investment management fees, loads, distribution and marketing fees, custody fees, recordkeeping fees, education fees, annuity expenses, and consulting fees.

10. Organizational factors, including, but not limited to, financial solvency, organizational depth, and experience in providing institutional and retail investment services.

(d) By March 1, 2010, the *state* board shall identify and offer at least one terror-free investment product that allocates its funds among securities not subject to divestiture as provided in s. 215.473 if the investment product is deemed by the *state* board to be consistent with prudent investor standards. *A* ~~No~~ person may *not* bring a civil, criminal, or administrative action against an approved provider; the state board; or any employee, officer, director, or trustee of such provider based upon the divestiture of any security or the offering of a terror-free investment product as specified in this paragraph.

(e) As a condition of offering *an* ~~any~~ investment option or product in the *investment plan* ~~optional retirement program~~, the approved provider must agree to make the investment product or service available under the most beneficial terms offered to any other customer, subject to approval by the ~~Trustees of the~~ state board ~~of Administration~~.

(f) The *state* board shall regularly review the performance of each approved provider and product and related organizational factors to ensure continued compliance with established selection criteria and with board policy and procedures. Providers and products may be terminated subject to contract provisions. The *state* board shall adopt procedures to transfer account balances from terminated products or providers to other products or providers in the *investment plan* ~~optional program~~.

(g)1. An approved provider shall comply with all *applicable* federal and state securities and insurance laws and regulations ~~applicable to the provider~~, as well as *with* the applicable rules and guidelines of the National Association of Securities Dealers which govern the ethical marketing of investment products. In furtherance of this mandate, an approved provider must agree in its contract with the *state* board to establish and maintain a compliance education and monitoring system to supervise the activities of all personnel who directly communicate with individual *members* ~~participants~~ and recommend investment products, which system is consistent with rules of the National Association of Securities Dealers.

2. Approved provider personnel who directly communicate with individual *members* ~~participants~~ and who recommend investment products shall make an independent and unbiased determination as to whether an investment product is suitable for a particular *member* ~~participant~~.

3. The *state* board shall develop procedures to receive and resolve *member* ~~participant~~ complaints against a provider or approved provider personnel, and, *if* ~~when~~ appropriate, refer such complaints to the appropriate agency.

4. Approved providers may not sell or in any way distribute any customer list or *member* ~~participant~~ identification information generated through their offering of products or services through the *investment plan* ~~optional retirement program~~.

(10) EDUCATION COMPONENT.—

(a) The *state* board, in coordination with the department, shall provide for an education component for system members in a manner consistent with the provisions of this section. The education component must be available to eligible employees at least 90 days prior to the beginning date of the election period for the employees of the respective types of employers.

(b) The education component must provide system members with impartial and balanced information about plan choices. The education component must involve multimedia formats. Program comparisons must, to the greatest extent possible, be based upon the retirement income that different retirement programs may provide to the *member* ~~participant~~. The *state* board shall monitor the performance of the contract to ensure that the program is conducted in accordance with the contract, applicable law, and the rules of the *state* board.

(c) The *state* board, in coordination with the department, shall provide for an initial and ongoing transfer education component to provide system members with information necessary to make informed plan choice decisions. The transfer education component must include, but is not limited to, information on:

1. The amount of money available to a member to transfer to the defined contribution program.

2. The features of and differences between the *pension plan* ~~defined benefit program~~ and the defined contribution program, both generally and specifically, as those differences may affect the member.

3. The expected benefit available if the member were to retire under each of the retirement programs, based on appropriate alternative sets of assumptions.

4. The rate of return from investments in the defined contribution program and the period of time over which such rate of return must be achieved to equal or exceed the expected monthly benefit payable to the member under the *pension plan* ~~defined benefit program~~.

5. The historical rates of return for the investment alternatives available in the defined contribution programs.

6. The benefits and historical rates of return on investments available in a typical deferred compensation plan or a typical plan under s. 403(b) of the Internal Revenue Code for which the employee may be eligible.

7. The program choices available to employees of the State University System and the comparative benefits of each available program, if applicable.

8. Payout options available in each of the retirement programs.

(d) An ongoing education and communication component must provide *eligible employees* ~~system members~~ with information necessary to make informed decisions about choices within their *retirement system* ~~program of membership~~ and in preparation for retirement. The component must include, but is not limited to, information concerning:

1. Rights and conditions of membership.

2. Benefit features within the program, options, and effects of certain decisions.

3. Coordination of contributions and benefits with a deferred compensation plan under s. 457 or a plan under s. 403(b) of the Internal Revenue Code.

4. Significant program changes.

5. Contribution rates and program funding status.

6. Planning for retirement.

(e) Descriptive materials must be prepared under the assumption that the employee is an unsophisticated investor, and all materials used in the education component must be approved by the state board prior to dissemination.

(f) The *state* board and the department shall also establish a communication component to provide program information to participating employers and the employers' personnel and payroll officers and to explain their respective responsibilities in conjunction with the retirement programs.

(g) Funding for education of new employees may reflect administrative costs to the *investment plan* ~~optional program~~ and the *pension plan* ~~defined benefit program~~.

(h) Pursuant to *subsection* ~~paragraph~~ (8)~~(a)~~, all Florida Retirement System employers have an obligation to regularly communicate the existence of the two Florida Retirement System plans and the plan choice in the natural course of administering their personnel functions, using the educational materials supplied by the state board and the Department of Management Services.

(11) *MEMBER* ~~PARTICIPANT~~ INFORMATION REQUIREMENTS.—The *state* board shall ensure that each *member* ~~participant~~ is provided a quarterly statement that accounts for the contributions made on behalf of *the member* ~~such participant~~; the interest and investment earnings thereon; and any fees, penalties, or other deductions that apply ~~thereto~~. At a minimum, such statements must:

(a) Indicate the *member's* ~~participant's~~ investment options.

(b) State the market value of the account at the close of the current quarter and previous quarter.

(c) Show account gains and losses ~~for the period~~ and changes in account accumulation unit values for the *quarter* ~~period~~.

(d) Itemize account contributions for the quarter.

(e) Indicate any account changes due to adjustment of contribution levels, reallocation of contributions, balance transfers, or withdrawals.

(f) Set forth any fees, charges, penalties, and deductions that apply to the account.

(g) Indicate the amount of the account in which the *member* ~~participant~~ is fully vested and the amount of the account in which the *member* ~~participant~~ is not vested.

(h) Indicate each investment product's performance relative to an appropriate market benchmark.

The third-party administrator shall provide quarterly and annual summary reports to the *state* board and any other reports requested by the department or the *state* board. In any solicitation or offer of coverage under *the investment plan* ~~an optional retirement program~~, a provider company shall be governed by the contract readability provisions of s. 627.4145, notwithstanding s. 627.4145(6)(c). In addition, all descriptive materials must be prepared under the assumption that the *member* ~~participant~~ is an unsophisticated investor. Provider companies must maintain an internal system of quality assurance, have proven functional systems that are date-calculation compliant, and be subject to a due-diligence inquiry that proves their capacity and fitness to undertake service responsibilities.

(12) ADVISORY COUNCIL TO PROVIDE ADVICE AND ASSISTANCE.—The Investment Advisory Council*, created pursuant to s. 215.444,* shall assist the *state* board in implementing and administering the *investment plan* ~~Public Employee Optional Retirement Program~~. The ~~Investment Advisory~~ council~~, created pursuant to s. 215.444,~~ shall review the *state* board's initial recommendations regarding the criteria to be used in selecting and evaluating approved providers and investment products. The council may provide comments on the recommendations to the *state* board within 45 days after receiving the initial recommendations. The *state* board shall make the final determination as to whether any investment provider or product, any contractor, or any and all contract provisions *are* ~~shall be~~ approved for the *investment plan* ~~program~~.

(13) FEDERAL REQUIREMENTS.—

(a) ~~Provisions of~~ This section shall be construed, and the *investment plan* ~~Public Employee Optional Retirement Program~~ shall be administered, so as to comply with the Internal Revenue Code, 26 U.S.C., and specifically with plan qualification requirements imposed on governmental plans under s. 401(a) of the Internal Revenue Code. The *state* board *may* ~~shall have the power and authority to~~ adopt rules reasonably necessary to establish or maintain the qualified status of the *investment plan* ~~Optional Retirement Program~~ under the Internal Revenue Code and to implement and administer the *investment plan* ~~Optional Retirement Program~~ in compliance with the Internal Revenue Code and *as designated under* this part; provided however, that the board shall not have the authority to adopt any rule which makes a substantive change to the *investment plan* ~~Optional Retirement Program~~ as designed by this part.

(b) Any section or provision of this chapter which is susceptible to more than one construction *shall* ~~must~~ be interpreted in favor of the construction most likely to satisfy requirements imposed by s. 401(a) of the Internal Revenue Code.

(c) Contributions payable under this section for any limitation year may not exceed the maximum amount allowable for qualified defined contribution pension plans under applicable provisions of the Internal Revenue Code. If an employee who *is enrolled* ~~has elected to participate~~ in the *investment plan* ~~Public Employee Optional Retirement Program~~ participates in any other plan that is maintained by the participating employer, benefits that accrue under the *investment plan* ~~Public Employee Optional Retirement Program~~ shall be considered primary for any aggregate limitation applicable under s. 415 of the Internal Revenue Code.

(14) INVESTMENT POLICY STATEMENT.—

(a) Investment products and approved providers selected for the *investment plan must* ~~Public Employee Optional Retirement Program shall~~ conform with the *Florida Retirement System Investment Plan* ~~Public Employee Optional Retirement Program~~ Investment Policy Statement, herein referred to as the "statement," as developed and approved by the trustees of the state board ~~of Administration~~. The statement must include, among other items, the investment objectives of the *investment plan* ~~Public Employee Optional Retirement Program~~, manager selection and monitoring guidelines, and performance measurement criteria. As required from time to time, the executive director of the state board may present recommended changes in the statement to the board for approval.

(b) Prior to presenting the statement~~,~~ or any recommended changes ~~thereto,~~ to the state board, the executive director of the board shall present such statement or changes to the Investment Advisory Council for review. The council shall present the results of its review to the board prior to the board's final approval of the statement or changes in the statement.

(15) STATEMENT OF FIDUCIARY STANDARDS AND RESPONSIBILITIES.—

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

(b) If a *member* ~~participant~~ or beneficiary of the *investment plan* ~~Public Employee Optional Retirement Program~~ exercises control over the assets in his or her account, as determined by reference to regulations of the United States Department of Labor under s. 404(c) of the Employee Retirement Income Security Act of 1974 and all applicable laws governing the operation of the program, *a* ~~no~~ program fiduciary *is not* ~~shall be~~ liable for any loss to a *member's* ~~participant's~~ or beneficiary's account which results from *the member's* ~~such participant's~~ or beneficiary's exercise of control.

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

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

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

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

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

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

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

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

(16) DISABILITY BENEFITS.—For any *member* ~~participant~~ of the *investment plan* ~~optional retirement program~~ who becomes totally and permanently disabled, benefits *must* ~~shall~~ be paid in accordance with the provisions of s. 121.591.

(17) SOCIAL SECURITY COVERAGE.—Social security coverage shall be provided for all officers and employees who become *members* ~~participants~~ of the *investment plan* ~~optional program~~. Any modification of the present agreement with the Social Security Administration, or referendum required under the Social Security Act, for the purpose of providing social security coverage for any member shall be requested by the state agency in compliance with the applicable provisions of the Social Security Act governing such coverage. However, retroactive social security coverage for service prior to December 1, 1970, with the employer *may* ~~shall~~ not be provided for any member who was not covered under the agreement as of November 30, 1970.

(18) RETIREE HEALTH INSURANCE SUBSIDY.—All officers and employees who are *members* ~~participants~~ of the *investment plan are* ~~optional program shall be~~ eligible to receive the retiree health insurance subsidy, subject to the provisions of s. 112.363.

(19) *MEMBER* ~~PARTICIPANT~~ RECORDS.—Personal identifying information of a *member* ~~participant~~ in the *investment plan* ~~Public Employee Optional Retirement Program~~ contained in Florida Retirement System records held by the state board ~~of Administration~~ or the department ~~of Management Services~~ is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(20) DESIGNATION OF BENEFICIARIES.—

(a) Each *member* ~~participant~~ may, *by electronic means or* on a form provided for that purpose, signed and filed with the third-party administrator, designate a choice of one or more persons, named sequentially or jointly, as his or her beneficiary *for receiving* ~~who shall receive~~ the benefits, if any, which may be payable pursuant to this chapter in the event of the *member's* ~~participant's~~ death. If no beneficiary is named in this manner, or if no beneficiary designated by the *member* ~~participant~~ survives the *member* ~~participant~~, the beneficiary shall be the spouse of the deceased, if living. If the *member's* ~~participant's~~ spouse is not alive at *the time of the member's* ~~his or her~~ death, the beneficiary shall be the living children of the *member* ~~participant~~. If no children survive, the beneficiary shall be the *member's* ~~participant's~~ father or mother, if living; otherwise, the beneficiary shall be the *member's* ~~participant's~~ estate. The beneficiary most recently designated by a *member* ~~participant on a form or letter filed with the third-party administrator~~ shall be the beneficiary entitled to any benefits payable at the time of the *member's* ~~participant's~~ death. *However* ~~Notwithstanding any other provision in this subsection to the contrary~~, for a *member* ~~participant~~ who dies prior to his or her effective date of retirement, the spouse at the time of death shall be the *member's* ~~participant's~~ beneficiary unless *the member* ~~such participant~~ designates a different beneficiary ~~as provided in this subsection~~ subsequent to the *member's* ~~participant's~~ most recent marriage.

(b) If a *member* ~~participant~~ designates a primary beneficiary other than the *member's* ~~participant's~~ spouse, the *member's* ~~participant's~~ spouse must sign the beneficiary designation form to acknowledge the designation. This requirement does not apply to the designation of one or more contingent beneficiaries to receive benefits remaining upon the death of the primary beneficiary or beneficiaries.

(c) Notwithstanding the *member's* ~~participant's~~ designation of benefits to be paid through a trust to a beneficiary that is a natural person~~,~~ and ~~notwithstanding~~ the provisions of the trust, benefits *must* ~~shall~~ be paid directly to the beneficiary if the person is no longer a minor or an incapacitated person as defined in s. 744.102.

(21) PARTICIPATION BY TERMINATED DEFERRED RETIREMENT OPTION PROGRAM *MEMBERS* ~~PARTICIPANTS~~.—Notwithstanding any *other* provision of law ~~to the contrary~~, *members* ~~participants~~ in the Deferred Retirement Option Program offered under part I may, after conclusion of their participation in the program, elect to roll over or authorize a direct trustee-to-trustee transfer to an account under the *investment plan* ~~Public Employee Optional Retirement Program~~ of their Deferred Retirement Option Program proceeds distributed as provided under s. 121.091(13)(c)5. The transaction must constitute an "eligible rollover distribution" within the meaning of s. 402(c)(4) of the Internal Revenue Code.

(a) The *investment plan* ~~Public Employee Optional Retirement Program~~ may accept such amounts for deposit into *member* ~~participant~~ accounts as provided in paragraph (5)*(e)*~~(e)~~.

(b) The affected *member* ~~participant~~ shall direct the investment of his or her investment account; however, unless he or she becomes a renewed member of the Florida Retirement System under s. 121.122 and elects to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~, *no* ~~employer~~ contributions may ~~not~~ be made to the *member's* ~~participant's~~ account as provided under paragraph (5)(a).

(c) The state board or the department is not responsible for locating those persons who may be eligible to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~ under this subsection.

(22) CREDIT FOR MILITARY SERVICE.—Creditable service of any member of the *investment plan includes* ~~Public Employee Optional Retirement Program shall include~~ military service in the Armed Forces of the United States as provided in ~~the conditions outlined in~~ s. 121.111(1).

Section 27. Section 121.4502, Florida Statutes, is amended to read:

121.4502 *Florida Retirement System Investment Plan* ~~Public Employee Optional Retirement Program~~ Trust Fund.—

(1) The *Florida Retirement System Investment Plan* ~~Public Employee Optional Retirement Program~~ Trust Fund is created to hold the assets of the *Florida Retirement System Investment Plan* ~~Public Employee Optional Retirement Program~~ in trust for the exclusive benefit of *the plan's members* ~~such program's participants~~ and beneficiaries, and for the payment of reasonable administrative expenses of the *plan* ~~program~~, in accordance with s. 401 of the Internal Revenue Code, and shall be administered by the state board ~~of Administration~~ as trustee. Funds shall be credited to the trust fund as provided in this part, to be used for the purposes of this part. The trust fund is exempt from the service charges imposed by s. 215.20.

(2) The *Florida Retirement System Investment Plan* ~~Public Employee Optional Retirement Program~~ Trust Fund is a retirement trust fund of the Florida Retirement System that accounts for retirement plan assets held by the state in a trustee capacity as a fiduciary for individual participants in the *Florida Retirement System Investment Plan* ~~Public Employee Optional Retirement Program~~ and, pursuant to s. 19(f), Art. III of the State Constitution, is not subject to termination.

(3) A forfeiture account shall be created within the *Florida Retirement System Investment Plan* ~~Public Employee Optional Retirement Program~~ Trust Fund to hold the assets derived from the forfeiture of benefits by participants. Pursuant to a private letter ruling from the Internal Revenue Service, the forfeiture account may be used only for paying expenses of the *Florida Retirement System Investment Plan* ~~Public Employee Optional Retirement Program~~ and reducing future employer contributions to the program. Consistent with Rulings 80-155 and 74-340 of the Internal Revenue Service, unallocated reserves within the forfeiture account must be used as quickly and as prudently as possible considering the state board's fiduciary duty. Expected withdrawals from the account must endeavor to reduce the account to zero each fiscal year.

Section 28. Subsections (1) and (3) of section 121.4503, Florida Statutes, are amended to read:

121.4503 Florida Retirement System Contributions Clearing Trust Fund.—

(1) The Florida Retirement System Contributions Clearing Trust Fund is created as a clearing fund for disbursing employer *and employee* contributions to the component plans of the Florida Retirement System and shall be administered by the Department of Management Services. Funds shall be credited to the trust fund as provided in this chapter and ~~shall be~~ held in trust for the contributing *employees and* employers until such time as the assets are transferred by the department to the Florida Retirement System Trust Fund, the *Florida Retirement System Investment Plan* ~~Public Employee Optional Retirement Program~~ Trust Fund, or other trust funds as authorized by law, to be used for the purposes of this chapter. The trust fund is exempt from the service charges imposed by s. 215.20.

(3) The Department of Management Services may adopt rules governing the receipt and disbursement of amounts received by the Florida Retirement System Contributions Clearing Trust Fund from employers *and employees* contributing to the component plans of the Florida Retirement System.

Section 29. Section 121.571, Florida Statutes, is amended to read:

121.571 Contributions.—Contributions to the *Florida Retirement System Investment Plan* ~~Public Employee Optional Retirement Program~~ shall be made as follows:

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

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

(3) CONTRIBUTIONS FOR SOCIAL SECURITY COVERAGE AND FOR RETIREE HEALTH INSURANCE SUBSIDY.—Contributions required under *s. 121.71 are* ~~this section shall be~~ in addition to employer and member contributions ~~required~~ for social security and the Retiree Health Insurance Subsidy Trust Fund as *required under* ~~provided in~~ ss. 112.363, 121.052, 121.055, and 121.071, as appropriate.

Section 30. Section 121.591, Florida Statutes, is amended to read:

121.591 *Payment of* benefits ~~payable under the Public Employee Optional Retirement Program of the Florida Retirement System~~.—Benefits may not be paid under *the Florida Retirement System Investment Plan* ~~this section~~ unless the member has terminated employment as provided in s. 121.021(39)(a) or is deceased and a proper application has been filed *as* ~~in the manner~~ prescribed by the state board or the department. *Before termination of employment, benefits, including employee contributions, are not payable under the investment plan for employee hardships, unforeseeable emergencies, loans, medical expenses, educational expenses, purchase of a principal residence, payments necessary to prevent eviction or foreclosure on an employee's principal residence, or any other reason prior to termination from all employment relationships with participating employers.* The state board or department, as appropriate, may cancel an application for retirement benefits *if* ~~when~~ the member or beneficiary fails to timely provide the information and documents required by this chapter and the rules of the state board and department. In accordance with their respective responsibilities ~~as provided herein~~, the state board ~~of Administration~~ and the department ~~of Management Services~~ shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application *if* ~~when~~ the required information or documents are not received. The state board ~~of Administration~~ and the department ~~of Management Services~~, as appropriate, are authorized to cash out a de minimis account of a *member* ~~participant~~ who has been terminated from Florida Retirement System covered employment for a minimum of 6 calendar months. A de minimis account is an account containing employer *and employee* contributions and accumulated earnings of not more than $5,000 made under the provisions of this chapter. Such cash-out must ~~either~~ be a complete lump-sum liquidation of the account balance, subject to the provisions of the Internal Revenue Code, or a lump-sum direct rollover distribution paid directly to the custodian of an eligible retirement plan, as defined by the Internal Revenue Code, on behalf of the *member* ~~participant~~. *Any nonvested accumulations and associated service credit, including amounts transferred to the suspense account of the Florida Retirement System Investment Plan Trust Fund authorized under s. 121.4501(6), shall be forfeited upon payment of any vested benefit to a member or beneficiary, except for de minimis distributions or minimum required distributions as provided under this section.* If any financial instrument issued for the payment of retirement benefits under this section is not presented for payment within 180 days after the last day of the month in which it was originally issued, the third-party administrator or other duly authorized agent of the state board ~~of Administration~~ shall cancel the instrument and credit the amount of the instrument to the suspense account of the *Florida Retirement System Investment Plan* ~~Public Employee Optional Retirement Program~~ Trust Fund authorized under s. 121.4501(6). Any ~~such~~ amounts transferred to the suspense account are payable upon a proper application, not to include earnings thereon, as provided in this section,

within 10 years after the last day of the month in which the instrument was originally issued, after which time such amounts and any earnings *attributable to employer contributions* ~~thereon~~ shall be forfeited. Any ~~such~~ forfeited amounts are assets of the ~~Public Employee Optional Retirement Program~~ trust fund and are not subject to ~~the provisions of~~ chapter 717.

(1) NORMAL BENEFITS.—Under the *investment plan* ~~Public Employee Optional Retirement Program~~:

(a) Benefits in the form of vested accumulations as described in s. 121.4501(6) are payable under this subsection in accordance with the following terms and conditions:

1. ~~To the extent vested,~~ Benefits are payable only to a *member, an alternate payee of a qualified domestic relations order, or a beneficiary* ~~participant~~.

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

3. ~~To receive benefits,~~ The *member* ~~participant~~ must be terminated from all employment with all Florida Retirement System employers, as provided in s. 121.021(39).

4. Benefit payments may not be made until the *member* ~~participant~~ has been terminated for 3 calendar months, except that the *state* board may authorize by rule for the distribution of up to 10 percent of the *member's* ~~participant's~~ account after being terminated for 1 calendar month if the *member* ~~participant~~ has reached the normal retirement date as defined in s. 121.021 ~~of the defined benefit plan~~.

5. If a member or former member of the Florida Retirement System receives an invalid distribution ~~from the Public Employee Optional Retirement Program Trust Fund~~, such person must *either* repay the full *amount* ~~invalid distribution to the trust fund~~ within 90 days after receipt of final notification by the state board or the third-party administrator that the distribution was invalid*, or, in lieu of repayment, the member must terminate employment from all participating employers*. If such person fails to repay the full invalid distribution within 90 days after receipt of final notification, the person may be deemed retired from the *investment plan* ~~optional retirement program~~ by the state board~~, as provided pursuant to s. 121.4501(2)(k),~~ and is subject to s. 121.122. If such person is deemed retired ~~by the state board~~, any joint and several liability set out in s. 121.091(9)(d)2. *is* ~~becomes null and~~ void, and the state board, the department, or the employing agency is not liable for gains on payroll contributions that have not been deposited to the person's account in the *investment plan* ~~retirement program~~, pending resolution of the invalid distribution. The member or former member who has been deemed retired or who has been determined by the *state* board to have taken an invalid distribution may appeal the agency decision through the complaint process as provided under s. 121.4501(9)(g)3. As used in this subparagraph, the term "invalid distribution" means any distribution from an account in the *investment plan* ~~optional retirement program~~ which is taken in violation of this section, s. 121.091(9), or s. 121.4501.

(b) If a *member* ~~participant~~ elects to receive his or her benefits upon termination of employment as defined in s. 121.021, the *member* ~~participant~~ must submit a written application or an application by electronic means to the third-party administrator indicating his or her preferred distribution date and selecting an authorized method of distribution as provided in paragraph (c). The *member* ~~participant~~ may defer receipt of benefits until he or she chooses to make such application, subject to federal requirements.

(c) Upon receipt by the third-party administrator of a properly executed application for distribution of benefits, the total accumulated benefit *is* ~~shall be~~ payable to the *member pro rata across all Florida Retirement System benefit sources* ~~participant~~, as:

1. A lump-sum *or partial* distribution to the *member* ~~participant~~;

2. A lump-sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the *member's* ~~participant's~~ account directly to the custodian of an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the *member* ~~participant~~; or

3. Periodic distributions, as authorized by the state board.

(d) The distribution payment method selected by the member or beneficiary, and the retirement of the member or beneficiary, is final and irrevocable at the time a benefit distribution payment is cashed, deposited, or transferred to another financial institution. Any additional service that remains unclaimed at retirement may not be claimed or purchased, and the type of retirement may not be changed, except that if a member recovers from a disability, the member may subsequently request benefits under subsection (2).

(e) A member may not receive a distribution of employee contributions if a pending qualified domestic relations order is filed against the member's investment plan account.

(2) DISABILITY RETIREMENT BENEFITS.—Benefits provided under this subsection are payable in lieu of the benefits *that* ~~which~~ would otherwise be payable under the provisions of subsection (1). Such benefits *must* ~~shall~~ be funded ~~entirely~~ from employer contributions made under s. 121.571, transferred *employee contributions and* ~~participant~~ funds accumulated pursuant to paragraph (a), and interest and earnings thereon. ~~Pursuant thereto:~~

(a) *Transfer of funds.*—To qualify to receive monthly disability benefits under this subsection:

1. All moneys accumulated in the *member's account* ~~participant's Public Employee Optional Retirement Program accounts~~, including vested and nonvested accumulations as described in s. 121.4501(6), *must* ~~shall~~ be transferred from such individual accounts to the division ~~of Retirement~~ for deposit in the disability account of the Florida Retirement System Trust Fund. Such moneys *must* ~~shall~~ be ~~separately~~ accounted for *separately*. Earnings *must* ~~shall~~ be credited on an annual basis for amounts held in the disability accounts of the Florida Retirement System Trust Fund based on actual earnings of the ~~Florida Retirement System~~ trust fund.

2. If the *member* ~~participant~~ has retained retirement credit ~~he or she had~~ earned under the *pension plan* ~~defined benefit program of the Florida Retirement System~~ as provided in s. 121.4501(3)~~(b)~~, a sum representing the actuarial present value of such credit within the Florida Retirement System Trust Fund shall be reassigned by the division ~~of Retirement~~ from the *pension plan* ~~defined benefit program~~ to the disability program as implemented under this subsection and shall be deposited in the disability account of the ~~Florida Retirement System~~ trust fund. Such moneys *must* ~~shall~~ be ~~separately~~ accounted for *separately*.

(b) *Disability retirement; entitlement.*—

1. A *member* ~~participant~~ of the *investment plan* ~~Public Employee Optional Retirement Program~~ who becomes totally and permanently disabled, as defined in *paragraph (d)* ~~s. 121.091(4)(b)~~, after completing 8 years of creditable service, or a *member* ~~participant~~ who becomes totally and permanently disabled in the line of duty regardless of ~~his or her~~ length of service, *is* ~~shall be~~ entitled to a monthly disability benefit ~~as provided herein~~.

2. In order for service to apply toward the 8 years of *creditable* service required ~~to vest~~ for regular disability benefits, or toward the creditable service used in calculating a service-based benefit as provided ~~for~~ under paragraph (g), the service must be creditable service as described below:

a. The *member's* ~~participant's~~ period of service under the *investment plan shall* ~~Public Employee Optional Retirement Program will~~ be considered creditable service, except as provided in subparagraph d.

b. If the *member* ~~participant~~ has elected to retain credit for ~~his or her~~ service under the *pension plan* ~~defined benefit program of the Florida Retirement System~~ as provided under s. 121.4501(3)~~(b)~~, all such service *shall* ~~will~~ be considered creditable service.

c. If the *member elects* ~~participant has elected~~ to transfer to his or her *member* ~~participant~~ accounts a sum representing the present value of his or her retirement credit under the *pension plan* ~~defined benefit program~~ as provided under s. 121.4501(3)~~(c)~~, the period of service under the

pension plan ~~defined benefit program~~ represented in the present value amounts transferred *shall* ~~will~~ be considered creditable service ~~for purposes of vesting for disability benefits~~, except as provided in subparagraph d.

d. *If a member* ~~Whenever a participant~~ has terminated employment and has taken distribution of his or her funds as provided in subsection (1), all creditable service represented by such distributed funds is forfeited for purposes of this subsection.

(c) *Disability retirement effective date.*—The effective retirement date for a *member* ~~participant~~ who applies and is approved for disability retirement shall be established as provided under s. 121.091(4)(a)2. and 3.

(d) *Total and permanent disability.*—A *member* ~~participant~~ shall be considered totally and permanently disabled if, in the opinion of the division, he or she is prevented, by reason of a medically determinable physical or mental impairment, from rendering useful and efficient service as an officer or employee.

(e) *Proof of disability.*—~~The division,~~ Before approving payment of any disability retirement benefit, *the division* shall require proof that the *member* ~~participant~~ is totally and permanently disabled ~~in the same manner~~ as provided ~~for members of the defined benefit program of the Florida Retirement System~~ under s. 121.091(4)(c).

(f) *Disability retirement benefit.*—Upon the disability retirement of a *member* ~~participant~~ under this subsection, the *member* ~~participant~~ shall receive a monthly benefit that *begins accruing* ~~shall begin to accrue~~ on the first day of the month of disability retirement, as approved by the division, and *is* ~~shall be~~ payable on the last day of that month and each month thereafter during his or her lifetime and continued disability. All disability benefits *must* ~~payable to such member shall~~ be paid out of the disability account of the Florida Retirement System Trust Fund established under this subsection.

(g) *Computation of disability retirement benefit.*—The amount of each monthly payment *must* ~~shall~~ be calculated ~~in the same manner~~ as provided ~~for members of the defined benefit program of the Florida Retirement System~~ under s. 121.091(4)(f). ~~For such purpose,~~ Creditable service under both the *pension plan* ~~defined benefit program~~ and the *investment plan* ~~Public Employee Optional Retirement Program of the Florida Retirement System~~ shall be applicable as provided under paragraph (b).

(h) *Reapplication.*—A *member* ~~participant~~ whose initial application for disability retirement *is* ~~has been~~ denied may reapply for disability benefits ~~in the same manner, and under the same conditions,~~ as provided *in* ~~for members of the defined benefit program of the Florida Retirement System under~~ s. 121.091(4)(g).

(i) *Membership.*—Upon approval of *a member's* ~~an~~ application for disability benefits ~~under this subsection~~, the *member* ~~applicant~~ shall be transferred to the *pension plan* ~~defined benefit program of the Florida Retirement System~~, effective upon his or her disability retirement effective date.

(j) *Option to cancel.—A member* ~~Any participant~~ whose application for disability benefits is approved may cancel *the* ~~his or her~~ application *if* ~~for disability benefits, provided that~~ the cancellation request is received by the division before a disability retirement warrant has been deposited, cashed, or received by direct deposit. Upon ~~such~~ cancellation:

1. The *member's* ~~participant's~~ transfer to the *pension plan* ~~defined benefit program~~ under paragraph (i) shall be nullified;

2. The *member* ~~participant~~ shall be retroactively reinstated in the *investment plan* ~~Public Employee Optional Retirement Program~~ without hiatus;

3. All funds transferred to the Florida Retirement System Trust Fund under paragraph (a) *must* ~~shall~~ be returned to the *member* ~~participant~~ accounts from which *the* ~~such~~ funds were drawn; and

4. The *member* ~~participant~~ may elect to receive the benefit payable under ~~the provisions of~~ subsection (1) in lieu of disability benefits ~~as provided under this subsection~~.

(k) *Recovery from disability.*—

1. The division may require periodic reexaminations at the expense of the disability program account of the Florida Retirement System Trust Fund. Except as ~~otherwise~~ provided in subparagraph 2., ~~the requirements, procedures, and restrictions relating to the conduct and review of such reexaminations, discontinuation or termination of benefits, reentry into employment, disability retirement after reentry into covered employment, and~~ all other matters relating to recovery from disability shall be ~~the same~~ as *provided* ~~are set forth~~ under s. 121.091(4)(h).

2. Upon recovery from disability, *the* ~~any~~ recipient of disability retirement benefits under this subsection shall be a compulsory member of the *investment plan* ~~Public Employee Optional Retirement Program of the Florida Retirement System~~. The net difference between the recipient's original account balance transferred to the Florida Retirement System Trust Fund, including earnings~~, under paragraph (a)~~ and total disability benefits paid to such recipient, if any, shall be determined as provided in sub-subparagraph a.

a. An amount equal to the total benefits paid shall be subtracted from that portion of the transferred account balance consisting of vested accumulations as described under s. 121.4501(6), if any, and an amount equal to the remainder of benefit amounts paid, if any, shall ~~then~~ be subtracted from any remaining ~~portion consisting of~~ nonvested accumulations ~~as described under s. 121.4501(6)~~.

b. Amounts subtracted under sub-subparagraph a. *must* ~~shall~~ be retained within the disability account of the Florida Retirement System Trust Fund. Any remaining account balance shall be transferred to the third-party administrator for disposition as provided under sub-subparagraph c. or sub-subparagraph d., as appropriate.

c. If the recipient returns to covered employment, transferred amounts *must* ~~shall~~ be deposited in individual accounts under the *investment plan* ~~Public Employee Optional Retirement Program~~, as directed by the *member* ~~participant~~. Vested and nonvested amounts shall be ~~separately~~ accounted for *separately* as provided in s. 121.4501(6).

d. If the recipient fails to return to covered employment upon recovery from disability:

(I) Any remaining vested amount *must* ~~shall~~ be deposited in individual accounts under the *investment plan* ~~Public Employee Optional Retirement Program~~, as directed by the *member* ~~participant~~, and *is* ~~shall be~~ payable as provided in subsection (1).

(II) Any remaining nonvested amount *must* ~~shall~~ be held in a suspense account and *is* ~~shall be~~ forfeitable after 5 years as provided in s. 121.4501(6).

3. If present value was reassigned from the *pension plan* ~~defined benefit program~~ to the disability program ~~of the Florida Retirement System~~ as provided under subparagraph (a)2., the full present value amount *must* ~~shall~~ be returned to the defined benefit account within the Florida Retirement System Trust Fund and the *member's* ~~affected individual's~~ associated retirement credit under the *pension plan must* ~~defined benefit program shall~~ be reinstated in full. Any benefit based upon such credit *must* ~~shall~~ be calculated as provided in s. 121.091(4)(h) 1.

(l) *Nonadmissible causes of disability.*—A *member is* ~~participant shall~~ not ~~be~~ entitled to ~~receive~~ a disability retirement benefit if the disability results from any injury or disease ~~sustained or inflicted~~ as described in s. 121.091(4)(i).

(m) *Disability retirement of justice or judge by order of Supreme Court.*—

1. If a *member* ~~participant~~ is a justice of the Supreme Court, judge of a district court of appeal, circuit judge, or judge of a county court who has served for *the years equal to, or greater than, the vesting requirement in s. 121.021(45)* ~~6 years or more~~ as an elected constitutional judicial officer, including service as a judicial officer in any court abolished pursuant to Art. V of the State Constitution, and who is retired for disability ~~by order of the Supreme Court upon recommendation of the Judicial Qualifications Commission~~ pursuant to *s. 12,* ~~the provisions of~~ Art. V of the State Constitution, the *member's* ~~participant's~~ Option 1 monthly disability benefit amount as provided in s. 121.091(6)(a)1. shall be two-thirds of his

or her monthly compensation as of the *member's* ~~participant's~~ disability retirement date. *The member* ~~Such a participant~~ may alternatively elect to receive an actuarially adjusted disability retirement benefit under any other option as provided in s. 121.091(6)(a), or to receive the normal benefit payable under ~~the Public Employee Optional Retirement Program as set forth in~~ subsection (1).

2. If any justice or judge who is a *member* ~~participant~~ of the *investment plan* ~~Public Employee Optional Retirement Program of the Florida Retirement System~~ is retired for disability ~~by order of the Supreme Court upon recommendation of the Judicial Qualifications Commission~~ pursuant to *s. 12,* ~~the provisions of~~ Art. V of the State Constitution and elects to receive a monthly disability benefit under the provisions of this paragraph:

a. Any present value amount that was transferred to his or her *investment plan* ~~program~~ account and all employer *and employee* contributions made to such account on his or her behalf, plus interest and earnings thereon, *must* ~~shall~~ be transferred to and deposited in the disability account of the Florida Retirement System Trust Fund; and

b. The monthly *disability* benefits payable under this paragraph ~~for any affected justice or judge retired from the Florida Retirement System pursuant to Art. V of the State Constitution~~ shall be paid from the disability account of the Florida Retirement System Trust Fund.

(n) *Death of retiree or beneficiary.*—Upon the death of a disabled retiree or beneficiary *of the retiree* ~~thereof~~ who is receiving monthly *disability* benefits under this subsection, the monthly benefits shall be paid through the last day of the month of death and shall terminate, or be adjusted, if applicable, as of that date in accordance with the optional form of benefit selected at the time of retirement. The department ~~of Management Services~~ may adopt rules necessary to administer this paragraph.

(3) DEATH BENEFITS.—Under the *Florida Retirement System Investment Plan* ~~Public Employee Optional Retirement Program~~:

(a) Survivor benefits *are* ~~shall be~~ payable in accordance with the following terms and conditions:

1. To the extent vested, benefits *are* ~~shall be~~ payable only to a *member's* ~~participant's~~ beneficiary or beneficiaries as designated by the *member* ~~participant~~ as provided in s. 121.4501(20).

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

3. To receive benefits ~~under this subsection~~, the *member* ~~participant~~ must be deceased.

(b) In the event of a *member's* ~~participant's~~ death, all vested accumulations as described in s. 121.4501(6), less withholding taxes remitted to the Internal Revenue Service, shall be distributed, as provided in paragraph (c) or as described in s. 121.4501(20), as if the *member* ~~participant~~ retired on the date of death. No other death benefits *are* ~~shall be~~ available for survivors of *members* ~~participants under the Public Employee Optional Retirement Program~~, except for ~~such~~ benefits, or coverage for ~~such~~ benefits, as are otherwise provided by law or ~~are~~ separately *provided* ~~afforded~~ by the employer, at the employer's discretion.

(c) Upon receipt by the third-party administrator of a properly executed application for distribution of benefits, the total accumulated benefit *is* ~~shall be~~ payable by the third-party administrator to the *member's* ~~participant's~~ surviving beneficiary or beneficiaries, as:

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

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

3. A partial lump-sum payment whereby a portion of the accrued benefit is paid to the deceased *member's* ~~participant's~~ surviving spouse or other designated beneficiaries, less withholding taxes remitted to the Internal Revenue Service, and the remaining amount is transferred directly to the custodian of an eligible retirement plan, *if permitted,* as described in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse. The proportions must be specified by the *member* ~~participant~~ or the surviving beneficiary.

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

(4) LIMITATION ON LEGAL PROCESS.—The benefits payable to any person under the *Florida Retirement System Investment Plan* ~~Public Employee Optional Retirement Program~~, and any contributions accumulated under *the plan* ~~such program~~, are not subject to assignment, execution, attachment, or any legal process, except for qualified domestic relations orders by a court of competent jurisdiction, income deduction orders as provided in s. 61.1301, and federal income tax levies.

Section 31. Section 121.5911, Florida Statutes, is amended to read:

121.5911 Disability retirement program; qualified status; rulemaking authority.—It is the intent of the Legislature that the disability retirement program for *members* ~~participants~~ of the *Florida Retirement System Investment Plan* ~~Public Employee Optional Retirement Program as created in this act must~~ meet all applicable requirements of federal law for a qualified plan. The department ~~of Management Services~~ shall seek a private letter ruling from the Internal Revenue Service on the disability retirement program ~~for participants of the Public Employee Optional Retirement Program~~. Consistent with the private letter ruling, the department ~~of Management Services~~ shall adopt ~~any necessary~~ rules *necessary* ~~required~~ to maintain the qualified status of the disability retirement program and the Florida Retirement System *Pension* ~~defined benefit~~ Plan.

Section 32. Section 121.70, Florida Statutes, is amended to read:

121.70 Legislative purpose and intent.—

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

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

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

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

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

Section 33. Section 121.71, Florida Statutes, is amended to read:

121.71 Uniform rates; process; calculations; levy.—

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

(2) Based on the uniform rates set forth in *subsections* ~~subsection~~ (3), *(4), and (5), employees and* employers shall make monthly contributions to the Division of Retirement *as required in s. 121.061(1)*, which shall initially deposit the funds into the Florida Retirement System Contributions Clearing Trust Fund. A change in a contribution rate is effective the first day of the month for which a full month's employer *and employee* contribution may be made on or after the beginning date of the change. *Beginning July 1, 2011, each employee shall contribute the contributions required in subsection (3). The employer shall deduct the contribution from the employee's monthly salary, and the contribution shall be submitted to the division. These contributions shall be reported as employer-paid employee contributions, and credited to the account of the employee. The contributions shall be deducted from the employee's salary before the computation of applicable federal taxes and treated as employer contributions under 26 U.S.C. s. 414(h)(2). The employer specifies that the contributions, although designated as employee contributions, are being paid by the employer in lieu of contributions by the employee. The employee does not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the plan. Such contributions are mandatory and each employee is considered to have consented to payroll deductions. Payment of an employee's salary or wages, less the contribution, is a full and complete discharge and satisfaction of all claims and demands for the service rendered by employees during the period covered by the payment, except their claims to the benefits to which they may be entitled under this chapter.*

(3) Required employee retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

Membership Class	*Percentage of Gross Compensation, Effective July 1, 2011*
Regular Class	*3.00%*
Special Risk Class	*3.00%*
Special Risk Administrative Support Class	*3.00%*
Elected Officers' Class—Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	*3.00%*
Elected Officers' Class—Justices, Judges	*3.00%*
Elected Officers' Class—County Elected Officers	*3.00%*
Senior Management Service Class	*3.00%*
DROP	*0.00%*

(4)~~(3)~~ Required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, *2011* ~~2009~~	Percentage of Gross Compensation, Effective July 1, *2012* ~~2010~~
Regular Class	*3.28%* ~~8.69%~~	*3.28%* ~~9.63%~~
Special Risk Class	*10.21%* ~~19.76%~~	*10.21%* ~~22.11%~~
Special Risk Administrative Support Class	*4.07%* ~~11.39%~~	*4.07%* ~~12.10%~~
Elected Officers' Class—Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	*7.02%* ~~13.32%~~	*7.02%* ~~15.20%~~
Elected Officers' Class—Justices, Judges	*9.78%* ~~18.40%~~	*9.78%* ~~20.65%~~
Elected Officers' Class—County Elected Officers	*9.27%* ~~15.37%~~	*9.27%* ~~17.50%~~
Senior Management *Service* Class	*4.81%* ~~11.96%~~	*4.81%* ~~13.43%~~
DROP	*3.31%* ~~9.80%~~	*3.31%* ~~11.14%~~

(5) In order to address unfunded actuarial liabilities of the system, the required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

Membership Class	*Percentage of Gross Compensation, Effective July 1, 2011*	*Percentage of Gross Compensation, Effective July 1, 2012*
Regular Class	*0.49%*	*2.16%*
Special Risk Class	*2.75%*	*8.21%*
Special Risk Administrative Support Class	*0.83%*	*21.40%*
Elected Officers' Class—Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	*0.88%*	*21.76%*
Elected Officers' Class—Justices, Judges	*0.77%*	*12.86%*
Elected Officers' Class—County Elected Officers	*0.73%*	*22.05%*
Senior Management Service Class	*0.32%*	*10.51%*
DROP	*0.00%*	*6.36%*

(6) If a member is reported under an incorrect membership class and the amount of contributions reported and remitted are less than the amount required, the employer shall owe the difference, plus the delinquent fee, of 1 percent for each calendar month or part thereof that the contributions should have been paid. The delinquent assessment may not be waived. If the contributions reported and remitted are more than the amount required, the employer shall receive a credit to be applied against future contributions owed.

(7)~~(4)~~ The state actuary shall recognize and use an appropriate level of available excess assets of the Florida Retirement System Trust Fund to offset the difference between the normal costs of the Florida Retirement System and the statutorily prescribed contribution rates.

Section 34. Section 121.72, Florida Statutes, is amended to read:

121.72 Allocations to *investment plan member* ~~optional retirement program participant~~ accounts; percentage amounts.—

(1) The allocations established in subsection (4) shall fund retirement benefits under the *investment plan* ~~optional retirement program~~

and shall be transferred monthly by the Division of Retirement from the Florida Retirement System Contributions Clearing Trust Fund to the third-party administrator for deposit in each participating employee's individual account based on the membership class of the participant.

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

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

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

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

Section 35. Section 121.73, Florida Statutes, is amended to read:

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

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

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

(3) Effective July 1, 2002, allocations from the *Florida Retirement System Contributions* ~~FRS Contribution~~ Clearing *Trust* Fund to provide disability coverage for *members* ~~participants~~ in the *investment plan* ~~optional retirement program~~, and to offset the costs of administering said coverage, *are* ~~shall be~~ as follows:

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

Section 36. Section 121.74, Florida Statutes, is amended to read:

121.74 Administrative and educational expenses.—In addition to contributions required under *ss.* ~~s.~~ 121.71 *and 121.73*, effective July 1, 2010, through June 30, 2014, employers participating in the Florida Retirement System shall contribute an amount equal to 0.03 percent of the payroll reported for each class or subclass of Florida Retirement System membership.~~;~~ Effective July 1, 2014, the contribution rate shall be 0.04 percent of the payroll reported for each class or subclass of membership. The amount contributed shall be transferred by the Division of Retirement from the Florida Retirement System Contributions Clearing Trust Fund to the State Board of Administration's Administrative Trust Fund to offset the costs of administering the *investment plan* ~~optional retirement program~~ and the costs of providing educational services to *members of the Florida Retirement System* ~~participants in the defined benefit program and the optional retirement program~~. Approval of the trustees is required before the expenditure of these funds. Payments for third-party administrative or educational expenses shall be made only pursuant to the terms of the approved contracts for such services.

Section 37. Section 121.75, Florida Statutes, is amended to read:

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

Section 38. Section 121.77, Florida Statutes, is amended to read:

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

Section 39. Section 121.78, Florida Statutes, is amended to read:

121.78 Payment and distribution of contributions.—

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

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

(3)(a) *Employee and* employer contributions and accompanying payroll data received after the 5th working day of the month are considered late. The employer shall be assessed by the Division of Retirement a penalty of 1 percent of the contributions due for each calendar month or part thereof that the contributions or accompanying payroll data are late. Proceeds from the *1 percent* ~~1 percent~~ assessment against con-

tributions made on behalf of *members* ~~participants~~ of the *pension plan must* ~~defined benefit program shall~~ be deposited in the Florida Retirement System Trust Fund, and proceeds from the 1-percent assessment against contributions made on behalf of *members* ~~participants~~ of the *investment plan* ~~optional retirement program~~ shall be transferred to the third-party administrator for deposit into *member* ~~participant~~ accounts, as provided in paragraph *(c)* ~~(b)~~.

(b) Retirement contributions paid for a prior period shall be charged a delinquent fee of 1 percent for each calendar month or part thereof that the contributions should have been paid. This includes prior period contributions due to incorrect wages and contributions from an earlier report or wages and contributions that should have been reported but were not. The delinquent assessments may not be waived.

(c)~~(b)~~ If *employee contributions or* contributions made by an employer on behalf of *members* ~~participants~~ of the *investment plan* ~~optional retirement program~~ or accompanying payroll data are not received within the calendar month they are due, including, but not limited to, contribution adjustments as a result of employer errors or corrections, and if that delinquency results in market losses to *members* ~~participants~~, the employer shall reimburse each *member's* ~~participant's~~ account for market losses resulting from the late contributions. If a *member* ~~participant~~ has terminated employment and taken a distribution, the *member* ~~participant~~ is responsible for returning any excess contributions erroneously provided by employers, adjusted for any investment gain or loss incurred during the period such excess contributions were in the *member's* ~~participant's~~ account. The state board or its designated agent shall communicate to terminated *members* ~~participants~~ any obligation to repay such excess contribution amounts. However, the state board, its designated agents, the *Florida Retirement System Investment Plan* ~~Public Employee Optional Retirement Program~~ Trust Fund, the department, or the Florida Retirement System Trust Fund may not incur any loss or gain as a result of an employer's correction of such excess contributions. The third-party administrator, hired by the state board pursuant to s. 121.4501(8), shall calculate the market losses for each affected *member* ~~participant~~. If contributions made on behalf of *members* ~~participants~~ of the *investment plan* ~~optional retirement program~~ or accompanying payroll data are not received within the calendar month due, the employer shall also pay the cost of the third-party administrator's calculation and reconciliation adjustments resulting from the late contributions. The third-party administrator shall notify the employer of the results of the calculations and the total amount due from the employer for such losses and the costs of calculation and reconciliation. The employer shall remit to the Division of Retirement the amount due within 30 working days after the date of the penalty notice sent by the division. The division shall transfer that amount to the third-party administrator, which shall deposit proceeds from the 1-percent assessment and from individual market losses into *member* ~~participant~~ accounts, as appropriate. The state board may adopt rules to administer the provisions regarding late contributions, late submission of payroll data, the process for reimbursing *member* ~~participant~~ accounts for resultant market losses, and the penalties charged to the employers.

(d) If employee contributions reported by an employer on behalf of members are reduced as a result of employer errors or corrections, and the member has terminated employment and taken a refund or distribution, the employer shall be billed and is responsible for recovering from the member any excess contributions erroneously provided by the employer.

(e)~~(c)~~ Delinquency fees *specified in paragraph (a)* may be waived by the division ~~of Retirement~~, with regard to *pension plan* ~~defined benefit program~~ contributions, and by the state board, with regard to *investment plan* ~~optional retirement program~~ contributions, only if, in the opinion of the division or the board, as appropriate, exceptional circumstances beyond the employer's control prevented remittance by the prescribed due date notwithstanding the employer's good faith efforts to effect delivery. Such a waiver of delinquency may be granted an employer only once each *plan* ~~state fiscal~~ year.

(f) If the employer submits excess employer or employee contributions, the employer shall receive a credit to be applied against future contributions owed. The employer is responsible for reimbursing the member for any excess contributions submitted if any return of such an erroneous excess pretax contribution by the program is made within 1 year after making erroneous contributions or such other period allowed under applicable Internal Revenue guidance.

(g)~~(d)~~ If contributions made by an employer on behalf of *members* ~~participants~~ in the *investment plan* ~~optional retirement program~~ are delayed in posting to *member* ~~participant~~ accounts due to acts of God beyond the control of the Division of Retirement, the state board, or the third-party administrator, as applicable, market losses resulting from the late contributions are not payable to the *members* ~~participants~~.

Section 40. Paragraph (a) of subsection (4) and paragraph (b) of subsection (5) of section 1012.875, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

1012.875 State Community College System Optional Retirement Program.—Each community college may implement an optional retirement program, if such program is established therefor pursuant to s. 1001.64(20), under which annuity or other contracts providing retirement and death benefits may be purchased by, and on behalf of, eligible employees who participate in the program, in accordance with s. 403(b) of the Internal Revenue Code. Except as otherwise provided herein, this retirement program, which shall be known as the State Community College System Optional Retirement Program, may be implemented and administered only by an individual community college or by a consortium of community colleges.

(4)(a)*1. Through June 30, 2011,* each college must contribute on behalf of each program *member* ~~participant~~ an amount equal to 10.43 percent of the *employee's* ~~participant's~~ gross monthly compensation.

2. Effective July 1, 2011, each member shall contribute an amount equal to the employee contribution required under s. 121.71(3). The employer shall contribute on behalf of each program member an amount equal to the difference between 10.43 percent of the employee's gross monthly compensation and the employee's required contribution based on the employee's gross monthly compensation.

3. The college shall deduct an amount approved by the district board of trustees of the college to provide for the administration of the optional retirement program. Payment of this contribution must be made ~~either~~ directly by the college or through the program administrator to the designated company contracting for payment of benefits to the program *member* ~~participant~~.

(5)

(b) Benefits are payable under the optional retirement program to program participants or their beneficiaries, and ~~the benefits must be~~ paid only by the designated company in accordance with the terms of the contracts applicable to the program participant. Benefits shall accrue in individual accounts that are participant-directed, portable, and funded by employer *and employee* contributions and the earnings thereon. Benefits funded by employer *and employee* contributions are payable in accordance with the following terms and conditions:

1. Benefits shall be payable only to a participant, to his or her beneficiaries, or to his or her estate, as designated by the participant.

2. Benefits shall be paid by the provider company or companies in accordance with the law, the provisions of the contract, and any applicable employer rule or policy.

3. In the event of a participant's death, moneys accumulated by, or on behalf of, the participant, less withholding taxes remitted to the Internal Revenue Service, if any, shall be distributed to the participant's designated beneficiary or beneficiaries, or to the participant's estate, as if the participant retired on the date of death as provided in paragraph (d). No other death benefits *are* ~~shall be~~ available for survivors of participants under the optional retirement program except for such benefits, or coverage for such benefits, as are separately afforded by the employer at the employer's discretion.

(7) Benefits, including employee contributions, are not payable for employee hardships, unforeseeable emergencies, loans, medical expenses, educational expenses, purchase of a principal residence, payments necessary to prevent eviction or foreclosure on an employee's principal residence, or any other reason before termination from all employment relationships with participating employers for 3 calendar months.

Section 41. *(1) Effective upon this act becoming a law, the State Board of Administration and the Department of Management Services shall request, as soon as practicable, a determination letter and private letter ruling from the United States Internal Revenue Service. If the United States Internal Revenue Service refuses to act upon a request for a*

private letter ruling, then a legal opinion from a qualified tax attorney or firm may be substituted for such private letter ruling.

(2) If the board or the department receives notification from the United States Internal Revenue Service that this act or any portion of this act will cause the Florida Retirement System, or a portion thereof, to be disqualified for tax purposes under the Internal Revenue Code, then the portion that will cause the disqualification does not apply. Upon receipt of such notice, the state board and the department shall notify the presiding officers of the Legislature.

Section 42. *The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems. These persons must be provided benefits that are fair and adequate and that are managed, administered, and funded in an actuarially sound manner, as required by s. 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.*

Section 43. *For the 2011-2012 fiscal year, the sums of $207,070 of recurring funds and $31,184 of nonrecurring funds from the Florida Retirement System Operating Trust Fund are appropriated to, and four full-time equivalent positions are authorized for, the Division of Retirement within the Department of Management Services for the purpose of implementing this act.*

Section 44. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to retirement; amending ss. 110.123, 112.0801, 112.363, 112.65, and 121.011, F.S.; conforming provisions to changes made by the act; amending s. 121.021, F.S.; revising definitions; amending s. 121.051, F.S.; requiring that a local governmental entity or the governing body of a charter school or charter technical career center make certain elections regarding benefits at the time the entity or governing body joins the Florida Retirement System; requiring employee retirement contributions; providing that employer-paid employee contributions are subject to certain taxes; amending s. 121.0515, F.S.; redefining membership in the Special Risk Class; redefining criteria for Special Risk Class membership; providing for employee contributions to be used, if applicable, when purchasing credit for past service; amending s. 121.052, F.S., relating to the membership class of elected officers; conforming provisions to changes made by the act; requiring member contributions; providing for a refund of contributions under certain circumstances for an officer who leaves office; providing that a member who obtains a refund of contributions waives certain rights under the Florida Retirement System; amending s. 121.053, F.S.; clarifying the employer contributions required for Elected Officers' Class members who participate in the Deferred Retirement Option Program; amending s. 121.055, F.S., relating to the Senior Management Service Class; conforming provisions to changes made by the act; requiring employee contributions; providing for a refund of contributions under certain circumstances for a member who terminates employment; providing that a member who obtains a refund of contributions waives certain rights under the Florida Retirement System; limiting the payment of benefits prior to a participant's termination of employment; amending s. 121.061, F.S.; conforming provisions to changes made by the act; amending s. 121.071, F.S.; requiring employer and employee contributions to the retirement system; providing for a refund of contributions under certain circumstances following termination of employment; prohibiting such refund if an approved qualified domestic relations order is filed against the participant's retirement account; providing that a member who obtains a refund of contributions waives certain rights under the Florida Retirement System; requiring repayment plus interest of an invalid refund; amending s. 121.081, F.S.; providing and revising requirements for contributions for prior service performed on or after a certain date; amending s. 121.091, F.S.; modifying the early retirement benefit calculation for those members retiring on or after a certain date or before the normal retirement date to reflect the change in normal retirement age; revising provisions relating to disability retirement for judges; providing for the refund of accumulated contributions if a member's employment is terminated for any reason other than retirement; revising the interest rate on benefits for members enrolling in drop after a certain date; conforming provisions to changes made by the act; amending s. 121.1001, F.S.; conforming provisions to changes made by the act; amending s. 121.101, F.S.; revising the cost-of-living adjustment depending on the date of retirement; amending s. 121.1115, F.S.; conforming provisions to changes made by the act; amending s. 121.1122, F.S.; conforming provisions to changes made by the act; amending s. 121.121, F.S.; requiring that the purchase of creditable service following an authorized leave of absence be purchased at the employer and employee contribution rates in effect during the leave of absence after a certain date; amending s. 121.125, F.S.; requiring that a penalty be assessed against certain employers that fail to pay the required contributions for workers' compensation; reenacting s. 121.161, F.S.; conforming provisions to changes made by the act; amending s. 121.182, F.S.; conforming provisions to changes made by the act; amending s. 121.35, F.S., relating to the optional retirement program for the State University System; requiring employee contributions; limiting the payment of benefits before a participant's termination of employment; conforming provisions to changes made by the act; amending s. 121.355, F.S.; conforming provisions to changes made by the act; amending s. 121.4501, F.S.; changing the name of the Public Employee Optional Retirement Program to the Florida Retirement System Investment Plan; requiring members to make certain contributions to the plan; revising and providing definitions; revising the benefit commencement age for a member enrolled on or after a certain date; providing for contribution adjustments as a result of employer errors or corrections; requiring an employer to receive a credit for excess contributions and to reimburse an employee for excess contributions, subject to certain limitations; providing for a pension plan participant to retain his or her prior plan choice following a return to employment; prohibiting a retiree who is reemployed from renewing membership in the plan; limiting certain refunds of contributions which exceed the amount that would have accrued had the member remained in the defined benefit program; providing certain requirements and limitations with respect to contributions; clarifying that participant and employer contributions are earmarked for specified purposes; providing duties of the third-party administrator; providing that a member is fully and immediately vested with respect to employee contributions paid by the member; providing for the forfeiture of nonvested employer contributions and service credit under certain circumstances; conforming provisions to changes made by the act; amending s. 121.4502, F.S.; changing the name of the Public Employee Optional Retirement Program Trust Fund to the Florida Retirement System Investment Plan Trust Fund; amending s. 121.4503, F.S.; providing for the deposit of employee contributions into the Florida Retirement System Contributions Clearing Trust Fund; amending s. 121.571, F.S.; providing requirements for submitting employee contributions; amending s. 121.591, F.S.; limiting the payment of benefits prior to a member's termination of employment; providing for the forfeiture of nonvested accumulations and service credits upon payment of certain vested benefits; providing that the distribution payment method selected by the member or beneficiary is final and irrevocable at the time of benefit distribution; prohibiting a distribution of employee contributions if a qualified domestic relations order is filed against the participant's account; conforming provisions to changes made by the act; amending s. 121.5911, F.S.; conforming provisions to changes made by the act; amending s. 121.70, F.S.; revising legislative intent; amending s. 121.71, F.S.; requiring that employee contributions be deducted from the employee's monthly salary, beginning on a specified date, and treated as employer contributions under certain provisions of federal law; clarifying that an employee may not receive such contributions directly; specifying the required employee retirement contribution rates for the membership of each membership class and subclass of the Florida Retirement System; specifying the required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System in order to address unfunded actuarial liabilities of the system; requiring an assessment to be imposed if the employee contributions remitted are less than the amount required under certain circumstances; providing for the employer to receive a credit for excess contributions remitted and to apply such credit against future contributions owed; amending ss. 121.72, 121.73, 121.74, 121.75, and 121.77, F.S.; conforming provisions to changes made by the act; amending s. 121.78, F.S.; requiring that certain fees be imposed for delinquent payments for retirement contributions; providing that an employer is responsible for recovering any refund provided to an employee in error; revising the terms of an authorized waiver of delinquency; requiring an employer to receive a credit for excess contributions and to reimburse an employee for excess contributions, subject to certain limitations; amending s. 1012.875, F.S.;

requiring employer and employee contributions for members of the State Community College System Optional Retirement Program on a certain date; limiting the payment of benefits prior to a participant's termination of employment; requiring the State Board of Administration and the Department of Management Services to request a determination letter and private letter ruling from the United States Internal Revenue Service; providing legislative findings; providing that the act fulfills an important state interest; providing appropriations to and authorizing additional positions for the Division of Retirement within the Department of Management Services; providing effective dates.

On motion by Senator Alexander, the Conference Committee Report on **SB 2100** was adopted. **SB 2100** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—24

Alexander	Flores	Negron
Benacquisto	Gaetz	Norman
Bennett	Garcia	Richter
Bogdanoff	Gardiner	Ring
Dean	Hays	Simmons
Detert	Jones	Storms
Diaz de la Portilla	Latvala	Thrasher
Evers	Lynn	Wise

Nays—13

Altman	Joyner	Siplin
Braynon	Margolis	Smith
Dockery	Montford	Sobel
Fasano	Rich	
Hill	Sachs	

Vote after roll call:

Yea—Mr. President

Nay—Oelrich

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2146

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2146, same being:

An act relating to the Department of Children and Family Services.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

s/ Denise Grimsley
Committee Chair
Gary Aubuchon, At Large
Richard Corcoran
s/ Jose Felix Diaz
s/ Gayle B. Harrell
Mia L. Jones
s/ John Legg, At Large
s/ Seth McKeel, At Large
s/ William L. "Bill" Proctor, At Large
Franklin Sands, At Large
s/ Robert C. "Rob" Schenck, At Large
Will W. Weatherford, At Large
s/ Dana D. Young
s/ Matt Hudson
Chair
Charles S. "Chuck" Chestnut IV,
s/ Daniel Davis
James C. "Jim" Frishe
s/ Dorothy L. Hukill, At Large
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
Mark S. Pafford
Kenneth L. "Ken" Roberson
s/ Darryl Ervin Rouson, At Large
Ron Saunders, At Large
s/ William D. Snyder, At Large
s/ W. Gregory "Greg" Steube
John Wood

Managers on the part of the House

The Conference Committee Amendment for SB 2146, relating to the Department of Children and Family Services, provides for the following:

- Creates Section 409.16713, Florida Statutes.
  - Requires the Department of Children and Family Services to allocate funds for community-based lead agencies according to an equity allocation model;
  - Specifies the funding included and excluded from the equity model;
  - Specifies the factors used in the equity model;
  - Specifies the weighting for these factors to calculate the equity allocation;
  - Requires that 75 percent of recurring core services funding for each lead agency be based on the prior year recurring base, and 25 percent be based on the equity allocation model; and
  - Specifies that any new funds for Fiscal Year 2011-2012 be allocated based on the equity allocation model and only to those lead agencies where the current funding proportion is less than the proportion of funding based on the model.

Conference Committee Amendment (528204)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 409.16713, Florida Statutes, is created to read:

409.16713 Allocation of funds for community-based care lead agencies.—

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

(a) "Core services funding" means all funds allocated to community-based care lead agencies operating under contract with the department pursuant to s. 409.1671, with the following exceptions:

1. Funds appropriated for independent living;

2. Funds appropriated for maintenance adoption subsidies;

3. Funds allocated by the department for protective investigations training;

4. Nonrecurring funds;

5. Designated mental health wrap-around services funds; and

6. Funds for special projects for a designated community-based care lead agency.

(b) "Equity allocation model" means an allocation model that uses the following factors:

1. Proportion of children in poverty;

2. Proportion of child abuse hotline workload;

3. Proportion of children in care; and

4. Proportion of contribution in the reduction of out-of-home care.

(c) "Proportion of children in poverty" means the average of the proportion of children in the geographic area served by the community-based care lead agency based on the following subcomponents:

1. Children up to 18 years of age who are below the poverty level as determined by the latest available Small Area Income and Poverty Estimates (SAIPE) from the United States Census Bureau;

2. Children eligible for free or reduced-price meals as determined by the latest available survey published by the Department of Education; and

3. The number of children in families receiving benefits from the federal Supplemental Nutrition Assistance Program (SNAP) in the most recent month as determined by the department.

(d) "Proportion of child abuse hotline workload" means the weighted average of the following subcomponents:

1. The average number of initial and additional child abuse reports received during the month for the most recent 12 months based on child protective investigations trend reports as determined by the department. This subcomponent shall be weighted as 20 percent of the factor.

2. The average count of children in investigations in the most recent 12 months based on child protective investigations trend reports as determined by the department. This subcomponent shall be weighted as 40 percent of the factor.

3. The average count of children in investigations with a most serious finding of verified abuse in the most recent 12 months based on child protective investigations trend reports as determined by the department. This subcomponent shall be weighted as 40 percent of the factor.

(e) "Proportion of children in care" means the proportion of the sum of the number of children in care receiving in-home services and the number of children in out-of-home care at the end of the most recent month as reported in the child welfare services trend reports as determined by the department.

(f) "Proportion of contribution in the reduction of out-of-home care" means the proportion of the number of children in out-of-home care on December 31, 2006, minus the number of children in out-of-home care as of the end of the most recent month as reported in the child welfare services trend reports as determined by the department.

(2) The equity allocation of core services funds shall be calculated based on the following weights:

(a) Proportion of children in poverty shall be weighted as 30 percent of the total;

(b) Proportion of child abuse hotline workload shall be weighted as 30 percent of the total;

(c) Proportion of children in care shall be weighted as 30 percent of the total; and

(d) Proportion of contribution to the reduction in out-of-home care shall be weighted as 10 percent of the total.

(3) Beginning in the 2011-2012 state fiscal year, 75 percent of the recurring core services funding for each community-based care lead agency shall be based on the prior year recurring base of core services funds and 25 percent shall be based on the equity allocation model.

(4) For the 2011-2012 state fiscal year, any new core services funds shall be allocated based on the equity allocation model. Such allocations shall be proportional to the proportion of funding based on the equity model and allocated only to the community-based care lead agency contracts where the current funding proportion is less than the proportion of funding based on the equity model.

Section 2. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Children and Family Services; creating s. 409.16713, F.S.; defining terms; providing for the allocation of funding for community-based care lead agencies; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2146** was adopted. **SB 2146** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—25

Mr. President	Evers	Oelrich
Alexander	Fasano	Richter
Altman	Gaetz	Simmons
Benacquisto	Hays	Siplin
Bennett	Hill	Storms
Bogdanoff	Jones	Thrasher
Dean	Lynn	Wise
Detert	Negron	
Diaz de la Portilla	Norman	

Nays—13

Braynon	Latvala	Sachs
Dockery	Margolis	Smith
Flores	Montford	Sobel
Garcia	Rich	
Joyner	Ring	

SPECIAL ORDER CALENDAR

On motion by Senator Latvala, by unanimous consent—

CS for SB 1736—A bill to be entitled An act relating to health care; amending s. 83.42, F.S., relating to exclusions from part II of ch. 83, F.S., the Florida Residential Landlord and Tenant Act; clarifying that the procedures in s. 400.0255, F.S., for transfers and discharges are exclusive to residents of a nursing home licensed under part II of ch. 400, F.S.; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; deleting an obsolete provision; deleting a provision that requires a laboratory to submit to the Agency for Health Care Administration a monthly report containing statistical information regarding the testing of employees and job applicants; repealing s. 383.325, F.S., relating to confidentiality of inspection reports of licensed birth center facilities; amending s. 395.002, F.S.; revising and deleting definitions applicable to regulation of hospitals and other licensed facilities; conforming a cross-reference; amending s. 395.003, F.S.; deleting an obsolete provision; conforming a cross-reference; amending s. 395.0161, F.S.; deleting a requirement that facilities licensed under part I of ch. 395, F.S., pay licensing fees at the time of inspection; amending s. 395.0193, F.S.; requiring a licensed facility to report certain peer review information and final disciplinary actions to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.1023, F.S.; providing for the Department of Children and Family

Services rather than the Department of Health to perform certain functions with respect to child protection cases; requiring certain hospitals to notify the Department of Children and Family Services of compliance; amending s. 395.1041, F.S., relating to hospital emergency services and care; deleting obsolete provisions; repealing s. 395.1046, F.S., relating to complaint investigation procedures; amending s. 395.1055, F.S.; requiring licensed facility beds to conform to standards specified by the Agency for Health Care Administration, the Florida Building Code, and the Florida Fire Prevention Code; amending s. 395.10972, F.S.; revising a reference to the Florida Society of Healthcare Risk Management to conform to the current designation; amending s. 395.2050, F.S.; revising a reference to the federal Health Care Financing Administration to conform to the current designation; amending s. 395.3036, F.S.; correcting a reference; repealing s. 395.3037, F.S., relating to redundant definitions; amending ss. 154.11, 394.741, 395.3038, 400.925, 400.9935, 408.05, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; revising references to the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, and the Council on Accreditation to conform to their current designations; amending s. 395.602, F.S.; revising the definition of the term "rural hospital" to delete an obsolete provision; amending s. 400.021, F.S.; revising the definition of the terms "geriatric outpatient clinic" and "resident care plan"; amending s. 400.0234, F.S.; conforming provisions to changes made by the act; amending s. 400.0255, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.063, F.S.; deleting an obsolete provision; amending ss. 400.071 and 400.0712, F.S.; revising applicability of general licensure requirements under part II of ch. 408, F.S., to applications for nursing home licensure; revising provisions governing inactive licenses; amending s. 400.111, F.S.; providing for disclosure of controlling interest of a nursing home facility upon request by the Agency for Health Care Administration; amending s. 400.1183, F.S.; revising grievance record maintenance and reporting requirements for nursing homes; amending s. 400.141, F.S.; providing criteria for the provision of respite services by nursing homes; requiring a written plan of care; requiring a contract for services; requiring resident release to caregivers to be designated in writing; providing an exemption to the application of discharge planning rules; providing for residents' rights; providing for use of personal medications; providing terms of respite stay; providing for communication of patient information; requiring a physician's order for care and proof of a physical examination; providing for services for respite patients and duties of facilities with respect to such patients; conforming a cross-reference; requiring facilities to maintain clinical records that meet specified standards; providing a fine relating to an admissions moratorium; deleting requirement for facilities to submit certain information related to management companies to the agency; deleting a requirement for facilities to notify the agency of certain bankruptcy filings to conform to changes made by the act; authorizing a facility to charge a fee to copy a resident's records; amending s. 400.142, F.S.; deleting language relating to agency adoption of rules; repealing s. 400.145, F.S., relating requirements for furnishing the records of residents in a licensed nursing home to certain specified parties; amending 400.147, F.S.; revising reporting requirements for licensed nursing home facilities relating to adverse incidents; repealing s. 400.148, F.S., relating to the Medicaid "Up-or-Out" Quality of Care Contract Management Program; amending s. 400.179, F.S.; deleting an obsolete provision; amending s. 400.19, F.S.; revising inspection requirements; amending s. 400.23, F.S.; deleting an obsolete provision; correcting a reference; deleting a requirement that the rules for minimum standards of care for persons under 21 years of age include a certain methodology; directing the agency to adopt rules for minimum staffing standards in nursing homes that serve persons under 21 years of age; providing minimum staffing standards; amending s. 400.275, F.S.; revising agency duties with regard to training nursing home surveyor teams; revising requirements for team members; amending s. 400.462, F.S.; redefining the term "remuneration" for purposes of the Home Health Services Act; amending s. 400.484, F.S.; revising the schedule of home health agency inspection violations; amending s. 400.506, F.S.; providing that a nurse registry is exempt from certain license penalties and fines otherwise imposed by the Agency for Health Care Administration on a nurse registry under certain circumstances; authorizing an administrator to manage up to five nurse registries under certain circumstances; requiring an administrator to designate, in writing, for each licensed entity, a qualified alternate administrator to serve during the administrator's absence; amending s. 400.509, F.S.; providing that organizations that provide companion services only to persons with developmental disabilities, under contract with the Agency for Persons with Disabilities, are exempt from registration with the Agency for Health Care Administration; reenacting ss. 400.464(5)(b) and 400.506(6)(a), F.S., relating to home health agencies and licensure of nurse registries, respectively, to incorporate the amendment made to s. 400.509, F.S., in references thereto; amending s. 400.606, F.S.; revising the content requirements of the plan accompanying an initial or change-of-ownership application for licensure of a hospice; revising requirements relating to certificates of need for certain hospice facilities; amending s. 400.607, F.S.; revising grounds for agency action against a hospice; amending s. 400.915, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.931, F.S.; requiring each applicant for initial licensure, change of ownership, or renewal to operate a licensed home medical equipment provider at a location outside the state to submit documentation of accreditation, or an application for accreditation, from an accrediting organization that is recognized by the Agency for Health Care Administration; requiring an applicant that has applied for accreditation to provide proof of accreditation within a specified time; deleting a requirement that an applicant for a home medical equipment provider license submit a surety bond to the agency; amending s. 400.932, F.S.; revising grounds for the imposition of administrative penalties for certain violations by an employee of a home medical equipment provider; amending s. 400.967, F.S.; revising the schedule of inspection violations for intermediate care facilities for the developmentally disabled; providing a penalty for certain violations; amending s. 400.9905, F.S.; revising the definitions of the terms "clinic" and "portable equipment provider"; providing that part X of ch. 400, F.S., the Health Care Clinic Act, does not apply to certain clinical facilities, an entity owned by a corporation with a specified amount of annual sales of health care services under certain circumstances, an entity owned or controlled by a publicly traded entity with a specified amount of annual revenues, or an entity that employs at least a certain number of health care practitioners and bills for medical services under a single corporate tax identification number; amending s. 400.991, F.S.; conforming terminology; revising application requirements relating to documentation of financial ability to operate a mobile clinic; amending s. 408.033, F.S.; providing that fees assessed on selected health care facilities and organizations may be collected prospectively at the time of licensure renewal and prorated for the licensing period; amending s. 408.034, F.S.; revising agency authority relating to licensing of intermediate care facilities for the developmentally disabled; amending s. 408.036, F.S.; deleting an exemption from certain certificate-of-need review requirements for a hospice or a hospice inpatient facility; deleting a requirement that the agency submit a report to the Legislature providing information concerning the number of requests it receives for an exemption from certificate-of-need review; amending s. 408.037, F.S.; revising requirements for the financial information to be included in an application for a certificate of need; amending s. 408.043, F.S.; revising requirements for certain freestanding inpatient hospice care facilities to obtain a certificate of need; amending s. 408.061, F.S.; revising health care facility data reporting requirements; amending s. 408.10, F.S.; removing agency authority to investigate certain consumer complaints; amending s. 408.802, F.S.; removing applicability of part II of ch. 408, F.S., relating to general licensure requirements, to private review agents; amending s. 408.804, F.S.; providing penalties for altering, defacing, or falsifying a license certificate issued by the agency or displaying such an altered, defaced, or falsified certificate; amending s. 408.806, F.S.; revising agency responsibilities for notification of licensees of impending expiration of a license; requiring payment of a late fee for a license application to be considered complete under certain circumstances; amending s. 408.8065, F.S.; revising the requirements for becoming licensed as a home health agency, home medical equipment provider, or health care clinic; amending s. 408.809, F.S.; revising provisions to include a schedule for background rescreenings of certain employees; amending s. 408.813, F.S.; authorizing the agency to impose fines for unclassified violations of part II of ch. 408, F.S.; amending s. 408.815, F.S.; authorizing the agency to extend a license expiration date under certain circumstances; amending s. 409.91196, F.S.; conforming a cross-reference; amending s. 409.912, F.S.; revising procedures for implementation of a Medicaid prescribed-drug spending-control program; amending s. 429.07, F.S.; deleting the requirement for an assisted living facility to obtain an additional license in order to provide limited nursing services; deleting the requirement for the agency to conduct quarterly monitoring visits of facilities that hold a license to provide extended congregate care services; deleting the requirement for the department to report annually on the status of and recommendations related to extended congregate care; deleting the requirement for the agency to conduct monitoring visits at least twice a year to facilities providing limited nursing services; increasing the ad-

ditional licensing fee per resident based on the total licensed resident capacity of the facility; eliminating the license fee for the limited nursing services license; transferring from another provision of law the requirement that a biennial survey of an assisted living facility include specific actions to determine whether the facility is adequately protecting residents' rights; providing that under specified conditions an assisted living facility that has a class I or class II violation is subject to periodic unannounced monitoring; requiring a registered nurse to participate in certain monitoring visits; amending s. 429.11, F.S.; revising licensure application requirements for assisted living facilities to eliminate provisional licenses; amending s. 429.12, F.S.; deleting a requirement that a transferor of an assisted living facility advise the transferee to submit a plan for correction of certain deficiencies to the Agency for Health Care Administration before ownership of the facility is transferred; amending s. 429.17, F.S.; deleting provisions relating to the limited nursing services license; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 429.195, F.S.; prohibiting an assisted living facility from contracting or promising to pay or receive any commission, bonus, kickback, or rebate or engage in any split-fee arrangement with any health care provider or health care facility; providing exceptions; amending s. 429.23, F.S.; deleting reporting requirements for assisted living facilities relating to liability claims; amending s. 429.255, F.S.; eliminating provisions authorizing the use of volunteers to provide certain health-care-related services in assisted living facilities; authorizing assisted living facilities to provide limited nursing services; requiring an assisted living facility to be responsible for certain recordkeeping and staff to be trained to monitor residents receiving certain health-care-related services; amending s. 429.28, F.S.; deleting a requirement for a biennial survey of an assisted living facility, to conform to changes made by the act; conforming a cross-reference; amending s. 429.294, F.S.; conforming provisions to changes made by the act; amending s. 429.41, F.S., relating to rulemaking; conforming provisions to changes made by the act; deleting the requirement for the Department of Elderly Affairs to submit to the Legislature a copy of proposed rules regarding the quality of resident care in an assisted living facility; amending s. 429.53, F.S.; revising provisions relating to consultation by the agency; revising a definition; amending s. 429.54, F.S.; requiring licensed assisted living facilities to electronically report certain data semiannually to the agency in accordance with rules adopted by the department; amending s. 429.71, F.S.; revising schedule of inspection violations for adult family-care homes; amending s. 429.915, F.S.; revising agency responsibilities regarding the issuance of conditional licenses; repealing s. 440.102(9)(d), F.S., relating to a laboratory's requirement to submit to the Agency for Health Care Administration a monthly report containing statistical information regarding the testing of employees and job applicants; amending s. 483.035, F.S.; providing for a clinical laboratory to be operated by certain nurses; amending s. 483.051, F.S.; requiring the Agency for Health Care Administration to provide for biennial licensure of all nonwaived laboratories that meet certain requirements; requiring the agency to prescribe qualifications for such licensure; defining nonwaived laboratories as laboratories that do not have a certificate of waiver from the Centers for Medicare and Medicaid Services; deleting requirements for the registration of an alternate site testing location when the clinical laboratory applies to renew its license; amending s. 483.294, F.S.; revising frequency of agency inspections of multiphasic health testing centers; amending s. 626.9541, F.S.; authorizing an insurer offering a group or individual health benefit plan to offer a wellness program; authorizing rewards or incentives; providing for verification of a member's inability to participate for medical reasons; providing that such rewards or incentives are not insurance benefits; amending s. 766.202, F.S.; adding persons licensed under part XIV of ch. 468, F.S., to the definition of "health care provider"; amending ss. 394.4787, 400.0239, 408.07, 430.80, and 651.118, F.S.; conforming terminology and references to changes made by the act; revising a reference; amending s. 817.505, F.S.; providing that it is not patient brokering for an assisted living facility to offer payment under certain circumstances; amending s. 381.06014, F.S.; redefining the term "blood establishment" and defining the term "volunteer donor"; prohibiting local governments from restricting access to public facilities or infrastructure for certain activities based on whether a blood establishment is operating as a for-profit organization or not-for-profit organization; prohibiting a blood establishment from considering whether certain customers are operating as for-profit organizations or not-for-profit organizations when determining service fees for selling blood or blood components; requiring that certain blood establishments disclose specified information on the Internet; authorizing the Department of Legal Affairs to assess a civil penalty against a blood establishment that fails to disclose specified information on the Internet; providing that the civil penalty accrues to the state and requiring that it be deposited as received into the General Revenue Fund; amending s. 499.003, F.S.; redefining the term "health care entity" to clarify that a blood establishment is a health care entity that may engage in certain activities; amending s. 499.005, F.S.; clarifying provisions that prohibit the unauthorized wholesale distribution of a prescription drug that was purchased by a hospital or other health care entity or donated or supplied at a reduced price to a charitable organization, to conform to changes made by the act; amending s. 499.01, F.S.; exempting certain blood establishments from the requirements to be permitted as a prescription drug manufacturer and register products; requiring that certain blood establishments obtain a restricted prescription drug distributor permit under specified conditions; limiting the prescription drugs that a blood establishment may distribute under a restricted prescription drug distributor permit; authorizing the Department of Health to adopt rules regarding the distribution of prescription drugs by blood establishments; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for SB 1736**, on motion by Senator Latvala, by two-thirds vote **CS for CS for HB 119** was withdrawn from the Committees on Health Regulation; and Budget.

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

CS for CS for HB 119—A bill to be entitled An act relating to health care; amending s. 83.42, F.S., establishing that s. 400.0255, F.S., provides exclusive procedures for resident transfer and discharge; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; deleting an obsolete provision; deleting a requirement that a laboratory that conducts drug tests submit certain reports to the Agency for Health Care Administration; amending s. 318.21, F.S.; revising distribution of funds from civil penalties imposed for traffic infractions by county courts; repealing s. 383.325, F.S., relating to confidentiality of inspection reports of licensed birth center facilities; amending s. 395.002, F.S.; revising and deleting definitions applicable to regulation of hospitals and other licensed facilities; conforming a cross-reference; amending s. 395.003, F.S.; deleting an obsolete provision; conforming a cross-reference; amending s. 395.0161, F.S.; deleting a provision requiring licensure inspection fees for hospitals, ambulatory surgical centers, and mobile surgical facilities to be paid at the time of the inspection; amending s. 395.0193, F.S.; requiring a licensed facility to report certain peer review information and final disciplinary actions to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.1023, F.S.; providing for the Department of Children and Family Services rather than the Department of Health to perform certain functions with respect to child protection cases; requiring certain hospitals to notify the Department of Children and Family Services of compliance; amending s. 395.1041, F.S., relating to hospital emergency services and care; deleting obsolete provisions; repealing s. 395.1046, F.S., relating to complaint investigation procedures; amending s. 395.1055, F.S.; requiring additional housekeeping and sanitation procedures in licensed facilities for infection control purposes; requiring licensed facility beds to conform to standards specified by the Agency for Health Care Administration, the Florida Building Code, and the Florida Fire Prevention Code; amending s. 395.10972, F.S.; revising a reference to the Florida Society of Healthcare Risk Management to conform to the current designation; amending s. 395.2050, F.S.; revising a reference to the federal Health Care Financing Administration to conform to the current designation; amending s. 395.3036, F.S.; correcting a reference; repealing s. 395.3037, F.S., relating to redundant definitions; amending ss. 154.11, 394.741, 395.3038, 400.925, 400.9935, 408.05, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; revising references to the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, and the Council on Accreditation to conform to their current designations; amending s. 395.4025, F.S.; authorizing the Department of Health to grant additional extensions for trauma center applicants under certain circumstances; amending s. 395.602, F.S.; revising the definition of the term "rural hospital" to delete an obsolete provision; amending s. 400.021, F.S.; revising the definition of the term "geriatric outpatient clinic" to include additional staff; revising the term "resident care plan"; removing a provision that requires certain signatures on the plan; amending s. 400.0255, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.063, F.S.; deleting an obsolete

provision; amending ss. 400.071 and 400.0712, F.S.; revising applicability of general licensure requirements under part II of ch. 408, F.S., the Health Care Licensing Procedures Act, to applications for nursing home licensure; revising provisions governing inactive licenses; amending s. 400.111, F.S.; providing for disclosure of controlling interest of a nursing home facility upon request by the Agency for Health Care Administration; amending s. 400.1183, F.S.; revising grievance record maintenance and reporting requirements for nursing homes; amending s. 400.141, F.S.; providing criteria for the provision of respite services by nursing homes; requiring a written plan of care; requiring a contract for services; requiring resident release to caregivers to be designated in writing; providing an exemption to the application of discharge planning rules; providing for residents' rights; providing for use of personal medications; providing terms of respite stay; providing for communication of patient information; requiring a physician's order for care and proof of a physical examination; providing for services for respite patients and duties of facilities with respect to such patients; conforming a cross-reference; requiring facilities to maintain clinical records that meet specified standards; providing a fine relating to an admissions moratorium; deleting requirement for facilities to submit certain information related to management companies to the agency; deleting a requirement for facilities to notify the agency of certain bankruptcy filings to conform to changes made by the act; providing a limit on fees charged by a facility for copies of patient records; amending s. 400.142, F.S.; deleting language relating to agency adoption of rules; repealing s. 400.145, F.S., relating to records of care and treatment of residents; repealing ss. 400.0234 and 429.294, F.S., relating to availability of facility records for investigation of resident's rights violations and defenses; amending 400.147, F.S.; removing a requirement for nursing homes and related health care facilities to notify the agency within a specified period of time after receipt of an adverse incident report; revising reporting requirements for licensed nursing home facilities relating to adverse incidents; repealing s. 400.148, F.S., relating to the Medicaid "Up-or-Out" Quality of Care Contract Management Program; amending s. 400.179, F.S.; deleting an obsolete provision; amending s. 400.19, F.S.; revising inspection requirements; amending s. 400.23, F.S.; deleting an obsolete provision; correcting a reference; directing the agency to adopt rules for minimum staffing standards in nursing homes that serve persons under 21 years of age; providing minimum staffing standards; amending s. 400.275, F.S.; revising agency duties with regard to training nursing home surveyor teams; revising requirements for team members; amending s. 400.462, F.S.; revising the definition of the term "remuneration" as it applies to home health agencies; amending s. 400.484, F.S.; revising the schedule of home health agency inspection violations; amending s. 400.506, F.S.; deleting language relating to exemptions from penalties imposed on nurse registries if a nurse registry does not bill the Florida Medicaid Program; providing criteria for an administrator to manage a nurse registry; amending s. 400.509, F.S.; revising the service providers exempt from licensure registration to include organizations that provide companion services only for persons with developmental disabilities; amending s. 400.606, F.S.; revising the content requirements of the plan accompanying an initial or change-of-ownership application for licensure of a hospice; revising requirements relating to certificates of need for certain hospice facilities; amending s. 400.607, F.S.; revising grounds for agency action against a hospice; amending s. 400.915, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.931, F.S.; deleting a requirement that an applicant for a home medical equipment provider license submit a surety bond to the agency; requiring applicants to submit documentation of accreditation within a specified period of time; amending s. 400.932, F.S.; revising grounds for the imposition of administrative penalties for certain violations by an employee of a home medical equipment provider; amending s. 400.967, F.S.; revising the schedule of inspection violations for intermediate care facilities for the developmentally disabled; providing a penalty for certain violations; amending s. 400.9905, F.S.; revising the definitions of the terms "clinic" and "portable equipment provider"; providing that part X of ch. 400, F.S., the Health Care Clinic Act, does not apply to certain clinical facilities, an entity owned by a corporation with a specified amount of annual sales of health care services under certain circumstances, an entity owned or controlled by a publicly traded entity with a specified amount of annual revenues, or an entity that employs a specified number of licensed health care practitioners under certain conditions; amending s. 400.991, F.S.; conforming terminology; revising application requirements relating to documentation of financial ability to operate a mobile clinic; amending s. 408.033, F.S.; permitting fees assessed on certain health care facilities to be collected prospectively at the time of licensure renewal and prorated for the licensure period; amending s. 408.034, F.S.; revising agency authority relating to licensing of intermediate care facilities for the developmentally disabled; amending s. 408.036, F.S.; deleting an exemption from certain certificate-of-need review requirements for a hospice or a hospice inpatient facility; deleting a requirement that the agency submit a report regarding requests for exemption; amending s. 408.037, F.S.; revising certificate-of-need requirements for general hospital applicants to evaluate the applicant's parent corporation if audited financial statements of the applicant do not exist; amending s. 408.043, F.S.; revising requirements for certain freestanding inpatient hospice care facilities to obtain a certificate of need; amending s. 408.061, F.S.; revising health care facility data reporting requirements; amending s. 408.10, F.S.; removing agency authority to investigate certain consumer complaints; amending s. 408.802, F.S.; removing applicability of part II of ch. 408, F.S., relating to general licensure requirements, to private review agents; amending s. 408.804, F.S.; providing penalties for altering, defacing, or falsifying a license certificate issued by the agency or displaying such an altered, defaced, or falsified certificate; amending s. 408.806, F.S.; revising agency responsibilities for notification of licensees of impending expiration of a license; requiring payment of a late fee for a license application to be considered complete under certain circumstances; amending s. 408.8065, F.S.; requiring home health agencies, home medical equipment providers, and health care clinics to submit projected financial statements; amending s. 408.809, F.S., relating to background screening of specified employees of health care providers; revising provisions for required rescreening; removing provisions authorizing the agency to adopt rules establishing a rescreening schedule; establishing a rescreening schedule; amending s. 408.810, F.S.; requiring disclosure of information by a controlling interest of certain court actions relating to financial instability within a specified time period; amending s. 408.813, F.S.; authorizing the agency to impose fines for unclassified violations of part II of ch. 408, F.S.; amending s. 408.815, F.S.; providing for certain mitigating circumstances to be considered for any application subject to denial; authorizing the agency to extend a license expiration date under certain circumstances; amending s. s. 409.212, F.S.; increasing the limit on the amount of additional supplementation provided by a third party under the optional state supplementation program; amending s. 409.91196, F.S.; revising components of a Medicaid prescribed-drug spending-control program; conforming a cross-reference; amending s. 409.912, F.S.; revising procedures for implementation of a Medicaid prescribed-drug spending-control program; amending s. 429.07, F.S.; deleting the requirement for an assisted living facility to obtain an additional license in order to provide limited nursing services; deleting the requirement for the agency to conduct quarterly monitoring visits of facilities that hold a license to provide extended congregate care services; deleting the requirement for the department to report annually on the status of and recommendations related to extended congregate care; deleting the requirement for the agency to conduct monitoring visits at least twice a year to facilities providing limited nursing services; eliminating the license fee for the limited nursing services license; transferring from another provision of law the requirement that the standard survey of an assisted living facility include specific actions to determine whether the facility is adequately protecting residents' rights; providing that under specified conditions an assisted living facility that has a class I or class II violation is subject to periodic unannounced monitoring; requiring a registered nurse to participate in certain monitoring visits; amending s. 429.11, F.S.; revising licensure application requirements for assisted living facilities to eliminate provisional licenses; amending s. 429.12, F.S.; deleting a requirement that a transferor of an assisted living facility advise the transferee to submit a plan for correction of certain deficiencies to the Agency for Health Care Administration before ownership of the facility is transferred; amending s. 429.14, F.S.; clarifying provisions relating to a facility's request for a hearing under certain circumstances; amending s. 429.17, F.S.; deleting provisions relating to the limited nursing services license; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 429.195, F.S.; revising the list of entities prohibited from providing rebates; providing exceptions to prohibited patient brokering for assisted living facilities; amending s. 429.23, F.S.; deleting reporting requirements for assisted living facilities relating to liability claims; amending s. 429.255, F.S.; eliminating provisions authorizing the use of volunteers to provide certain health-care-related services in assisted living facilities; authorizing assisted living facilities to provide limited nursing services; requiring an assisted living facility to be responsible for certain recordkeeping and staff to be trained to monitor residents receiving certain health-care-related services; amending s. 429.28, F.S.; deleting a requirement for a biennial survey of

an assisted living facility, to conform to changes made by the act; conforming a cross-reference; amending s. 429.41, F.S., relating to rulemaking; conforming provisions to changes made by the act; deleting the requirement for the Department of Elderly Affairs to submit a copy of proposed rules to the Legislature; amending s. 429.53, F.S.; revising provisions relating to consultation by the agency; revising a definition; amending s. 429.71, F.S.; revising schedule of inspection violations for adult family-care homes; amending s. 429.915, F.S.; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 440.102, F.S.; deleting the requirement for laboratories to submit a monthly report to the agency with statistical information regarding the testing of employees and job applicants; amending s. 456.053, F.S.; revising the definition of the term "group practice" as it relates to financial arrangements of referring health care providers and providers of health care services to include group practices that provide radiation therapy services under certain circumstances; amending s. 483.035, F.S.; requiring certain clinical laboratories operated by one or more practitioners licensed under part I of ch. 464, F.S., the Nurse Practice Act, to be licensed under part I of ch. 483, F.S., the Florida Clinical Laboratory Law; amending s. 483.051, F.S.; establishing qualifications necessary for clinical laboratory licensure; amending s. 483.294, F.S.; revising frequency of agency inspections of multiphasic health testing centers; amending s. 499.003, F.S.; removing the requirement for certain prescription drug purchasers to maintain a separate inventory of certain prescription drugs; amending s. 633.081, F.S.; limiting State Fire Marshal inspections of nursing homes to once a year; providing for additional inspections based on complaints and violations identified in the course of orientation or training activities; amending s. 766.202, F.S.; adding persons licensed under part XIV of ch. 468, F.S., relating to orthotics, prosthetics, and pedorthics, to the definition of "health care provider"; amending s. 817.505, F.S.; creating an exception to the patient brokering prohibition for assisted living facilities; amending ss. 394.4787, 400.0239, 408.07, 430.80, and 651.118, F.S.; conforming terminology and references to changes made by the act; revising a reference; establishing that assisted living facility licensure fees have been adjusted by Consumer Price Index since 1998 and are not intended to be reset by this act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1736** and by two-thirds vote read the second time by title.

Senator Latvala moved the following amendment:

Amendment 1 (258560) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 83.42, Florida Statutes, is amended to read:

83.42 Exclusions from application of part.—This part does not apply to:

(1) Residency or detention in a facility, whether public or private, when residence or detention is incidental to the provision of medical, geriatric, educational, counseling, religious, or similar servFices. *For residents of a facility licensed under part II of chapter 400, the provisions of s. 400.0255 are the exclusive procedures for all transfers and discharges.*

Section 2. Paragraphs (f) through (k) of subsection (10) of section 112.0455, Florida Statutes, are redesignated as paragraphs (e) through (j), respectively, paragraph (e) of subsection (12) is redesignated as paragraph (d), and present paragraph (e) of subsection (10), present paragraph (d) of subsection (12), and paragraph (e) of subsection (14) of that section are amended to read:

112.0455 Drug-Free Workplace Act.—

(10) EMPLOYER PROTECTION.—

~~(e) Nothing in this section shall be construed to operate retroactively, and nothing in this section shall abrogate the right of an employer under state law to conduct drug tests prior to January 1, 1990. A drug test conducted by an employer prior to January 1, 1990, is not subject to this section.~~

(12) DRUG-TESTING STANDARDS; LABORATORIES.—

~~(d) The laboratory shall submit to the Agency for Health Care Administration a monthly report with statistical information regarding the testing of employees and job applicants. The reports shall include information on the methods of analyses conducted, the drugs tested for, the number of positive and negative results for both initial and confirmation tests, and any other information deemed appropriate by the Agency for Health Care Administration. No monthly report shall identify specific employees or job applicants.~~

(14) DISCIPLINE REMEDIES.—

(e) Upon resolving an appeal filed pursuant to paragraph (c), and finding a violation of this section, the commission may order the following relief:

1. Rescind the disciplinary action, expunge related records from the personnel file of the employee or job applicant and reinstate the employee.

2. Order compliance with paragraph (10)*(f)*~~(g)~~.

3. Award back pay and benefits.

4. Award the prevailing employee or job applicant the necessary costs of the appeal, reasonable attorney's fees, and expert witness fees.

Section 3. Paragraph (n) of subsection (1) of section 154.11, Florida Statutes, is amended to read:

154.11 Powers of board of trustees.—

(1) The board of trustees of each public health trust shall be deemed to exercise a public and essential governmental function of both the state and the county and in furtherance thereof it shall, subject to limitation by the governing body of the county in which such board is located, have all of the powers necessary or convenient to carry out the operation and governance of designated health care facilities, including, but without limiting the generality of, the foregoing:

(n) To appoint originally the staff of physicians to practice in any designated facility owned or operated by the board and to approve the bylaws and rules to be adopted by the medical staff of any designated facility owned and operated by the board, such governing regulations to be in accordance with the standards of the Joint Commission ~~on the Accreditation of Hospitals~~ which provide, among other things, for the method of appointing additional staff members and for the removal of staff members.

Section 4. Subsection (15) of section 318.21, Florida Statutes, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(15) Of the additional fine assessed under s. 318.18(3)(e) for a violation of s. 316.1893, 50 percent of the moneys received from the fines *shall be remitted to the Department of Revenue and deposited into the Brain and Spinal Cord Injury Trust Fund of Department of Health and* shall be appropriated to the *Department of Health* ~~Agency for Health Care Administration~~ as general revenue to ~~provide an enhanced Medicaid payment to nursing homes that~~ serve Medicaid recipients with brain and spinal cord injuries *that are medically complex and who are technologically and respiratory dependent*. The remaining 50 percent of the moneys received from the enhanced fine imposed under s. 318.18(3)(e) shall be remitted to the Department of Revenue and deposited into the Department of Health Emergency Medical Services Trust Fund to provide financial support to certified trauma centers in the counties where enhanced penalty zones are established to ensure the availability and accessibility of trauma services. Funds deposited into the Emergency Medical Services Trust Fund under this subsection shall be allocated as follows:

(a) Fifty percent shall be allocated equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services.

(b) Fifty percent shall be allocated among Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as reported in the Department of Health Trauma Registry.

Section 5. *Section 383.325, Florida Statutes, is repealed.*

Section 6. Subsection (7) of section 394.4787, Florida Statutes, is amended to read:

394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788, and 394.4789.—As used in this section and ss. 394.4786, 394.4788, and 394.4789:

(7) "Specialty psychiatric hospital" means a hospital licensed by the agency pursuant to s. 395.002*(26)*~~(28)~~ and part II of chapter 408 as a specialty psychiatric hospital.

Section 7. Subsection (2) of section 394.741, Florida Statutes, is amended to read:

394.741 Accreditation requirements for providers of behavioral health care services.—

(2) Notwithstanding any provision of law to the contrary, accreditation shall be accepted by the agency and department in lieu of the agency's and department's facility licensure onsite review requirements and shall be accepted as a substitute for the department's administrative and program monitoring requirements, except as required by subsections (3) and (4), for:

(a) Any organization from which the department purchases behavioral health care services that is accredited by the Joint Commission ~~on Accreditation of Healthcare Organizations~~ or the Council on Accreditation ~~for Children and Family Services~~, or has those services that are being purchased by the department accredited by *the Commission on Accreditation of Rehabilitation Facilities* ~~CARF—the Rehabilitation Accreditation Commission~~.

(b) Any mental health facility licensed by the agency or any substance abuse component licensed by the department that is accredited by the Joint Commission ~~on Accreditation of Healthcare Organizations~~, *the Commission on Accreditation of Rehabilitation Facilities* ~~CARF—the Rehabilitation Accreditation Commission~~, or the Council on Accreditation ~~of Children and Family Services~~.

(c) Any network of providers from which the department or the agency purchases behavioral health care services accredited by the Joint Commission ~~on Accreditation of Healthcare Organizations~~, *the Commission on Accreditation of Rehabilitation Facilities* ~~CARF—the Rehabilitation Accreditation Commission~~, the Council on Accreditation ~~of Children and Family Services~~, or the National Committee for Quality Assurance. A provider organization, which is part of an accredited network, is afforded the same rights under this part.

Section 8. Present subsections (15) through (32) of section 395.002, Florida Statutes, are renumbered as subsections (14) through (28), respectively, and present subsections (1), (14), (24), (30), and (31) and paragraph (c) of present subsection (28) of that section are amended to read:

395.002 Definitions.—As used in this chapter:

(1) "Accrediting organizations" means *nationally recognized or approved accrediting organizations whose standards incorporate comparable licensure requirements as determined by the agency* ~~the Joint Commission on Accreditation of Healthcare Organizations, the American Osteopathic Association, the Commission on Accreditation of Rehabilitation Facilities, and the Accreditation Association for Ambulatory Health Care, Inc~~.

~~(14) "Initial denial determination" means a determination by a private review agent that the health care services furnished or proposed to be furnished to a patient are inappropriate, not medically necessary, or not reasonable.~~

~~(24) "Private review agent" means any person or entity which performs utilization review services for third-party payors on a contractual basis for outpatient or inpatient services. However, the term shall not include full-time employees, personnel, or staff of health insurers, health maintenance organizations, or hospitals, or wholly owned subsidiaries thereof or affiliates under common ownership, when performing utilization review for their respective hospitals, health maintenance organizations, or insureds of the same insurance group. For this purpose, health insurers, health maintenance organizations, and hospitals, or wholly owned subsidiaries thereof or affiliates under common ownership, include such entities engaged as administrators of self-insurance as defined in s. 624.031.~~

(26)~~(28)~~ "Specialty hospital" means any facility which meets the provisions of subsection (12), and which regularly makes available either:

(c) Intensive residential treatment programs for children and adolescents as defined in subsection *(14)* ~~(15)~~.

~~(30) "Utilization review" means a system for reviewing the medical necessity or appropriateness in the allocation of health care resources of hospital services given or proposed to be given to a patient or group of patients.~~

~~(31) "Utilization review plan" means a description of the policies and procedures governing utilization review activities performed by a private review agent.~~

Section 9. Paragraph (c) of subsection (1) and paragraph (b) of subsection (2) of section 395.003, Florida Statutes, are amended to read:

395.003 Licensure; denial, suspension, and revocation.—

(1)

~~(c) Until July 1, 2006, additional emergency departments located off the premises of licensed hospitals may not be authorized by the agency.~~

(2)

(b) The agency shall, at the request of a licensee that is a teaching hospital as defined in s. 408.07(45), issue a single license to a licensee for facilities that have been previously licensed as separate premises, provided such separately licensed facilities, taken together, constitute the same premises as defined in s. 395.002*(22)*~~(23)~~. Such license for the single premises shall include all of the beds, services, and programs that were previously included on the licenses for the separate premises. The granting of a single license under this paragraph shall not in any manner reduce the number of beds, services, or programs operated by the licensee.

Section 10. Subsection (3) of section 395.0161, Florida Statutes, is amended to read:

395.0161 Licensure inspection.—

(3) In accordance with s. 408.805, an applicant or licensee shall pay a fee for each license application submitted under this part, part II of chapter 408, and applicable rules. With the exception of state-operated licensed facilities, each facility licensed under this part shall pay to the agency~~, at the time of inspection,~~ the following fees:

(a) *Inspection for licensure.*—A fee shall be paid which is not less than $8 per hospital bed, nor more than $12 per hospital bed, except that the minimum fee shall be $400 per facility.

(b) *Inspection for lifesafety only.*—A fee shall be paid which is not less than 75 cents per hospital bed, nor more than $1.50 per hospital bed, except that the minimum fee shall be $40 per facility.

Section 11. Paragraph (e) of subsection (2) and subsection (4) of section 395.0193, Florida Statutes, are amended to read:

395.0193 Licensed facilities; peer review; disciplinary powers; agency or partnership with physicians.—

(2) Each licensed facility, as a condition of licensure, shall provide for peer review of physicians who deliver health care services at the facility. Each licensed facility shall develop written, binding procedures by which such peer review shall be conducted. Such procedures shall include:

(e) Recording of agendas and minutes which do not contain confidential material, for review by the Division of *Medical Quality Assurance of the department* ~~Health Quality Assurance of the agency~~.

(4) Pursuant to ss. 458.337 and 459.016, any disciplinary actions taken under subsection (3) shall be reported in writing to the Division of *Medical Quality Assurance of the department* ~~Health Quality Assurance of the agency~~ within 30 working days after its initial occurrence, regardless of the pendency of appeals to the governing board of the hospital. The notification shall identify the disciplined practitioner, the action taken, and the reason for such action. All final disciplinary actions taken under subsection (3), if different from those which were reported to the *department* ~~agency~~ within 30 days after the initial occurrence, shall be reported within 10 working days to the Division of *Medical Quality Assurance of the department* ~~Health Quality Assurance of the agency~~ in writing and shall specify the disciplinary action taken and the specific grounds therefor. The division shall review each report and determine whether it potentially involved conduct by the licensee that is subject to disciplinary action, in which case s. 456.073 shall apply. The reports are not subject to inspection under s. 119.07(1) even if the division's investigation results in a finding of probable cause.

Section 12. Section 395.1023, Florida Statutes, is amended to read:

395.1023 Child abuse and neglect cases; duties.—Each licensed facility shall adopt a protocol that, at a minimum, requires the facility to:

(1) Incorporate a facility policy that every staff member has an affirmative duty to report, pursuant to chapter 39, any actual or suspected case of child abuse, abandonment, or neglect; and

(2) In any case involving suspected child abuse, abandonment, or neglect, designate, at the request of the Department *of Children and Family Services*, a staff physician to act as a liaison between the hospital and the Department of Children and Family Services office which is investigating the suspected abuse, abandonment, or neglect, and the child protection team, as defined in s. 39.01, when the case is referred to such a team.

Each general hospital and appropriate specialty hospital shall comply with the provisions of this section and shall notify the agency and the Department *of Children and Family Services* of its compliance by sending a copy of its policy to the agency and the Department *of Children and Family Services* as required by rule. The failure by a general hospital or appropriate specialty hospital to comply shall be punished by a fine not exceeding $1,000, to be fixed, imposed, and collected by the agency. Each day in violation is considered a separate offense.

Section 13. Subsection (2) and paragraph (d) of subsection (3) of section 395.1041, Florida Statutes, are amended to read:

395.1041 Access to emergency services and care.—

(2) INVENTORY OF HOSPITAL EMERGENCY SERVICES.—The agency shall establish and maintain an inventory of hospitals with emergency services. The inventory shall list all services within the service capability of the hospital, and such services shall appear on the face of the hospital license. Each hospital having emergency services shall notify the agency of its service capability in the manner and form prescribed by the agency. The agency shall use the inventory to assist emergency medical services providers and others in locating appropriate emergency medical care. The inventory shall also be made available to the general public. ~~On or before August 1, 1992, the agency shall request that each hospital identify the services which are within its service capability. On or before November 1, 1992, the agency shall notify each hospital of the service capability to be included in the inventory. The hospital has 15 days from the date of receipt to respond to the notice. By December 1, 1992, the agency shall publish a final inventory.~~ Each hospital shall reaffirm its service capability when its license is renewed and shall notify the agency of the addition of a new service or the termination of a service prior to a change in its service capability.

(3) EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF FACILITY OR HEALTH CARE PERSONNEL.—

(d)1. Every hospital shall ensure the provision of services within the service capability of the hospital, at all times, either directly or indirectly through an arrangement with another hospital, through an arrangement with one or more physicians, or as otherwise made through prior arrangements. A hospital may enter into an agreement with another hospital for purposes of meeting its service capability requirement, and appropriate compensation or other reasonable conditions may be negotiated for these backup services.

2. If any arrangement requires the provision of emergency medical transportation, such arrangement must be made in consultation with the applicable provider and may not require the emergency medical service provider to provide transportation that is outside the routine service area of that provider or in a manner that impairs the ability of the emergency medical service provider to timely respond to prehospital emergency calls.

3. A hospital shall not be required to ensure service capability at all times as required in subparagraph 1. if, prior to the receiving of any patient needing such service capability, such hospital has demonstrated to the agency that it lacks the ability to ensure such capability and it has exhausted all reasonable efforts to ensure such capability through backup arrangements. In reviewing a hospital's demonstration of lack of ability to ensure service capability, the agency shall consider factors relevant to the particular case, including the following:

a. Number and proximity of hospitals with the same service capability.

b. Number, type, credentials, and privileges of specialists.

c. Frequency of procedures.

d. Size of hospital.

4. The agency shall publish ~~proposed~~ rules implementing a reasonable exemption procedure ~~by November 1, 1992~~. ~~Subparagraph 1. shall become effective upon the effective date of said rules or January 31, 1993, whichever is earlier. For a period not to exceed 1 year from the effective date of subparagraph 1., a hospital requesting an exemption shall be deemed to be exempt from offering the service until the agency initially acts to deny or grant the original request.~~ The agency has 45 days *after* ~~from~~ the date of receipt of the request to approve or deny the request. ~~After the first year from the effective date of subparagraph 1.,~~ If the agency fails to initially act within *that* ~~the~~ time period, the hospital is deemed to be exempt from offering the service until the agency initially acts to deny the request.

Section 14. *Section 395.1046, Florida Statutes, is repealed.*

Section 15. Paragraphs (b) and (e) of subsection (1) of section 395.1055, Florida Statutes, are amended to read:

395.1055 Rules and enforcement.—

(1) The agency shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part, which shall include reasonable and fair minimum standards for ensuring that:

(b) Infection control, housekeeping, sanitary conditions, and medical record procedures that will adequately protect patient care and safety are established and implemented. *These procedures shall require housekeeping and sanitation staff to wear masks and gloves when cleaning patient rooms and disinfecting environmental surfaces in patient rooms in accordance with the time instructions on the label of the disinfectant used by the hospital. The agency may impose an administrative fine for each day that a violation of this paragraph occurs.*

(e) Licensed facility beds conform to minimum space, equipment, and furnishings standards as specified by the *agency, the Florida Building Code, and the Florida Fire Prevention Code* ~~department~~.

Section 16. Subsection (1) of section 395.10972, Florida Statutes, is amended to read:

395.10972 Health Care Risk Manager Advisory Council.—The Secretary of Health Care Administration may appoint a seven-member advisory council to advise the agency on matters pertaining to health care risk managers. The members of the council shall serve at the pleasure of the secretary. The council shall designate a chair. The council shall meet at the call of the secretary or at those times as may be required by rule of the agency. The members of the advisory council shall

receive no compensation for their services, but shall be reimbursed for travel expenses as provided in s. 112.061. The council shall consist of individuals representing the following areas:

(1) Two shall be active health care risk managers, including one risk manager who is recommended by and a member of the Florida Society *for* ~~of~~ Healthcare Risk Management *and Patient Safety*.

Section 17. Subsection (3) of section 395.2050, Florida Statutes, is amended to read:

395.2050 Routine inquiry for organ and tissue donation; certification for procurement activities; death records review.—

(3) Each organ procurement organization designated by the federal *Centers for Medicare and Medicaid Services* ~~Health Care Financing Administration~~ and licensed by the state shall conduct an annual death records review in the organ procurement organization's affiliated donor hospitals. The organ procurement organization shall enlist the services of every Florida licensed tissue bank and eye bank affiliated with or providing service to the donor hospital and operating in the same service area to participate in the death records review.

Section 18. Subsection (2) of section 395.3036, Florida Statutes, is amended to read:

395.3036 Confidentiality of records and meetings of corporations that lease public hospitals or other public health care facilities.—The records of a private corporation that leases a public hospital or other public health care facility are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and the meetings of the governing board of a private corporation are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution when the public lessor complies with the public finance accountability provisions of s. 155.40(5) with respect to the transfer of any public funds to the private lessee and when the private lessee meets at least three of the five following criteria:

(2) The public lessor and the private lessee do not commingle any of their funds in any account maintained by either of them, other than the payment of the rent and administrative fees or the transfer of funds pursuant to *s. 155.40* ~~subsection (2)~~.

Section 19. *Section 395.3037, Florida Statutes, is repealed.*

Section 20. Subsections (1), (4), and (5) of section 395.3038, Florida Statutes, are amended to read:

395.3038 State-listed primary stroke centers and comprehensive stroke centers; notification of hospitals.—

(1) The agency shall make available on its website and to the department a list of the name and address of each hospital that meets the criteria for a primary stroke center and the name and address of each hospital that meets the criteria for a comprehensive stroke center. The list of primary and comprehensive stroke centers shall include only those hospitals that attest in an affidavit submitted to the agency that the hospital meets the named criteria, or those hospitals that attest in an affidavit submitted to the agency that the hospital is certified as a primary or a comprehensive stroke center by the Joint Commission ~~on Accreditation of Healthcare Organizations~~.

(4) The agency shall adopt by rule criteria for a primary stroke center which are substantially similar to the certification standards for primary stroke centers of the Joint Commission ~~on Accreditation of Healthcare Organizations~~.

(5) The agency shall adopt by rule criteria for a comprehensive stroke center. However, if the Joint Commission ~~on Accreditation of Healthcare Organizations~~ establishes criteria for a comprehensive stroke center, the agency shall establish criteria for a comprehensive stroke center which are substantially similar to those criteria established by the Joint Commission ~~on Accreditation of Healthcare Organizations~~.

Section 21. Paragraph (d) of subsection (2) of section 395.4025, Florida Statutes, is amended to read:

395.4025 Trauma centers; selection; quality assurance; records.—

(2)

(d)1. Notwithstanding other provisions in this section, the department may grant up to an additional 18 months to a hospital applicant that is unable to meet all requirements as provided in paragraph (c) at the time of application if the number of applicants in the service area in which the applicant is located is equal to or less than the service area allocation, as provided by rule of the department. An applicant that is granted additional time pursuant to this paragraph shall submit a plan for departmental approval which includes timelines and activities that the applicant proposes to complete in order to meet application requirements. Any applicant that demonstrates an ongoing effort to complete the activities within the timelines outlined in the plan shall be included in the number of trauma centers at such time that the department has conducted a provisional review of the application and has determined that the application is complete and that the hospital has the critical elements required for a trauma center. *An applicant that has received an additional 18 months pursuant to this paragraph shall be granted up to two additional 6-month extensions to meet all requirements as provided in paragraph (c), if construction related to a critical element is delayed as a result of governmental action or inaction with respect to regulations or permitting, and the applicant has made a good faith effort to comply with the applicable regulations or obtain the required permits.*

2. Timeframes provided in subsections (1)-(8) shall be stayed until the department determines that the application is complete and that the hospital has the critical elements required for a trauma center.

Section 22. Paragraph (e) of subsection (2) of section 395.602, Florida Statutes, is amended to read:

395.602 Rural hospitals.—

(2) DEFINITIONS.—As used in this part:

(e) "Rural hospital" means an acute care hospital licensed under this chapter, having 100 or fewer licensed beds and an emergency room, which is:

1. The sole provider within a county with a population density of no greater than 100 persons per square mile;

2. An acute care hospital, in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from any other acute care hospital within the same county;

3. A hospital supported by a tax district or subdistrict whose boundaries encompass a population of 100 persons or fewer per square mile;

~~4. A hospital in a constitutional charter county with a population of over 1 million persons that has imposed a local option health service tax pursuant to law and in an area that was directly impacted by a catastrophic event on August 24, 1992, for which the Governor of Florida declared a state of emergency pursuant to chapter 125, and has 120 beds or less that serves an agricultural community with an emergency room utilization of no less than 20,000 visits and a Medicaid inpatient utilization rate greater than 15 percent;~~

4.~~5.~~ A hospital with a service area that has a population of 100 persons or fewer per square mile. As used in this subparagraph, the term "service area" means the fewest number of zip codes that account for 75 percent of the hospital's discharges for the most recent 5-year period, based on information available from the hospital inpatient discharge database in the Florida Center for Health Information and Policy Analysis at the Agency for Health Care Administration; or

5.~~6.~~ A hospital designated as a critical access hospital, as defined in s. 408.07(15).

Population densities used in this paragraph must be based upon the most recently completed United States census. A hospital that received funds under s. 409.9116 for a quarter beginning no later than July 1, 2002, is deemed to have been and shall continue to be a rural hospital from that date through June 30, 2015, if the hospital continues to have 100 or fewer licensed beds and an emergency room~~, or meets the criteria of subparagraph 4~~. An acute care hospital that has not previously been designated as a rural hospital and that meets the criteria of this para-

graph shall be granted such designation upon application, including supporting documentation to the Agency for Health Care Administration.

Section 23. Subsections (8) and (16) of section 400.021, Florida Statutes, are amended to read:

400.021 Definitions.—When used in this part, unless the context otherwise requires, the term:

(8) "Geriatric outpatient clinic" means a site for providing outpatient health care to persons 60 years of age or older, which is staffed by a registered nurse or a physician assistant*, or a licensed practical nurse under the direct supervision of a registered nurse, advanced registered nurse practitioner, physician assistant, or physician*.

(16) "Resident care plan" means a written plan developed, maintained, and reviewed not less than quarterly by a registered nurse, with participation from other facility staff and the resident or his or her designee or legal representative, which includes a comprehensive assessment of the needs of an individual resident; the type and frequency of services required to provide the necessary care for the resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being; a listing of services provided within or outside the facility to meet those needs; and an explanation of service goals. ~~The resident care plan must be signed by the director of nursing or another registered nurse employed by the facility to whom institutional responsibilities have been delegated and by the resident, the resident's designee, or the resident's legal representative. The facility may not use an agency or temporary registered nurse to satisfy the foregoing requirement and must document the institutional responsibilities that have been delegated to the registered nurse.~~

Section 24. Paragraph (g) of subsection (2) of section 400.0239, Florida Statutes, is amended to read:

400.0239 Quality of Long-Term Care Facility Improvement Trust Fund.—

(2) Expenditures from the trust fund shall be allowable for direct support of the following:

(g) Other initiatives authorized by the Centers for Medicare and Medicaid Services for the use of federal civil monetary penalties~~, including projects recommended through the Medicaid "Up or Out" Quality of Care Contract Management Program pursuant to s. 400.148~~.

Section 25. Subsection (15) of section 400.0255, Florida Statutes, is amended to read:

400.0255 Resident transfer or discharge; requirements and procedures; hearings.—

(15)(a) The department's Office of Appeals Hearings shall conduct hearings under this section. The office shall notify the facility of a resident's request for a hearing.

(b) The department shall, by rule, establish procedures to be used for fair hearings requested by residents. These procedures shall be equivalent to the procedures used for fair hearings for other Medicaid cases *appearing in s. 409.285 and applicable rules*~~, chapter 10-2, part VI, Florida Administrative Code~~. The burden of proof must be clear and convincing evidence. A hearing decision must be rendered within 90 days after receipt of the request for hearing.

(c) If the hearing decision is favorable to the resident who has been transferred or discharged, the resident must be readmitted to the facility's first available bed.

(d) The decision of the hearing officer shall be final. Any aggrieved party may appeal the decision to the district court of appeal in the appellate district where the facility is located. Review procedures shall be conducted in accordance with the Florida Rules of Appellate Procedure.

Section 26. Subsection (2) of section 400.063, Florida Statutes, is amended to read:

400.063 Resident protection.—

(2) The agency is authorized to establish for each facility, subject to intervention by the agency, a separate bank account for the deposit to the credit of the agency of any moneys received from the Health Care Trust Fund or any other moneys received for the maintenance and care of residents in the facility, and the agency is authorized to disburse moneys from such account to pay obligations incurred for the purposes of this section. The agency is authorized to requisition moneys from the Health Care Trust Fund in advance of an actual need for cash on the basis of an estimate by the agency of moneys to be spent under the authority of this section. Any bank account established under this section need not be approved in advance of its creation as required by s. 17.58, but shall be secured by depository insurance equal to or greater than the balance of such account or by the pledge of collateral security ~~in conformance with criteria established in s. 18.11~~. The agency shall notify the Chief Financial Officer of any such account so established and shall make a quarterly accounting to the Chief Financial Officer for all moneys deposited in such account.

Section 27. Subsections (1) and (5) of section 400.071, Florida Statutes, are amended to read:

400.071 Application for license.—

(1) In addition to the requirements of part II of chapter 408, the application for a license shall be under oath and must contain the following:

(a) The location of the facility for which a license is sought and an indication, as in the original application, that such location conforms to the local zoning ordinances.

~~(b) A signed affidavit disclosing any financial or ownership interest that a controlling interest as defined in part II of chapter 408 has held in the last 5 years in any entity licensed by this state or any other state to provide health or residential care which has closed voluntarily or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason any such entity was closed, whether voluntarily or involuntarily.~~

~~(c) The total number of beds and the total number of Medicare and Medicaid certified beds.~~

(b)~~(d)~~ Information relating to the applicant and employees which the agency requires by rule. The applicant must demonstrate that sufficient numbers of qualified staff, by training or experience, will be employed to properly care for the type and number of residents who will reside in the facility.

~~(e) Copies of any civil verdict or judgment involving the applicant rendered within the 10 years preceding the application, relating to medical negligence, violation of residents' rights, or wrongful death. As a condition of licensure, the licensee agrees to provide to the agency copies of any new verdict or judgment involving the applicant, relating to such matters, within 30 days after filing with the clerk of the court. The information required in this paragraph shall be maintained in the facility's licensure file and in an agency database which is available as a public record.~~

(5) As a condition of licensure, each facility must establish ~~and submit with its application~~ a plan for quality assurance and for conducting risk management.

Section 28. Section 400.0712, Florida Statutes, is amended to read:

400.0712 Application for inactive license.—

~~(1) As specified in this section, the agency may issue an inactive license to a nursing home facility for all or a portion of its beds. Any request by a licensee that a nursing home or portion of a nursing home become inactive must be submitted to the agency in the approved format. The facility may not initiate any suspension of services, notify residents, or initiate inactivity before receiving approval from the agency; and a licensee that violates this provision may not be issued an inactive license.~~

(1)~~(2)~~ *In addition to the powers granted under part II of chapter 408,* the agency may issue an inactive license *for a portion of the total beds* to

a nursing home that chooses to use an unoccupied contiguous portion of the facility for an alternative use to meet the needs of elderly persons through the use of less restrictive, less institutional services.

(a) An inactive license issued under this subsection may be granted for a period not to exceed the current licensure expiration date but may be renewed by the agency at the time of licensure renewal.

(b) A request to extend the inactive license must be submitted to the agency in the approved format and approved by the agency in writing.

(c) Nursing homes that receive an inactive license to provide alternative services shall not receive preference for participation in the Assisted Living for the Elderly Medicaid waiver.

(2)~~(3)~~ The agency shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to implement this section.

Section 29. Section 400.111, Florida Statutes, is amended to read:

400.111 Disclosure of controlling interest.—In addition to the requirements of part II of chapter 408, *when requested by the agency,* the licensee shall submit a signed affidavit disclosing any financial or ownership interest that a controlling interest has held within the last 5 years in any entity licensed by the state or any other state to provide health or residential care which entity has closed voluntarily or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason such entity was closed, whether voluntarily or involuntarily.

Section 30. Subsection (2) of section 400.1183, Florida Statutes, is amended to read:

400.1183 Resident grievance procedures.—

(2) Each facility shall maintain records of all grievances and shall *retain a log for agency inspection of* ~~report to the agency at the time of relicensure~~ the total number of grievances handled ~~during the prior licensure period~~, a categorization of the cases underlying the grievances, and the final disposition of the grievances.

Section 31. Section 400.141, Florida Statutes, is amended to read:

400.141 Administration and management of nursing home facilities.—

(1) Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(a) Be under the administrative direction and charge of a licensed administrator.

(b) Appoint a medical director licensed pursuant to chapter 458 or chapter 459. The agency may establish by rule more specific criteria for the appointment of a medical director.

(c) Have available the regular, consultative, and emergency services of physicians licensed by the state.

(d) Provide for resident use of a community pharmacy as specified in s. 400.022(1)(q). Any other law to the contrary notwithstanding, a registered pharmacist licensed in Florida, that is under contract with a facility licensed under this chapter or chapter 429, shall repackage a nursing facility resident's bulk prescription medication which has been packaged by another pharmacist licensed in any state in the United States into a unit dose system compatible with the system used by the nursing facility, if the pharmacist is requested to offer such service. In order to be eligible for the repackaging, a resident or the resident's spouse must receive prescription medication benefits provided through a former employer as part of his or her retirement benefits, a qualified pension plan as specified in s. 4972 of the Internal Revenue Code, a federal retirement program as specified under 5 C.F.R. s. 831, or a long-term care policy as defined in s. 627.9404(1). A pharmacist who correctly repackages and relabels the medication and the nursing facility which correctly administers such repackaged medication under this paragraph may not be held liable in any civil or administrative action arising from the repackaging. In order to be eligible for the repackaging, a nursing facility resident for whom the medication is to be repackaged shall sign an informed consent form provided by the facility which includes an explanation of the repackaging process and which notifies the resident of the immunities from liability provided in this paragraph. A pharmacist who repackages and relabels prescription medications, as authorized under this paragraph, may charge a reasonable fee for costs resulting from the implementation of this provision.

(e) Provide for the access of the facility residents to dental and other health-related services, recreational services, rehabilitative services, and social work services appropriate to their needs and conditions and not directly furnished by the licensee. When a geriatric outpatient nurse clinic is conducted in accordance with rules adopted by the agency, outpatients attending such clinic shall not be counted as part of the general resident population of the nursing home facility, nor shall the nursing staff of the geriatric outpatient clinic be counted as part of the nursing staff of the facility, until the outpatient clinic load exceeds 15 a day.

(f) Be allowed and encouraged by the agency to provide other needed services under certain conditions. If the facility has a standard licensure status, ~~and has had no class I or class II deficiencies during the past 2 years or has been awarded a Gold Seal under the program established in s. 400.235,~~ it may ~~be encouraged by the agency to~~ provide services, including, but not limited to, respite and adult day services, which enable individuals to move in and out of the facility. A facility is not subject to any additional licensure requirements for providing these services*, under the following conditions:*~~.~~

1. Respite care may be offered to persons in need of short-term or temporary nursing home services. *For each person admitted under the respite care program, the facility licensee must:*

a. Have a written abbreviated plan of care that, at a minimum, includes nutritional requirements, medication orders, physician orders, nursing assessments, and dietary preferences. The nursing or physician assessments may take the place of all other assessments required for full-time residents.

b. Have a contract that, at a minimum, specifies the services to be provided to the respite resident, including charges for services, activities, equipment, emergency medical services, and the administration of medications. If multiple respite admissions for a single person are anticipated, the original contract is valid for 1 year after the date of execution.

c. Ensure that each resident is released to his or her caregiver or an individual designated in writing by the caregiver.

2. A person admitted under the respite care program is:

a. Exempt from requirements in rule related to discharge planning.

b. Covered by the residents' rights set forth in s. 400.022(1)(a)-(o) and (r)-(t). Funds or property of the resident shall not be considered trust funds subject to the requirements of s. 400.022(1)(h) until the resident has been in the facility for more than 14 consecutive days.

c. Allowed to use his or her personal medications for the respite stay if permitted by facility policy. The facility must obtain a physician's order for the medications. The caregiver may provide information regarding the medications as part of the nursing assessment and that information must agree with the physician's order. Medications shall be released with the resident upon discharge in accordance with current physician's orders.

3. A person receiving respite care is entitled to reside in the facility for a total of 60 days within a contract year or within a calendar year if the contract is for less than 12 months. However, each single stay may not exceed 14 days. If a stay exceeds 14 consecutive days, the facility must comply with all assessment and care planning requirements applicable to nursing home residents.

4. A person receiving respite care must reside in a licensed nursing home bed.

5. A prospective respite resident must provide medical information from a physician, physician assistant, or nurse practitioner and other information from the primary caregiver as may be required by the facility before or at the time of admission to receive respite care. The medical information must include a physician's order for respite care and proof of a physical examination by a licensed physician, physician assistant, or

nurse practitioner. The physician's order and physical examination may be used to provide intermittent respite care for up to 12 months after the date the order is written.

6. The facility must assume the duties of the primary caregiver. To ensure continuity of care and services, the resident is entitled to retain his or her personal physician and must have access to medically necessary services such as physical therapy, occupational therapy, or speech therapy, as needed. The facility must arrange for transportation to these services if necessary. ~~Respite care must be provided in accordance with this part and rules adopted by the agency. However, the agency shall, by rule, adopt modified requirements for resident assessment, resident care plans, resident contracts, physician orders, and other provisions, as appropriate, for short-term or temporary nursing home services.~~

7. The agency shall allow for shared programming and staff in a facility which meets minimum standards and offers services pursuant to this paragraph, but, if the facility is cited for deficiencies in patient care, may require additional staff and programs appropriate to the needs of service recipients. A person who receives respite care may not be counted as a resident of the facility for purposes of the facility's licensed capacity unless that person receives 24-hour respite care. A person receiving either respite care for 24 hours or longer or adult day services must be included when calculating minimum staffing for the facility. Any costs and revenues generated by a nursing home facility from nonresidential programs or services shall be excluded from the calculations of Medicaid per diems for nursing home institutional care reimbursement.

(g) If the facility has a standard license ~~or is a Gold Seal facility~~, exceeds the minimum required hours of licensed nursing and certified nursing assistant direct care per resident per day, and is part of a continuing care facility licensed under chapter 651 or a retirement community that offers other services pursuant to part III of this chapter or part I or part III of chapter 429 on a single campus, be allowed to share programming and staff. At the time of inspection ~~and in the semiannual report required pursuant to paragraph (o)~~, a continuing care facility or retirement community that uses this option must demonstrate through staffing records that minimum staffing requirements for the facility were met. Licensed nurses and certified nursing assistants who work in the nursing home facility may be used to provide services elsewhere on campus if the facility exceeds the minimum number of direct care hours required per resident per day and the total number of residents receiving direct care services from a licensed nurse or a certified nursing assistant does not cause the facility to violate the staffing ratios required under s. 400.23(3)(a). Compliance with the minimum staffing ratios shall be based on total number of residents receiving direct care services, regardless of where they reside on campus. If the facility receives a conditional license, it may not share staff until the conditional license status ends. This paragraph does not restrict the agency's authority under federal or state law to require additional staff if a facility is cited for deficiencies in care which are caused by an insufficient number of certified nursing assistants or licensed nurses. The agency may adopt rules for the documentation necessary to determine compliance with this provision.

(h) Maintain the facility premises and equipment and conduct its operations in a safe and sanitary manner.

(i) If the licensee furnishes food service, provide a wholesome and nourishing diet sufficient to meet generally accepted standards of proper nutrition for its residents and provide such therapeutic diets as may be prescribed by attending physicians. In making rules to implement this paragraph, the agency shall be guided by standards recommended by nationally recognized professional groups and associations with knowledge of dietetics.

(j) Keep full records of resident admissions and discharges; medical and general health status, including medical records, personal and social history, and identity and address of next of kin or other persons who may have responsibility for the affairs of the residents; and individual resident care plans including, but not limited to, prescribed services, service frequency and duration, and service goals. The records shall be open to inspection by the agency. *The facility must maintain clinical records on each resident in accordance with accepted professional standards and practices that are complete, accurately documented, readily accessible, and systematically organized.*

(k) Keep such fiscal records of its operations and conditions as may be necessary to provide information pursuant to this part.

(l) Furnish copies of personnel records for employees affiliated with such facility, to any other facility licensed by this state requesting this information pursuant to this part. Such information contained in the records may include, but is not limited to, disciplinary matters and any reason for termination. Any facility releasing such records pursuant to this part shall be considered to be acting in good faith and may not be held liable for information contained in such records, absent a showing that the facility maliciously falsified such records.

(m) Publicly display a poster provided by the agency containing the names, addresses, and telephone numbers for the state's abuse hotline, the State Long-Term Care Ombudsman, the Agency for Health Care Administration consumer hotline, the Advocacy Center for Persons with Disabilities, the Florida Statewide Advocacy Council, and the Medicaid Fraud Control Unit, with a clear description of the assistance to be expected from each.

~~(n) Submit to the agency the information specified in s. 400.071(1)(b) for a management company within 30 days after the effective date of the management agreement.~~

(n)~~(o)~~1. ~~Submit semiannually to the agency, or more frequently if requested by the agency, information regarding facility staff-to-resident ratios, staff turnover, and staff stability, including information regarding certified nursing assistants, licensed nurses, the director of nursing, and the facility administrator. For purposes of this reporting:~~

~~a. Staff-to-resident ratios must be reported in the categories specified in s. 400.23(3)(a) and applicable rules. The ratio must be reported as an average for the most recent calendar quarter.~~

~~b. Staff turnover must be reported for the most recent 12-month period ending on the last workday of the most recent calendar quarter prior to the date the information is submitted. The turnover rate must be computed quarterly, with the annual rate being the cumulative sum of the quarterly rates. The turnover rate is the total number of terminations or separations experienced during the quarter, excluding any employee terminated during a probationary period of 3 months or less, divided by the total number of staff employed at the end of the period for which the rate is computed, and expressed as a percentage.~~

~~c. The formula for determining staff stability is the total number of employees that have been employed for more than 12 months, divided by the total number of employees employed at the end of the most recent calendar quarter, and expressed as a percentage.~~

~~d.~~ A nursing facility that has failed to comply with state minimum-staffing requirements for 2 consecutive days is prohibited from accepting new admissions until the facility has achieved the minimum-staffing requirements for a period of 6 consecutive days. For the purposes of this sub-subparagraph, any person who was a resident of the facility and was absent from the facility for the purpose of receiving medical care at a separate location or was on a leave of absence is not considered a new admission. Failure to impose such an admissions moratorium *is subject to a $1,000 fine* ~~constitutes a class II deficiency~~.

2.~~e.~~ A nursing facility which does not have a conditional license may be cited for failure to comply with the standards in s. 400.23(3)(a)1.b. and c. only if it has failed to meet those standards on 2 consecutive days or if it has failed to meet at least 97 percent of those standards on any one day.

3.~~f.~~ A facility which has a conditional license must be in compliance with the standards in s. 400.23(3)(a) at all times.

~~2. This paragraph does not limit the agency's ability to impose a deficiency or take other actions if a facility does not have enough staff to meet the residents' needs.~~

(o)~~(p)~~ Notify a licensed physician when a resident exhibits signs of dementia or cognitive impairment or has a change of condition in order to rule out the presence of an underlying physiological condition that may be contributing to such dementia or impairment. The notification must occur within 30 days after the acknowledgment of such signs by facility staff. If an underlying condition is determined to exist, the fa-

cility shall arrange, with the appropriate health care provider, the necessary care and services to treat the condition.

(p)~~(q)~~ If the facility implements a dining and hospitality attendant program, ensure that the program is developed and implemented under the supervision of the facility director of nursing. A licensed nurse, licensed speech or occupational therapist, or a registered dietitian must conduct training of dining and hospitality attendants. A person employed by a facility as a dining and hospitality attendant must perform tasks under the direct supervision of a licensed nurse.

~~(r) Report to the agency any filing for bankruptcy protection by the facility or its parent corporation, divestiture or spin-off of its assets, or corporate reorganization within 30 days after the completion of such activity.~~

(q)~~(s)~~ Maintain general and professional liability insurance coverage that is in force at all times. In lieu of general and professional liability insurance coverage, a state-designated teaching nursing home and its affiliated assisted living facilities created under s. 430.80 may demonstrate proof of financial responsibility as provided in s. 430.80(3)(g).

(r)~~(t)~~ Maintain in the medical record for each resident a daily chart of certified nursing assistant services provided to the resident. The certified nursing assistant who is caring for the resident must complete this record by the end of his or her shift. This record must indicate assistance with activities of daily living, assistance with eating, and assistance with drinking, and must record each offering of nutrition and hydration for those residents whose plan of care or assessment indicates a risk for malnutrition or dehydration.

(s)~~(u)~~ Before November 30 of each year, subject to the availability of an adequate supply of the necessary vaccine, provide for immunizations against influenza viruses to all its consenting residents in accordance with the recommendations of the United States Centers for Disease Control and Prevention, subject to exemptions for medical contraindications and religious or personal beliefs. Subject to these exemptions, any consenting person who becomes a resident of the facility after November 30 but before March 31 of the following year must be immunized within 5 working days after becoming a resident. Immunization shall not be provided to any resident who provides documentation that he or she has been immunized as required by this paragraph. This paragraph does not prohibit a resident from receiving the immunization from his or her personal physician if he or she so chooses. A resident who chooses to receive the immunization from his or her personal physician shall provide proof of immunization to the facility. The agency may adopt and enforce any rules necessary to comply with or implement this paragraph.

(t)~~(v)~~ Assess all residents for eligibility for pneumococcal polysaccharide vaccination (PPV) and vaccinate residents when indicated within 60 days after the effective date of this act in accordance with the recommendations of the United States Centers for Disease Control and Prevention, subject to exemptions for medical contraindications and religious or personal beliefs. Residents admitted after the effective date of this act shall be assessed within 5 working days of admission and, when indicated, vaccinated within 60 days in accordance with the recommendations of the United States Centers for Disease Control and Prevention, subject to exemptions for medical contraindications and religious or personal beliefs. Immunization shall not be provided to any resident who provides documentation that he or she has been immunized as required by this paragraph. This paragraph does not prohibit a resident from receiving the immunization from his or her personal physician if he or she so chooses. A resident who chooses to receive the immunization from his or her personal physician shall provide proof of immunization to the facility. The agency may adopt and enforce any rules necessary to comply with or implement this paragraph.

(u)~~(w)~~ Annually encourage and promote to its employees the benefits associated with immunizations against influenza viruses in accordance with the recommendations of the United States Centers for Disease Control and Prevention. The agency may adopt and enforce any rules necessary to comply with or implement this paragraph.

This subsection does not limit the agency's ability to impose a deficiency or take other actions if a facility does not have enough staff to meet the residents' needs.

(2) Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of their program.

(3) A facility may charge a reasonable fee for the copying of resident records. The fee may not exceed $1 per page for the first 25 pages and 25 cents per page for each page in excess of 25 pages.

Section 32. Subsection (3) of section 400.142, Florida Statutes, is amended to read:

400.142 Emergency medication kits; orders not to resuscitate.—

(3) Facility staff may withhold or withdraw cardiopulmonary resuscitation if presented with an order not to resuscitate executed pursuant to s. 401.45. ~~The agency shall adopt rules providing for the implementation of such orders.~~ Facility staff and facilities shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct, for withholding or withdrawing cardiopulmonary resuscitation pursuant to such an order and rules adopted by the agency. The absence of an order not to resuscitate executed pursuant to s. 401.45 does not preclude a physician from withholding or withdrawing cardiopulmonary resuscitation as otherwise permitted by law.

Section 33. *Sections 400.0234, 400.145, and 429.294, Florida Statutes, are repealed.*

Section 34. Subsection (9) and subsections (11) through (15) of section 400.147, Florida Statutes, are renumbered as subsections (8) through (13), respectively, and present subsections (7), (8), and (10) of that section are amended to read:

400.147 Internal risk management and quality assurance program.—

(7) The facility shall initiate an investigation ~~and shall notify the agency~~ within 1 business day after the risk manager or his or her designee has received a report pursuant to paragraph (1)(d). *Each facility shall complete the investigation and submit a report to the agency within 15 calendar days after an incident is determined to be an adverse incident.* ~~The notification must be made in writing and be provided electronically, by facsimile device or overnight mail delivery.~~ The *agency shall develop a form for reporting this information and the* notification must include *the name of the risk manager of the facility,* information regarding the identity of the affected resident, the type of adverse incident, the initiation of an investigation by the facility, and whether the events causing or resulting in the adverse incident represent a potential risk to any other resident. The notification is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each *report* ~~incident~~ and determine whether it potentially involved conduct by the health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

~~(8)(a) Each facility shall complete the investigation and submit an adverse incident report to the agency for each adverse incident within 15 calendar days after its occurrence. If, after a complete investigation, the risk manager determines that the incident was not an adverse incident as defined in subsection (5), the facility shall include this information in the report. The agency shall develop a form for reporting this information.~~

~~(b) The information reported to the agency pursuant to paragraph (a) which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.~~

~~(c) The report submitted to the agency must also contain the name of the risk manager of the facility.~~

~~(d) The adverse incident report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action,~~

~~except in disciplinary proceedings by the agency or the appropriate regulatory board.~~

~~(10) By the 10th of each month, each facility subject to this section shall report any notice received pursuant to s. 400.0233(2) and each initial complaint that was filed with the clerk of the court and served on the facility during the previous month by a resident or a resident's family member, guardian, conservator, or personal legal representative. The report must include the name of the resident, the resident's date of birth and social security number, the Medicaid identification number for Medicaid eligible persons, the date or dates of the incident leading to the claim or dates of residency, if applicable, and the type of injury or violation of rights alleged to have occurred. Each facility shall also submit a copy of the notices received pursuant to s. 400.0233(2) and complaints filed with the clerk of the court. This report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.~~

Section 35. *Section 400.148, Florida Statutes, is repealed.*

Section 36. Paragraph (e) of subsection (2) of section 400.179, Florida Statutes, is amended to read:

400.179 Liability for Medicaid underpayments and overpayments.—

(2) Because any transfer of a nursing facility may expose the fact that Medicaid may have underpaid or overpaid the transferor, and because in most instances, any such underpayment or overpayment can only be determined following a formal field audit, the liabilities for any such underpayments or overpayments shall be as follows:

~~(e) For the 2009-2010 fiscal year only, the provisions of paragraph (d) shall not apply. This paragraph expires July 1, 2010.~~

Section 37. Subsection (3) of section 400.19, Florida Statutes, is amended to read:

400.19 Right of entry and inspection.—

(3) The agency shall every 15 months conduct at least one unannounced inspection to determine compliance by the licensee with statutes, and with rules promulgated under the provisions of those statutes, governing minimum standards of construction, quality and adequacy of care, and rights of residents. The survey shall be conducted every 6 months for the next 2-year period if the facility has been cited for a class I deficiency, has been cited for two or more class II deficiencies arising from separate surveys or investigations within a 60-day period, or has had three or more substantiated complaints within a 6-month period, each resulting in at least one class I or class II deficiency. In addition to any other fees or fines in this part, the agency shall assess a fine for each facility that is subject to the 6-month survey cycle. The fine for the 2-year period shall be $6,000, one-half to be paid at the completion of each survey. The agency may adjust this fine by the change in the Consumer Price Index, based on the 12 months immediately preceding the increase, to cover the cost of the additional surveys. The agency shall verify through subsequent inspection that any deficiency identified during inspection is corrected. However, the agency may verify the correction of a class III or class IV deficiency ~~unrelated to resident rights or resident care~~ without reinspecting the facility if adequate written documentation has been received from the facility, which provides assurance that the deficiency has been corrected. The giving or causing to be given of advance notice of such unannounced inspections by an employee of the agency to any unauthorized person shall constitute cause for suspension of not fewer than 5 working days according to the provisions of chapter 110.

Section 38. Subsection (5) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(5)*(a)* The agency, in collaboration with the Division of Children's Medical Services *Network* of the Department of Health, must~~, no later than December 31, 1993,~~ adopt rules for minimum standards of care for persons under 21 years of age who reside in nursing home facilities. ~~The rules must include a methodology for reviewing a nursing home facility under ss. 408.031 408.045 which serves only persons under 21 years of age.~~ A facility may be exempt from these standards for specific persons between 18 and 21 years of age, if the person's physician agrees that minimum standards of care based on age are not necessary.

(b) The agency, in collaboration with the Division of Children's Medical Services Network, shall adopt rules for minimum staffing requirements for nursing home facilities that serve persons under 21 years of age, which shall apply in lieu of the standards contained in subsection (3).

1. For persons under 21 years of age who require skilled care, the requirements shall include a minimum combined average of licensed nurses, respiratory therapists, respiratory care practitioners, and certified nursing assistants of 3.9 hours of direct care per resident per day for each nursing home facility.

2. For persons under 21 years of age who are fragile, the requirements shall include a minimum combined average of licensed nurses, respiratory therapists, respiratory care practitioners, and certified nursing assistants of 5 hours of direct care per resident per day for each nursing home facility.

Section 39. Subsection (1) of section 400.275, Florida Statutes, is amended to read:

400.275 Agency duties.—

(1) ~~The agency shall ensure that each newly hired nursing home surveyor, as a part of basic training, is assigned full time to a licensed nursing home for at least 2 days within a 7-day period to observe facility operations outside of the survey process before the surveyor begins survey responsibilities. Such observations may not be the sole basis of a deficiency citation against the facility.~~ The agency may not assign an individual to be a member of a survey team for purposes of a survey, evaluation, or consultation visit at a nursing home facility in which the surveyor was an employee within the preceding *2* ~~5~~ years.

Section 40. Subsection (27) of section 400.462, Florida Statutes, is amended to read:

400.462 Definitions.—As used in this part, the term:

(27) "Remuneration" means any payment or other benefit made directly or indirectly, overtly or covertly, in cash or in kind. *However, when the term is used in any provision of law relating to a health care provider, such term does not mean an item with an individual value of up to $15, including, but not limited to, plaques, certificates, trophies, or novelties that are intended solely for presentation or are customarily given away solely for promotional, recognition, or advertising purposes.*

Section 41. Subsection (2) of section 400.484, Florida Statutes, is amended to read:

400.484 Right of inspection; *violations* ~~deficiencies~~; fines.—

(2) The agency shall impose fines for various classes of *violations* ~~deficiencies~~ in accordance with the following schedule:

(a) *Class I violations are defined in s. 408.813.* ~~A class I deficiency is any act, omission, or practice that results in a patient's death, disablement, or permanent injury, or places a patient at imminent risk of death, disablement, or permanent injury.~~ Upon finding a class I *violation* ~~deficiency~~, the agency shall impose an administrative fine in the amount of $15,000 for each occurrence and each day that the *violation* ~~deficiency~~ exists.

(b) *Class II violations are defined in s. 408.813.* ~~A class II deficiency is any act, omission, or practice that has a direct adverse effect on the health, safety, or security of a patient.~~ Upon finding a class II *violation* ~~deficiency~~, the agency shall impose an administrative fine in the amount of $5,000 for each occurrence and each day that the *violation* ~~deficiency~~ exists.

(c) *Class III violations are defined in s. 408.813.* ~~A class III deficiency is any act, omission, or practice that has an indirect, adverse effect on the health, safety, or security of a patient.~~ Upon finding an uncorrected or repeated class III *violation* ~~deficiency~~, the agency shall impose an administrative fine not to exceed $1,000 for each occurrence and each day that the uncorrected or repeated *violation* ~~deficiency~~ exists.

(d) *Class IV violations are defined in s. 408.813.* ~~A class IV deficiency is any act, omission, or practice related to required reports, forms, or documents which does not have the potential of negatively affecting patients. These violations are of a type that the agency determines do not threaten the health, safety, or security of patients.~~ Upon finding an uncorrected or repeated class IV *violation* ~~deficiency~~, the agency shall impose an administrative fine not to exceed $500 for each occurrence and each day that the uncorrected or repeated *violation* ~~deficiency~~ exists.

Section 42. Subsections (16) and (17) of section 400.506, Florida Statutes, are renumbered as subsections (17) and (18), respectively, paragraph (a) of subsection (15) is amended, and a new subsection (16) is added to that section, to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(15)(a) The agency may deny, suspend, or revoke the license of a nurse registry and shall impose a fine of $5,000 against a nurse registry that:

1. Provides services to residents in an assisted living facility for which the nurse registry does not receive fair market value remuneration.

2. Provides staffing to an assisted living facility for which the nurse registry does not receive fair market value remuneration.

3. Fails to provide the agency, upon request, with copies of all contracts with assisted living facilities which were executed within the last 5 years.

4. Gives remuneration to a case manager, discharge planner, facility-based staff member, or third-party vendor who is involved in the discharge planning process of a facility licensed under chapter 395 or this chapter and from whom the nurse registry receives referrals. A nurse registry is exempt from this subparagraph if it does not bill the ~~Florida Medicaid program or the~~ Medicare program or share a controlling interest with any entity licensed, registered, or certified under part II of chapter 408 that bills the ~~Florida Medicaid program or the~~ Medicare program.

5. Gives remuneration to a physician, a member of the physician's office staff, or an immediate family member of the physician, and the nurse registry received a patient referral in the last 12 months from that physician or the physician's office staff. A nurse registry is exempt from this subparagraph if it does not bill the ~~Florida Medicaid program or the~~ Medicare program or share a controlling interest with any entity licensed, registered, or certified under part II of chapter 408 that bills the ~~Florida Medicaid program or the~~ Medicare program.

(16) An administrator may manage only one nurse registry, except that an administrator may manage up to five registries if all five registries have identical controlling interests as defined in s. 408.803 and are located within one agency geographic service area or within an immediately contiguous county. An administrator shall designate, in writing, for each licensed entity, a qualified alternate administrator to serve during the administrator's absence.

Section 43. Subsection (1) of section 400.509, Florida Statutes, is amended to read:

400.509 Registration of particular service providers exempt from licensure; certificate of registration; regulation of registrants.—

(1) Any organization that provides companion services or homemaker services and does not provide a home health service to a person is exempt from licensure under this part. However, any organization that provides companion services or homemaker services must register with the agency. *An organization under contract with the Agency for Persons with Disabilities that provides companion services only for persons with a developmental disability, as defined in s. 393.063, is exempt from registration.*

Section 44. Paragraph (i) of subsection (1) and subsection (4) of section 400.606, Florida Statutes, are amended to read:

400.606 License; application; renewal; conditional license or permit; certificate of need.—

(1) In addition to the requirements of part II of chapter 408, the initial application and change of ownership application must be accompanied by a plan for the delivery of home, residential, and homelike inpatient hospice services to terminally ill persons and their families. Such plan must contain, but need not be limited to:

~~(i) The projected annual operating cost of the hospice.~~

If the applicant is an existing licensed health care provider, the application must be accompanied by a copy of the most recent profit-loss statement and, if applicable, the most recent licensure inspection report.

(4) A freestanding hospice facility that is ~~primarily~~ engaged in providing inpatient and related services and that is not otherwise licensed as a health care facility shall be required to obtain a certificate of need. However, a freestanding hospice facility with six or fewer beds shall not be required to comply with institutional standards such as, but not limited to, standards requiring sprinkler systems, emergency electrical systems, or special lavatory devices.

Section 45. Subsection (2) of section 400.607, Florida Statutes, is amended to read:

400.607 Denial, suspension, revocation of license; emergency actions; imposition of administrative fine; grounds.—

(2) *A violation of this part, part II of chapter 408, or applicable rules* ~~Any of the following actions~~ by a licensed hospice or any of its employees shall be grounds for *administrative* action by the agency against a hospice.~~:~~

~~(a) A violation of the provisions of this part, part II of chapter 408, or applicable rules.~~

~~(b) An intentional or negligent act materially affecting the health or safety of a patient.~~

Section 46. Section 400.915, Florida Statutes, is amended to read:

400.915 Construction and renovation; requirements.—The requirements for the construction or renovation of a PPEC center shall comply with:

(1) The provisions of chapter 553, which pertain to building construction standards, including plumbing, electrical code, glass, manufactured buildings, accessibility for the physically disabled;

(2) The *provisions of s. 633.022 and applicable rules pertaining to physical* ~~minimum~~ standards for *nonresidential child care* ~~physical~~ facilities ~~in rule 10M-12.003, Florida Administrative Code, Child Care Standards~~; and

(3) The standards or rules adopted pursuant to this part and part II of chapter 408.

Section 47. Subsection (1) of section 400.925, Florida Statutes, is amended to read:

400.925 Definitions.—As used in this part, the term:

(1) "Accrediting organizations" means the Joint Commission ~~on Accreditation of Healthcare Organizations~~ or other national accreditation agencies whose standards for accreditation are comparable to those required by this part for licensure.

Section 48. Subsection (2) of section 400.931, Florida Statutes, is amended to read:

400.931 Application for license; fee~~; provisional license; temporary permit~~.—

(2) *An applicant for initial licensure, change of ownership, or renewal to operate a licensed home medical equipment provider at a location outside the state must submit documentation of accreditation or an application for accreditation from an accrediting organization that is recognized by the agency. An applicant that has applied for accreditation must provide proof of accreditation that is not conditional or provisional within 120 days after the date the agency receives the application for licensure or the application shall be withdrawn from further considera-*

tion. Such accreditation must be maintained by the home medical equipment provider to maintain licensure. ~~As an alternative to submitting proof of financial ability to operate as required in s. 408.810(8), the applicant may submit a $50,000 surety bond to the agency.~~

Section 49. Subsection (2) of section 400.932, Florida Statutes, is amended to read:

400.932 Administrative penalties.—

(2) *A violation of this part, part II of chapter 408, or applicable rules* ~~Any of the following actions~~ by an employee of a home medical equipment provider *shall be* ~~are~~ grounds for administrative action or penalties by the agency.~~:~~

~~(a) Violation of this part, part II of chapter 408, or applicable rules.~~

~~(b) An intentional, reckless, or negligent act that materially affects the health or safety of a patient.~~

Section 50. Subsection (3) of section 400.967, Florida Statutes, is amended to read:

400.967 Rules and classification of *violations* ~~deficiencies~~.—

(3) The agency shall adopt rules to provide that, when the criteria established under this part and part II of chapter 408 are not met, such *violations* ~~deficiencies~~ shall be classified according to the nature of the *violation* ~~deficiency~~. The agency shall indicate the classification on the face of the notice of deficiencies as follows:

(a) Class I *violations* ~~deficiencies~~ are *defined in s. 408.813* ~~those which the agency determines present an imminent danger to the residents or guests of the facility or a substantial probability that death or serious physical harm would result therefrom~~. ~~The condition or practice constituting a class I violation must be abated or eliminated immediately, unless a fixed period of time, as determined by the agency, is required for correction.~~ A class I *violation* ~~deficiency~~ is subject to a civil penalty in an amount not less than $5,000 and not exceeding $10,000 for each *violation* ~~deficiency~~. A fine may be levied notwithstanding the correction of the *violation* ~~deficiency~~.

(b) Class II *violations* ~~deficiencies~~ are *defined in s. 408.813* ~~those which the agency determines have a direct or immediate relationship to the health, safety, or security of the facility residents, other than class I deficiencies~~. A class II *violation* ~~deficiency~~ is subject to a civil penalty in an amount not less than $1,000 and not exceeding $5,000 for each *violation* ~~deficiency~~. A citation for a class II *violation* ~~deficiency~~ shall specify the time within which the *violation* ~~deficiency~~ must be corrected. If a class II *violation* ~~deficiency~~ is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.

(c) Class III *violations* ~~deficiencies~~ are *defined in s. 408.813* ~~those which the agency determines to have an indirect or potential relationship to the health, safety, or security of the facility residents, other than class I or class II deficiencies~~. A class III *violation* ~~deficiency~~ is subject to a civil penalty of not less than $500 and not exceeding $1,000 for each deficiency. A citation for a class III *violation* ~~deficiency~~ shall specify the time within which the *violation* ~~deficiency~~ must be corrected. If a class III *violation* ~~deficiency~~ is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.

(d) Class IV violations are defined in s. 408.813. Upon finding an uncorrected or repeated class IV violation, the agency shall impose an administrative fine not to exceed $500 for each occurrence and each day that the uncorrected or repeated violation exists.

Section 51. Subsections (4) and (7) of section 400.9905, Florida Statutes, are amended to read:

400.9905 Definitions.—

(4) "Clinic" means an entity at which health care services are provided to individuals and which tenders charges for reimbursement for such services, including a mobile clinic and a portable *health service or* equipment provider. For purposes of this part, the term does not include and the licensure requirements of this part do not apply to:

(a) Entities licensed or registered by the state under chapter 395; or entities licensed or registered by the state and providing only health care services within the scope of services authorized under their respective licenses granted under ss. 383.30-383.335, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; or providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services or other health care services by licensed practitioners solely within a hospital licensed under chapter 395.

(b) Entities that own, directly or indirectly, entities licensed or registered by the state pursuant to chapter 395; or entities that own, directly or indirectly, entities licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses granted under ss. 383.30-383.335, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483, chapter 484, chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; or providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital licensed under chapter 395.

(c) Entities that are owned, directly or indirectly, by an entity licensed or registered by the state pursuant to chapter 395; or entities that are owned, directly or indirectly, by an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses granted under ss. 383.30-383.335, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483, chapter 484, chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; or providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital under chapter 395.

(d) Entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state pursuant to chapter 395; or entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses granted under ss. 383.30-383.335, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; or providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital licensed under chapter 395.

(e) An entity that is exempt from federal taxation under 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan under 26 U.S.C. s. 409 that has a board of trustees not less than two-thirds of which are Florida-licensed health care practitioners and provides only physical therapy services under physician orders, any community college or university clinic, and any entity owned or operated by the federal or state government, including agencies, subdivisions, or municipalities thereof.

(f) A sole proprietorship, group practice, partnership, or corporation that provides health care services by physicians covered by s. 627.419, that is directly supervised by one or more of such physicians, and that is wholly owned by one or more of those physicians or by a physician and the spouse, parent, child, or sibling of that physician.

(g) A sole proprietorship, group practice, partnership, or corporation that provides health care services by licensed health care practitioners under chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 466, chapter 467, chapter 480, chapter 484, chapter 486, chapter 490, chapter 491, or part I, part III, part X, part XIII, or part XIV of chapter 468, or s. 464.012, which are wholly owned by one or more licensed health care practitioners, or the licensed health care practitioners set forth in this paragraph and the spouse, parent, child, or sibling of a licensed health care practitioner, so long as

one of the owners who is a licensed health care practitioner is supervising the business activities and is legally responsible for the entity's compliance with all federal and state laws. However, a health care practitioner may not supervise services beyond the scope of the practitioner's license, except that, for the purposes of this part, a clinic owned by a licensee in s. 456.053(3)(b) that provides only services authorized pursuant to s. 456.053(3)(b) may be supervised by a licensee specified in s. 456.053(3)(b).

(h) Clinical facilities affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows.

(i) Entities that provide only oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459 or entities that provide oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459 which are owned by a corporation whose shares are publicly traded on a recognized stock exchange.

(j) Clinical facilities affiliated with a college of chiropractic accredited by the Council on Chiropractic Education at which training is provided for chiropractic students.

(k) Entities that provide licensed practitioners to staff emergency departments or to deliver anesthesia services in facilities licensed under chapter 395 and that derive at least 90 percent of their gross annual revenues from the provision of such services. Entities claiming an exemption from licensure under this paragraph must provide documentation demonstrating compliance.

(l) Orthotic*,* ~~or~~ prosthetic*, pediatric cardiology, or perinatology* clinical facilities that are a publicly traded corporation or that are wholly owned, directly or indirectly, by a publicly traded corporation. As used in this paragraph, a publicly traded corporation is a corporation that issues securities traded on an exchange registered with the United States Securities and Exchange Commission as a national securities exchange.

(m) Entities that are owned by a corporation that has $250 million or more in total annual sales of health care services provided by licensed health care practitioners if one or more of the owners of the entity is a health care practitioner who is licensed in this state, is responsible for supervising the business activities of the entity, and is legally responsible for the entity's compliance with state law for purposes of this section.

(n) Entities that are owned or controlled, directly or indirectly, by a publicly traded entity with $100 million or more, in the aggregate, in total annual revenues derived from providing health care services by licensed health care practitioners that are employed or contracted by an entity described in this paragraph.

(o) Entities that employ 50 or more health care practitioners licensed under chapter 458 or chapter 459 when the billing for medical services is under a single tax identification number. The application for exemption under this paragraph shall contain information that includes the name, residence address, business address, and phone number of the entity that owns the practice; a complete list of the names and contact information of all the officers and directors of the entity; the name, residence address, business address, and medical license number of each licensed Florida health care practitioner employed by the entity; the corporate tax identification number of the entity seeking an exemption; a listing of health care services to be provided by the entity at the health care clinics owned or operated by the entity and a certified statement prepared by an independent certified public accountant which states that the entity and the health care clinics owned or operated by the entity have not received payment for health care services under personal injury protection insurance coverage for the previous year. If the agency determines that an entity that is exempt under this paragraph has received payments for medical services under personal injury protection insurance coverage the agency may deny or revoke the exemption from licensure under this paragraph.

(7) "Portable *health service or* equipment provider" means an entity that contracts with or employs persons to provide portable *health services or* equipment to multiple locations ~~performing treatment or diagnostic testing of individuals~~, that bills third-party payors for those services, and that otherwise meets the definition of a clinic in subsection (4).

Section 52. Paragraph (b) of subsection (1) and paragraph (c) of subsection (4) of section 400.991, Florida Statutes, are amended to read:

400.991 License requirements; background screenings; prohibitions.—

(1)

(b) Each mobile clinic must obtain a separate health care clinic license and must provide to the agency, at least quarterly, its projected street location to enable the agency to locate and inspect such clinic. A portable *health service or* equipment provider must obtain a health care clinic license for a single administrative office and is not required to submit quarterly projected street locations.

(4) In addition to the requirements of part II of chapter 408, the applicant must file with the application satisfactory proof that the clinic is in compliance with this part and applicable rules, including:

(c) Proof of financial ability to operate as required under *ss.* ~~s.~~ 408.810(8) *and 408.8065*. ~~As an alternative to submitting proof of financial ability to operate as required under s. 408.810(8), the applicant may file a surety bond of at least $500,000 which guarantees that the clinic will act in full conformity with all legal requirements for operating a clinic, payable to the agency. The agency may adopt rules to specify related requirements for such surety bond.~~

Section 53. Paragraph (g) of subsection (1) and paragraph (a) of subsection (7) of section 400.9935, Florida Statutes, are amended to read:

400.9935 Clinic responsibilities.—

(1) Each clinic shall appoint a medical director or clinic director who shall agree in writing to accept legal responsibility for the following activities on behalf of the clinic. The medical director or the clinic director shall:

(g) Conduct systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful. Upon discovery of an unlawful charge, the medical director or clinic director shall take immediate corrective action. If the clinic performs only the technical component of magnetic resonance imaging, static radiographs, computed tomography, or positron emission tomography, and provides the professional interpretation of such services, in a fixed facility that is accredited by the Joint Commission ~~on Accreditation of Healthcare Organizations~~ or the Accreditation Association for Ambulatory Health Care, and the American College of Radiology; and if, in the preceding quarter, the percentage of scans performed by that clinic which was billed to all personal injury protection insurance carriers was less than 15 percent, the chief financial officer of the clinic may, in a written acknowledgment provided to the agency, assume the responsibility for the conduct of the systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful.

(7)(a) Each clinic engaged in magnetic resonance imaging services must be accredited by the Joint Commission ~~on Accreditation of Healthcare Organizations~~, the American College of Radiology, or the Accreditation Association for Ambulatory Health Care, within 1 year after licensure. A clinic that is accredited by the American College of Radiology or is within the original 1-year period after licensure and replaces its core magnetic resonance imaging equipment shall be given 1 year after the date on which the equipment is replaced to attain accreditation. However, a clinic may request a single, 6-month extension if it provides evidence to the agency establishing that, for good cause shown, such clinic cannot be accredited within 1 year after licensure, and that such accreditation will be completed within the 6-month extension. After obtaining accreditation as required by this subsection, each such clinic must maintain accreditation as a condition of renewal of its license. A clinic that files a change of ownership application must comply with the original accreditation timeframe requirements of the transferor. The agency shall deny a change of ownership application if the clinic is not in compliance with the accreditation requirements. When a clinic adds, replaces, or modifies magnetic resonance imaging equipment and the accreditation agency requires new accreditation, the clinic must be accredited within 1 year after the date of the addition, replacement, or modification but may request a single, 6-month extension if the clinic provides evidence of good cause to the agency.

Section 54. Paragraph (a) of subsection (2) of section 408.033, Florida Statutes, is amended to read:

408.033 Local and state health planning.—

(2) FUNDING.—

(a) The Legislature intends that the cost of local health councils be borne by assessments on selected health care facilities subject to facility licensure by the Agency for Health Care Administration, including abortion clinics, assisted living facilities, ambulatory surgical centers, birthing centers, clinical laboratories except community nonprofit blood banks and clinical laboratories operated by practitioners for exclusive use regulated under s. 483.035, home health agencies, hospices, hospitals, intermediate care facilities for the developmentally disabled, nursing homes, health care clinics, and multiphasic testing centers and by assessments on organizations subject to certification by the agency pursuant to chapter 641, part III, including health maintenance organizations and prepaid health clinics. *Fees assessed may be collected prospectively at the time of licensure renewal and prorated for the licensure period.*

Section 55. Subsection (2) of section 408.034, Florida Statutes, is amended to read:

408.034 Duties and responsibilities of agency; rules.—

(2) In the exercise of its authority to issue licenses to health care facilities and health service providers, as provided under chapters 393 and 395 and parts II, ~~and~~ IV, *and VIII* of chapter 400, the agency may not issue a license to any health care facility or health service provider that fails to receive a certificate of need or an exemption for the licensed facility or service.

Section 56. Paragraph (d) of subsection (1) and paragraph (m) of subsection (3) of section 408.036, Florida Statutes, are amended to read:

408.036 Projects subject to review; exemptions.—

(1) APPLICABILITY.—Unless exempt under subsection (3), all health-care-related projects, as described in paragraphs (a)-(g), are subject to review and must file an application for a certificate of need with the agency. The agency is exclusively responsible for determining whether a health-care-related project is subject to review under ss. 408.031-408.045.

(d) The establishment of a hospice or hospice inpatient facility~~, except as provided in s. 408.043~~.

(3) EXEMPTIONS.—Upon request, the following projects are subject to exemption from the provisions of subsection (1):

(m)1. For the provision of adult open-heart services in a hospital located within the boundaries of a health service planning district, as defined in s. 408.032(5), which has experienced an annual net out-migration of at least 600 open-heart-surgery cases for 3 consecutive years according to the most recent data reported to the agency, and the district's population per licensed and operational open-heart programs exceeds the state average of population per licensed and operational open-heart programs by at least 25 percent. All hospitals within a health service planning district which meet the criteria reference in sub-subparagraphs 2.a.-h. shall be eligible for this exemption on July 1, 2004, and shall receive the exemption upon filing for it and subject to the following:

a. A hospital that has received a notice of intent to grant a certificate of need or a final order of the agency granting a certificate of need for the establishment of an open-heart-surgery program is entitled to receive a letter of exemption for the establishment of an adult open-heart-surgery program upon filing a request for exemption and complying with the criteria enumerated in sub-subparagraphs 2.a.-h., and is entitled to immediately commence operation of the program.

b. An otherwise eligible hospital that has not received a notice of intent to grant a certificate of need or a final order of the agency granting a certificate of need for the establishment of an open-heart-surgery program is entitled to immediately receive a letter of exemption for the establishment of an adult open-heart-surgery program upon filing a request for exemption and complying with the criteria enumerated in sub-subparagraphs 2.a.-h., but is not entitled to commence operation of its program until December 31, 2006.

2. A hospital shall be exempt from the certificate-of-need review for the establishment of an open-heart-surgery program when the application for exemption submitted under this paragraph complies with the following criteria:

a. The applicant must certify that it will meet and continuously maintain the minimum licensure requirements adopted by the agency governing adult open-heart programs, including the most current guidelines of the American College of Cardiology and American Heart Association Guidelines for Adult Open Heart Programs.

b. The applicant must certify that it will maintain sufficient appropriate equipment and health personnel to ensure quality and safety.

c. The applicant must certify that it will maintain appropriate times of operation and protocols to ensure availability and appropriate referrals in the event of emergencies.

d. The applicant can demonstrate that it has discharged at least 300 inpatients with a principal diagnosis of ischemic heart disease for the most recent 12-month period as reported to the agency.

e. The applicant is a general acute care hospital that is in operation for 3 years or more.

f. The applicant is performing more than 300 diagnostic cardiac catheterization procedures per year, combined inpatient and outpatient.

g. The applicant's payor mix at a minimum reflects the community average for Medicaid, charity care, and self-pay patients or the applicant must certify that it will provide a minimum of 5 percent of Medicaid, charity care, and self-pay to open-heart-surgery patients.

h. If the applicant fails to meet the established criteria for open-heart programs or fails to reach 300 surgeries per year by the end of its third year of operation, it must show cause why its exemption should not be revoked.

~~3. By December 31, 2004, and annually thereafter, the agency shall submit a report to the Legislature providing information concerning the number of requests for exemption it has received under this paragraph during the calendar year and the number of exemptions it has granted or denied during the calendar year.~~

Section 57. Paragraph (c) of subsection (1) of section 408.037, Florida Statutes, is amended to read:

408.037 Application content.—

(1) Except as provided in subsection (2) for a general hospital, an application for a certificate of need must contain:

(c) An audited financial statement of the applicant *or the applicant's parent corporation if audited financial statements of the applicant do not exist*. In an application submitted by an existing health care facility, health maintenance organization, or hospice, financial condition documentation must include, but need not be limited to, a balance sheet and a profit-and-loss statement of the 2 previous fiscal years' operation.

Section 58. Subsection (2) of section 408.043, Florida Statutes, is amended to read:

408.043 Special provisions.—

(2) HOSPICES.—When an application is made for a certificate of need to establish or to expand a hospice, the need for such hospice shall be determined on the basis of the need for and availability of hospice services in the community. The formula on which the certificate of need is based shall discourage regional monopolies and promote competition. The inpatient hospice care component of a hospice which is a free-standing facility, or a part of a facility, ~~which is primarily engaged in providing inpatient care and related services~~ and is not licensed as a health care facility shall also be required to obtain a certificate of need. Provision of hospice care by any current provider of health care is a significant change in service and therefore requires a certificate of need for such services.

Section 59. Paragraph (k) of subsection (3) of section 408.05, Florida Statutes, is amended to read:

408.05 Florida Center for Health Information and Policy Analysis.—

(3) COMPREHENSIVE HEALTH INFORMATION SYSTEM.—In order to produce comparable and uniform health information and statistics for the development of policy recommendations, the agency shall perform the following functions:

(k) Develop, in conjunction with the State Consumer Health Information and Policy Advisory Council, and implement a long-range plan for making available health care quality measures and financial data that will allow consumers to compare health care services. The health care quality measures and financial data the agency must make available shall include, but is not limited to, pharmaceuticals, physicians, health care facilities, and health plans and managed care entities. The agency shall update the plan and report on the status of its implementation annually. The agency shall also make the plan and status report available to the public on its Internet website. As part of the plan, the agency shall identify the process and timeframes for implementation, any barriers to implementation, and recommendations of changes in the law that may be enacted by the Legislature to eliminate the barriers. As preliminary elements of the plan, the agency shall:

1. Make available patient-safety indicators, inpatient quality indicators, and performance outcome and patient charge data collected from health care facilities pursuant to s. 408.061(1)(a) and (2). The terms "patient-safety indicators" and "inpatient quality indicators" shall be as defined by the Centers for Medicare and Medicaid Services, the National Quality Forum, the Joint Commission ~~on Accreditation of Healthcare Organizations~~, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, or a similar national entity that establishes standards to measure the performance of health care providers, or by other states. The agency shall determine which conditions, procedures, health care quality measures, and patient charge data to disclose based upon input from the council. When determining which conditions and procedures are to be disclosed, the council and the agency shall consider variation in costs, variation in outcomes, and magnitude of variations and other relevant information. When determining which health care quality measures to disclose, the agency:

a. Shall consider such factors as volume of cases; average patient charges; average length of stay; complication rates; mortality rates; and infection rates, among others, which shall be adjusted for case mix and severity, if applicable.

b. May consider such additional measures that are adopted by the Centers for Medicare and Medicaid Studies, National Quality Forum, the Joint Commission ~~on Accreditation of Healthcare Organizations~~, the Agency for Healthcare Research and Quality, Centers for Disease Control and Prevention, or a similar national entity that establishes standards to measure the performance of health care providers, or by other states.

When determining which patient charge data to disclose, the agency shall include such measures as the average of undiscounted charges on frequently performed procedures and preventive diagnostic procedures, the range of procedure charges from highest to lowest, average net revenue per adjusted patient day, average cost per adjusted patient day, and average cost per admission, among others.

2. Make available performance measures, benefit design, and premium cost data from health plans licensed pursuant to chapter 627 or chapter 641. The agency shall determine which health care quality measures and member and subscriber cost data to disclose, based upon input from the council. When determining which data to disclose, the agency shall consider information that may be required by either individual or group purchasers to assess the value of the product, which may include membership satisfaction, quality of care, current enrollment or membership, coverage areas, accreditation status, premium costs, plan costs, premium increases, range of benefits, copayments and deductibles, accuracy and speed of claims payment, credentials of physicians, number of providers, names of network providers, and hospitals in the network. Health plans shall make available to the agency any such data or information that is not currently reported to the agency or the office.

3. Determine the method and format for public disclosure of data reported pursuant to this paragraph. The agency shall make its determination based upon input from the State Consumer Health Information and Policy Advisory Council. At a minimum, the data shall be made available on the agency's Internet website in a manner that allows consumers to conduct an interactive search that allows them to view and compare the information for specific providers. The website must include such additional information as is determined necessary to ensure that the website enhances informed decisionmaking among consumers and health care purchasers, which shall include, at a minimum, appropriate guidance on how to use the data and an explanation of why the data may vary from provider to provider.

4. Publish on its website undiscounted charges for no fewer than 150 of the most commonly performed adult and pediatric procedures, including outpatient, inpatient, diagnostic, and preventative procedures.

Section 60. Paragraph (a) of subsection (1) of section 408.061, Florida Statutes, is amended to read:

408.061 Data collection; uniform systems of financial reporting; information relating to physician charges; confidential information; immunity.—

(1) The agency shall require the submission by health care facilities, health care providers, and health insurers of data necessary to carry out the agency's duties. Specifications for data to be collected under this section shall be developed by the agency with the assistance of technical advisory panels including representatives of affected entities, consumers, purchasers, and such other interested parties as may be determined by the agency.

(a) Data submitted by health care facilities, including the facilities as defined in chapter 395, shall include, but are not limited to: case-mix data, patient admission and discharge data, hospital emergency department data which shall include the number of patients treated in the emergency department of a licensed hospital reported by patient acuity level, data on hospital-acquired infections as specified by rule, data on complications as specified by rule, data on readmissions as specified by rule, with patient and provider-specific identifiers included, actual charge data by diagnostic groups, financial data, accounting data, operating expenses, expenses incurred for rendering services to patients who cannot or do not pay, interest charges, depreciation expenses based on the expected useful life of the property and equipment involved, and demographic data. The agency shall adopt nationally recognized risk adjustment methodologies or software consistent with the standards of the Agency for Healthcare Research and Quality and as selected by the agency for all data submitted as required by this section. Data may be obtained from documents such as, but not limited to: leases, contracts, debt instruments, itemized patient bills, medical record abstracts, and related diagnostic information. Reported data elements shall be reported electronically *and* ~~in accordance with rule 59E-7.012, Florida Administrative Code. Data submitted shall be~~ certified by the chief executive officer or an appropriate and duly authorized representative or employee of the licensed facility that the information submitted is true and accurate.

Section 61. Subsection (43) of section 408.07, Florida Statutes, is amended to read:

408.07 Definitions.—As used in this chapter, with the exception of ss. 408.031-408.045, the term:

(43) "Rural hospital" means an acute care hospital licensed under chapter 395, having 100 or fewer licensed beds and an emergency room, and which is:

(a) The sole provider within a county with a population density of no greater than 100 persons per square mile;

(b) An acute care hospital, in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from another acute care hospital within the same county;

(c) A hospital supported by a tax district or subdistrict whose boundaries encompass a population of 100 persons or fewer per square mile;

(d) A hospital with a service area that has a population of 100 persons or fewer per square mile. As used in this paragraph, the term "service area" means the fewest number of zip codes that account for 75

percent of the hospital's discharges for the most recent 5-year period, based on information available from the hospital inpatient discharge database in the Florida Center for Health Information and Policy Analysis at the Agency for Health Care Administration; or

(e) A critical access hospital.

Population densities used in this subsection must be based upon the most recently completed United States census. A hospital that received funds under s. 409.9116 for a quarter beginning no later than July 1, 2002, is deemed to have been and shall continue to be a rural hospital from that date through June 30, 2015, if the hospital continues to have 100 or fewer licensed beds and an emergency room~~, or meets the criteria of s. 395.602(2)(e)4~~. An acute care hospital that has not previously been designated as a rural hospital and that meets the criteria of this subsection shall be granted such designation upon application, including supporting documentation, to the Agency for Health Care Administration.

Section 62. Section 408.10, Florida Statutes, is amended to read:

408.10 Consumer complaints.—The agency shall~~:~~

~~(1)~~ publish and make available to the public a toll-free telephone number for the purpose of handling consumer complaints and shall serve as a liaison between consumer entities and other private entities and governmental entities for the disposition of problems identified by consumers of health care.

~~(2) Be empowered to investigate consumer complaints relating to problems with health care facilities' billing practices and issue reports to be made public in any cases where the agency determines the health care facility has engaged in billing practices which are unreasonable and unfair to the consumer.~~

Section 63. Subsections (12) through (30) of section 408.802, Florida Statutes, are renumbered as subsections (11) through (29), respectively, and present subsection (11) of that section is amended to read:

408.802 Applicability.—The provisions of this part apply to the provision of services that require licensure as defined in this part and to the following entities licensed, registered, or certified by the agency, as described in chapters 112, 383, 390, 394, 395, 400, 429, 440, 483, and 765:

~~(11) Private review agents, as provided under part I of chapter 395.~~

Section 64. Subsection (3) is added to section 408.804, Florida Statutes, to read:

408.804 License required; display.—

(3) Any person who knowingly alters, defaces, or falsifies a license certificate issued by the agency, or causes or procures any person to commit such an offense, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s 775.083. Any licensee or provider who displays an altered, defaced, or falsified license certificate is subject to the penalties set forth in s. 408.815 and an administrative fine of $1,000 for each day of illegal display.

Section 65. Paragraph (d) of subsection (2) of section 408.806, Florida Statutes, is amended, and paragraph (e) is added to that subsection, to read:

408.806 License application process.—

(2)

(d) ~~The agency shall notify the licensee by mail or electronically at least 90 days before the expiration of a license that a renewal license is necessary to continue operation.~~ The *licensee's* failure to timely *file* ~~submit~~ a renewal application and license *application* fee *with the agency* shall result in a $50 per day late fee charged to the licensee by the agency; however, the aggregate amount of the late fee may not exceed 50 percent of the licensure fee or $500, whichever is less. *The agency shall provide a courtesy notice to the licensee by United States mail, electronically, or by any other manner at its address of record or mailing address, if provided, at least 90 days prior to the expiration of a license informing the licensee of the expiration of the license. If the licensee does not receive the courtesy notice, the licensee continues to be legally obligated to timely file the renewal application and license application fee with the agency and is not excused from the payment of a late fee.* If an application is received after the required filing date and exhibits a hand-canceled postmark obtained from a United States post office dated on or before the required filing date, no fine will be levied.

(e) The applicant must pay the late fee before a late application is considered complete and failure to pay the late fee is considered an omission from the application for licensure pursuant to paragraph (3)(b).

Section 66. Paragraph (b) of subsection (1) of section 408.8065, Florida Statutes, is amended to read:

408.8065 Additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics.—

(1) An applicant for initial licensure, or initial licensure due to a change of ownership, as a home health agency, home medical equipment provider, or health care clinic shall:

(b) Submit *projected* ~~pro forma~~ financial statements, including a balance sheet, income and expense statement, and a statement of cash flows for the first 2 years of operation which provide evidence that the applicant has sufficient assets, credit, and projected revenues to cover liabilities and expenses.

All documents required under this subsection must be prepared in accordance with generally accepted accounting principles and may be in a compilation form. The financial statements must be signed by a certified public accountant.

Section 67. Subsections (5) through (8) of section 408.809, Florida Statutes are renumbered as subsections (6) through (9), respectively, and subsection (4) of that section is amended to read:

408.809 Background screening; prohibited offenses.—

(4) In addition to the offenses listed in s. 435.04, all persons required to undergo background screening pursuant to this part or authorizing statutes must not have an arrest awaiting final disposition for, must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, and must not have been adjudicated delinquent and the record not have been sealed or expunged for any of the following offenses or any similar offense of another jurisdiction:

(a) Any authorizing statutes, if the offense was a felony.

(b) This chapter, if the offense was a felony.

(c) Section 409.920, relating to Medicaid provider fraud.

(d) Section 409.9201, relating to Medicaid fraud.

(e) Section 741.28, relating to domestic violence.

(f) Section 817.034, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.

(g) Section 817.234, relating to false and fraudulent insurance claims.

(h) Section 817.505, relating to patient brokering.

(i) Section 817.568, relating to criminal use of personal identification information.

(j) Section 817.60, relating to obtaining a credit card through fraudulent means.

(k) Section 817.61, relating to fraudulent use of credit cards, if the offense was a felony.

(l) Section 831.01, relating to forgery.

(m) Section 831.02, relating to uttering forged instruments.

(n) Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes.

(o) Section 831.09, relating to uttering forged bank bills, checks, drafts, or promissory notes.

(p) Section 831.30, relating to fraud in obtaining medicinal drugs.

(q) Section 831.31, relating to the sale, manufacture, delivery, or possession with the intent to sell, manufacture, or deliver any counterfeit controlled substance, if the offense was a felony.

(5) A person who serves as a controlling interest of, is employed by, or contracts with a licensee on July 31, 2010, who has been screened and qualified according to standards specified in s. 435.03 or s. 435.04 must be rescreened by July 31, 2015*, in accordance with the schedule provided in paragraphs (a)-(c)*. ~~The agency may adopt rules to establish a schedule to stagger the implementation of the required rescreening over the 5-year period, beginning July 31, 2010, through July 31, 2015.~~ If, upon rescreening, such person has a disqualifying offense that was not a disqualifying offense at the time of the last screening, but is a current disqualifying offense and was committed before the last screening, he or she may apply for an exemption from the appropriate licensing agency and, if agreed to by the employer, may continue to perform his or her duties until the licensing agency renders a decision on the application for exemption if the person is eligible to apply for an exemption and the exemption request is received by the agency within 30 days after receipt of the rescreening results by the person. *The rescreening schedule shall be:*

(a) Individuals whose last screening was conducted before December 31, 2003, must be rescreened by July 31, 2013.

(b) Individuals whose last screening was conducted between January 1, 2004, through December 31, 2007, must be rescreened by July 31, 2014.

(c) Individuals whose last screening was conducted between January 1, 2008, through July 31, 2010, must be rescreened by July 31, 2015.

Section 68. Subsection (9) of section 408.810, Florida Statutes, is amended to read:

408.810 Minimum licensure requirements.—In addition to the licensure requirements specified in this part, authorizing statutes, and applicable rules, each applicant and licensee must comply with the requirements of this section in order to obtain and maintain a license.

(9) A controlling interest may not withhold from the agency any evidence of financial instability, including, but not limited to, checks returned due to insufficient funds, delinquent accounts, nonpayment of withholding taxes, unpaid utility expenses, nonpayment for essential services, or adverse court action concerning the financial viability of the provider or any other provider licensed under this part that is under the control of the controlling interest. *A controlling interest shall notify the agency within 10 days after a court action to initiate bankruptcy, foreclosure, or eviction proceedings concerning the provider in which the controlling interest is a petitioner or defendant.* Any person who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Each day of continuing violation is a separate offense.

Section 69. Subsection (3) is added to section 408.813, Florida Statutes, to read:

408.813 Administrative fines; violations.—As a penalty for any violation of this part, authorizing statutes, or applicable rules, the agency may impose an administrative fine.

(3) The agency may impose an administrative fine for a violation that is not designated as a class I, class II, class III, or class IV violation. Unless otherwise specified by law, the amount of the fine shall not exceed $500 for each violation. Unclassified violations may include:

(a) Violating any term or condition of a license.

(b) Violating any provision of this part, authorizing statutes, or applicable rules.

(c) Exceeding licensed capacity.

(d) Providing services beyond the scope of the license.

(e) Violating a moratorium imposed pursuant to s. 408.814.

Section 70. Subsection (4) of section 408.815, Florida Statutes, is amended, and subsections (5) and (6) are added to that section, to read:

408.815 License or application denial; revocation.—

(4) *Unless an applicant is determined by the agency to satisfy the provisions of subsection (5) for the action in question, the agency shall deny an application for a license or license renewal based upon any of the following actions of an applicant, a controlling interest of the applicant, or any entity in which a controlling interest of the applicant was an owner or officer when the following actions occurred* ~~In addition to the grounds provided in authorizing statutes, the agency shall deny an application for a license or license renewal if the applicant or a person having a controlling interest in an applicant has been~~:

(a) *Conviction* ~~Convicted~~ of~~,~~ or ~~enters~~ a plea of guilty or nolo contendere to, regardless of adjudication, a felony under chapter 409, chapter 817, chapter 893, 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, *Medicare fraud, Medicaid fraud, or insurance fraud,* unless the sentence and any subsequent period of probation for such convictions or plea ended more than 15 years prior to the date of the application;

(b) *Termination* ~~Terminated~~ for cause from the *Medicare program or a state* ~~Florida~~ Medicaid program ~~pursuant to s. 409.913~~, unless the applicant has been in good standing with the *Medicare program or a state* ~~Florida~~ Medicaid program for the most recent 5 years *and the termination occurred at least 20 years before the date of the application.*~~;~~ ~~or~~

~~(c) Terminated for cause, pursuant to the appeals procedures established by the state or Federal Government, from the federal Medicare program or from any other state Medicaid program, unless the applicant has been in good standing with a state Medicaid program or the federal Medicare program for the most recent 5 years and the termination occurred at least 20 years prior to the date of the application.~~

(5) For any application subject to denial under subsection (4), the agency may consider mitigating circumstances, as applicable, including, but not limited to:

(a) Completion or lawful release from confinement, supervision, or sanction, including any terms of probation, and full restitution;

(b) Execution of a compliance plan with the agency;

(c) Compliance with any integrity agreement or compliance plan with any other government agency;

(d) Determination by the Medicare program or a state Medicaid program that the controlling interest or entity in which the controlling interest was an owner or officer is currently allowed to participate in the Medicare program or a state Medicaid program, either directly as a provider or indirectly as an owner or officer of a provider entity;

(e) Continuation of licensure by the controlling interest or entity in which the controlling interest was an owner or officer, either directly as a licensee or indirectly as an owner or officer of a licensed entity in the state where the action occurred;

(f) Overall impact upon the public health, safety, or welfare; or

(g) Determination that license denial is not commensurate with the prior action taken by the Medicare program or a state Medicaid program.

After considering the circumstances set forth in this subsection, the agency shall grant the license, with or without conditions, grant a provisional license for a period of no more than the licensure cycle, with or without conditions, or deny the license.

(6) In order to ensure the health, safety, and welfare of clients when a license has been denied, revoked, or is set to terminate, the agency may extend the license expiration date for a period of up to 30 days for the sole purpose of allowing the safe and orderly discharge of clients. The agency may impose conditions on the extension, including, but not limited to, prohibiting or limiting admissions, expedited discharge planning, required status reports, and mandatory monitoring by the agency or third parties. When imposing these conditions, the agency shall take into con-

sideration the nature and number of clients, the availability and location of acceptable alternative placements, and the ability of the licensee to continue providing care to the clients. The agency may terminate the extension or modify the conditions at any time. This authority is in addition to any other authority granted to the agency under chapter 120, this part, and authorizing statutes but creates no right or entitlement to an extension of a license expiration date.

Section 71. Paragraph (c) of subsection (4) of section 409.212, Florida Statutes, is amended to read:

409.212 Optional supplementation.—

(4) In addition to the amount of optional supplementation provided by the state, a person may receive additional supplementation from third parties to contribute to his or her cost of care. Additional supplementation may be provided under the following conditions:

(c) The additional supplementation shall not exceed *three* ~~two~~ times the provider rate recognized under the optional state supplementation program.

Section 72. Subsection (1) of section 409.91196, Florida Statutes, is amended to read:

409.91196 Supplemental rebate agreements; public records and public meetings exemption.—

(1) The rebate amount, percent of rebate, manufacturer's pricing, and supplemental rebate, and other trade secrets as defined in s. 688.002 that the agency has identified for use in negotiations, held by the Agency for Health Care Administration under s. 409.912(39)(a)*8.* ~~7.~~ are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 73. Paragraph (b) of subsection (4), paragraph (a) of subsection (39), and subsection (41) of section 409.912, Florida Statutes, are amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(4) The agency may contract with:

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such entity must be licensed under chapter 624, chapter 636, or chapter 641, or authorized under paragraph (c) or paragraph (d), and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The secretary of the Department of Children and Family Services shall approve provisions of procurements related to children in the department's care or custody before enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. Except as provided in subparagraph 8., and except in counties where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211, the agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients not enrolled in a Medicaid managed care plan authorized under s. 409.91211, a provider service network authorized under paragraph (d), or a Medicaid health maintenance organization in an AHCA area. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and are subject to this paragraph. Each entity must offer a sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network shall include all public mental health hospitals. To ensure unimpaired access to behavioral health care services by Medicaid recipients, all contracts issued pursuant to this paragraph must require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations and capitated provider service networks, to be expended for the provision of behavioral health care services. If the managed care plan expends less than 80 percent of the capitation paid for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the plan with a certification letter indicating the amount of capitation paid during each calendar year for behavioral health care services pursuant to this section. The agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. By January 1, 2001, the agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance abuse treatment services.

2. By July 1, 2003, the agency and the Department of Children and Family Services shall execute a written agreement that requires collaboration and joint development of all policy, budgets, procurement documents, contracts, and monitoring plans that have an impact on the

state and Medicaid community mental health and targeted case management programs.

3. Except as provided in subparagraph 8., by July 1, 2006, the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization, a provider service network authorized under paragraph (d), or a Medicaid capitated managed care plan authorized under s. 409.91211. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid capitated managed care plan authorized under s. 409.91211, a provider service network authorized under paragraph (d), or a Medicaid health maintenance organization in AHCA areas where the eligible population exceeds 150,000. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and shall be subject to this paragraph. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations are eligible to compete. Managed care plans contracting with the agency under subsection (3) or paragraph (d), shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA rules, including handbooks incorporated by reference. In AHCA area 11, the agency shall contract with at least two comprehensive behavioral health care providers to provide behavioral health care to recipients in that area who are enrolled in, or assigned to, the MediPass program. One of the behavioral health care contracts must be with the existing provider service network pilot project, as described in paragraph (d), for the purpose of demonstrating the cost-effectiveness of the provision of quality mental health services through a public hospital-operated managed care model. Payment shall be at an agreed-upon capitated rate to ensure cost savings. Of the recipients in area 11 who are assigned to MediPass under s. 409.9122(2)(k), a minimum of 50,000 of those MediPass-enrolled recipients shall be assigned to the existing provider service network in area 11 for their behavioral care.

4. By October 1, 2003, the agency and the department shall submit a plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides for the full implementation of capitated prepaid behavioral health care in all areas of the state.

a. Implementation shall begin in 2003 in those AHCA areas of the state where the agency is able to establish sufficient capitation rates.

b. If the agency determines that the proposed capitation rate in any area is insufficient to provide appropriate services, the agency may adjust the capitation rate to ensure that care will be available. The agency and the department may use existing general revenue to address any additional required match but may not over-obligate existing funds on an annualized basis.

c. Subject to any limitations provided in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures that allow for certification of local and state funds.

5. Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider may not be included in a behavioral health care prepaid health plan or any other Medicaid managed care plan pursuant to this paragraph.

6. In converting to a prepaid system of delivery, the agency shall in its procurement document require an entity providing only comprehensive behavioral health care services to prevent the displacement of indigent care patients by enrollees in the Medicaid prepaid health plan providing behavioral health care services from facilities receiving state funding to provide indigent behavioral health care, to facilities licensed under chapter 395 which do not receive state funding for indigent behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.

7. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

8. All Medicaid-eligible children, except children in area 1 and children in Highlands County, Hardee County, Polk County, or Manatee County of area 6, that are open for child welfare services in the HomeSafeNet system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies through a single agency or formal agreements among several agencies. *The agency shall work with the specialty plan to develop clinically effective, evidence-based alternatives as a downward substitution for the statewide inpatient psychiatric program and similar residential care and institutional services.* The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms to maximize state and local revenues. The specialty prepaid plan shall be developed by the agency and the Department of Children and Family Services. The agency may seek federal waivers to implement this initiative. Medicaid-eligible children whose cases are open for child welfare services in the HomeSafeNet system and who reside in AHCA area 10 are exempt from the specialty prepaid plan upon the development of a service delivery mechanism for children who reside in area 10 as specified in s. 409.91211(3)(dd).

(39)(a) The agency shall implement a Medicaid prescribed-drug spending-control program that includes the following components:

1. A Medicaid preferred drug list, which shall be a listing of cost-effective therapeutic options recommended by the Medicaid Pharmacy and Therapeutics Committee established pursuant to s. 409.91195 and adopted by the agency for each therapeutic class on the preferred drug list. At the discretion of the committee, and when feasible, the preferred drug list should include at least two products in a therapeutic class. The agency may post the preferred drug list and updates to the preferred drug list on an Internet website without following the rulemaking procedures of chapter 120. Antiretroviral agents are excluded from the preferred drug list. The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply unless the drug products' smallest marketed package is greater than a 34-day supply, or the drug is determined by the agency to be a maintenance drug in which case a 100-day maximum supply may be authorized. The agency is authorized to seek any federal waivers necessary to implement these cost-control programs and to continue participation in the federal Medicaid rebate program, or alternatively to negotiate state-only manufacturer rebates. The agency may adopt rules to implement this subparagraph. The agency shall continue to provide unlimited contraceptive drugs and items. The agency must establish procedures to ensure that:

a. There is a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation; and

b. A 72-hour supply of the drug prescribed is provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the lesser of: the average wholesale price (AWP) minus 16.4 percent, the wholesaler acquisition cost (WAC) plus 4.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

3. For a prescribed drug billed as a 340B prescribed medication, the claim must meet the requirements of the Deficit Reduction Act of 2005 and the federal 340B program, contain a national drug code, and be billed at the actual acquisition cost or payment shall be denied.

4.~~3.~~ The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant

numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

5.~~4.~~ The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment when it is determined that it has a sufficient number of Medicaid-participating providers. The agency must allow dispensing practitioners to participate as a part of the Medicaid pharmacy network regardless of the practitioner's proximity to any other entity that is dispensing prescription drugs under the Medicaid program. A dispensing practitioner must meet all credentialing requirements applicable to his or her practice, as determined by the agency.

6.~~5.~~ The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

7.~~6.~~ The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

8.~~7.~~ The agency may establish a preferred drug list as described in this subsection, and, pursuant to the establishment of such preferred drug list, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 14 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug list. However, a pharmaceutical manufacturer is not guaranteed placement on the preferred drug list by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. Effective July 1, 2004, value-added programs as a substitution for supplemental rebates are prohibited. The agency is authorized to seek any federal waivers to implement this initiative.

9.~~8.~~ The Agency for Health Care Administration shall expand home delivery of pharmacy products. To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail-order-pharmacy diabetes-supply program to include all generic and brand-name drugs used by Medicaid patients with diabetes. Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract. The agency may seek and implement any federal waivers necessary to implement this subparagraph.

10.~~9.~~ The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

11.~~10.~~a. The agency may implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. The agency is authorized to seek federal waivers to implement this program.

b. The agency, in conjunction with the Department of Children and Family Services, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program may include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

12.~~11.~~a. The agency shall implement a Medicaid prescription drug management system. The agency may contract with a vendor that has experience in operating prescription drug management systems in order to implement this system. Any management system that is implemented in accordance with this subparagraph must rely on cooperation between physicians and pharmacists to determine appropriate practice patterns and clinical guidelines to improve the prescribing, dispensing, and use of drugs in the Medicaid program. The agency may seek federal waivers to implement this program.

b. The drug management system must be designed to improve the quality of care and prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid prescription drugs. The program must:

(I) Provide for the development and adoption of best practice guidelines for the prescribing and use of drugs in the Medicaid program, including translating best practice guidelines into practice; reviewing prescriber patterns and comparing them to indicators that are based on

national standards and practice patterns of clinical peers in their community, statewide, and nationally; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid recipients who are outliers in their use of a single or multiple prescription drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of prescription drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple drugs that may be redundant or contraindicated, or may have other potential medication problems.

(V) Track spending trends for prescription drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement disease management programs in cooperation with physicians and pharmacists, along with a model quality-based medication component for individuals having chronic medical conditions.

13.~~12.~~ The agency is authorized to contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

14.~~13.~~ The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

15.~~14.~~ The agency may require prior authorization for Medicaid-covered prescribed drugs. The agency may, but is not required to, prior-authorize the use of a product:

a. For an indication not approved in labeling;

b. To comply with certain clinical guidelines; or

c. If the product has the potential for overuse, misuse, or abuse.

The agency may require the prescribing professional to provide information about the rationale and supporting medical evidence for the use of a drug. The agency *shall accept electronic prior authorization requests from prescribers or pharmacists for any drug requiring prior authorization and* ~~may~~ post prior authorization criteria and protocol and updates to the list of drugs that are subject to prior authorization on an Internet website without amending its rule or engaging in additional rulemaking.

16.~~15.~~ The agency, in conjunction with the Pharmaceutical and Therapeutics Committee, may require age-related prior authorizations for certain prescribed drugs. The agency may preauthorize the use of a drug for a recipient who may not meet the age requirement or may exceed the length of therapy for use of this product as recommended by the manufacturer and approved by the Food and Drug Administration. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the use of a drug.

17.~~16.~~ The agency shall implement a step-therapy prior authorization approval process for medications excluded from the preferred drug list. Medications listed on the preferred drug list must be used within the previous 12 months prior to the alternative medications that are not listed. The step-therapy prior authorization may require the prescriber to use the medications of a similar drug class or for a similar medical indication unless contraindicated in the Food and Drug Administration labeling. The trial period between the specified steps may vary according to the medical indication. The step-therapy approval process shall be developed in accordance with the committee as stated in s. 409.91195(7) and (8). A drug product may be approved without meeting the step-therapy prior authorization criteria if the prescribing physician provides the agency with additional written medical or clinical documentation that the product is medically necessary because:

a. There is not a drug on the preferred drug list to treat the disease or medical condition which is an acceptable clinical alternative;

b. The alternatives have been ineffective in the treatment of the beneficiary's disease; or

c. Based on historic evidence and known characteristics of the patient and the drug, the drug is likely to be ineffective, or the number of doses have been ineffective.

The agency shall work with the physician to determine the best alternative for the patient. The agency may adopt rules waiving the requirements for written clinical documentation for specific drugs in limited clinical situations.

18.~~17.~~ The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a $5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner. The agency shall determine if the program has reduced the amount of Medicaid prescription drugs which are destroyed on an annual basis and if there are additional ways to ensure more prescription drugs are not destroyed which could safely be reused. The agency's conclusion and recommendations shall be reported to the Legislature by December 1, 2005.

(41) The agency shall *establish* ~~provide for the development of~~ a demonstration project ~~by establishment~~ in Miami-Dade County of a long-term-care facility licensed *and a psychiatric facility* pursuant to chapter 395 to improve access to health care for a predominantly minority, medically underserved, and medically complex population and to evaluate alternatives to nursing home care and general acute care for such population. Such project is to be located in a health care condominium and *collocated* ~~colocated~~ with licensed facilities providing a continuum of care. *These projects are* ~~The establishment of this project is~~ not subject to the provisions of s. 408.036 or s. 408.039.

Section 74. Subsection (3) and paragraph (c) of subsection (4) of section 429.07, Florida Statutes, are amended, and subsections (6) and (7) are added to that section, to read:

429.07 License required; fee*; inspections*.—

(3) In addition to the requirements of s. 408.806, each license granted by the agency must state the type of care for which the license is granted. Licenses shall be issued for one or more of the following categories of care: standard, extended congregate care, ~~limited nursing services,~~ or limited mental health.

(a) A standard license shall be issued to *a facility* ~~facilities~~ providing one or more of the personal services identified in s. 429.02. Such *licensee* ~~facilities~~ may also employ or contract with a person ~~licensed under part I of chapter 464~~ to ~~administer medications and~~ perform other tasks as specified in s. 429.255.

(b) An extended congregate care license shall be issued to *a licensee* ~~facilities~~ providing, directly or through contract, services beyond those authorized in paragraph (a), including services performed by persons licensed under part I of chapter 464 and supportive services, as defined by rule, to persons who would otherwise be disqualified from continued residence in a facility licensed under this part.

1. In order for extended congregate care services to be provided, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the ~~facility's~~ license, that such services may be provided and whether the designation applies to all or part of the facility. Such designation may be made at the time of initial licensure or relicensure, or upon request in writing by a licensee

under this part and part II of chapter 408. The notification of approval or the denial of the request shall be made in accordance with part II of chapter 408. *An* existing *licensee* ~~facilities~~ qualifying to provide extended congregate care services must have maintained a standard license and ~~may~~ not ~~have~~ been subject to administrative sanctions during the previous 2 years, or since initial licensure if ~~the facility has been~~ licensed for less than 2 years, for any of the following reasons:

a. A class I or class II violation;

b. Three or more repeat or recurring class III violations of identical or similar resident care standards from which a pattern of noncompliance is found by the agency;

c. Three or more class III violations that were not corrected in accordance with the corrective action plan approved by the agency;

d. Violation of resident care standards which results in requiring the facility to employ the services of a consultant pharmacist or consultant dietitian;

e. Denial, suspension, or revocation of a license for another facility licensed under this part in which the applicant for an extended congregate care license has at least 25 percent ownership interest; or

f. Imposition of a moratorium pursuant to this part or part II of chapter 408 or initiation of injunctive proceedings.

2. A facility that is licensed to provide extended congregate care services shall maintain a written progress report *for* ~~on~~ each person who receives services which describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. ~~A registered nurse, or appropriate designee, representing the agency shall visit the facility at least quarterly to monitor residents who are receiving extended congregate care services and to determine if the facility is in compliance with this part, part II of chapter 408, and relevant rules. One of the visits may be in conjunction with the regular survey. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall serve as part of the team that inspects the facility. The agency may waive one of the required yearly monitoring visits for a facility that has been licensed for at least 24 months to provide extended congregate care services, if, during the inspection, the registered nurse determines that extended congregate care services are being provided appropriately, and if the facility has no class I or class II violations and no uncorrected class III violations. The agency must first consult with the long-term care ombudsman council for the area in which the facility is located to determine if any complaints have been made and substantiated about the quality of services or care. The agency may not waive one of the required yearly monitoring visits if complaints have been made and substantiated.~~

3. A facility that is licensed to provide extended congregate care services must:

a. Demonstrate the capability to meet unanticipated resident service needs.

b. Offer a physical environment that promotes a homelike setting, provides for resident privacy, promotes resident independence, and allows sufficient congregate space as defined by rule.

c. Have sufficient staff available, taking into account the physical plant and firesafety features of the building, to assist with the evacuation of residents in an emergency.

d. Adopt and follow policies and procedures that maximize resident independence, dignity, choice, and decisionmaking to permit residents to age in place, so that moves due to changes in functional status are minimized or avoided.

e. Allow residents or, if applicable, a resident's representative, designee, surrogate, guardian, or attorney in fact to make a variety of personal choices, participate in developing service plans, and share responsibility in decisionmaking.

f. Implement the concept of managed risk.

g. Provide, directly or through contract, the services of a person licensed under part I of chapter 464.

h. In addition to the training mandated in s. 429.52, provide specialized training as defined by rule for facility staff.

4. A facility that is licensed to provide extended congregate care services is exempt from the criteria for continued residency set forth in rules adopted under s. 429.41. A licensed facility must adopt its own requirements within guidelines for continued residency set forth by rule. However, the facility may not serve residents who require 24-hour nursing supervision. A licensed facility that provides extended congregate care services must also provide each resident with a written copy of facility policies governing admission and retention.

5. The primary purpose of extended congregate care services is to allow residents, as they become more impaired, the option of remaining in a familiar setting from which they would otherwise be disqualified for continued residency. A facility licensed to provide extended congregate care services may also admit an individual who exceeds the admission criteria for a facility with a standard license, if the individual is determined appropriate for admission to the extended congregate care facility.

6. Before the admission of an individual to a facility licensed to provide extended congregate care services, the individual must undergo a medical examination as provided in s. 429.26(4) and the facility must develop a preliminary service plan for the individual.

7. When a *licensee* ~~facility~~ can no longer provide or arrange for services in accordance with the resident's service plan and needs and the *licensee's* ~~facility's~~ policy, the *licensee* ~~facility~~ shall make arrangements for relocating the person in accordance with s. 429.28(1)(k).

8. Failure to provide extended congregate care services may result in denial of extended congregate care license renewal.

~~(c) A limited nursing services license shall be issued to a facility that provides services beyond those authorized in paragraph (a) and as specified in this paragraph.~~

~~1. In order for limited nursing services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided. Such designation may be made at the time of initial licensure or relicensure, or upon request in writing by a licensee under this part and part II of chapter 408. Notification of approval or denial of such request shall be made in accordance with part II of chapter 408. Existing facilities qualifying to provide limited nursing services shall have maintained a standard license and may not have been subject to administrative sanctions that affect the health, safety, and welfare of residents for the previous 2 years or since initial licensure if the facility has been licensed for less than 2 years.~~

~~2. Facilities that are licensed to provide limited nursing services shall maintain a written progress report on each person who receives such nursing services, which report describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse representing the agency shall visit such facilities at least twice a year to monitor residents who are receiving limited nursing services and to determine if the facility is in compliance with applicable provisions of this part, part II of chapter 408, and related rules. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall also serve as part of the team that inspects such facility.~~

~~3. A person who receives limited nursing services under this part must meet the admission criteria established by the agency for assisted living facilities. When a resident no longer meets the admission criteria for a facility licensed under this part, arrangements for relocating the person shall be made in accordance with s. 429.28(1)(k), unless the facility is licensed to provide extended congregate care services.~~

(4) In accordance with s. 408.805, an applicant or licensee shall pay a fee for each license application submitted under this part, part II of

chapter 408, and applicable rules. The amount of the fee shall be established by rule.

~~(c) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide limited nursing services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be $250 per license, with an additional fee of $10 per resident based on the total licensed resident capacity of the facility.~~

(6) In order to determine whether the facility is adequately protecting residents' rights as provided in s. 429.28, the agency's standard licensure survey shall include private informal conversations with a sample of residents and consultation with the ombudsman council in the planning and service area in which the facility is located to discuss residents' experiences within the facility.

(7) An assisted living facility that has been cited within the previous 24-month period for a class I or class II violation, regardless of the status of any enforcement or disciplinary action, is subject to periodic unannounced monitoring to determine if the facility is in compliance with this part, part II of chapter 408, and applicable rules. Monitoring may occur through a desk review or an onsite assessment. If the class I or class II violation relates to providing or failing to provide nursing care, a registered nurse must participate in monitoring activities during the 12-month period following the violation.

Section 75. Subsection (2) of section 429.075, Florida Statutes, is amended to read:

429.075 Limited mental health license.—An assisted living facility that serves three or more mental health residents must obtain a limited mental health license.

(2) Facilities licensed to provide services to mental health residents shall provide appropriate supervision and staffing to provide for the health, safety, and welfare of such residents. *In a municipality having a population of more than 300,000 residents, an assisted living facility or a community residential home located within an area zoned as a residential area must maintain 24-hour security services if the assisted living facility or a community residential home has:*

(a) Residents who are identified as being part of a priority population; and

(b) Adult residents and adolescent residents who have severe and persistent mental illnesses or substance abuse disorders as described in s. 394.674.

Section 76. Subsection (7) of section 429.11, Florida Statutes, is renumbered as subsection (6), and present subsection (6) of that section is amended to read:

429.11 Initial application for license~~; provisional license~~.—

~~(6) In addition to the license categories available in s. 408.808, a provisional license may be issued to an applicant making initial application for licensure or making application for a change of ownership. A provisional license shall be limited in duration to a specific period of time not to exceed 6 months, as determined by the agency.~~

Section 77. Section 429.12, Florida Statutes, is amended to read:

429.12 Sale or transfer of ownership of a facility.—It is the intent of the Legislature to protect the rights of the residents of an assisted living facility when the facility is sold or the ownership thereof is transferred. Therefore, in addition to the requirements of part II of chapter 408, whenever a facility is sold or the ownership thereof is transferred, including leasing,~~:~~

~~(1)~~ the transferee shall notify the residents, in writing, of the change of ownership within 7 days after receipt of the new license.

~~(2) The transferor of a facility the license of which is denied pending an administrative hearing shall, as a part of the written change of ownership contract, advise the transferee that a plan of correction must be submitted by the transferee and approved by the agency at least 7 days before the change of ownership and that failure to correct the condition which resulted in the moratorium pursuant to part II of chapter 408 or denial of licensure is grounds for denial of the transferee's license.~~

Section 78. Subsection (5) of section 429.14, Florida Statutes, is amended to read:

429.14 Administrative penalties.—

(5) An action taken by the agency to suspend, deny, or revoke a facility's license under this part or part II of chapter 408, in which the agency claims that the facility owner or an employee of the facility has threatened the health, safety, or welfare of a resident of the facility*, shall* be heard by the Division of Administrative Hearings of the Department of Management Services within 120 days after receipt of the facility's request for a hearing, unless that time limitation is waived by both parties. The administrative law judge must render a decision within 30 days after receipt of a proposed recommended order.

Section 79. Subsections (1), (4), and (5) of section 429.17, Florida Statutes, are amended to read:

429.17 Expiration of license; renewal; conditional license.—

(1) ~~Limited nursing,~~ Extended congregate care~~,~~ and limited mental health licenses shall expire at the same time as the facility's standard license, regardless of when issued.

(4) In addition to the license categories available in s. 408.808, a conditional license may be issued to an applicant for license renewal if the applicant fails to meet all standards and requirements for licensure. A conditional license issued under this subsection shall be limited in duration to a specific period of time not to exceed 6 months, as determined by the agency~~, and shall be accompanied by an agency approved plan of correction~~.

(5) When an extended *congregate* care ~~or limited nursing license~~ is requested during a facility's biennial license period, the fee shall be prorated in order to permit the additional license to expire at the end of the biennial license period. The fee shall be calculated as of the date the additional license application is received by the agency.

Section 80. Section 429.195, Florida Statutes, is amended to read:

429.195 Rebates prohibited; penalties.—

(1) It is unlawful for any assisted living facility licensed under this part to contract or promise to pay or receive any commission, bonus, kickback, or rebate or engage in any split-fee arrangement in any form whatsoever with any *health care provider or health care facility pursuant to s. 817.505* ~~physician, surgeon, organization, agency, or person, either directly or indirectly, for residents referred to an assisted living facility licensed under this part~~. ~~A facility may employ or contract with persons to market the facility, provided the employee or contract provider clearly indicates that he or she represents the facility. A person or agency independent of the facility may provide placement or referral services for a fee to individuals seeking assistance in finding a suitable facility; however, any fee paid for placement or referral services must be paid by the individual looking for a facility, not by the facility.~~

(2) A violation of this section shall be considered patient brokering and is punishable as provided in s. 817.505.

(3) This section does not apply to:

(a) An individual employed by the facility, or with whom the facility contracts to market the facility, if the employee or contract provider clearly indicates that he or she works with or for the facility.

(b) A referral service that provides information, consultation, or referrals to consumers to assist them in finding appropriate care or housing options for seniors or disabled adults, provided that such referred consumers are not Medicaid recipients.

(c) Residents of an assisted living facility who refer friends, family members, or other individuals with whom they have a personal relationship to the assisted living facility, and does not prohibit the assisted living facility from providing a monetary reward to the resident for making such a referral.

Section 81. Subsections (6) through (10) of section 429.23, Florida Statutes, are renumbered as subsections (5) through (9), respectively, and present subsection (5) of that section is amended to read:

429.23 Internal risk management and quality assurance program; adverse incidents and reporting requirements.—

~~(5) Each facility shall report monthly to the agency any liability claim filed against it. The report must include the name of the resident, the dates of the incident leading to the claim, if applicable, and the type of injury or violation of rights alleged to have occurred. This report is not discoverable in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.~~

Section 82. Paragraph (a) of subsection (1) and subsection (2) of section 429.255, Florida Statutes, are amended to read:

429.255 Use of personnel; emergency care.—

(1)(a) Persons under contract to the facility *or*~~,~~ facility staff~~, or volunteers,~~ who are licensed according to part I of chapter 464, or those persons exempt under s. 464.022(1), and others as defined by rule, may administer medications to residents, take residents' vital signs, manage individual weekly pill organizers for residents who self-administer medication, give prepackaged enemas ordered by a physician, observe residents, document observations on the appropriate resident's record, report observations to the resident's physician, and contract or allow residents or a resident's representative, designee, surrogate, guardian, or attorney in fact to contract with a third party, provided residents meet the criteria for appropriate placement as defined in s. 429.26. *Persons under contract to the facility or facility staff who are licensed according to part I of chapter 464 may provide limited nursing services.* Nursing assistants certified pursuant to part II of chapter 464 may take residents' vital signs as directed by a licensed nurse or physician. *The facility is responsible for maintaining documentation of services provided under this paragraph and as required by rule and for ensuring that staff are adequately trained to monitor residents receiving these services.*

(2) In facilities licensed to provide extended congregate care, persons under contract to the facility *or*~~,~~ facility staff~~, or volunteers,~~ who are licensed according to part I of chapter 464, or those persons exempt under s. 464.022(1), or those persons certified as nursing assistants pursuant to part II of chapter 464, may also perform all duties within the scope of their license or certification, as approved by the facility administrator and pursuant to this part.

Section 83. Subsections (4), (5), (6), and (7) of section 429.28, Florida Statutes, are renumbered as subsections (3), (4), (5), and (6), respectively, and present subsections (3) and (6) of that section are amended to read:

429.28 Resident bill of rights.—

~~(3)(a) The agency shall conduct a survey to determine general compliance with facility standards and compliance with residents' rights as a prerequisite to initial licensure or licensure renewal.~~

~~(b) In order to determine whether the facility is adequately protecting residents' rights, the biennial survey shall include private informal conversations with a sample of residents and consultation with the ombudsman council in the planning and service area in which the facility is located to discuss residents' experiences within the facility.~~

~~(c) During any calendar year in which no survey is conducted, the agency shall conduct at least one monitoring visit of each facility cited in the previous year for a class I or class II violation, or more than three uncorrected class III violations.~~

~~(d) The agency may conduct periodic followup inspections as necessary to monitor the compliance of facilities with a history of any class I, class II, or class III violations that threaten the health, safety, or security of residents.~~

~~(e) The agency may conduct complaint investigations as warranted to investigate any allegations of noncompliance with requirements required under this part or rules adopted under this part.~~

(5)~~(6)~~ Any facility which terminates the residency of an individual who participated in activities specified in subsection *(4)*~~(5)~~ shall show good cause in a court of competent jurisdiction.

Section 84. Subsections (4) and (5) of section 429.41, Florida Statutes, are renumbered as subsections (3) and (4), respectively, and paragraphs (i) and (j) of subsection (1) and present subsection (3) of that section are amended to read:

429.41 Rules establishing standards.—

(1) It is the intent of the Legislature that rules published and enforced pursuant to this section shall include criteria by which a reasonable and consistent quality of resident care and quality of life may be ensured and the results of such resident care may be demonstrated. Such rules shall also ensure a safe and sanitary environment that is residential and noninstitutional in design or nature. It is further intended that reasonable efforts be made to accommodate the needs and preferences of residents to enhance the quality of life in a facility. The agency, in consultation with the department, may adopt rules to administer the requirements of part II of chapter 408. In order to provide safe and sanitary facilities and the highest quality of resident care accommodating the needs and preferences of residents, the department, in consultation with the agency, the Department of Children and Family Services, and the Department of Health, shall adopt rules, policies, and procedures to administer this part, which must include reasonable and fair minimum standards in relation to:

(i) Facilities holding *an* ~~a limited nursing,~~ extended congregate care~~,~~ or limited mental health license.

(j) The establishment of specific criteria to define appropriateness of resident admission and continued residency in a facility holding a standard, ~~limited nursing,~~ extended congregate care, and limited mental health license.

~~(3) The department shall submit a copy of proposed rules to the Speaker of the House of Representatives, the President of the Senate, and appropriate committees of substance for review and comment prior to the promulgation thereof. Rules promulgated by the department shall encourage the development of homelike facilities which promote the dignity, individuality, personal strengths, and decisionmaking ability of residents.~~

Section 85. Subsections (1) and (2) of section 429.53, Florida Statutes, are amended to read:

429.53 Consultation by the agency.—

(1) The ~~area offices of licensure and certification of the~~ agency shall provide consultation to the following upon request:

(a) A licensee of a facility.

(b) A person interested in obtaining a license to operate a facility under this part.

(2) As used in this section, "consultation" includes:

(a) An explanation of the requirements of this part and rules adopted pursuant thereto;

(b) An explanation of the license application and renewal procedures; *and*

~~(c) The provision of a checklist of general local and state approvals required prior to constructing or developing a facility and a listing of the types of agencies responsible for such approvals;~~

~~(d) An explanation of benefits and financial assistance available to a recipient of supplemental security income residing in a facility;~~

(c)~~(e)~~ Any other information which the agency deems necessary to promote compliance with the requirements of this part~~; and~~

~~(f) A preconstruction review of a facility to ensure compliance with agency rules and this part~~.

Section 86. Subsections (1) and (2) of section 429.54, Florida Statutes, are renumbered as subsections (2) and (3), respectively, and subsection (1) is added to that section, to read:

429.54 Collection of information; local subsidy.—

(1) A facility that is licensed under this part must report electronically to the agency semiannually data related to the facility, including, but not limited to, the total number of residents, the number of residents who are receiving limited mental health services, the number of residents who are receiving extended congregate care services, the number of residents who are receiving limited nursing services, and professional staffing employed by or under contract with the licensee to provide resident services. The department, in consultation with the agency, shall adopt rules to administer this subsection.

Section 87. Subsection (6) of section 429.71, Florida Statutes, is renumbered as subsection (5), and subsection (1) and present subsection (5) of that section are amended to read:

429.71 Classification of *violations* ~~deficiencies~~; administrative fines.—

(1) In addition to the requirements of part II of chapter 408 and in addition to any other liability or penalty provided by law, the agency may impose an administrative fine on a provider according to the following classification:

(a) Class I violations are *defined in s. 408.813* ~~those conditions or practices related to the operation and maintenance of an adult family-care home or to the care of residents which the agency determines present an imminent danger to the residents or guests of the facility or a substantial probability that death or serious physical or emotional harm would result therefrom. The condition or practice that constitutes a class I violation must be abated or eliminated within 24 hours, unless a fixed period, as determined by the agency, is required for correction~~. A class I *violation* ~~deficiency~~ is subject to an administrative fine in an amount not less than $500 and not exceeding $1,000 for each violation. ~~A fine may be levied notwithstanding the correction of the deficiency.~~

(b) Class II violations are *defined in s. 408.813* ~~those conditions or practices related to the operation and maintenance of an adult family-care home or to the care of residents which the agency determines directly threaten the physical or emotional health, safety, or security of the residents, other than class I violations~~. A class II violation is subject to an administrative fine in an amount not less than $250 and not exceeding $500 for each violation. ~~A citation for a class II violation must specify the time within which the violation is required to be corrected. If a class II violation is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.~~

(c) Class III violations are *defined in s. 408.813* ~~those conditions or practices related to the operation and maintenance of an adult family-care home or to the care of residents which the agency determines indirectly or potentially threaten the physical or emotional health, safety, or security of residents, other than class I or class II violations~~. A class III violation is subject to an administrative fine in an amount not less than $100 and not exceeding $250 for each violation. ~~A citation for a class III violation shall specify the time within which the violation is required to be corrected.~~ If a class III violation is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated *violation* ~~offense~~.

(d) Class IV violations are *defined in s. 408.813* ~~those conditions or occurrences related to the operation and maintenance of an adult family-care home, or related to the required reports, forms, or documents, which do not have the potential of negatively affecting the residents. A provider that does not correct~~ A class IV violation ~~within the time limit specified by the agency~~ is subject to an administrative fine in an amount not less than $50 and not exceeding $100 for each violation. Any class IV violation that is corrected during the time the agency survey is conducted will be identified as an agency finding and not as a violation*, unless it is a repeat violation*.

~~(5) As an alternative to or in conjunction with an administrative action against a provider, the agency may request a plan of corrective action that demonstrates a good faith effort to remedy each violation by a specific date, subject to the approval of the agency.~~

Section 88. Section 429.915, Florida Statutes, is amended to read:

429.915 Conditional license.—In addition to the license categories available in part II of chapter 408, the agency may issue a conditional license to an applicant for license renewal or change of ownership if the applicant fails to meet all standards and requirements for licensure. A conditional license issued under this subsection must be limited to a specific period not exceeding 6 months, as determined by the agency~~, and must be accompanied by an approved plan of correction~~.

Section 89. Paragraphs (b) and (g) of subsection (3) of section 430.80, Florida Statutes, are amended to read:

430.80 Implementation of a teaching nursing home pilot project.—

(3) To be designated as a teaching nursing home, a nursing home licensee must, at a minimum:

(b) Participate in a nationally recognized accreditation program and hold a valid accreditation, such as the accreditation awarded by the Joint Commission ~~on Accreditation of Healthcare Organizations~~, or, at the time of initial designation, possess a Gold Seal Award as conferred by the state on its licensed nursing home;

(g) Maintain insurance coverage pursuant to s. 400.141(1)*(q)*~~(s)~~ or proof of financial responsibility in a minimum amount of $750,000. Such proof of financial responsibility may include:

1. Maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52; or

2. Obtaining and maintaining pursuant to chapter 675 an unexpired, irrevocable, nontransferable and nonassignable letter of credit issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized to receive deposits in this state. The letter of credit shall be used to satisfy the obligation of the facility to the claimant upon presentment of a final judgment indicating liability and awarding damages to be paid by the facility or upon presentment of a settlement agreement signed by all parties to the agreement when such final judgment or settlement is a result of a liability claim against the facility.

Section 90. Paragraph (d) of subsection (9) of section 440.102, Florida Statutes, is amended to read:

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(9) DRUG-TESTING STANDARDS FOR LABORATORIES.—

~~(d) The laboratory shall submit to the Agency for Health Care Administration a monthly report with statistical information regarding the testing of employees and job applicants. The report must include information on the methods of analysis conducted, the drugs tested for, the number of positive and negative results for both initial tests and confirmation tests, and any other information deemed appropriate by the Agency for Health Care Administration. A monthly report must not identify specific employees or job applicants.~~

Section 91. Paragraph (a) of subsection (2) of section 440.13, Florida Statutes, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(2) MEDICAL TREATMENT; DUTY OF EMPLOYER TO FURNISH.—

(a) Subject to the limitations specified elsewhere in this chapter, the employer shall furnish to the employee such medically necessary remedial treatment, care, and attendance for such period as the nature of the injury or the process of recovery may require, which is in accordance with established practice parameters and protocols of treatment as provided for in this chapter, including medicines, medical supplies, durable medical equipment, orthoses, prostheses, and other medically

necessary apparatus. Remedial treatment, care, and attendance, including work-hardening programs or pain-management programs accredited by the Commission on Accreditation of Rehabilitation Facilities or *the* Joint Commission ~~on the Accreditation of Health Organizations~~ or pain-management programs affiliated with medical schools, shall be considered as covered treatment only when such care is given based on a referral by a physician as defined in this chapter. Medically necessary treatment, care, and attendance does not include chiropractic services in excess of 24 treatments or rendered 12 weeks beyond the date of the initial chiropractic treatment, whichever comes first, unless the carrier authorizes additional treatment or the employee is catastrophically injured.

Failure of the carrier to timely comply with this subsection shall be a violation of this chapter and the carrier shall be subject to penalties as provided for in s. 440.525.

Section 92. Paragraph (h) of subsection (3) of section 456.053, Florida Statutes, is amended to read:

456.053 Financial arrangements between referring health care providers and providers of health care services.—

(3) DEFINITIONS.—For the purpose of this section, the word, phrase, or term:

(h) "Group practice" means a group of two or more health care providers legally organized as a partnership, professional corporation, or similar association:

1.*a.* In which each health care provider who is a member of the group provides substantially the full range of services which the health care provider routinely provides, including medical care, consultation, diagnosis, or treatment, through the joint use of shared office space, facilities, equipment, and personnel;

b.~~2.~~ For which substantially all of the services of the health care providers who are members of the group are provided through the group and are billed in the name of the group and amounts so received are treated as receipts of the group; and

c.~~3.~~ In which the overhead expenses of and the income from the practice are distributed in accordance with methods previously determined by members of the group.

2. If the group provides radiation therapy services:

a. The group accepts and treats cancer patients under provider contracts for medical services under s. 409.912 for Medicaid;

b. The group provides the full range of radiation therapy services such that no single type of cancer, either as a primary or secondary diagnosis and as described by the International Statistical Classification of Diseases, shall constitute 40 percent or more of the group's cases for professional and technical services for radiation therapy services, where a case is defined as an individual patient's radiation treatment course; and

c. The health care providers other than physicians specializing in the provision of radiation therapy services or medical oncology services shall not own 50 percent or more of the group practice.

Section 93. Subsection (1) of section 483.035, Florida Statutes, is amended to read:

483.035 Clinical laboratories operated by practitioners for exclusive use; licensure and regulation.—

(1) A clinical laboratory operated by one or more practitioners licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, *chapter 463, part I of chapter 464,* or chapter 466, exclusively in connection with the diagnosis and treatment of their own patients, must be licensed under this part and must comply with the provisions of this part, except that the agency shall adopt rules for staffing, for personnel, including education and training of personnel, for proficiency testing, and for construction standards relating to the licensure and operation of the laboratory based upon and not exceeding the same standards contained in the federal Clinical Laboratory Improvement Amendments of 1988 and the federal regulations adopted thereunder.

Section 94. Subsections (1) and (9) of section 483.051, Florida Statutes, are amended to read:

483.051 Powers and duties of the agency.—The agency shall adopt rules to implement this part, which rules must include, but are not limited to, the following:

(1) LICENSING; QUALIFICATIONS.—The agency shall provide for biennial licensure of all *nonwaived* clinical laboratories meeting the requirements of this part and shall prescribe the qualifications necessary for such licensure*, including, but not limited to, application for or proof of a federal Clinical Laboratory Improvement Amendment (CLIA) certificate. For purposes of this section, the term "nonwaived clinical laboratories" means laboratories that perform any test that the Centers for Medicare and Medicaid Services has determined does not qualify for a certificate of waiver under the Clinical Laboratory Improvement Amendments of 1988 and the federal rules adopted thereunder.*

(9) ALTERNATE-SITE TESTING.—The agency, in consultation with the Board of Clinical Laboratory Personnel, shall adopt, by rule, the criteria for alternate-site testing to be performed under the supervision of a clinical laboratory director. The elements to be addressed in the rule include, but are not limited to: a hospital internal needs assessment; a protocol of implementation including tests to be performed and who will perform the tests; criteria to be used in selecting the method of testing to be used for alternate-site testing; minimum training and education requirements for those who will perform alternate-site testing, such as documented training, licensure, certification, or other medical professional background not limited to laboratory professionals; documented inservice training as well as initial and ongoing competency validation; an appropriate internal and external quality control protocol; an internal mechanism for identifying and tracking alternate-site testing by the central laboratory; and recordkeeping requirements. ~~Alternate site testing locations must register when the clinical laboratory applies to renew its license.~~ For purposes of this subsection, the term "alternate-site testing" means any laboratory testing done under the administrative control of a hospital, but performed out of the physical or administrative confines of the central laboratory.

Section 95. Section 483.294, Florida Statutes, is amended to read:

483.294 Inspection of centers.—In accordance with s. 408.811, the agency shall *biennially*~~, at least once annually,~~ inspect the premises and operations of all centers subject to licensure under this part.

Section 96. Paragraph (a) of subsection (54) of section 499.003, Florida Statutes, is amended to read:

499.003 Definitions of terms used in this part.—As used in this part, the term:

(54) "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

(a) Any of the following activities, which is not a violation of s. 499.005(21) if such activity is conducted in accordance with s. 499.01(2)(g):

1. The purchase or other acquisition by a hospital or other health care entity that is a member of a group purchasing organization of a prescription drug for its own use from the group purchasing organization or from other hospitals or health care entities that are members of that organization.

2. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug by a charitable organization described in s. 501(c)(3) of the Internal Revenue Code of 1986, as amended and revised, to a nonprofit affiliate of the organization to the extent otherwise permitted by law.

3. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug among hospitals or other health care entities that are under common control. For purposes of this subparagraph, "common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, by voting rights, by contract, or otherwise.

4. The sale, purchase, trade, or other transfer of a prescription drug from or for any federal, state, or local government agency or any entity eligible to purchase prescription drugs at public health services prices pursuant to Pub. L. No. 102-585, s. 602 to a contract provider or its subcontractor for eligible patients of the agency or entity under the following conditions:

a. The agency or entity must obtain written authorization for the sale, purchase, trade, or other transfer of a prescription drug under this subparagraph from the State Surgeon General or his or her designee.

b. The contract provider or subcontractor must be authorized by law to administer or dispense prescription drugs.

c. In the case of a subcontractor, the agency or entity must be a party to and execute the subcontract.

~~d. A contract provider or subcontractor must maintain separate and apart from other prescription drug inventory any prescription drugs of the agency or entity in its possession.~~

d.~~e.~~ The contract provider and subcontractor must maintain and produce immediately for inspection all records of movement or transfer of all the prescription drugs belonging to the agency or entity, including, but not limited to, the records of receipt and disposition of prescription drugs. Each contractor and subcontractor dispensing or administering these drugs must maintain and produce records documenting the dispensing or administration. Records that are required to be maintained include, but are not limited to, a perpetual inventory itemizing drugs received and drugs dispensed by prescription number or administered by patient identifier, which must be submitted to the agency or entity quarterly.

e.~~f.~~ The contract provider or subcontractor may administer or dispense the prescription drugs only to the eligible patients of the agency or entity or must return the prescription drugs for or to the agency or entity. The contract provider or subcontractor must require proof from each person seeking to fill a prescription or obtain treatment that the person is an eligible patient of the agency or entity and must, at a minimum, maintain a copy of this proof as part of the records of the contractor or subcontractor required under sub-subparagraph e.

f.~~g.~~ In addition to the departmental inspection authority set forth in s. 499.051, the establishment of the contract provider and subcontractor and all records pertaining to prescription drugs subject to this subparagraph shall be subject to inspection by the agency or entity. All records relating to prescription drugs of a manufacturer under this subparagraph shall be subject to audit by the manufacturer of those drugs, without identifying individual patient information.

Section 97. Subsection (1) of section 627.645, Florida Statutes, is amended to read:

627.645 Denial of health insurance claims restricted.—

(1) No claim for payment under a health insurance policy or self-insured program of health benefits for treatment, care, or services in a licensed hospital which is accredited by the Joint Commission ~~on the Accreditation of Hospitals~~, the American Osteopathic Association, or the Commission on the Accreditation of Rehabilitative Facilities shall be denied because such hospital lacks major surgical facilities and is primarily of a rehabilitative nature, if such rehabilitation is specifically for treatment of physical disability.

Section 98. Paragraph (c) of subsection (2) of section 627.668, Florida Statutes, is amended to read:

627.668 Optional coverage for mental and nervous disorders required; exception.—

(2) Under group policies or contracts, inpatient hospital benefits, partial hospitalization benefits, and outpatient benefits consisting of durational limits, dollar amounts, deductibles, and coinsurance factors shall not be less favorable than for physical illness generally, except that:

(c) Partial hospitalization benefits shall be provided under the direction of a licensed physician. For purposes of this part, the term "partial hospitalization services" is defined as those services offered by a program accredited by the Joint Commission ~~on Accreditation of Hospitals (JCAH)~~ or in compliance with equivalent standards. Alcohol rehabilitation programs accredited by the Joint Commission ~~on Accreditation of Hospitals~~ or approved by the state and licensed drug abuse rehabilitation programs shall also be qualified providers under this section. In any benefit year, if partial hospitalization services or a combination of inpatient and partial hospitalization are utilized, the total benefits paid for all such services shall not exceed the cost of 30 days of inpatient hospitalization for psychiatric services, including physician fees, which prevail in the community in which the partial hospitalization services are rendered. If partial hospitalization services benefits are provided beyond the limits set forth in this paragraph, the durational limits, dollar amounts, and coinsurance factors thereof need not be the same as those applicable to physical illness generally.

Section 99. Subsection (3) of section 627.669, Florida Statutes, is amended to read:

627.669 Optional coverage required for substance abuse impaired persons; exception.—

(3) The benefits provided under this section shall be applicable only if treatment is provided by, or under the supervision of, or is prescribed by, a licensed physician or licensed psychologist and if services are provided in a program accredited by the Joint Commission ~~on Accreditation of Hospitals~~ or approved by the state.

Section 100. Paragraph (a) of subsection (1) of section 627.736, Florida Statutes, is amended to read:

627.736 Required personal injury protection benefits; exclusions; priority; claims.—

(1) REQUIRED BENEFITS.—Every insurance policy complying with the security requirements of s. 627.733 shall provide personal injury protection to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in such motor vehicle, and other persons struck by such motor vehicle and suffering bodily injury while not an occupant of a self-propelled vehicle, subject to the provisions of subsection (2) and paragraph (4)(e), to a limit of $10,000 for loss sustained by any such person as a result of bodily injury, sickness, disease, or death arising out of the ownership, maintenance, or use of a motor vehicle as follows:

(a) *Medical benefits.*—Eighty percent of all reasonable expenses for medically necessary medical, surgical, X-ray, dental, and rehabilitative services, including prosthetic devices, and medically necessary ambulance, hospital, and nursing services. However, the medical benefits shall provide reimbursement only for such services and care that are lawfully provided, supervised, ordered, or prescribed by a physician licensed under chapter 458 or chapter 459, a dentist licensed under chapter 466, or a chiropractic physician licensed under chapter 460 or that are provided by any of the following persons or entities:

1. A hospital or ambulatory surgical center licensed under chapter 395.

2. A person or entity licensed under ss. 401.2101-401.45 that provides emergency transportation and treatment.

3. An entity wholly owned by one or more physicians licensed under chapter 458 or chapter 459, chiropractic physicians licensed under chapter 460, or dentists licensed under chapter 466 or by such practitioner or practitioners and the spouse, parent, child, or sibling of that practitioner or those practitioners.

4. An entity wholly owned, directly or indirectly, by a hospital or hospitals.

5. A health care clinic licensed under ss. 400.990-400.995 that is:

a. Accredited by the Joint Commission ~~on Accreditation of Healthcare Organizations~~, the American Osteopathic Association, the Commission on Accreditation of Rehabilitation Facilities, or the Accreditation Association for Ambulatory Health Care, Inc.; or

b. A health care clinic that:

(I) Has a medical director licensed under chapter 458, chapter 459, or chapter 460;

(II) Has been continuously licensed for more than 3 years or is a publicly traded corporation that issues securities traded on an exchange registered with the United States Securities and Exchange Commission as a national securities exchange; and

(III) Provides at least four of the following medical specialties:

(A) General medicine.

(B) Radiography.

(C) Orthopedic medicine.

(D) Physical medicine.

(E) Physical therapy.

(F) Physical rehabilitation.

(G) Prescribing or dispensing outpatient prescription medication.

(H) Laboratory services.

The Financial Services Commission shall adopt by rule the form that must be used by an insurer and a health care provider specified in subparagraph 3., subparagraph 4., or subparagraph 5. to document that the health care provider meets the criteria of this paragraph, which rule must include a requirement for a sworn statement or affidavit.

Only insurers writing motor vehicle liability insurance in this state may provide the required benefits of this section, and no such insurer shall require the purchase of any other motor vehicle coverage other than the purchase of property damage liability coverage as required by s. 627.7275 as a condition for providing such required benefits. Insurers may not require that property damage liability insurance in an amount greater than $10,000 be purchased in conjunction with personal injury protection. Such insurers shall make benefits and required property damage liability insurance coverage available through normal marketing channels. Any insurer writing motor vehicle liability insurance in this state who fails to comply with such availability requirement as a general business practice shall be deemed to have violated part IX of chapter 626, and such violation shall constitute an unfair method of competition or an unfair or deceptive act or practice involving the business of insurance; and any such insurer committing such violation shall be subject to the penalties afforded in such part, as well as those which may be afforded elsewhere in the insurance code.

Section 101. Section 633.081, Florida Statutes, is amended to read:

633.081 Inspection of buildings and equipment; orders; firesafety inspection training requirements; certification; disciplinary action.—The State Fire Marshal and her or his agents shall, at any reasonable hour, when the State Fire Marshal has reasonable cause to believe that a violation of this chapter or s. 509.215, or a rule promulgated thereunder, or a minimum firesafety code adopted by a local authority, may exist, inspect any and all buildings and structures which are subject to the requirements of this chapter or s. 509.215 and rules promulgated thereunder. The authority to inspect shall extend to all equipment, vehicles, and chemicals which are located within the premises of any such building or structure. *The State Fire Marshal and her or his agents shall inspect nursing homes licensed under part II of chapter 400 only once every calendar year and upon receiving a complaint forming the basis of a reasonable cause to believe that a violation of this chapter or s. 509.215, or a rule promulgated thereunder, or a minimum firesafety code adopted by a local authority may exist and upon identifying such a violation in the course of conducting orientation or training activities within a nursing home.*

(1) Each county, municipality, and special district that has firesafety enforcement responsibilities shall employ or contract with a firesafety inspector. Except as provided in s. 633.082(2), the firesafety inspector must conduct all firesafety inspections that are required by law. The governing body of a county, municipality, or special district that has firesafety enforcement responsibilities may provide a schedule of fees to pay only the costs of inspections conducted pursuant to this subsection and related administrative expenses. Two or more counties, municipalities, or special districts that have firesafety enforcement responsibilities may jointly employ or contract with a firesafety inspector.

(2) Except as provided in s. 633.082(2), every firesafety inspection conducted pursuant to state or local firesafety requirements shall be by a person certified as having met the inspection training requirements set by the State Fire Marshal. Such person shall:

(a) Be a high school graduate or the equivalent as determined by the department;

(b) Not have been found guilty of, or having pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States, or of any state thereof, which involves moral turpitude, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases;

(c) Have her or his fingerprints on file with the department or with an agency designated by the department;

(d) Have good moral character as determined by the department;

(e) Be at least 18 years of age;

(f) Have satisfactorily completed the firesafety inspector certification examination as prescribed by the department; and

(g)1. Have satisfactorily completed, as determined by the department, a firesafety inspector training program of not less than 200 hours established by the department and administered by agencies and institutions approved by the department for the purpose of providing basic certification training for firesafety inspectors; or

2. Have received in another state training which is determined by the department to be at least equivalent to that required by the department for approved firesafety inspector education and training programs in this state.

(3) Each special state firesafety inspection which is required by law and is conducted by or on behalf of an agency of the state must be performed by an individual who has met the provision of subsection (2), except that the duration of the training program shall not exceed 120 hours of specific training for the type of property that such special state firesafety inspectors are assigned to inspect.

(4) A firefighter certified pursuant to s. 633.35 may conduct firesafety inspections, under the supervision of a certified firesafety inspector, while on duty as a member of a fire department company conducting inservice firesafety inspections without being certified as a firesafety inspector, if such firefighter has satisfactorily completed an inservice fire department company inspector training program of at least 24 hours' duration as provided by rule of the department.

(5) Every firesafety inspector or special state firesafety inspector certificate is valid for a period of 3 years from the date of issuance. Renewal of certification shall be subject to the affected person's completing proper application for renewal and meeting all of the requirements for renewal as established under this chapter or by rule promulgated thereunder, which shall include completion of at least 40 hours during the preceding 3-year period of continuing education as required by the rule of the department or, in lieu thereof, successful passage of an examination as established by the department.

(6) The State Fire Marshal may deny, refuse to renew, suspend, or revoke the certificate of a firesafety inspector or special state firesafety inspector if it finds that any of the following grounds exist:

(a) Any cause for which issuance of a certificate could have been refused had it then existed and been known to the State Fire Marshal.

(b) Violation of this chapter or any rule or order of the State Fire Marshal.

(c) Falsification of records relating to the certificate.

(d) Having been found guilty of or having pleaded guilty or nolo contendere to a felony, whether or not a judgment of conviction has been entered.

(e) Failure to meet any of the renewal requirements.

(f) Having been convicted of a crime in any jurisdiction which directly relates to the practice of fire code inspection, plan review, or administration.

(g) Making or filing a report or record that the certificateholder knows to be false, or knowingly inducing another to file a false report or record, or knowingly failing to file a report or record required by state or local law, or knowingly impeding or obstructing such filing, or knowingly inducing another person to impede or obstruct such filing.

(h) Failing to properly enforce applicable fire codes or permit requirements within this state which the certificateholder knows are applicable by committing willful misconduct, gross negligence, gross misconduct, repeated negligence, or negligence resulting in a significant danger to life or property.

(i) Accepting labor, services, or materials at no charge or at a noncompetitive rate from any person who performs work that is under the enforcement authority of the certificateholder and who is not an immediate family member of the certificateholder. For the purpose of this paragraph, the term "immediate family member" means a spouse, child, parent, sibling, grandparent, aunt, uncle, or first cousin of the person or the person's spouse or any person who resides in the primary residence of the certificateholder.

(7) The Division of State Fire Marshal and the Florida Building Code Administrators and Inspectors Board, established pursuant to s. 468.605, shall enter into a reciprocity agreement to facilitate joint recognition of continuing education recertification hours for certificateholders licensed under s. 468.609 and firesafety inspectors certified under subsection (2).

(8) The State Fire Marshal shall develop by rule an advanced training and certification program for firesafety inspectors having fire code management responsibilities. The program must be consistent with the appropriate provisions of NFPA 1037, or similar standards adopted by the division, and establish minimum training, education, and experience levels for firesafety inspectors having fire code management responsibilities.

(9) The department shall provide by rule for the certification of firesafety inspectors.

Section 102. Subsection (12) of section 641.495, Florida Statutes, is amended to read:

641.495 Requirements for issuance and maintenance of certificate.—

(12) The provisions of part I of chapter 395 do not apply to a health maintenance organization that, on or before January 1, 1991, provides not more than 10 outpatient holding beds for short-term and hospice-type patients in an ambulatory care facility for its members, provided that such health maintenance organization maintains current accreditation by the Joint Commission ~~on Accreditation of Health Care Organizations~~, the Accreditation Association for Ambulatory Health Care, or the National Committee for Quality Assurance.

Section 103. Subsection (13) of section 651.118, Florida Statutes, is amended to read:

651.118 Agency for Health Care Administration; certificates of need; sheltered beds; community beds.—

(13) Residents, as defined in this chapter, are not considered new admissions for the purpose of s. 400.141(1)*(n)*~~(o)~~1.~~d.~~

Section 104. Subsection (2) of section 766.1015, Florida Statutes, is amended to read:

766.1015 Civil immunity for members of or consultants to certain boards, committees, or other entities.—

(2) Such committee, board, group, commission, or other entity must be established in accordance with state law or in accordance with requirements of the Joint Commission ~~on Accreditation of Healthcare Organizations~~, established and duly constituted by one or more public or licensed private hospitals or behavioral health agencies, or established by a governmental agency. To be protected by this section, the act, decision, omission, or utterance may not be made or done in bad faith or with malicious intent.

Section 105. Subsection (4) of section 766.202, Florida Statutes, is amended to read:

766.202 Definitions; ss. 766.201-766.212.—As used in ss. 766.201-766.212, the term:

(4) "Health care provider" means any hospital, ambulatory surgical center, or mobile surgical facility as defined and licensed under chapter 395; a birth center licensed under chapter 383; any person licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, part I of chapter 464, chapter 466, chapter 467, *part XIV of chapter 468,* or chapter 486; a clinical lab licensed under chapter 483; a health maintenance organization certificated under part I of chapter 641; a blood bank; a plasma center; an industrial clinic; a renal dialysis facility; or a professional association partnership, corporation, joint venture, or other association for professional activity by health care providers.

Section 106. Paragraph (j) is added to subsection (3) of section 817.505, Florida Statutes, to read:

817.505 Patient brokering prohibited; exceptions; penalties.—

(3) This section shall not apply to:

(j) Any payments by an assisted living facility, as defined in s. 429.02, or any agreement for or solicitation, offer, or receipt of such payment by a referral service, which is permitted under s. 429.195(3).

Section 107. *The per-bed standard assisted living facility licensure fees, including the total fee, have been adjusted by the Consumer Price Index annually since 1998 and are not intended to be reset by this act. In addition to the Consumer Price Index adjustment, the per-bed fee is increased by $9 to neutralize the elimination of the limited nursing services specialty license fee.*

Section 108. Section 381.06014, Florida Statutes, is amended to read:

381.06014 Blood establishments.—

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

(a) "Blood establishment" means any person, entity, or organization, operating within the state, which examines an individual for the purpose of blood donation or which collects, processes, stores, tests, or distributes blood or blood components collected from the human body for the purpose of transfusion, for any other medical purpose, or for the production of any biological product. *A person, entity, or organization that uses a mobile unit to conduct such activities within the state is also a blood establishment.*

(b) "Volunteer donor" means a person who does not receive remuneration, other than an incentive, for a blood donation intended for transfusion, and the product container of the donation from the person qualifies for labeling with the statement "volunteer donor" under 21 C.F.R. s. 606.121.

(2) Any blood establishment operating in the state may not conduct any activity defined in *paragraph (1)(a)* ~~subsection (1)~~ unless that blood establishment is operated in a manner consistent with the provisions of Title 21 *C.F.R.* parts 211 and 600-640~~, Code of Federal Regulations~~.

(3) Any blood establishment determined to be operating in the state in a manner not consistent with the provisions of Title 21 *C.F.R.* parts 211 and 600-640~~, Code of Federal Regulations,~~ and in a manner that constitutes a danger to the health or well-being of donors or recipients as evidenced by the federal Food and Drug Administration's inspection reports and the revocation of the blood establishment's license or registration *is* ~~shall be~~ in violation of this chapter and *must* ~~shall~~ immediately cease all operations in the state.

(4) The operation of a blood establishment in a manner not consistent with the provisions of Title 21 *C.F.R.* parts 211 and 600-640~~, Code of Federal Regulations,~~ and in a manner that constitutes a danger

to the health or well-being of blood donors or recipients as evidenced by the federal Food and Drug Administration's inspection process is declared a nuisance and inimical to the public health, welfare, and safety. The Agency for Health Care Administration or any state attorney may bring an action for an injunction to restrain such operations or enjoin the future operation of the blood establishment.

(5) A local government may not restrict the access to or use of any public facility or infrastructure for the collection of blood or blood components from volunteer donors based on whether the blood establishment is operating as a for-profit organization or not-for-profit organization.

(6) In determining the service fee of blood or blood components received from volunteer donors and sold to hospitals or other health care providers, a blood establishment may not base the service fee of the blood or blood component solely on whether the purchasing entity is a for-profit organization or not-for-profit organization.

(7) A blood establishment that collects blood or blood components from volunteer donors must disclose on the Internet the information required under this subsection to educate and inform donors and the public about the blood establishment's activities. A hospital that collects blood or blood components to be used only by that hospital's licensed facilities or by a health care provider that is a part of the hospital's business entity is exempt from the disclosure requirements in this subsection. The information required to be disclosed under this subsection may be cumulative for all blood establishments within a business entity. A blood establishment must disclose on its website all of the following information:

(a) A description of the steps involved in collecting, processing, and distributing volunteer donations.

(b) By March 1 of each year, the number of units of blood components which were:

1. Produced by the blood establishment during the preceding calendar year;

2. Obtained from other sources during the preceding calendar year;

3. Distributed during the preceding calendar year to health care providers located outside this state. However, if the blood establishment collects donations in a county outside this state, distributions to health care providers in that county shall be excluded. Such information shall be reported in the aggregate for health care providers located within the United States and its territories or outside the United States and its territories; and

4. Distributed during the preceding calendar year to entities that are not health care providers. Such information shall be reported in the aggregate for purchasers located within the United States and its territories or outside the United States and its territories.

(c) The blood establishment's conflict-of-interest policy, policy concerning related-party transactions, whistleblower policy, and policy for determining executive compensation. If a change occurs to any of these documents, the revised document must be available on the blood establishment's website by the following March 1.

(d) Except for a hospital that collects blood or blood components from volunteer donors:

1. The most recent 3 years of the Return of Organization Exempt from Income Tax, Internal Revenue Service Form 990, if the business entity for the blood establishment is eligible to file such return. The Form 990 must be available on the blood establishment's website within 60 calendar days after it is filed with the Internal Revenue Service; or

2. If the business entity for the blood establishment is not eligible to file the Form 990 return, a balance sheet, income statement, and statement of changes in cash flow, along with the expression of an opinion thereon by an independent certified public accountant who audited or reviewed such financial statements. Such documents must be available on the blood establishment's website within 120 days after the end of the blood establishment's fiscal year and must remain on the blood establishment's website for at least 36 months.

(8) A blood establishment is liable for a civil penalty for failing to make the disclosures required under subsection (7). The Department of Legal Affairs may assess the civil penalty against the blood establishment for each day that it fails to make such required disclosures, but the penalty may not exceed $10,000 per year. If multiple blood establishments operated by a single business entity fail to meet such disclosure requirements, the civil penalty may be assessed against only one of the business entity's blood establishments. The Department of Legal Affairs may terminate an action if the blood establishment agrees to pay a stipulated civil penalty. A civil penalty so collected accrues to the state and shall be deposited as received into the General Revenue Fund unallocated. The Department of Legal Affairs may terminate the action and waive the civil penalty upon a showing of good cause by the blood establishment as to why the required disclosures were not made.

Section 109. Subsection (23) of section 499.003, Florida Statutes, is amended to read:

499.003 Definitions of terms used in this part.—As used in this part, the term:

(23) "Health care entity" means a closed pharmacy or any person, organization, or business entity that provides diagnostic, medical, surgical, or dental treatment or care, or chronic or rehabilitative care, but does not include any wholesale distributor or retail pharmacy licensed under state law to deal in prescription drugs. *However, a blood establishment is a health care entity that may engage in the wholesale distribution of prescription drugs under s. 499.01(2)(g)1.c.*

Section 110. Subsection (21) of section 499.005, Florida Statutes, is amended to read:

499.005 Prohibited acts.—It is unlawful for a person to perform or cause the performance of any of the following acts in this state:

(21) The wholesale distribution of any prescription drug that was:

(a) Purchased by a public or private hospital or other health care entity; or

(b) Donated or supplied at a reduced price to a charitable organization*, unless the wholesale distribution of the prescription drug is authorized in s. 499.01(2)(g)1.c*.

Section 111. Paragraphs (a), (g), and (t) of subsection (2) of section 499.01, Florida Statutes, are amended to read:

499.01 Permits.—

(2) The following permits are established:

(a) *Prescription drug manufacturer permit.*—A prescription drug manufacturer permit is required for any person that is a manufacturer of a prescription drug and that manufactures or distributes such prescription drugs in this state.

1. A person that operates an establishment permitted as a prescription drug manufacturer may engage in wholesale distribution of prescription drugs manufactured at that establishment and must comply with all of the provisions of this part, except s. 499.01212, and the rules adopted under this part, except s. 499.01212, *which* ~~that~~ apply to a wholesale distributor.

2. A prescription drug manufacturer must comply with all appropriate state and federal good manufacturing practices.

3. A blood establishment, as defined in s. 381.06014, operating in a manner consistent with the provisions of Title 21 C.F.R. parts 211 and 600-640, and manufacturing only the prescription drugs described in s. 499.003(54)(d) is not required to be permitted as a prescription drug manufacturer under this paragraph or to register products under s. 499.015.

(g) *Restricted prescription drug distributor permit.*—

1. A restricted prescription drug distributor permit is required for*:*

a. Any person *located in this state* that engages in the distribution of a prescription drug, which distribution is not considered "wholesale distribution" under s. 499.003(54)(a).

b.~~1.~~ *Any* ~~A~~ person *located in this state* who engages in the receipt or distribution of a prescription drug in this state for the purpose of processing its return or its destruction ~~must obtain a permit as a restricted prescription drug distributor~~ if such person is not the person initiating the return, the prescription drug wholesale supplier of the person initiating the return, or the manufacturer of the drug.

c. A blood establishment located in this state which collects blood and blood components only from volunteer donors as defined in s. 381.06014 or pursuant to an authorized practitioner's order for medical treatment or therapy and engages in the wholesale distribution of a prescription drug not described in s. 499.003(54)(d) to a health care entity. The health care entity receiving a prescription drug distributed under this sub-sub-paragraph must be licensed as a closed pharmacy or provide health care services at that establishment. The blood establishment must operate in accordance with s. 381.06014 and may distribute only:

(I) Prescription drugs indicated for a bleeding or clotting disorder or anemia;

(II) Blood-collection containers approved under s. 505 of the federal act;

(III) Drugs that are blood derivatives, or a recombinant or synthetic form of a blood derivative;

(IV) Prescription drugs that are identified in rules adopted by the department and that are essential to services performed or provided by blood establishments and authorized for distribution by blood establishments under federal law; or

(V) To the extent authorized by federal law, drugs necessary to collect blood or blood components from volunteer blood donors; for blood establishment personnel to perform therapeutic procedures under the direction and supervision of a licensed physician; and to diagnose, treat, manage, and prevent any reaction of either a volunteer blood donor or a patient undergoing a therapeutic procedure performed under the direction and supervision of a licensed physician,

as long as all of the health care services provided by the blood establishment are related to its activities as a registered blood establishment or the health care services consist of collecting, processing, storing, or administering human hematopoietic stem cells or progenitor cells or performing diagnostic testing of specimens if such specimens are tested together with specimens undergoing routine donor testing.

2. Storage, handling, and recordkeeping of these distributions *by a person required to be permitted as a restricted prescription drug distributor* must comply with the requirements for wholesale distributors under s. 499.0121, but not those set forth in s. 499.01212 *if the distribution occurs pursuant to sub-subparagraph 1.a. or sub-subparagraph 1.b*.

3. A person who applies for a permit as a restricted prescription drug distributor, or for the renewal of such a permit, must provide to the department the information required under s. 499.012.

4. The department may adopt rules regarding the distribution of prescription drugs by hospitals, health care entities, charitable organizations, ~~or~~ other persons not involved in wholesale distribution, *and blood establishments,* which rules are necessary for the protection of the public health, safety, and welfare.

(t) *Health care clinic establishment permit.*—Effective January 1, 2009, a health care clinic establishment permit is required for the purchase of a prescription drug by a place of business at one general physical location that provides health care or veterinary services, which is owned and operated by a business entity that has been issued a federal employer tax identification number. For the purpose of this paragraph, the term "qualifying practitioner" means a licensed health care practitioner defined in s. 456.001, or a veterinarian licensed under chapter 474, who is authorized under the appropriate practice act to prescribe and administer a prescription drug.

1. An establishment must provide, as part of the application required under s. 499.012, designation of a qualifying practitioner who will be responsible for complying with all legal and regulatory requirements related to the purchase, recordkeeping, storage, and handling of the prescription drugs. In addition, the designated qualifying practitioner shall be the practitioner whose name, establishment address, and license number is used on all distribution documents for prescription drugs purchased or returned by the health care clinic establishment. Upon initial appointment of a qualifying practitioner, the qualifying practitioner and the health care clinic establishment shall notify the department on a form furnished by the department within 10 days after such employment. In addition, the qualifying practitioner and health care clinic establishment shall notify the department within 10 days after any subsequent change.

2. The health care clinic establishment must employ a qualifying practitioner at each establishment.

3. In addition to the remedies and penalties provided in this part, a violation of this chapter by the health care clinic establishment or qualifying practitioner constitutes grounds for discipline of the qualifying practitioner by the appropriate regulatory board.

4. The purchase of prescription drugs by the health care clinic establishment is prohibited during any period of time when the establishment does not comply with this paragraph.

5. A health care clinic establishment permit is not a pharmacy permit or otherwise subject to chapter 465. A health care clinic establishment that meets the criteria of a modified Class II institutional pharmacy under s. 465.019 is not eligible to be permitted under this paragraph.

6. This paragraph does not apply to the purchase of a prescription drug by a licensed practitioner under his or her license. *A professional corporation or limited liability company composed of dentists and operating as authorized in s. 466.0285 may pay for prescription drugs obtained by a practitioner licensed under chapter 466, and the licensed practitioner is deemed the purchaser and owner of the prescription drugs.*

Section 112. Subsection (6) of section 474.202, Florida Statutes, is amended to read:

474.202 Definitions.—As used in this chapter:

(6) "Limited-service veterinary *vaccination clinic* ~~medical practice~~" means *a veterinary practice at which a veterinarian performs vaccinations or immunizations on multiple animals at a temporary location and operates for a limited time* ~~offering or providing veterinary services at any location that has a primary purpose other than that of providing veterinary medical service at a permanent or mobile establishment permitted by the board; provides veterinary medical services for privately owned animals that do not reside at that location; operates for a limited time; and provides limited types of veterinary medical services~~.

Section 113. Subsection (7) of section 474.215, Florida Statutes, is amended to read:

474.215 Premises permits.—

(7) The board by rule shall establish minimum standards for the operation of limited service veterinary *vaccination clinics* ~~medical practices~~. Such rules shall ~~not restrict limited service veterinary medical practices and shall~~ be consistent with the type of limited veterinary *vaccination and immunization services* ~~medical service~~ provided.

(a) Any person that offers or provides limited service veterinary *vaccination clinics* ~~medical practice~~ shall obtain a biennial permit from the board the cost of which shall not exceed $250. The limited service permittee shall register each location where a limited service *veterinary vaccination* clinic is held and shall pay a fee set by rule not to exceed $25 to register each such location.

(b) All permits issued under this subsection are subject to the provisions of ss. 474.213 and 474.214.

(c) Notwithstanding any provision of this subsection to the contrary, any temporary rabies vaccination effort operated by a county health department in response to a public health threat, as declared by the State Health Officer in consultation with the State Veterinarian, is not subject to any preregistration, time limitation, or fee requirements, but must adhere to all other requirements for limited service veterinary *vaccination clinics* ~~medical practice~~ as prescribed by rule. The fee charged to the public for a rabies vaccination administered during such

temporary rabies vaccination effort may not exceed the actual cost of administering the rabies vaccine. Such rabies vaccination efforts may not be used for any purpose other than to address the public health consequences of the rabies outbreak. The board shall be immediately notified in writing of any temporary rabies vaccination effort operated under this paragraph.

Section 114. Section 455.2185, Florida Statutes, is amended to read:

455.2185 Exemption for certain out-of-state or foreign professionals; limited practice permitted.—

(1) A professional of any other state or of any territory or other jurisdiction of the United States or of any other nation or foreign jurisdiction is exempt from the requirements of licensure under this chapter and the applicable professional practice act under the agency with regulatory jurisdiction over the profession if that profession is regulated in this state under the agency with regulatory jurisdiction over the profession and if that person:

(a) Holds, if so required in the jurisdiction in which that person practices, an active license to practice that profession.

(b) Engages in the active practice of that profession outside the state.

(c) Is employed or designated in that professional capacity by a sports entity visiting the state for a specific sporting event.

(2) A professional's practice under this section is limited to the members, coaches, and staff of the team for which that professional is employed or designated ~~and to any animals used if the sporting event for which that professional is employed or designated involves animals~~. ~~A professional practicing under authority of this section shall not have practice privileges in any licensed veterinary facility without the approval of that facility.~~

Section 115. Section 456.023, Florida Statutes, is amended to read:

456.023 Exemption for certain out-of-state or foreign professionals; limited practice permitted.—

(1) A professional of any other state or of any territory or other jurisdiction of the United States or of any other nation or foreign jurisdiction is exempt from the requirements of licensure under this chapter and the applicable professional practice act under the agency with regulatory jurisdiction over the profession if that profession is regulated in this state under the agency with regulatory jurisdiction over the profession and if that person:

(a) Holds, if so required in the jurisdiction in which that person practices, an active license to practice that profession.

(b) Engages in the active practice of that profession outside the state.

(c) Is employed or designated in that professional capacity by a sports entity visiting the state for a specific sporting event.

(2) A professional's practice under this section is limited to the members, coaches, and staff of the team for which that professional is employed or designated ~~and to any animals used if the sporting event for which that professional is employed or designated involves animals~~. A professional practicing under authority of this section shall not have practice privileges in any licensed health care facility ~~or veterinary facility without the approval of that facility~~.

Section 116. Section 456.0635, Florida Statutes, is amended to read:

456.0635 *Health care* ~~Medicaid~~ fraud; disqualification for license, certificate, or registration.—

(1) ~~Medicaid~~ Fraud in the practice of a health care profession is prohibited.

(2) Each board within the jurisdiction of the department, or the department if there is no board, shall refuse to admit a candidate to any examination and refuse to issue ~~or renew~~ a license, certificate, or registration to any applicant if the candidate or applicant or any principal, officer, agent, managing employee, or affiliated person of the applicant~~, has been~~:

(a) *Has been* convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under chapter 409, chapter 817, *or* chapter 893, *or a similar felony offense committed in another state or jurisdiction* ~~21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396~~, unless the sentence and any subsequent period of probation for such conviction or *plea* ~~pleas~~ ended*:* ~~more than 15 years prior to the date of the application;~~

1. For felonies of the first or second degree, more than 15 years before the date of application.

2. For felonies of the third degree, more than 10 years before the date of application, except for felonies of the third degree under s. 893.13(6)(a).

3. For felonies of the third degree under s. 893.13(6)(a), more than 5 years before the date of application.

Notwithstanding s. 120.60, for felonies in which the defendant entered a plea of guilty or nolo contendere in an agreement with the court to enter a pretrial intervention or drug diversion program, the board, or the department if there is no board, may not approve or deny the application for a license, certificate, or registration until the final resolution of the case;

(b) Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the sentence and any subsequent period of probation for such conviction or plea ended more than 15 years before the date of the application;

(c)~~(b)~~ *Has been* terminated for cause from the Florida Medicaid program pursuant to s. 409.913, unless the applicant has been in good standing with the Florida Medicaid program for the most recent 5 years;

(d)~~(c)~~ *Has been* terminated for cause, pursuant to the appeals procedures established by the state ~~or Federal Government~~, from any other state Medicaid program ~~or the federal Medicare program~~, unless the applicant has been in good standing with a state Medicaid program ~~or the federal Medicare program~~ for the most recent 5 years and the termination occurred at least 20 years *before* ~~prior to~~ the date of the application*; or*~~.~~

(e) Is currently listed on the United States Department of Health and Human Services Office of Inspector General's List of Excluded Individuals and Entities.

This subsection does not apply to applicants for initial licensure or certification who were enrolled in an educational or training program on or before July 1, 2010, which was recognized by a board or, if there is no board, recognized by the department, and who applied for licensure after July 1, 2010.

(3) The department shall refuse to renew a license, certificate, or registration of any applicant if the candidate or applicant or any principal, officer, agent, managing employee, or affiliated person of the applicant:

(a) Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under: chapter 409, chapter 817, or chapter 893, or a similar felony offense committed in another state or jurisdiction since July 1, 2010.

(b) Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396 since July 1, 2010.

(c) Has been terminated for cause from the Florida Medicaid program pursuant to s. 409.913, unless the applicant has been in good standing with the Florida Medicaid program for the most recent 5 years.

(d) Has been terminated for cause, pursuant to the appeals procedures established by the state, from any other state Medicaid program, unless the applicant has been in good standing with a state Medicaid program for the most recent 5 years and the termination occurred at least 20 years before the date of the application.

(e) Is currently listed on the United States Department of Health and Human Services Office of Inspector General's List of Excluded Individuals and Entities.

For felonies in which the defendant entered a plea of guilty or nolo contendere in an agreement with the court to enter a pretrial intervention or drug diversion program, the department may not approve or deny the application for a renewal of a license, certificate, or registration until the final resolution of the case.

(4)~~(3)~~ Licensed health care practitioners shall report allegations of *health care* ~~Medicaid~~ fraud to the department, regardless of the practice setting in which the alleged Medicaid fraud occurred.

(5)~~(4)~~ The acceptance by a licensing authority of a candidate's relinquishment of a license which is offered in response to or anticipation of the filing of administrative charges alleging *health care* ~~Medicaid~~ fraud or similar charges constitutes the permanent revocation of the license.

Section 117. Subsection (6) of section 456.036, Florida Statutes, is amended to read:

456.036 Licenses; active and inactive status; delinquency.—

(6)*(a) Except as provided in paragraph (b),* a delinquent licensee must affirmatively apply with a complete application, as defined by rule of the board, or the department if there is no board, for active or inactive status during the licensure cycle in which a licensee becomes delinquent. Failure by a delinquent licensee to become active or inactive before the expiration of the current licensure cycle renders the license null without any further action by the board or the department. Any subsequent licensure shall be as a result of applying for and meeting all requirements imposed on an applicant for new licensure.

(b) A delinquent licensee whose license becomes delinquent before the final resolution of a case under s. 456.0635(3) must affirmatively apply by submitting a complete application, as defined by rule of the board, or the department if there is no board, for active or inactive status during the licensure cycle in which the case achieves final resolution by order of the court. Failure by a delinquent licensee to become active or inactive before the expiration of that licensure cycle renders the license null without any further action by the board or the department. Any subsequent licensure shall be as a result of applying for and meeting all requirements imposed on an applicant for new licensure.

Section 118. Subsection (9) is added to section 465.014, Florida Statutes, to read:

465.014 Pharmacy technician.—

(9) This section does not apply to a practitioner authorized to dispense drugs under s. 465.0276 or a medical assistant or licensed health care professional under the direct supervision of such practitioner if the practitioner is treating a patient who provides proof of insurance through a public-payer or private-payer source. The exemption provided by this subsection applies only to medical personnel under the direct supervision of the dispensing practitioner while dispensing in the practitioner's office.

Section 119. Section 627.6011, Florida Statutes, is created to read:

627.6011 Mandated coverages.—Mandatory health benefits regulated by this chapter which must be covered by an insurer are intended to apply only to the types of health benefit plans defined in s. 627.6699(3)(k), issued in any market, unless specifically designated. As used in this section, the term "mandatory health benefits" means benefits provided in ss. 627.6401-627.64193 and any cross-references to such sections, or any other mandatory treatments, health coverages, or benefits enacted after the effective date of this act.

Section 120. Subsection (3) is added to section 766.110, Florida Statutes, to read:

766.110 Liability of health care facilities.—

(3) To ensure comprehensive risk management for diagnosis of disease, a health care facility, including a hospital or ambulatory surgical center, as defined in chapter 395, may use scientific diagnostic disease methodologies that use information regarding specific diseases in health care facilities and that are adopted by the facility's medical review committee.

Section 121. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health care; amending s. 83.42, F.S., establishing that s. 400.0255, F.S., provides exclusive procedures for resident transfer and discharge; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; deleting an obsolete provision; deleting a requirement that a laboratory that conducts drug tests submit certain reports to the Agency for Health Care Administration; amending s. 318.21, F.S.; revising distribution of funds from civil penalties imposed for traffic infractions by county courts; repealing s. 383.325, F.S., relating to confidentiality of inspection reports of licensed birth center facilities; amending s. 395.002, F.S.; revising and deleting definitions applicable to regulation of hospitals and other licensed facilities; conforming a cross-reference; amending s. 395.003, F.S.; deleting an obsolete provision; conforming a cross-reference; amending s. 395.0161, F.S.; deleting a provision requiring licensure inspection fees for hospitals, ambulatory surgical centers, and mobile surgical facilities to be paid at the time of the inspection; amending s. 395.0193, F.S.; requiring a licensed facility to report certain peer review information and final disciplinary actions to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.1023, F.S.; providing for the Department of Children and Family Services rather than the Department of Health to perform certain functions with respect to child protection cases; requiring certain hospitals to notify the Department of Children and Family Services of compliance; amending s. 395.1041, F.S., relating to hospital emergency services and care; deleting obsolete provisions; repealing s. 395.1046, F.S., relating to complaint investigation procedures; amending s. 395.1055, F.S.; requiring additional housekeeping and sanitation procedures in licensed facilities for infection control purposes; requiring licensed facility beds to conform to standards specified by the Agency for Health Care Administration, the Florida Building Code, and the Florida Fire Prevention Code; amending s. 395.10972, F.S.; revising a reference to the Florida Society of Healthcare Risk Management to conform to the current designation; amending s. 395.2050, F.S.; revising a reference to the federal Health Care Financing Administration to conform to the current designation; amending s. 395.3036, F.S.; correcting a reference; repealing s. 395.3037, F.S., relating to redundant definitions; amending ss. 154.11, 394.741, 395.3038, 400.925, 400.9935, 408.05, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; revising references to the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, and the Council on Accreditation to conform to their current designations; amending s. 395.4025, F.S.; authorizing the Department of Health to grant additional extensions for trauma center applicants under certain circumstances; amending s. 395.602, F.S.; revising the definition of the term "rural hospital" to delete an obsolete provision; amending s. 400.021, F.S.; revising the definition of the term "geriatric outpatient clinic" to include additional staff; revising the term "resident care plan"; removing a provision that requires certain signatures on the plan; amending s. 400.0255, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.063, F.S.; deleting an obsolete provision; amending ss. 400.071 and 400.0712, F.S.; revising applicability of general licensure requirements under part II of ch. 408, F.S., the Health Care Licensing Procedures Act, to applications for nursing home licensure; revising provisions governing inactive licenses; amending s. 400.111, F.S.; providing for disclosure of controlling interest of a nursing home facility upon request by the Agency for Health Care Administration; amending s. 400.1183, F.S.; revising grievance record maintenance and reporting requirements for nursing homes; amending s. 400.141, F.S.; providing criteria for the provision of respite services by nursing homes; requiring a written plan of care; requiring a contract for services; requiring resident release to caregivers to be designated in writing; providing an exemption to the application of discharge planning rules; providing for residents' rights; providing for use of personal medications; providing terms of respite stay; providing for communication of patient information; requiring a physician's order for care and proof of a physical examination; providing for services for respite patients and duties of facilities with respect to such patients; conforming a cross-reference; requiring facilities to maintain clinical records that meet specified standards; providing a fine relating to an admissions moratorium; deleting requirement for facilities to submit certain information related to management companies to the agency; deleting a requirement for facilities to notify the agency of certain bankruptcy filings to conform to changes made by the act; providing a limit on fees charged by a facility

for copies of patient records; amending s. 400.142, F.S.; deleting language relating to agency adoption of rules; repealing s. 400.145, F.S., relating to records of care and treatment of residents; repealing ss. 400.0234 and 429.294, F.S., relating to availability of facility records for investigation of resident's rights violations and defenses; amending 400.147, F.S.; removing a requirement for nursing homes and related health care facilities to notify the agency within a specified period of time after receipt of an adverse incident report; revising reporting requirements for licensed nursing home facilities relating to adverse incidents; repealing s. 400.148, F.S., relating to the Medicaid "Up-or-Out" Quality of Care Contract Management Program; amending s. 400.179, F.S.; deleting an obsolete provision; amending s. 400.19, F.S.; revising inspection requirements; amending s. 400.23, F.S.; deleting an obsolete provision; correcting a reference; directing the agency to adopt rules for minimum staffing standards in nursing homes that serve persons under 21 years of age; providing minimum staffing standards; amending s. 400.275, F.S.; revising agency duties with regard to training nursing home surveyor teams; revising requirements for team members; amending s. 400.462, F.S.; revising the definition of the term "remuneration" as it applies to home health agencies; amending s. 400.484, F.S.; revising the schedule of home health agency inspection violations; amending s. 400.506, F.S.; deleting language relating to exemptions from penalties imposed on nurse registries if a nurse registry does not bill the Florida Medicaid Program; providing criteria for an administrator to manage a nurse registry; amending s. 400.509, F.S.; revising the service providers exempt from licensure registration to include organizations that provide companion services only for persons with developmental disabilities; amending s. 400.606, F.S.; revising the content requirements of the plan accompanying an initial or change-of-ownership application for licensure of a hospice; revising requirements relating to certificates of need for certain hospice facilities; amending s. 400.607, F.S.; revising grounds for agency action against a hospice; amending s. 400.915, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.931, F.S.; deleting a requirement that an applicant for a home medical equipment provider license submit a surety bond to the agency; requiring applicants to submit documentation of accreditation within a specified period of time; amending s. 400.932, F.S.; revising grounds for the imposition of administrative penalties for certain violations by an employee of a home medical equipment provider; amending s. 400.967, F.S.; revising the schedule of inspection violations for intermediate care facilities for the developmentally disabled; providing a penalty for certain violations; amending s. 400.9905, F.S.; revising the definitions of the terms "clinic" and "portable equipment provider"; providing that part X of ch. 400, F.S., the Health Care Clinic Act, does not apply to certain clinical facilities, an entity owned by a corporation with a specified amount of annual sales of health care services under certain circumstances, an entity owned or controlled by a publicly traded entity with a specified amount of annual revenues, or an entity that employs a specified number of licensed health care practitioners under certain conditions; amending s. 400.991, F.S.; conforming terminology; revising application requirements relating to documentation of financial ability to operate a mobile clinic; amending s. 408.033, F.S.; permitting fees assessed on certain health care facilities to be collected prospectively at the time of licensure renewal and prorated for the licensure period; amending s. 408.034, F.S.; revising agency authority relating to licensing of intermediate care facilities for the developmentally disabled; amending s. 408.036, F.S.; deleting an exemption from certain certificate-of-need review requirements for a hospice or a hospice inpatient facility; deleting a requirement that the agency submit a report regarding requests for exemption; amending s. 408.037, F.S.; revising certificate-of-need requirements for general hospital applicants to evaluate the applicant's parent corporation if audited financial statements of the applicant do not exist; amending s. 408.043, F.S.; revising requirements for certain freestanding inpatient hospice care facilities to obtain a certificate of need; amending s. 408.061, F.S.; revising health care facility data reporting requirements; amending s. 408.10, F.S.; removing agency authority to investigate certain consumer complaints; amending s. 408.802, F.S.; removing applicability of part II of ch. 408, F.S., relating to general licensure requirements, to private review agents; amending s. 408.804, F.S.; providing penalties for altering, defacing, or falsifying a license certificate issued by the agency or displaying such an altered, defaced, or falsified certificate; amending s. 408.806, F.S.; revising agency responsibilities for notification of licensees of impending expiration of a license; requiring payment of a late fee for a license application to be considered complete under certain circumstances; amending s. 408.8065, F.S.; requiring home health agencies, home medical equipment providers, and health care clinics to submit projected financial statements; amending s. 408.809, F.S., relating to background screening of specified employees of health care providers; revising provisions for required rescreening; removing provisions authorizing the agency to adopt rules establishing a rescreening schedule; establishing a rescreening schedule; amending s. 408.810, F.S.; requiring disclosure of information by a controlling interest of certain court actions relating to financial instability within a specified time period; amending s. 408.813, F.S.; authorizing the agency to impose fines for unclassified violations of part II of ch. 408, F.S.; amending s. 408.815, F.S.; providing for certain mitigating circumstances to be considered for any application subject to denial; authorizing the agency to extend a license expiration date under certain circumstances; amending s. s. 409.212, F.S.; increasing the limit on the amount of additional supplementation provided by a third party under the optional state supplementation program; amending s. 409.91196, F.S.; revising components of a Medicaid prescribed-drug spending-control program; conforming a cross-reference; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to work with the specialty prepaid plan that provides behavioral health care services for certain Medicaid-eligible children to develop evidence-based alternatives for the statewide inpatient psychiatric program and other similar services; revising procedures for implementation of a Medicaid prescribed-drug spending-control program; requiring that the agency establish a demonstration project in Miami-Dade County of a psychiatric facility; amending s. 429.07, F.S.; deleting the requirement for an assisted living facility to obtain an additional license in order to provide limited nursing services; deleting the requirement for the agency to conduct quarterly monitoring visits of facilities that hold a license to provide extended congregate care services; deleting the requirement for the department to report annually on the status of and recommendations related to extended congregate care; deleting the requirement for the agency to conduct monitoring visits at least twice a year to facilities providing limited nursing services; eliminating the license fee for the limited nursing services license; transferring from another provision of law the requirement that the standard survey of an assisted living facility include specific actions to determine whether the facility is adequately protecting residents' rights; providing that under specified conditions an assisted living facility that has a class I or class II violation is subject to periodic unannounced monitoring; requiring a registered nurse to participate in certain monitoring visits; amending s. 429.075, F.S.; requiring certain facilities that have a limited mental health license to maintain 24-hour security services; amending s. 429.11, F.S.; revising licensure application requirements for assisted living facilities to eliminate provisional licenses; amending s. 429.12, F.S.; deleting a requirement that a transferor of an assisted living facility advise the transferee to submit a plan for correction of certain deficiencies to the Agency for Health Care Administration before ownership of the facility is transferred; amending s. 429.14, F.S.; clarifying provisions relating to a facility's request for a hearing under certain circumstances; amending s. 429.17, F.S.; deleting provisions relating to the limited nursing services license; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 429.195, F.S.; revising the list of entities prohibited from providing rebates; providing exceptions to prohibited patient brokering for assisted living facilities; amending s. 429.23, F.S.; deleting reporting requirements for assisted living facilities relating to liability claims; amending s. 429.255, F.S.; eliminating provisions authorizing the use of volunteers to provide certain health-care-related services in assisted living facilities; authorizing assisted living facilities to provide limited nursing services; requiring an assisted living facility to be responsible for certain recordkeeping and staff to be trained to monitor residents receiving certain health-care-related services; amending s. 429.28, F.S.; deleting a requirement for a biennial survey of an assisted living facility, to conform to changes made by the act; conforming a cross-reference; amending s. 429.41, F.S., relating to rulemaking; conforming provisions to changes made by the act; deleting the requirement for the Department of Elderly Affairs to submit a copy of proposed rules to the Legislature; amending s. 429.53, F.S.; revising provisions relating to consultation by the agency; revising a definition; amending s. 429.54, F.S.; requiring licensed assisted living facilities to electronically report certain data to the agency in accordance with rules adopted by the department; amending s. 429.71, F.S.; revising schedule of inspection violations for adult family-care homes; amending s. 429.915, F.S.; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 440.102, F.S.; deleting the requirement for laboratories to submit a monthly report to the agency with statistical information regarding the testing of employees and job applicants; amending s. 456.053, F.S.; revising the definition of the term "group

practice" as it relates to financial arrangements of referring health care providers and providers of health care services to include group practices that provide radiation therapy services under certain circumstances; amending s. 483.035, F.S.; requiring certain clinical laboratories operated by one or more practitioners licensed under part I of ch. 464, F.S., the Nurse Practice Act, and ch. 463, F.S., the Optometry Practice Act, to be licensed under part I of ch. 483, F.S., the Florida Clinical Laboratory Law; amending s. 483.051, F.S.; establishing qualifications necessary for clinical laboratory licensure; amending s. 483.294, F.S.; revising frequency of agency inspections of multiphasic health testing centers; amending s. 499.003, F.S.; removing the requirement for certain prescription drug purchasers to maintain a separate inventory of certain prescription drugs; amending s. 633.081, F.S.; limiting State Fire Marshal inspections of nursing homes to once a year; providing for additional inspections based on complaints and violations identified in the course of orientation or training activities; amending s. 766.202, F.S.; adding persons licensed under part XIV of ch. 468, F.S., relating to orthotics, prosthetics, and pedorthics, to the definition of "health care provider"; amending s. 817.505, F.S.; creating an exception to the patient brokering prohibition for assisted living facilities; amending ss. 394.4787, 400.0239, 408.07, 430.80, and 651.118, F.S.; conforming terminology and references to changes made by the act; revising a reference; establishing that assisted living facility licensure fees have been adjusted by Consumer Price Index since 1998 and are not intended to be reset by this act; amending s. 381.06014, F.S.; redefining the term "blood establishment" and defining the term "volunteer donor"; prohibiting local governments from restricting access to public facilities or infrastructure for certain activities based on whether a blood establishment is operating as a for-profit organization or not-for-profit organization; prohibiting a blood establishment from considering whether certain customers are operating as for-profit organizations or not-for-profit organizations when determining service fees for selling blood or blood components; requiring that certain blood establishments disclose specified information on the Internet; authorizing the Department of Legal Affairs to assess a civil penalty against a blood establishment that fails to disclose specified information on the Internet; providing that the civil penalty accrues to the state and requiring that it be deposited as received into the General Revenue Fund; amending s. 499.003, F.S.; redefining the term "health care entity" to clarify that a blood establishment is a health care entity that may engage in certain activities; amending s. 499.005, F.S.; clarifying provisions that prohibit the unauthorized wholesale distribution of a prescription drug that was purchased by a hospital or other health care entity or donated or supplied at a reduced price to a charitable organization, to conform to changes made by the act; amending s. 499.01, F.S.; exempting certain blood establishments from the requirements to be permitted as a prescription drug manufacturer and register products; requiring that certain blood establishments obtain a restricted prescription drug distributor permit under specified conditions; limiting the prescription drugs that a blood establishment may distribute under a restricted prescription drug distributor permit; authorizing the Department of Health to adopt rules regarding the distribution of prescription drugs by blood establishments; authorizing certain business entities to pay for prescription drugs obtained by practitioners licensed under ch. 466, F.S.; amending s. 474.202, F.S.; defining the term "limited service veterinary vaccination clinic"; amending s. 474.215, F.S.; revising terminology; requiring that the Board of Veterinary Medicine establish minimum standards for limited service veterinary vaccination clinics rather than limited service veterinary medical practices; amending ss. 455.2185 and 456.023, F.S.; deleting provisions that limit the practice privileges of out-of-state or foreign health care professionals or veterinarians who are in this state for a specific sporting event; amending s. 456.0635, F.S.; revising the grounds under which the Department of Health or corresponding board is required to refuse to admit a candidate to an examination and to refuse to issue or renew a license, certificate, or registration of a health care practitioner; providing an exception; amending s. 456.036, F.S.; requiring a delinquent licensee whose license becomes delinquent before the final resolution of a case regarding Medicaid fraud to affirmatively apply by submitting a complete application for active or inactive status during the licensure cycle in which the case achieves final resolution by order of the court; providing that failure by a delinquent licensee to become active or inactive before the expiration of that licensure cycle renders the license null; requiring that any subsequent licensure be as a result of applying for and meeting all requirements imposed on an applicant for new licensure; amending s. 465.014, F.S.; providing that state law regarding pharmacy technicians does not apply to a practitioner authorized to dispense drugs or a medical assistant or licensed health care professional under the direct supervision of such practitioner if the practitioner is treating a patient who provides proof of insurance through a public-payer or private-payer source; providing that this exemption applies only to medical personnel under the direct supervision of the dispensing practitioner while dispensing in the practitioner's office; creating s. 627.6011, F.S.; providing clarification regarding the types of coverage that must be included in mandatory benefits; providing a definition; amending s. 766.110, F.S.; authorizing health care facilities to use scientific diagnostic disease methodologies that use information regarding specific diseases in health care facilities and that are adopted by the facility's medical review committee; providing an effective date.

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

Amendment 1A (347642) (with title amendment)—Delete lines 19-23 and insert: subsection (12) is redesignated as paragraph (d), and paragraph (f) of subsection (5), paragraph (c) of subsection (7), present paragraph (e) of subsection (10), present paragraph (d) of subsection (12), and paragraph (e) of subsection (14) of that section are amended to read:

112.0455 Drug-Free Workplace Act.—

(5) DEFINITIONS.—Except where the context otherwise requires, as used in this act:

(f) "Job applicant" means a person who has applied for a ~~special risk or safety sensitive~~ position with an employer and has been offered employment conditioned upon successfully passing a drug test.

(7) TYPES OF TESTING.—An employer is authorized, but not required, to conduct the following types of drug tests:

(c) *Routine fitness for duty.*—An employer may require an employee to submit to a drug test if the test is *scheduled routinely for all members of an employment classification or group, or a randomly selected percentage of members of that classification or group, or is* conducted as part of a routinely scheduled employee fitness-for-duty medical examination ~~that is part of the employer's established policy or that is scheduled routinely for all members of an employment classification or group~~.

And the title is amended as follows:

Delete line 4664 and insert: Drug-Free Workplace Act; revising a definition; authorizing an employer to require an employee to submit to a drug test if the test is scheduled or conducted in a specified manner; deleting an obsolete

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

Amendment 1B (702410)—Delete line 368 and insert:

(b) *Effective July 1, 2012,* infection control, housekeeping, sanitary conditions,

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

Amendment 1C (545592)—Between lines 1247 and 1248 insert: *Up to 1.5 hours of certified nursing assistant care per resident per day may be counted in determining the minimum direct care hours required.*

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

Amendment 1D (392376) (with directory and title amendments)—Between lines 1871 and 1872 insert:

(t)1. A pilot project for the construction of a nursing home, including up to 150 beds, which must be:

a. Located in planning subdistricts 4-1, 4-2, or 4-3 of the Agency for Health Care Administration;

b. Affiliated with an accredited nursing school offering a bachelor of science and a master of science degree program within an accredited private university; and

c. Constructed on university property or on property abutting the university.

2. The nursing home, once licensed, must maintain an affiliation with the accredited private university and must employ or otherwise make positions available for the education and training of nursing students in long-term care or geriatric nursing. Notwithstanding any moratorium on the construction of nursing homes or the addition of beds, the project may proceed with the construction, licensure, and operation of the nursing home. Construction of the nursing home must begin by May 31, 2012.

And the directory clause is amended as follows:

Delete lines 1787-1789 and insert:

Section 56. Paragraph (d) of subsection (1) and paragraph (m) of subsection (3) of section 408.036, Florida Statutes, are amended, and paragraph (t) is added to subsection (3) of that section, to read:

And the title is amended as follows:

Delete line 4845 and insert: requests for exemption; exempting a nursing home to be constructed and affiliated with a private university from certificate-of-need requirements; amending s. 408.037, F.S.;

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

Amendment 1E (364520) (with title amendment)—Between lines 2362 and 2363 insert:

Section 72. Section 409.9021, Florida Statutes, is amended to read:

409.9021 *Conditions for Medicaid* ~~Forfeiture of~~ eligibility ~~agreement~~.—

(1) As a condition of Medicaid eligibility, subject to federal approval, a Medicaid applicant shall agree in writing to forfeit all entitlements to any goods or services provided through the Medicaid program if he or she has been found to have committed fraud, through judicial or administrative determination, two times in a period of 5 years. This provision applies only to the Medicaid recipient found to have committed or participated in the fraud and does not apply to any family member of the recipient who was not involved in the fraud.

(2) A person who is eligible for Medicaid services and who has access to health care coverage through an employer-sponsored health plan shall use Medicaid financial assistance to pay the cost of premiums for the employer-sponsored health plan for the eligible person and his or her Medicaid-eligible family members.

(3) A Medicaid recipient who has access to other insurance or coverage created pursuant to state or federal law may opt out of the Medicaid services provided under s. 409.908, s. 409.912, or s. 409.986 and use Medicaid financial assistance to pay the cost of premiums for the recipient and the recipient's Medicaid-eligible family members.

(4) Subsections (2) and (3) shall be administered by the agency in accordance with s. 409.964(1)(j). The maximum amount available for the Medicaid financial assistance shall be calculated based on the Medicaid capitated rate as if the Medicaid recipient and the recipient's eligible family members participated in a qualified plan for Medicaid managed care under this chapter.

And the title is amended as follows:

Delete line 4889 and insert: the optional state supplementation program; amending s. 409.9021, F.S.; revising provisions relating to conditions for Medicaid eligibility; requiring that a recipient who has access to employer-sponsored health care use Medicaid financial assistance to pay the cost of premiums for the employer-sponsored health plan for the eligible person and his or her Medicaid-eligible family members; requiring the agency to develop a process to allow the Medicaid premium that would have been received to be used to pay employer premiums; requiring that the agency allow opt-out opportunities for certain recipients; amending s.

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

Amendment 1F (107828)—Delete line 2867 and insert: *drug requiring prior authorization and* may post prior

Senator Diaz de la Portilla moved the following amendment to **Amendment 1** which was adopted:

Amendment 1G (959610) (with title amendment)—Delete lines 3144-3161.

And the title is amended as follows:

Delete lines 4924-4927 and insert: monitoring visits; amending s. 429.11, F.S.; revising licensure

Senators Gaetz, Latvala, Gardiner, Thrasher, Negron, Hays, Evers, Flores, Montford, Fasano, Diaz de la Portilla, Sobel, Norman, Dean, Lynn, Storms, Ring, Simmons, Margolis, Wise, and Sachs offered the following amendment to **Amendment 1** which was moved by Senator Gaetz and adopted:

Amendment 1H (744906) (with title amendment)—Delete lines 3572-3609.

And the title is amended as follows:

Delete lines 4976-4981 and insert: amending s. 483.035,

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

Amendment 1I (307842) (with directory and title amendments)—Between lines 4238 and 4239 insert:

(43) "Prescription drug" means a prescription, medicinal, or legend drug~~, including, but not limited to, finished dosage forms or active ingredients~~ subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act or s. 465.003(8), s. 499.007(13), or subsection (11), subsection (46), or subsection (53). *The term does not mean an active pharmaceutical ingredient.*

And the directory clause is amended as follows:

Delete lines 4226 and 4227 and insert:

Section 109. Subsections (23) and (43) of section 499.003, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete line 5033 and insert: activities; redefining the term "prescription drug" to exclude active pharmaceutical ingredients; amending s. 499.005, F.S.; clarifying

THE PRESIDENT PRESIDING

MOTION

On motion by Senator Garcia, by the required two-thirds vote, consideration of the following amendment was allowed:

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

Amendment 1J (256010) (with title amendment)—Between lines 2937 and 2938 insert:

Section 74. Section 409.981, Florida Statutes, is created to read:

409.981 Eligible long-term care plans.—

(1) ELIGIBLE PLANS.—Provider service networks must be long-term care provider service networks. Other eligible plans may be long-term care plans or comprehensive long-term care plans.

(2) ELIGIBLE PLAN SELECTION.—The agency shall select eligible plans through the procurement process described in s. 409.966. The agency shall provide notice of invitations to negotiate by July 1, 2012. The agency shall procure:

(a) Two plans for Region 1. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(b) Two plans for Region 2. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(c) At least three plans and up to five plans for Region 3. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(d) At least three plans and up to five plans for Region 4. At least one plan must be a provider service network if any provider service network submits a responsive bid.

(e) At least two plans and up to 4 plans for Region 5. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(f) At least four plans and up to seven plans for Region 6. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(g) At least three plans and up to 6 plans for Region 7. At least one plan must be a provider service networks if any provider service networks submit a responsive bid.

(h) At least two plans and up to four plans for Region 8. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(i) At least two plans and up to four plans for Region 9. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(j) At least two plans and up to four plans for Region 10. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(k) At least five plans and up to ten plans for Region 11. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

If no provider service network submits a responsive bid in a region other than Region 1 or Region 2, the agency shall procure no more than one less than the maximum number of eligible plans permitted in that region. Within 12 months after the initial invitation to negotiate, the agency shall attempt to procure a provider service network. The agency shall notice another invitation to negotiate only with provider service networks in regions where no provider service network has been selected.

(3) QUALITY SELECTION CRITERIA.—In addition to the criteria established in s. 409.966, the agency shall consider the following factors in the selection of eligible plans:

(a) Evidence of the employment of executive managers with expertise and experience in serving aged and disabled persons who require long-term care.

(b) Whether a plan has established a network of service providers dispersed throughout the region and in sufficient numbers to meet specific service standards established by the agency for specialty services for persons receiving home and community-based care.

(c) Whether a plan is proposing to establish a comprehensive long-term care plan and whether the eligible plan has a contract to provide managed medical assistance services in the same region.

(d) Whether a plan offers consumer-directed care services to enrollees pursuant to s. 409.221.

(e) Whether a plan is proposing to provide home and community-based services in addition to the minimum benefits required by s. 409.98.

(4) PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY.—Participation by the Program of All-Inclusive Care for the Elderly (PACE) shall be pursuant to a contract with the agency and not subject to the procurement requirements or regional plan number limits of this section. PACE plans may continue to provide services to individuals at such levels and enrollment caps as authorized by the General Appropriations Act.

(5) MEDICARE PLANS.—Participation by a Medicare Advantage Preferred Provider Organization, Medicare Advantage Provider-sponsored Organization, Medicare Advantage Special Needs Plan, Medicare Advantage health maintenance organizations, or Medicare Advantage coordinated care plans shall be pursuant to a contract with the agency and not subject to the procurement requirements if the plan's Medicaid enrollees consist exclusively of recipients who are deemed dually eligible for Medicaid and Medicare services. Otherwise, Medicare Advantage Preferred Provider Organizations, Medicare Advantage Provider-Sponsored Organizations, Medicare Advantage Special Needs Plans, Medicare Advantage health maintenance organizations, and Medicare Advantage coordinated care plans are subject to all procurement requirements.

Section 75. Section 409.984, Florida Statutes, is created to read:

409.984 Enrollment in a long-term care managed care plan.—

(1) The agency shall automatically enroll into a long-term care managed care plan those Medicaid recipients who do not voluntarily choose a plan pursuant to s. 409.969. The agency shall automatically enroll recipients in plans that meet or exceed the performance or quality standards established pursuant to s. 409.967 and may not automatically enroll recipients in a plan that is deficient in those performance or quality standards. If a recipient is deemed dually eligible for Medicaid and Medicare services and is currently receiving Medicare services from an entity qualified under 42 C.F.R. part 422 as a Medicare Advantage Preferred Provider Organization, Medicare Advantage Provider-sponsored Organization, Medicare Advantage Special Needs Plan, Medicare Advantage health maintenance organization, or Medicare Advantage coordinated care plan, the agency shall automatically enroll the recipient in such plan for Medicaid services if the plan is currently participating in the long-term care managed care program. Except as otherwise provided in this part, the agency may not engage in practices that are designed to favor one managed care plan over another.

(1) When automatically enrolling recipients in plans, the agency shall take into account the following criteria:

(a) Whether the plan has sufficient network capacity to meet the needs of the recipients.

(b) Whether the recipient has previously received services from one of the plan's home and community-based service providers.

(c) Whether the home and community-based providers in one plan are more geographically accessible to the recipient's residence than those in other plans.

(3) Notwithstanding s. 409.969(3)(c), if a recipient is referred for hospice services, the recipient has 30 days during which the recipient may select to enroll in another managed care plan to access the hospice provider of the recipient's choice.

(4) If a recipient is referred for placement in a nursing home or assisted living facility, the plan must inform the recipient of any facilities within the plan that have specific cultural or religious affiliations and, if requested by the recipient, make a reasonable effort to place the recipient in the facility of the recipient's choice.

And the title is amended as follows:

Delete line 4902 and insert: psychiatric facility; creating s. 409.981, F.S.; providing criteria for eligible plans; designating regions for plan implementation throughout the state; providing criteria for the selection of plans to participate in the long-term care managed care program; providing that participation by the Program of All-Inclusive Care for the Elderly and certain Medicare plans is pursuant to an agency contract and not subject to procurement; creating s. 409.984, F.S.; providing criteria for automatic assignments of plan enrollees who fail to choose a plan; providing for hospice selection within a specified timeframe; providing for a choice of residential setting under certain circumstances; amending s. 429.07, F.S.;

MOTION

On motion by Senator Latvala, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Latvala moved the following amendment to **Amendment 1**:

Amendment 1K (511982) (with title amendment)—Between lines 3609 and 3610 insert:

Section 93. Section 456.44, Florida Statutes, is created to read:

456.44 Controlled substance prescribing.—

(1) DEFINITIONS.—

(a) "Addiction medicine specialist" means a board-certified physiatrist with a subspecialty certification in addiction medicine or who is eligible for such subspecialty certification in addiction medicine, an addiction medicine physician certified or eligible for certification by the American Society of Addiction Medicine, or an osteopathic physician who holds a certificate of added qualification in Addiction Medicine through the American Osteopathic Association.

(b) "Adverse incident" means any incident set forth in s. 458.351(4)(a)-(e) or s. 459.026(4)(a)-(e).

(c) "Board–certified pain management physician" means a physician who possesses board certification in pain medicine by the American Board of Pain Medicine, board certification by the American Board of Interventional Pain Physicians, or board certification or subcertification in pain management by a specialty board recognized by the American Association of Physician Specialists or an osteopathic physician who holds a certificate in Pain Management by the American Osteopathic Association.

(d) "Chronic nonmalignant pain" means pain unrelated to cancer or rheumatoid arthritis which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery.

(e) "Mental health addiction facility" means a facility licensed under chapter 394 or chapter 397.

(2) REGISTRATION.—Effective January 1, 2012, a physician licensed under chapter 458, chapter 459, chapter 461, or chapter 466 who prescribes more than a 30-day supply of any controlled substance, as defined in s. 893.03, over a 6-month period to any one patient for the treatment of chronic nonmalignant pain, must:

(a) Designate himself or herself as a controlled substance prescribing practitioner on the physician's practitioner profile.

(b) Comply with the requirements of this section and applicable board rules.

(3) STANDARDS OF PRACTICE.—The standards of practice in this section do not supersede the level of care, skill, and treatment recognized in general law related to healthcare licensure.

(a) A complete medical history and a physical examination must be conducted before beginning any treatment and must be documented in the medical record. The exact components of the physical examination shall be left to the judgment of the clinician who is expected to perform a physical examination proportionate to the diagnosis that justifies a treatment. The medical record must, at a minimum, document the nature and intensity of the pain, current and past treatments for pain, underlying or coexisting diseases or conditions, the effect of the pain on physical and psychological function, a review of previous medical records, previous diagnostic studies, and history of alcohol and substance abuse. The medical record shall also document the presence of one or more recognized medical indications for the use of a controlled substance. Each registrant must develop a written plan for assessing each patient's risk of aberrant drug-related behavior, which may include patient drug testing. Registrants must assess each patient's risk for aberrant drug-related behavior and monitor that risk on an ongoing basis in accordance with the plan.

(b) Each registrant must develop a written individualized treatment plan for each patient. The treatment plan shall state objectives that will be used to determine treatment success, such as pain relief and improved physical and psychosocial function, and shall indicate if any further diagnostic evaluations or other treatments are planned. After treatment begins, the physician shall adjust drug therapy to the individual medical needs of each patient. Other treatment modalities, including a rehabilitation program, shall be considered depending on the etiology of the pain and the extent to which the pain is associated with physical and psychosocial impairment. The interdisciplinary nature of the treatment plan shall be documented.

(c) The physician shall discuss the risks and benefits of the use of controlled substances, including the risks of abuse and addiction, as well as physical dependence and its consequences, with the patient, persons designated by the patient, or the patient's surrogate or guardian if the patient is incompetent. The physician shall use a written controlled substance agreement between the physician and the patient outlining the patient's responsibilities, including, but not limited to:

1. Number and frequency of controlled substance prescriptions and refills.

2. Patient compliance and reasons for which drug therapy may be discontinued, such as a violation of the agreement.

3. An agreement that controlled substances for the treatment of chronic nonmalignant pain shall be prescribed by a single treating physician unless otherwise authorized by the treating physician and documented in the medical record.

(d) The patient shall be seen by the physician at regular intervals, not to exceed 3 months, to assess the efficacy of treatment, ensure that controlled substance therapy remains indicated, evaluate the patient's progress toward treatment objectives, consider adverse drug effects, and review the etiology of the pain. Continuation or modification of therapy shall depend on the physician's evaluation of the patient's progress. If treatment goals are not being achieved, despite medication adjustments, the physician shall reevaluate the appropriateness of continued treatment. The physician shall monitor patient compliance in medication usage, related treatment plans, controlled substance agreements, and indications of substance abuse or diversion at a minimum of 3-month intervals.

(e) The physician shall refer the patient as necessary for additional evaluation and treatment in order to achieve treatment objectives. Special attention shall be given to those patients who are at risk for misusing their medications and those whose living arrangements pose a risk for medication misuse or diversion. The management of pain in patients with a history of substance abuse or with a comorbid psychiatric disorder requires extra care, monitoring, and documentation and requires consultation with or referral to an addictionologist or physiatrist.

(f) A physician registered under this section must maintain accurate, current, and complete records that are accessible and readily available for review and comply with the requirements of this section, the applicable practice act, and applicable board rules. The medical records must include, but are not limited to:

1. The complete medical history and a physical examination, including history of drug abuse or dependence.

2. Diagnostic, therapeutic, and laboratory results.

3. Evaluations and consultations.

4. Treatment objectives.

5. Discussion of risks and benefits.

6. Treatments.

7. Medications, including date, type, dosage, and quantity prescribed.

8. Instructions and agreements.

9. Periodic reviews.

10. Results of any drug testing.

11. A photocopy of the patient's government-issued photo identification.

12. If a written prescription for a controlled substance is given to the patient, a duplicate of the prescription.

13. The physician's full name presented in a legible manner.

(g) Patients with signs or symptoms of substance abuse shall be immediately referred to a board-certified pain management physician, an addiction medicine specialist, or a mental health addiction facility as it pertains to drug abuse or addiction unless the physician is board-certified or board-eligible in pain management. Throughout the period of time before receiving the consultant's report, a prescribing physician shall clearly and completely document medical justification for continued treatment with controlled substances and those steps taken to ensure medically appropriate use of controlled substances by the patient. Upon receipt of the consultant's written report, the prescribing physician shall incorporate the consultant's recommendations for continuing, modifying, or discontinuing controlled substance therapy. The resulting changes in treatment shall be specifically documented in the patient's medical record. Evidence or behavioral indications of diversion shall be followed by discontinuation of controlled substance therapy and the patient shall be discharged and all results of testing and actions taken by the physician shall be documented in the patient's medical record.

This subsection does not apply to a board-certified anesthesiologist, physiatrist, or neurologist, or to a board-certified physician who has surgical privileges at a hospital or ambulatory surgery center and primarily provides surgical services. This subsection does not apply to a board-certified medical specialist who has also completed a fellowship in pain medicine approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, or who is also board certified in pain medicine by a board approved by the American Board of Medical Specialties or the American Osteopathic Association and performs interventional pain procedures of the type routinely billed using surgical codes. This subsection does not apply to any physician licensed under chapter 458 or chapter 459 who writes fewer than 50 prescriptions for a controlled substance for all of his or her patients combined in any 1 calendar year.

And the title is amended as follows:

Delete line 4981 and insert: under certain circumstances; creating s. 456.44, F.S.; providing definitions; requiring certain physicians to designate themselves as controlled substance prescribing practitioners on their practitioner profiles; providing an effective date; requiring registered physicians to meet certain standards of practice; requiring a physical examination; requiring a written protocol; requiring an assessment of risk for aberrant behavior; requiring a treatment plan; requiring specified informed consent; requiring consultation and referral in certain circumstances; requiring medical records meeting certain criteria; providing an exemption for physicians meeting certain criteria; providing for nonapplication; amending s. 483.035,

On motion by Senator Latvala, further consideration of **CS for CS for HB 119** with pending **Amendment 1 (258560)** and **Amendment 1K (511982)** was deferred.

MOTIONS

On motion by Senator Thrasher, by two-thirds vote **CS for CS for SB 1916** was placed on the Special Order Calendar.

RECESS

On motion by Senator Thrasher, the Senate recessed at 7:08 p.m. to reconvene at 7:45 p.m.

EVENING SESSION

The Senate was called to order by President Haridopolos at 7:53 p.m. A quorum present—35:

Mr. President	Benacquisto	Bogdanoff
Altman	Bennett	Braynon
Dean	Hays	Rich
Detert	Hill	Richter
Diaz de la Portilla	Joyner	Ring
Dockery	Latvala	Simmons
Evers	Lynn	Siplin
Fasano	Margolis	Smith
Flores	Montford	Sobel
Gaetz	Negron	Thrasher
Garcia	Norman	Wise
Gardiner	Oelrich	

SPECIAL ORDER CALENDAR

On motion by Senator Latvala, by unanimous consent—

SB 404—A bill to be entitled An act relating to transition-to-adulthood services; amending s. 985.03, F.S.; defining the term "transition-to-adulthood services"; creating s. 985.461, F.S.; providing legislative intent concerning transition-to-adulthood services for youth in the custody of the Department of Juvenile Justice; providing for eligibility for services for youth served by the department who are legally in the custody of the Department of Children and Family Services; providing that an adjudication of delinquency does not disqualify a youth in foster care from certain services from the Department of Children and Family Services; providing powers and duties of the Department of Juvenile Justice for transition services; providing for assessments; requiring that services be part of a plan leading to independence; amending s. 985.0301, F.S.; providing for retention of court jurisdiction over a child for a specified period following the child's 19th birthday if the child is participating in transition-to-adulthood services; providing that certain services require voluntary participation by affected youth and do not create an involuntary court-sanctioned residential commitment; providing an effective date.

—was taken up out of order and read the second time by title.

POINT OF ORDER

Senator Lynn raised a point of order that pursuant to Rule 4.8 the bill should be referred to the Committee on Budget.

The President referred the point of order to Senator Thrasher, Chair of the Committee on Rules.

On motion by Senator Wise, further consideration of **SB 404** with pending point of order was deferred.

On motion by Senator Latvala, by unanimous consent—

CS for CS for SB 1916—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending ss. 14.26, 20.14, 213.053, 320.275, and 366.85, F.S.; renaming the Division of Consumer Services within the department as the "Division of Consumer Protection"; amending s. 320.90, F.S.; deleting a reference to the Department of Agriculture and Consumer Services; amending s. 493.6105, F.S.; revising the information that a person must supply in an application for licensure as a private investigator, private security service, or repossession service; deleting a requirement that certain applicants supply photographs along with an application; revising the certificates that a person applying for a class "K" firearms instructor's license must supply along with an application for the license; making technical and grammatical changes; amending s. 493.6106, F.S.; providing that applicants for certain licenses as a private investigator, private security service or repossession service must meet certain citizenship or immigration requirements and not be prohibited by law from purchasing a firearm; making grammatical and technical changes; amending s. 493.6107, F.S.; authorizing a Class "M," Class "G," and Class "K" licensee or applicant to pay examination fees and license fees by personal check or, if authorized by the department, by electronic funds transfer; amending s. 493.6108, F.S.; requiring the department to investigate the mental fitness of an applicant of a Class "K" firearms instructor license; amending s. 493.6111, F.S.; providing that Class "K" firearms instructor licenses are valid for 3 years; requiring an applicant for a recovery school or security officer school to receive approval from the department before operating under a fictitious name; making technical and grammatical

changes; amending s. 493.6113, F.S.; deleting a requirement that Class "A" private investigative agency licensees and Class "R" recovery agency licensees provide evidence of certain insurance coverage with an application to renew a license; requiring a Class "K" firearms instructor licensee to submit proof of certification to provide firearms instruction; amending s. 493.6115, F.S.; conforming cross-references to changes made by the act; making technical and grammatical changes; amending s. 493.6118, F.S.; authorizing the department to take disciplinary action against a Class "G" statewide firearms licensee or applicant or a Class "K" firearms instructor licensee or applicant if the person is prohibited from purchasing a firearm by law; amending s. 493.6121, F.S.; deleting a provision authorizing the department to have access to certain criminal history information of a purchaser of a firearm; amending s. 493.6202, F.S.; authorizing a Class "A," Class "AA," Class "MA," Class "C," or Class "CC" licensee or applicant to pay examination fees and license fees by personal check or, if authorized by the department, by electronic funds transfer; amending s. 493.6203, F.S.; providing that experience as a bodyguard does not qualify as experience or training for purposes of a Class "MA" or Class "C" license; requiring an initial applicant for a Class "CC" license to complete specified training courses; making technical and grammatical changes and conforming a cross-reference; amending s. 493.6302, F.S.; authorizing a Class "B," Class "BB," Class "MB," Class "D," Class "DS," or Class "DI" licensee or applicant to pay examination fees and license fees by personal check or, if authorized by the department, by electronic funds transfer; amending s. 493.6303, F.S.; requiring an applicant for an initial Class "D" license to complete specified training courses; making technical and grammatical changes; amending s. 493.6304, F.S.; requiring an application for a security officer school or training facility to be verified under oath; amending ss. 493.6401 and 493.6402, F.S.; renaming reposessors as "recovery agents"; authorizing a Class "R," Class "RR," Class "MR," Class "E," Class "EE," Class "RS," or Class "RI" licensee or applicant to pay examination fees and license fees by personal check or, if authorized by the department, by electronic funds transfer; amending s. 493.6406, F.S.; requiring recovery agent schools or instructors to be licensed by the department to offer training to Class "E" licensees and applicants; amending ss. 496.404, 496.411, and 496.412, F.S.; renaming the Division of Consumer Services as the "Division of Consumer Protection"; amending s. 496.419, F.S.; clarifying the powers of the department to enter an order; amending s. 501.015, F.S.; correcting a reference to a local business tax receipt; amending s. 501.017, F.S.; specifying the minimum type size for requiring certain disclosures in contracts between a consumer and a health studio; amending s. 501.145, F.S.; deleting a reference to the department as an enforcing authority in the Bedding Label Act; amending s. 501.160, F.S.; deleting authorization for the department to enforce certain prohibitions against unconscionable practices during a declared state of emergency; authorizing regional comparison with respect to market trends; amending s. 501.605, F.S.; deleting a requirement that a person supply his or her social security number on an application as a commercial telephone seller and adding a requirement for another valid form of identification; amending s. 501.607, F.S.; deleting a requirement that a person supply his or her social security number on an application as a salesperson; amending s. 525.01, F.S.; revising requirements for petroleum fuel affidavits; amending s. 526.06, F.S.; revising prohibited acts related to certain mixing, blending, compounding, or adulterating of liquid fuels; deleting certain provisions authorizing the sale of ethanol-blended fuels for use in motor vehicles; amending s. 539.001, F.S.; correcting a reference to a local business tax receipt; amending s. 559.805, F.S.; deleting a requirement that a seller of a business opportunity provide the social security numbers of the seller's agents to the department; amending s. 559.904, F.S.; correcting a reference to a local business tax receipt; amending s. 559.928, F.S.; correcting a reference to a local business tax receipt; amending s. 559.935, F.S.; correcting a reference to local business tax receipts; amending s. 570.29, F.S.; renaming the Division of Consumer Services as the "Division of Consumer Protection"; amending s. 570.544, F.S.; renaming the Division of Consumer Services as the "Division of Consumer Protection"; amending s. 681.102, F.S.; deleting a reference to the division in the Motor Vehicle Warranty Enforcement Act; amending ss. 681.103, 681.108, and 681.109, F.S.; transferring certain responsibilities under the Lemon Law to the department from the Division of Consumer Services; amending s. 681.1095, F.S.; transferring certain responsibilities relating to the New Motor Vehicle Arbitration Board to the department from the Division of Consumer Services; authorizing the board to send its decisions by any method providing a delivery confirmation; authorizing the department to adopt rules; amending s. 681.1096, F.S.; conforming a cross-reference; amending s. 681.112, F.S.; transferring certain responsibilities relating to the Lemon Law to the department from the Division of Consumer Services; amending s. 681.117, F.S.; deleting a provision requiring the Department of Legal Affairs to contract with the Division of Consumer Services for services relating to dispute settlement procedures and the New Motor Vehicle Arbitration Board; amending s. 849.0915, F.S.; renaming the Division of Consumer Services as the "Division of Consumer Protection"; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for CS for SB 1916**, on motion by Senator Latvala, by two-thirds vote **CS for HB 7209** was withdrawn from the Committees on Commerce and Tourism; Budget Subcommittee on General Government Appropriations; Budget; and Rules.

On motion by Senator Latvala, the rules were waived and by two-thirds vote—

CS for HB 7209—A bill to be entitled An act relating to the consumer services functions of the Department of Agriculture and Consumer Services; amending s. 320.90, F.S.; transferring responsibility for distribution of a motor vehicle consumer's rights pamphlet from the department to the Department of Highway Safety and Motor Vehicles; amending s. 493.6105, F.S.; revising the application requirements and procedures for certain private investigator, private security, or repossession service; deleting a requirement that certain applicants submit photographs with their applications; revising the certifications that a person applying for a Class "K" firearms instructor license must possess; amending s. 493.6106, F.S.; revising the citizenship or immigration requirements for licenses issued by the department; prohibiting the licensure of applicants for a Class "G" statewide firearm license or Class "K" firearms instructor license who are prohibited by law from purchasing or possessing firearms; requiring that private investigative, private security, and recovery agencies notify the department of changes to their branch office locations; making grammatical and technical changes; amending s. 493.6107, F.S.; revising requirements for the method of payment of license fees for certain licensees; amending s. 493.6108, F.S.; requiring the department to investigate the mental history and current mental and emotional fitness of applicants for a Class "K" firearms instructor license; amending s. 493.6111, F.S.; revising the validity period for Class "K" firearms instructor licenses; requiring a security officer school or recovery agent school to obtain written authorization from the department before operating under a fictitious name; specifying that a licensee may not operate under more than one fictitious name; amending s. 493.6113, F.S.; deleting a requirement that Class "A" private investigative agency licensees and Class "R" recovery agency licensees provide evidence of certain insurance coverage to renew a license; requiring a Class "K" firearms instructor licensee to submit proof of certification to provide firearms instruction; amending s. 493.6115, F.S.; conforming cross-references; amending s. 493.6118, F.S.; authorizing the department to take disciplinary action against a Class "G" statewide firearms licensee or applicant or a Class "K" firearms instructor licensee or applicant if the person is prohibited by law from purchasing or possessing a firearm; amending s. 493.6121, F.S.; deleting a provision authorizing the department to have access to certain criminal history information of the purchaser of a firearm; amending s. 493.6202, F.S.; revising requirements for the method of payment of examination and license fees for certain licensees; amending s. 493.6203, F.S.; providing that experience as a bodyguard does not qualify as experience or training for purposes of a Class "MA" or Class "C" license; requiring an initial applicant for a Class "CC" license to complete specified training courses; conforming a cross-reference; amending s. 493.6302, F.S.; revising requirements for the method of payment of license fees for certain licensees; amending s. 493.6303, F.S.; requiring an applicant for an initial Class "D" security officer license to complete specified training courses; amending s. 493.6304, F.S.; requiring an application for a security officer school or training facility to be verified under oath; amending ss. 493.6401 and 493.6402, F.S.; renaming repossessors as "recovery agents"; revising requirements for the method of payment of the license fees for certain licensees; amending s. 493.6406, F.S.; requiring recovery agent schools or instructors to be licensed by the department to offer training to Class "E" licensees and applicants; revising application requirements for recovery agent school and instructor licenses; amending s. 500.03, F.S.; providing and revising definitions for purposes of the Florida Food Safety Act; amending s. 500.121, F.S.; providing penalties for food safety violations committed by cottage food operations; creating s. 500.80, F.S.; exempting cottage food operations from food permitting requirements; limiting the annual gross sales of

cottage food operations and the methods by which cottage food products may be sold or offered for sale; requiring certain packaging and labeling of cottage food products; limiting the sale of cottage food products to certain locations; providing for application; authorizing the Department of Agriculture and Consumer Services to investigate complaints and enter into the premises of a cottage food operation; amending s. 501.145, F.S.; deleting authority for the department to bring actions for injunctive relief under the Bedding Label Act; deleting the definitions of certain terms to conform; amending s. 501.160, F.S.; deleting authorization for the department to enforce certain prohibitions against unconscionable practices during a declared state of emergency; amending s. 525.01, F.S.; revising requirements for petroleum fuel affidavits; amending s. 526.06, F.S.; revising prohibited acts related to certain mixing, blending, compounding, or adulterating of liquid fuels; deleting certain provisions authorizing the sale of ethanol-blended fuels for use in motor vehicles; amending s. 539.001, F.S.; correcting a reference to a local business tax receipt; amending ss. 681.102, 681.103, 681.108, 681.109, 681.1095, 681.1096, 681.112, and 681.117, F.S.; transferring the duties of the Division of Consumer Services of the Department of Agriculture and Consumer Services for enforcement of the Motor Vehicle Warranty Enforcement Act and related to the Florida New Motor Vehicle Arbitration Board to the Department of Legal Affairs; conforming provisions; revising procedures and notice requirements for arbitration disputes; authorizing the Department of Legal Affairs to adopt rules; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1916** and by two-thirds vote read the second time by title.

On motion by Senator Latvala, by two-thirds vote **CS for HB 7209** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Flores	Norman
Altman	Gaetz	Oelrich
Benacquisto	Garcia	Rich
Bennett	Gardiner	Richter
Bogdanoff	Hays	Ring
Braynon	Hill	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	

Nays—None

The Senate resumed consideration of—

CS for CS for HB 119—A bill to be entitled An act relating to health care; amending s. 83.42, F.S., establishing that s. 400.0255, F.S., provides exclusive procedures for resident transfer and discharge; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; deleting an obsolete provision; deleting a requirement that a laboratory that conducts drug tests submit certain reports to the Agency for Health Care Administration; amending s. 318.21, F.S.; revising distribution of funds from civil penalties imposed for traffic infractions by county courts; repealing s. 383.325, F.S., relating to confidentiality of inspection reports of licensed birth center facilities; amending s. 395.002, F.S.; revising and deleting definitions applicable to regulation of hospitals and other licensed facilities; conforming a cross-reference; amending s. 395.003, F.S.; deleting an obsolete provision; conforming a cross-reference; amending s. 395.0161, F.S.; deleting a provision requiring licensure inspection fees for hospitals, ambulatory surgical centers, and mobile surgical facilities to be paid at the time of the inspection; amending s. 395.0193, F.S.; requiring a licensed facility to report certain peer review information and final disciplinary actions to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.1023, F.S.; providing for the Department of Children and Family Services rather than the Department of Health to perform certain functions with respect to child protection cases; requiring certain hospitals to notify the Department of Children and Family Services of compliance; amending s. 395.1041, F.S., relating to hospital emergency services and care; deleting obsolete provisions; repealing s. 395.1046, F.S., relating to complaint investigation procedures; amending s. 395.1055, F.S.; requiring additional housekeeping and sanitation procedures in licensed facilities for infection control purposes; requiring licensed facility beds to conform to standards specified by the Agency for Health Care Administration, the Florida Building Code, and the Florida Fire Prevention Code; amending s. 395.10972, F.S.; revising a reference to the Florida Society of Healthcare Risk Management to conform to the current designation; amending s. 395.2050, F.S.; revising a reference to the federal Health Care Financing Administration to conform to the current designation; amending s. 395.3036, F.S.; correcting a reference; repealing s. 395.3037, F.S., relating to redundant definitions; amending ss. 154.11, 394.741, 395.3038, 400.925, 400.9935, 408.05, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; revising references to the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, and the Council on Accreditation to conform to their current designations; amending s. 395.4025, F.S.; authorizing the Department of Health to grant additional extensions for trauma center applicants under certain circumstances; amending s. 395.602, F.S.; revising the definition of the term "rural hospital" to delete an obsolete provision; amending s. 400.021, F.S.; revising the definition of the term "geriatric outpatient clinic" to include additional staff; revising the term "resident care plan"; removing a provision that requires certain signatures on the plan; amending s. 400.0255, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.063, F.S.; deleting an obsolete provision; amending ss. 400.071 and 400.0712, F.S.; revising applicability of general licensure requirements under part II of ch. 408, F.S., the Health Care Licensing Procedures Act, to applications for nursing home licensure; revising provisions governing inactive licenses; amending s. 400.111, F.S.; providing for disclosure of controlling interest of a nursing home facility upon request by the Agency for Health Care Administration; amending s. 400.1183, F.S.; revising grievance record maintenance and reporting requirements for nursing homes; amending s. 400.141, F.S.; providing criteria for the provision of respite services by nursing homes; requiring a written plan of care; requiring a contract for services; requiring resident release to caregivers to be designated in writing; providing an exemption to the application of discharge planning rules; providing for residents' rights; providing for use of personal medications; providing terms of respite stay; providing for communication of patient information; requiring a physician's order for care and proof of a physical examination; providing for services for respite patients and duties of facilities with respect to such patients; conforming a cross-reference; requiring facilities to maintain clinical records that meet specified standards; providing a fine relating to an admissions moratorium; deleting requirement for facilities to submit certain information related to management companies to the agency; deleting a requirement for facilities to notify the agency of certain bankruptcy filings to conform to changes made by the act; providing a limit on fees charged by a facility for copies of patient records; amending s. 400.142, F.S.; deleting language relating to agency adoption of rules; repealing s. 400.145, F.S., relating to records of care and treatment of residents; repealing ss. 400.0234 and 429.294, F.S., relating to availability of facility records for investigation of resident's rights violations and defenses; amending 400.147, F.S.; removing a requirement for nursing homes and related health care facilities to notify the agency within a specified period of time after receipt of an adverse incident report; revising reporting requirements for licensed nursing home facilities relating to adverse incidents; repealing s. 400.148, F.S., relating to the Medicaid "Up-or-Out" Quality of Care Contract Management Program; amending s. 400.179, F.S.; deleting an obsolete provision; amending s. 400.19, F.S.; revising inspection requirements; amending s. 400.23, F.S.; deleting an obsolete provision; correcting a reference; directing the agency to adopt rules for minimum staffing standards in nursing homes that serve persons under 21 years of age; providing minimum staffing standards; amending s. 400.275, F.S.; revising agency duties with regard to training nursing home surveyor teams; revising requirements for team members; amending s. 400.462, F.S.; revising the definition of the term "remuneration" as it applies to home health agencies; amending s. 400.484, F.S.; revising the schedule of home health agency inspection violations; amending s. 400.506, F.S.; deleting language relating to exemptions from penalties imposed on nurse registries if a nurse registry does not bill the Florida Medicaid Program; providing criteria for an administrator to manage a nurse registry; amending s. 400.509, F.S.; revising the service providers exempt from licensure registration to in-

clude organizations that provide companion services only for persons with developmental disabilities; amending s. 400.606, F.S.; revising the content requirements of the plan accompanying an initial or change-of-ownership application for licensure of a hospice; revising requirements relating to certificates of need for certain hospice facilities; amending s. 400.607, F.S.; revising grounds for agency action against a hospice; amending s. 400.915, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.931, F.S.; deleting a requirement that an applicant for a home medical equipment provider license submit a surety bond to the agency; requiring applicants to submit documentation of accreditation within a specified period of time; amending s. 400.932, F.S.; revising grounds for the imposition of administrative penalties for certain violations by an employee of a home medical equipment provider; amending s. 400.967, F.S.; revising the schedule of inspection violations for intermediate care facilities for the developmentally disabled; providing a penalty for certain violations; amending s. 400.9905, F.S.; revising the definitions of the terms "clinic" and "portable equipment provider"; providing that part X of ch. 400, F.S., the Health Care Clinic Act, does not apply to certain clinical facilities, an entity owned by a corporation with a specified amount of annual sales of health care services under certain circumstances, an entity owned or controlled by a publicly traded entity with a specified amount of annual revenues, or an entity that employs a specified number of licensed health care practitioners under certain conditions; amending s. 400.991, F.S.; conforming terminology; revising application requirements relating to documentation of financial ability to operate a mobile clinic; amending s. 408.033, F.S.; permitting fees assessed on certain health care facilities to be collected prospectively at the time of licensure renewal and prorated for the licensure period; amending s. 408.034, F.S.; revising agency authority relating to licensing of intermediate care facilities for the developmentally disabled; amending s. 408.036, F.S.; deleting an exemption from certain certificate-of-need review requirements for a hospice or a hospice inpatient facility; deleting a requirement that the agency submit a report regarding requests for exemption; amending s. 408.037, F.S.; revising certificate-of-need requirements for general hospital applicants to evaluate the applicant's parent corporation if audited financial statements of the applicant do not exist; amending s. 408.043, F.S.; revising requirements for certain freestanding inpatient hospice care facilities to obtain a certificate of need; amending s. 408.061, F.S.; revising health care facility data reporting requirements; amending s. 408.10, F.S.; removing agency authority to investigate certain consumer complaints; amending s. 408.802, F.S.; removing applicability of part II of ch. 408, F.S., relating to general licensure requirements, to private review agents; amending s. 408.804, F.S.; providing penalties for altering, defacing, or falsifying a license certificate issued by the agency or displaying such an altered, defaced, or falsified certificate; amending s. 408.806, F.S.; revising agency responsibilities for notification of licensees of impending expiration of a license; requiring payment of a late fee for a license application to be considered complete under certain circumstances; amending s. 408.8065, F.S.; requiring home health agencies, home medical equipment providers, and health care clinics to submit projected financial statements; amending s. 408.809, F.S., relating to background screening of specified employees of health care providers; revising provisions for required rescreening; removing provisions authorizing the agency to adopt rules establishing a rescreening schedule; establishing a rescreening schedule; amending s. 408.810, F.S.; requiring disclosure of information by a controlling interest of certain court actions relating to financial instability within a specified time period; amending s. 408.813, F.S.; authorizing the agency to impose fines for unclassified violations of part II of ch. 408, F.S.; amending s. 408.815, F.S.; providing for certain mitigating circumstances to be considered for any application subject to denial; authorizing the agency to extend a license expiration date under certain circumstances; amending s. s. 409.212, F.S.; increasing the limit on the amount of additional supplementation provided by a third party under the optional state supplementation program; amending s. 409.91196, F.S.; revising components of a Medicaid prescribed-drug spending-control program; conforming a cross-reference; amending s. 409.912, F.S.; revising procedures for implementation of a Medicaid prescribed-drug spending-control program; amending s. 429.07, F.S.; deleting the requirement for an assisted living facility to obtain an additional license in order to provide limited nursing services; deleting the requirement for the agency to conduct quarterly monitoring visits of facilities that hold a license to provide extended congregate care services; deleting the requirement for the department to report annually on the status of and recommendations related to extended congregate care; deleting the requirement for the agency to conduct monitoring visits at least twice a year to facilities providing limited nursing services; eliminating the license fee for the limited nursing services license; transferring from another provision of law the requirement that the standard survey of an assisted living facility include specific actions to determine whether the facility is adequately protecting residents' rights; providing that under specified conditions an assisted living facility that has a class I or class II violation is subject to periodic unannounced monitoring; requiring a registered nurse to participate in certain monitoring visits; amending s. 429.11, F.S.; revising licensure application requirements for assisted living facilities to eliminate provisional licenses; amending s. 429.12, F.S.; deleting a requirement that a transferor of an assisted living facility advise the transferee to submit a plan for correction of certain deficiencies to the Agency for Health Care Administration before ownership of the facility is transferred; amending s. 429.14, F.S.; clarifying provisions relating to a facility's request for a hearing under certain circumstances; amending s. 429.17, F.S.; deleting provisions relating to the limited nursing services license; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 429.195, F.S.; revising the list of entities prohibited from providing rebates; providing exceptions to prohibited patient brokering for assisted living facilities; amending s. 429.23, F.S.; deleting reporting requirements for assisted living facilities relating to liability claims; amending s. 429.255, F.S.; eliminating provisions authorizing the use of volunteers to provide certain health-care-related services in assisted living facilities; authorizing assisted living facilities to provide limited nursing services; requiring an assisted living facility to be responsible for certain recordkeeping and staff to be trained to monitor residents receiving certain health-care-related services; amending s. 429.28, F.S.; deleting a requirement for a biennial survey of an assisted living facility, to conform to changes made by the act; conforming a cross-reference; amending s. 429.41, F.S., relating to rulemaking; conforming provisions to changes made by the act; deleting the requirement for the Department of Elderly Affairs to submit a copy of proposed rules to the Legislature; amending s. 429.53, F.S.; revising provisions relating to consultation by the agency; revising a definition; amending s. 429.71, F.S.; revising schedule of inspection violations for adult family-care homes; amending s. 429.915, F.S.; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 440.102, F.S.; deleting the requirement for laboratories to submit a monthly report to the agency with statistical information regarding the testing of employees and job applicants; amending s. 456.053, F.S.; revising the definition of the term "group practice" as it relates to financial arrangements of referring health care providers and providers of health care services to include group practices that provide radiation therapy services under certain circumstances; amending s. 483.035, F.S.; requiring certain clinical laboratories operated by one or more practitioners licensed under part I of ch. 464, F.S., the Nurse Practice Act, to be licensed under part I of ch. 483, F.S., the Florida Clinical Laboratory Law; amending s. 483.051, F.S.; establishing qualifications necessary for clinical laboratory licensure; amending s. 483.294, F.S.; revising frequency of agency inspections of multiphasic health testing centers; amending s. 499.003, F.S.; removing the requirement for certain prescription drug purchasers to maintain a separate inventory of certain prescription drugs; amending s. 633.081, F.S.; limiting State Fire Marshal inspections of nursing homes to once a year; providing for additional inspections based on complaints and violations identified in the course of orientation or training activities; amending s. 766.202, F.S.; adding persons licensed under part XIV of ch. 468, F.S., relating to orthotics, prosthetics, and pedorthics, to the definition of "health care provider"; amending s. 817.505, F.S.; creating an exception to the patient brokering prohibition for assisted living facilities; amending ss. 394.4787, 400.0239, 408.07, 430.80, and 651.118, F.S.; conforming terminology and references to changes made by the act; revising a reference; establishing that assisted living facility licensure fees have been adjusted by Consumer Price Index since 1998 and are not intended to be reset by this act; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 1 (258560)** by Senator Latvala as amended and **Amendment 1K (511982)** by Senator Latvala. **Amendment 1K (511982)** was adopted.

MOTION

On motion by Senator Latvala, by the required two-thirds vote, consideration of the following amendment was allowed:

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

Amendment 1L (780636) (with title amendment)—Between lines 3666 and 3667 insert:

Section 95. Subsection (1) of section 483.245, Florida Statutes, is amended to read:

483.245 Rebates prohibited; penalties.—

(1) It is unlawful for any person to pay or receive any commission, bonus, kickback, or rebate or engage in any split-fee arrangement in any form whatsoever with any dialysis facility, physician, surgeon, organization, agency, or person, either directly or indirectly, for patients referred to a clinical laboratory licensed under this part. *A clinical laboratory licensed under this part is prohibited from placing, directly or indirectly, through an independent staffing company, lease arrangement, or otherwise, a specimen collector or other personnel in any physician's office, unless the clinical lab and the physician's office are owned and operated by the same entity.*

And the title is amended as follows:

Delete line 4989 and insert: laboratory licensure; amending s. 483.245, F.S.; prohibiting certain clinical laboratories from placing a specimen collector or other personnel in a physician's office, unless the clinical lab and the physician's office are owned and operated by the same entity; amending s. 483.294, F.S.;

MOTION

On motion by Senator Bennett, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Bennett moved the following amendment to **Amendment 1** which failed:

Amendment 1M (875524) (with directory and title amendments)—Between lines 4252 and 4253 insert:

(30) The sale, purchase, manufacture, delivery, importation, administration, or distribution of any human vaccine used for children younger than age 7 or pregnant women which contains any organic or inorganic mercury compound in excess of 0.3 micrograms per milliliter.

And the directory clause is amended as follows:

Delete lines 4239-4240 and insert:

Section 110. Subsection (21) of section 499.005, Florida Statutes, is amended, and subsection(30) is added to that section, to read:

And the title is amended as follows:

Delete line 5038 and insert: organization, to conform to changes made by the act; prohibiting the sale, purchase, manufacture, delivery, importation, administration, and distribution of certain vaccines containing organic or inorganic mercury compounds in excess of a specified amount;

MOTION

On motion by Senator Rich, by the required two-thirds vote, consideration of the following amendment was allowed:

Senators Rich and Lynn offered the following amendment to **Amendment 1** which was moved by Senator Rich and failed:

Amendment 1N (840234) (with title amendment)—Between lines 4652 and 4653 insert:

Section 121. *Notwithstanding any provisions of law which modify s. 409.905(5)(c), Florida Statutes, and are enacted subsequently or prior to this act becoming law, the provisions of s. 409.905(5)(c), Florida Statutes, in effect on January 1, 2011, shall remain in effect until July 1, 2012.*

And the title is amended as follows:

Delete line 5100 and insert: committee; providing that s. 409.905(5)(c), F.S., in effect on January 1, 2011, shall remain in effect until a specified date notwithstanding other provisions of law; providing an effective date.

MOTION

On motion by Senator Latvala, by the required two-thirds vote, consideration of the following amendment was allowed:

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

Amendment 1O (408504)—Delete lines 2656-2660 and insert: *3. For a prescribed drug billed as a 340B prescribed medication rendered to all Medicaid-eligible individuals, including claims for cost sharing for which the agency is responsible, the claim must meet the requirements of the Deficit Reduction Act of 2005 and the federal 340B program and contain a national drug code.*

RECONSIDERATION OF AMENDMENT

On motion by Senator Latvala, the Senate reconsidered the vote by which **Amendment 1F (107828)** was adopted. **Amendment 1F** was withdrawn.

Amendment 1 as amended was adopted.

On motion by Senator Latvala, by two-thirds vote **CS for CS for HB 119** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Altman	Gaetz	Norman
Benacquisto	Garcia	Oelrich
Bennett	Gardiner	Richter
Bogdanoff	Hays	Ring
Braynon	Hill	Sachs
Dean	Jones	Simmons
Detert	Joyner	Siplin
Diaz de la Portilla	Latvala	Smith
Dockery	Lynn	Sobel
Evers	Margolis	Storms
Fasano	Montford	Thrasher
Flores	Negron	Wise

Nays—1

Rich

SPECIAL RECOGNITION

Senator Latvala recognized Josh Stephens of the Sergeant's Office who will be retiring after 30 years of service in November. Josh served in the first Iraq war, Desert Storm, and, prior to his Senate service, was with FDLE.

The Senate resumed consideration of—

SB 404—A bill to be entitled An act relating to transition-to-adulthood services; amending s. 985.03, F.S.; defining the term "transition-to-adulthood services"; creating s. 985.461, F.S.; providing legislative intent concerning transition-to-adulthood services for youth in the custody of the Department of Juvenile Justice; providing for eligibility for services for youth served by the department who are legally in the custody of the Department of Children and Family Services; providing that an adjudication of delinquency does not disqualify a youth in foster care from certain services from the Department of Children and Family Services; providing powers and duties of the Department of Juvenile Justice for transition services; providing for assessments; requiring that services be part of a plan leading to independence; amending s. 985.0301, F.S.; providing for retention of court jurisdiction over a child for a specified period following the child's 19th birthday if the child is participating in

transition-to-adulthood services; providing that certain services require voluntary participation by affected youth and do not create an involuntary court-sanctioned residential commitment; providing an effective date.

—which was previously considered this day with pending point of order by Senator Lynn.

POINT OF ORDER DISPOSITION

The point of order by Senator Lynn was withdrawn.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Wise:

Amendment 1 (585488) (with title amendment)—Between lines 159 and 160 insert:

Section 4. *College-Preparatory Boarding Academy Pilot Program for at-risk students.—*

(1) PROGRAM CREATION.—The College-Preparatory Boarding Academy Pilot Program is created for the purpose of providing unique educational opportunities to dependent or at-risk children who are academic underperformers but who have the potential to progress from at-risk to college-bound. The State Board of Education shall implement this program.

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

(a) "Board" means the board of trustees of a college-preparatory boarding academy for at-risk students.

(b) "Eligible student" means a student who is a resident of the state and entitled to attend school in a participating school district, is at risk of academic failure, is currently enrolled in grade 5 or 6, is from a family whose income is below 200 percent of the federal poverty guidelines, and who meets at least two of the following additional risk factors:

1. The student has a record of suspensions, office referrals, or chronic truancy.

2. The student has been referred for academic intervention or has not attained at least a proficient score on the state achievement assessment in English and language arts, reading, or mathematics.

3. The student's parent is a single parent.

4. The student does not live with the student's custodial parent.

5. The student resides in a household that receives a housing voucher or has been determined as eligible for public housing assistance.

6. A member of the student's immediate family has been incarcerated.

7. The student has been declared an adjudicated dependent by a court of competent jurisdiction.

8. The student has received a referral from a school, teacher, counselor, dependency circuit court judge, or community-based care organization.

9. The student meets any additional criteria prescribed by an agreement between the State Board of Education and the operator of a college-preparatory boarding academy.

(c) "Operator" means a private, nonprofit corporation that is selected by the state under subsection (3) to operate the program.

(d) "Program" means a college-preparatory boarding academy for at-risk students which includes:

1. A remedial curriculum for middle school grades;

2. The college-preparatory curriculum for high school grades;

3. Extracurricular activities, including athletics and cultural events;

4. College admissions counseling;

5. Health and mental health services;

6. Tutoring;

7. Community service and service learning opportunities;

8. A residential student life program;

9. Extended school days and supplemental programs; and

10. Professional services focused on the language arts and reading standards, mathematics standards, science standards, technology standards, and developmental or life skill standards using innovative and best practices for all students.

(e) "Sponsor" means a public school district that acts as sponsor pursuant to s. 1002.33, Florida Statutes.

(3) PROPOSALS.—

(a) The State Board of Education shall select a private, nonprofit corporation to operate the program which must meet all of the following qualifications:

1. The nonprofit corporation has, or will receive as a condition of the contract, a public charter school authorized under s. 1002.33, Florida Statutes, to offer grades 6 through 12, or has a partnership with a sponsor to operate a school.

2. The nonprofit corporation has experience operating a school or program similar to the program authorized under this section.

3. The nonprofit corporation has demonstrated success with a school or program similar to the program authorized under this section.

4. The nonprofit corporation has the capacity to finance and secure private funds for the development of a campus for the program.

(b) Within 60 days after July 1, 2011, the State Board of Education shall issue a request for proposals from private, nonprofit corporations interested in operating the program. The state board shall select operators from among the qualified responders within 120 days after the issuance of the requests for proposal.

(c) Each proposal must contain the following information:

1. The proposed location of the college-preparatory boarding academy;

2. A plan for offering grade 6 in the program's initial year of operation and a plan for expanding the grade levels offered by the school in subsequent years; and

3. Any other information about the proposed educational program, facilities, or operations of the school as determined necessary by the state board.

(4) CONTRACT.—The State Board of Education shall contract with the operator of a college-preparatory boarding academy. The contract must stipulate that:

(a) The academy may operate only if, and to the extent that, it holds a valid charter authorized under s. 1002.33, Florida Statutes, or is authorized by a local school district defined as a sponsor pursuant to s. 1002.33, Florida Statutes.

(b) The operator shall finance and oversee the acquisition of a facility for the academy.

(c) The operator shall operate the academy in accordance with the terms of the proposal accepted by the state board.

(d) The operator shall comply with this section.

(e) The operator shall comply with any other provisions of law specified in the contract, the charter granted by the local school district or the operating agreement with the sponsor, and the rules adopted by the state board for schools operating in this state.

(f) The operator shall comply with the bylaws that it adopts.

(g) The operator shall comply with standards for admission of students to the academy and standards for dismissal of students from the academy which are included in the contract and may be reevaluated and revised by mutual agreement between the operator and the state board.

(h) The operator shall meet the academic goals and other performance standards established by the contract.

(i) The state board or the operator may terminate the contract in accordance with the procedures specified in the contract, which must at least require that the party seeking termination give prior written notice of the intent to terminate the contract and that the party receiving the termination notice be granted an opportunity to redress any grievances cited therein.

(j) If the school closes for any reason, the academy's board of trustees shall execute the closing in a manner specified in the contract.

(5) OPERATOR BYLAWS.—The operator of the program shall adopt bylaws for the oversight and operation of the academy which are in accordance with this section, state law, and the contract between the operator and the State Board of Education. The bylaws must include procedures for the appointment of board members to the academy's board of trustees, which may not exceed 25 members, 5 members of whom shall be appointed by the Governor with the advice and consent of the Senate. The bylaws are subject to approval of the state board.

(6) OUTREACH.—The program operator shall adopt an outreach program with the local education agency or school district and community. The outreach program must give special attention to the recruitment of children in the state's foster care program as a dependent child or as a child in a program to prevent dependency who are academic underperformers who, if given the unique educational opportunity found in the program, have the potential to progress from at-risk children to college-bound children.

(7) FUNDING.—The college-preparatory boarding academy must be a public school and part of the state's program of education. If the program receives state funding from noneducation sources, the State Board of Education shall coordinate, streamline, and simplify any requirements to eliminate duplicate, redundant, or conflicting requirements and oversight by various governmental programs or agencies. The applicable regulating entities shall, to the maximum extent possible, use independent reports and financial audits provided by the program and coordinated by the state board to eliminate or reduce contract and administrative reviews. Additional items may be suggested, if reasonable, to the state board to be included in independent reports and financial audits for the purpose of implementing this section. Reporting paperwork that is prepared for the state and local education agency shall also be shared with and accepted by other state and local regulatory entities, to the maximum extent possible.

(8) PROGRAM CAPACITY.—Beginning August 2012, the program shall admit 80 students. In each subsequent fiscal year, the program shall grow by an additional number of students, as specified in the contract, until the program reaches a capacity of 400 students.

(9) STUDENT SERVICES.—Students enrolled in the program who have been adjudicated dependent must remain under the case management services and supervision of the lead agency and its respective providers. The operator may contract with its own providers as necessary to provide services to children in the program and to ensure continuity of the full range of services required by children in foster care who attend the academy.

(10) MEDICAID BILLING.—This section does not prohibit an operator from appropriately billing Medicaid for services rendered to eligible students through the program or from earning federal or local funding for services provided.

(11) ADMISSION.—An eligible student may apply for admission to the program. If more eligible students apply for admission than the number of students permitted by the capacity established by the board of trustees, admission shall be determined by lottery.

(12) STUDENT HOUSING.—Notwithstanding ss. 409.1677(3)(d) and 409.176, Florida Statutes, or any other provision of law, an operator may house and educate dependent, at-risk youth in its residential school for the purpose of facilitating the mission of the program and encouraging innovative practices.

(13) ANNUAL REPORT.—

(a) The State Board of Education shall issue an annual report for each college-preparatory boarding academy which includes all information applicable to schools.

(b) Each college-preparatory boarding academy shall report to the Department of Education, in the form and manner prescribed in the contract, the following information:

1. The total number of students enrolled in the academy;

2. The number of students enrolled in the academy who are receiving special education services pursuant to an individual education plan; and

3. Any additional information specified in the contract.

(c) The operator shall comply with s. 1002.33, Florida Statutes, and shall annually assess reading and mathematics skills. The operator shall provide the student's legal guardians with sufficient information on whether the student is reading at grade level and whether the student gains at least a year's worth of learning for every year spent in the program.

(14) RULES.—The State Board of Education shall adopt rules to administer this section. These rules must identify any existing rules that are applicable to the program and preempt any other rules that are not specified for the purpose of clarifying the rules that may be conflicting, redundant, or that result in an unnecessary burden on the program or the operator.

And the title is amended as follows:

Delete line 25 and insert: creating the College-Preparatory Boarding Academy Pilot Program for dependent or at-risk students; providing a purpose for the program; requiring that the State Board of Education implement the program; providing definitions; requiring the state board to select a private nonprofit corporation to operate the program if certain qualifications are met; requiring that the state board request proposals from private nonprofit corporations; providing requirements for such proposals; requiring that the state board enter into a contract with the operator of the academy; requiring that the contract contain specified requirements; requiring that the operator adopt bylaws, subject to approval by the state board; requiring that the operator adopt an outreach program with the local education agency or school district and community; providing that the academy is a public school and part of the state's education program; providing program funding guidelines; limiting the capacity of eligible students attending the academy; requiring that enrolled students remain under case management services and the supervision of the lead agency; authorizing the operator to appropriately bill Medicaid for services rendered to eligible students or earn federal or local funding for services provided; providing for eligible students to be admitted by lottery if the number of applicants exceeds the allowed capacity; authorizing the operator to board dependent, at-risk students; requiring that the state board issue an annual report and adopt rules; providing an effective date.

Senator Lynn moved the following amendment to **Amendment 1** which failed:

Amendment 1A (213546) (with title amendment)—Delete lines 3-218.

And the title is amended as follows:

Delete lines 221-254.

Senator Wise moved the following substitute amendment which was adopted:

Amendment 2 (462252) (with title amendment)—Between lines 159 and 160 insert:

Section 4. *College-Preparatory Boarding Academy Pilot Program for at-risk students.—*

(1) PROGRAM CREATION.—The College-Preparatory Boarding Academy Pilot Program is created for the purpose of providing unique educational opportunities to dependent or at-risk children who are academic underperformers but who have the potential to progress from at-risk to college-bound. The State Board of Education shall implement this program.

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

(a) "Board" means the board of trustees of a college-preparatory boarding academy for at-risk students.

(b) "Eligible student" means a student who is a resident of the state and entitled to attend school in a participating school district, is at risk of academic failure, is currently enrolled in grade 5 or 6, is from a family whose income is below 200 percent of the federal poverty guidelines, and who meets at least one of the following additional risk factors:

1. The child is in foster care or has been declared an adjudicated dependent by a court.

2. The student's head of household is not the student's custodial parent.

3. The student resides in a household that receives a housing voucher or has been determined eligible for public housing assistance.

4. A member of the student's immediate family has been incarcerated.

(c) "Operator" means a private, nonprofit corporation that is selected by the state under subsection (3) to operate the program.

(d) "Program" means a college-preparatory boarding academy for at-risk students which includes:

1. A remedial curriculum for middle school grades;

2. The college-preparatory curriculum for high school grades;

3. Extracurricular activities, including athletics and cultural events;

4. College admissions counseling;

5. Health and mental health services;

6. Tutoring;

7. Community service and service learning opportunities;

8. A residential student life program;

9. Extended school days and supplemental programs; and

10. Professional services focused on the language arts and reading standards, mathematics standards, science standards, technology standards, and developmental or life skill standards using innovative and best practices for all students.

(e) "Sponsor" means a public school district that acts as a sponsor pursuant to s. 1002.33, Florida Statutes.

(3) PROPOSALS.—

(a) The State Board of Education shall select a private, nonprofit corporation to operate the program which must meet all of the following qualifications:

1. The nonprofit corporation has, or will receive as a condition of the contract, a public charter school authorized under s. 1002.33, Florida Statutes, to offer grades 6 through 12, or has a partnership with a sponsor to operate a school.

2. The nonprofit corporation has experience operating a school or program similar to the program authorized under this section.

3. The nonprofit corporation has demonstrated success with a school or program similar to the program authorized under this section.

4. The nonprofit corporation has the capacity to finance and secure private funds for the development of a campus for the program.

(b) Within 60 days after July 1, 2011, the State Board of Education shall issue a request for proposals from private, nonprofit corporations interested in operating the program. The state board shall select operators from among the qualified responders within 120 days after the issuance of the requests for proposal.

(c) Each proposal must contain the following information:

1. The proposed location of the college-preparatory boarding academy;

2. A plan for offering grade 6 in the program's initial year of operation and a plan for expanding the grade levels offered by the school in subsequent years; and

3. Any other information about the proposed educational program, facilities, or operations of the school determined necessary by the state board.

(4) CONTRACT.—The State Board of Education shall contract with the operator of a college-preparatory boarding academy. The contract must stipulate that:

(a) The academy operates only if, and to the extent that, it holds a valid charter authorized under s. 1002.33, Florida Statutes, or is authorized by a local school district defined as a sponsor pursuant to s. 1002.33, Florida Statutes.

(b) The operator finances and oversees the acquisition of a facility for the academy.

(c) The operator operates the academy in accordance with the terms of the proposal accepted by the state board.

(d) The operator complies with this section.

(e) The operator complies with any other provisions of law specified in the contract, the charter granted by the local school district or the operating agreement with the sponsor, and the rules adopted by the state board for schools operating in this state.

(f) The operator complies with the bylaws adopted pursuant to subsection (5).

(g) The operator complies with the standards for admission of students to the academy and for dismissal of students from the academy which are included in the contract and may be reevaluated and revised by mutual agreement between the operator and the state board.

(h) The operator meets the academic goals and other performance standards established by the contract.

(i) The state board or the operator may terminate the contract in accordance with the procedures specified in the contract, which must at least require that the party seeking termination give prior written notice of the intent to terminate and that the party receiving the termination notice is granted an opportunity to redress any grievances cited therein.

(j) If the school closes for any reason, the academy's board of trustees execute the closing in a manner specified in the contract.

(5) OPERATOR BYLAWS.—The operator of the program shall adopt bylaws for the oversight and operation of the academy which are in accordance with this section, state law, and the contract between the operator and the State Board of Education. The bylaws must include procedures for the appointment of board members to the academy's board of trustees, which may not exceed 25 members, 5 members of whom shall be appointed by the Governor with the advice and consent of the Senate. The bylaws are subject to approval of the state board.

(6) OUTREACH.—The program operator shall adopt an outreach program with the local education agency or school district and community. The outreach program must give special attention to the recruitment of eligible children in the state who are academic underperformers and who, if given the unique educational opportunity provided in the program, have the potential to progress from at-risk children to college-bound children.

(7) FUNDING.—The college-preparatory boarding academy must be a public school and part of the state's program of education. If the program receives state funding from noneducation sources, the State Board of Education shall coordinate, streamline, and simplify any requirements to eliminate duplicate, redundant, or conflicting requirements and oversight by various governmental programs or agencies. Funding for the operation of the boarding academy is contingent on the development of a plan by the Department of Education, the Department of Juvenile Justice and the Department of Children and Family Services which details how educational and noneducational funds that would otherwise be committed to the students in the school and their families can be repurposed to provide for the operation of the school and related services. Such plans must be based on federal and state funding streams for children and families meeting the eligibility criteria for eligible students as specified in paragraph (2)(b) and include recommendations for modifications to the criteria for eligible students which furthers the program's goals or improves the feasibility of using existing funding sources. The plan shall be submitted, together with relevant budget requests, through the legislative budget request process under s. 216.023, Florida Statutes, or through requests for budget amendments to the Legislative Budget Commission in accordance with s. 216.181, Florida Statutes.

(8) STUDENT SERVICES.—Students enrolled in the program who have been adjudicated dependent must remain under the case management services and supervision of the lead agency and its respective providers. The operator may contract with its own providers as necessary to provide services to children in the program and to ensure continuity of the full range of services required by children in foster care who attend the academy. The decision of a foster parent to withdraw a child from the program who is in foster care and has been admitted to the program is subject to the review and approval of the state agency.

(9) MEDICAID BILLING.—This section does not prohibit an operator from appropriately billing Medicaid for services rendered to eligible students through the program or from earning federal or local funding for services provided.

(10) ADMISSION.—An eligible student may apply for admission to the program. If more eligible students apply for admission than the number of students permitted by the capacity established by the board of trustees, admission shall be determined by lottery.

(11) STUDENT HOUSING.—Notwithstanding ss. 409.1677(3)(d) and 409.176, Florida Statutes, or any other provision of law, an operator may house and educate dependent, at-risk youth in its residential school for the purpose of facilitating the mission of the program and encouraging innovative practices.

(12) ANNUAL REPORT.—

(a) The State Board of Education shall issue an annual report for each college-preparatory boarding academy which includes all information applicable to schools.

(b) The college-preparatory boarding academy shall report to the Department of Education, in the form and manner prescribed in the contract, all information applicable to public schools and any additional information as specified by the contract.

(c) The operator shall comply with all provisions applicable to public schools. The operator shall provide the student's legal guardians with sufficient information on whether the student is reading at grade level and whether the student gains at least a year's worth of learning for every year spent in the program.

And the title is amended as follows:

Delete line 25 and insert: creating the College-Preparatory Boarding Academy Pilot Program for dependent or at-risk students; providing a program purpose; requiring that the State Board of Education implement the program; providing definitions; requiring the state board to select a private nonprofit corporation that meets certain qualifications to operate the program; requiring the state board to issue a request for proposals; providing requirements for the proposals; requiring that the state board enter into a contract with the operator of the selected academy; requiring that the contract contain specified requirements; requiring that the operator of the academy adopt bylaws, subject to approval by the state board; requiring that the operator adopt an outreach program with the local education agency or school district and community; providing program funding requirements; requiring the school to be a public school; requiring the State Board of Education and certain state agencies to develop a plan relating to funding for the academy; requiring that enrolled students remain under case management services and the supervision of the lead agency; authorizing the operator to appropriately bill Medicaid for services rendered to eligible students or earn federal or local funding for services provided; providing for eligible students to be admitted by lottery if the number of applicants exceeds the allowed capacity; authorizing the operator to board dependent, at-risk students; requiring that the state board issue an annual report; providing an effective date.

On motion by Senator Wise, by two-thirds vote **SB 404** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Joyner	Smith
Detert	Latvala	Sobel
Diaz de la Portilla	Margolis	Storms
Dockery	Montford	Thrasher
Evers	Negron	Wise
Fasano	Norman	

Nays—1

Lynn

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2112

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2112, same being:

An act relating to juvenile detention facilities.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large

s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Committee Chair
Gary Aubuchon, At Large
Charles S. "Chuck" Chestnut IV, At Large
s/ Dorothy L. Hukill, At Large
s/ John Legg, At Large
s/ Charles McBurney
s/ Larry Metz
s/ W. Keith Perry
s/ William L. "Bill" Proctor, At Large
Ron Saunders, At Large
Irving "Irv" Slosberg
Darren Soto
s/ Richard "Rich" Glorioso
Chair
s/ Dennis K. Baxley
James W. "J.W." Grant
s/ Doug Holder
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Seth McKeel, At Large
s/ Peter Nehr
s/ Ray Pilon
s/ Darryl Ervin Rouson
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
s/ William D. Snyder, At Large
Will W. Weatherford, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2112, relating to juvenile detention facilities, provides for the following:

This bill amends the following sections 985.686 and 985.688, F. S., allowing counties to operate their own detention facility if they cover the financial cost of detention care for pre-adjudicated juveniles and providing that a county is exempt from the provisions of these sections of Florida Statutes if they are in compliance with specific provisions. They consist of the following:

1) Counties must fund the entire cost for pre-adjudication detention for juveniles;

2) Counties must authorize the county sheriff, any other county jail operator, or contract provider that is located inside or outside of the county to operate the facility;

3) County sheriffs or other county jail operators must be accredited by the Florida Corrections Accreditation Commission or the American Correctional Association;

4) Detention facilities must be inspected annually and meet the Florida Model Jail Standards;

5) Counties or county sheriffs may form regional detention facilities through interlocal agreements in order to meet the requirements of this section;

6) County sheriffs or other county jail operators must follow the federal regulations requiring sight and sound separation of juvenile inmates from adult inmates;

7) If counties or county sheriffs comply with the provisions of this new subsection, they will not be subject to any additional training, procedures, or inspections required in Chapter 985, Florida Statutes.

Conference Committee Amendment (543710)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present subsection (10) of section 985.686, Florida Statutes, is renumbered as subsection (11), and a new subsection (10) is added to that section, to read:

985.686 Shared county and state responsibility for juvenile detention.—

(10) This section does not apply to any county that provides detention care for preadjudicated juveniles or that contracts with another county to provide detention care for preadjudicated juveniles.

Section 2. Subsection (11) is added to section 985.688, Florida Statutes, to read:

985.688 Administering county and municipal delinquency programs and facilities.—

(11)(a) Notwithstanding the provisions of this section, a county is in compliance with this section if:

1. The county provides the full cost for preadjudication detention for juveniles;

2. The county authorizes the county sheriff, any other county jail operator, or a contracted provider located inside or outside the county to provide preadjudication detention care for juveniles;

3. The county sheriff or other county jail operator is accredited by the Florida Corrections Accreditation Commission or American Correctional Association; and

4. The facility is inspected annually and meets the Florida Model Jail Standards.

(b) A county or county sheriff may form regional detention facilities through an interlocal agreement in order to meet the requirements of this section.

(c) Each county sheriff or other county jail operator must follow the federal regulations that require sight and sound separation of juvenile inmates from adult inmates.

(d) A county or county sheriff that complies with this subsection is not subject to any additional training, procedures, or inspections required by this chapter.

Section 3. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to juvenile detention facilities; amending s. 985.686, F.S.; exempting a county that provides detention care for preadjudicated juveniles, or that contracts with another county to provide such care, from certain requirements for sharing the costs for juvenile detention; amending s. 985.688, F.S.; providing that a county or county sheriff that meets certain prerequisites with respect to the operation of its juvenile detention facility is exempt from certain requirements of law governing the administration of such facilities; authorizing a county or county sheriff to form regional detention facilities through an interlocal agreement; requiring that the facility comply with federal requirements to separate juvenile inmates from adult inmates; providing an effective date.

On motion by Senator Fasano, the Conference Committee Report on **SB 2112** was adopted. **SB 2112** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Joyner	Smith
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2116

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2116, same being:

An act relating to the state judicial system.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Committee Chair
Gary Aubuchon, At Large
Charles S. "Chuck" Chestnut IV, At Large
s/ Dorothy L. Hukill, At Large
s/ John Legg, At Large
s/ Charles McBurney
s/ Larry Metz
s/ W. Keith Perry
s/ William L. "Bill" Proctor, At Large
Ron Saunders, At Large
Irving "Irv" Slosberg
Darren Soto

s/ Richard "Rich" Glorioso
Chair
s/ Dennis K. Baxley
James W. "J.W." Grant
s/ Doug Holder
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Seth McKeel, At Large
s/ Peter Nehr
s/ Ray Pilon
s/ Darryl Ervin Rouson
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
s/ William D. Snyder, At Large
Will W. Weatherford, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2116, relating to the state judicial system, provides for the following:

- Authorizes the regional conflict counsels to establish a Direct Support Organization to benefit the offices and further their mission.
- Makes property title and vehicle searches for indigency determination optional by the clerk of court.
- Requires that payments for attorney fees in criminal conflict cases ordered by the court to be first paid from funds appropriated to the Justice Administrative Commission. After those funds are exhausted, additional payments ordered by the court shall come from funds appropriated to the state court system.
- Requires an agreement between counties and the Statewide Guardian Ad Litem Office when counties provide staff to local Guardian Ad Litem programs.
- Requires the Clerks of Court Operations Corporation to collect and summarize reports to the Legislature on a local surcharge on traffic tickets used to fund court facilities.

Conference Committee Amendment (746456)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (10) is added to section 27.511, Florida Statutes, to read:

27.511 Offices of criminal conflict and civil regional counsel; legislative intent; qualifications; appointment; duties.—

(10) Each office of criminal conflict and civil regional counsel may create a direct-support organization.

(a) The direct-support organization must be registered in this state as a nonprofit corporation under chapter 617. The direct-support organization shall be exempt from the filing fees under s. 617.0122.

(b) The direct-support organization shall be organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of moneys; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the office of criminal conflict and civil regional counsel.

(c) The direct-support organization shall operate under a written contract with the regional counsel. The written contract must, at a minimum, provide for:

1. Approval of the articles of incorporation and bylaws of the organization by the regional counsel.

2. Submission of an annual budget for the approval by the regional counsel.

3. The reversion without penalty to the office of criminal conflict and civil regional counsel, or to the state if the office ceases to exist, of all moneys and property held in trust by the organization for the office if the organization ceases to exist or if the contract is terminated.

4. The fiscal year of the organization, which must begin July 1 of each year and end June 30 of the following year.

5. The disclosure of material provisions of the contract and the distinction between the regional counsel and the organization to donors of gifts, contributions, or bequests, as well as on all promotional and fundraising publications.

(d) If the regional counsel determines that the direct-support organization is operating in a manner that is inconsistent with the goals and purposes of the office of criminal conflict and civil regional counsel or is not acting in the best interest of the state, the regional counsel may terminate the contract, and thereafter the organization may not use the name of the office.

(e) The regional counsel shall appoint a board of directors for the direct-support organization. The regional counsel may designate employees of the office of criminal conflict and civil regional counsel to serve on the board of directors. Members of the board shall serve at the pleasure of the regional counsel.

(f) The regional counsel:

1. May authorize the use of facilities and property other than money which are owned by the office of criminal conflict and civil regional counsel to be used by the direct-support organization.

2. May authorize the use of personnel services provided by employees of the office.

3. May prescribe the conditions by which the direct-support organization may use property, facilities, or personnel services of the office.

4. May not authorize the use of property, facilities, or personnel services of the direct-support organization if the organization does not provide equal employment opportunities to all persons, regardless of race, color, religion, sex, age, or national origin.

For the purposes of this paragraph, the term "personnel services" includes full-time personnel and part-time personnel as well as payroll processing.

(g) Moneys of the direct-support organization may be held in a depository account in the name of the organization which is separate from the accounts of the office, but which is subject to the provisions of the contract with the regional counsel.

(h) The direct-support organization shall provide for an annual financial audit in accordance with s. 215.981.

(i) The direct-support organization may not exercise any power under s. 617.0302(12) or (16). A state employee may not receive compensation from the organization for service on the board of directors or for services rendered to the organization.

Section 2. Paragraph (a) of subsection (2) of section 27.52, Florida Statutes, is amended to read:

27.52 Determination of indigent status.—

(2) DETERMINATION BY THE CLERK.—The clerk of the court shall determine whether an applicant seeking appointment of a public defender is indigent based upon the information provided in the application and the criteria prescribed in this subsection.

(a)~~1.~~ An applicant, including an applicant who is a minor or an adult tax-dependent person, is indigent if the applicant's income is equal to or below 200 percent of the then-current federal poverty guidelines prescribed for the size of the household of the applicant by the United States Department of Health and Human Services or if the person is receiving Temporary Assistance for Needy Families-Cash Assistance, poverty-related veterans' benefits, or Supplemental Security Income (SSI).

1.~~2.a.~~ There is a presumption that the applicant is not indigent if the applicant owns, or has equity in, any intangible or tangible personal property or real property or the expectancy of an interest in any such property having a net equity value of $2,500 or more, excluding the value of the person's homestead and one vehicle having a net value not exceeding $5,000.

2.~~b.~~ Notwithstanding the information that the applicant provides, the clerk *may* ~~shall~~ conduct a review of the property records for the county in which the applicant resides and the motor vehicle title records of the state to identify any property interests of the applicant under this *paragraph* ~~subparagraph~~. The clerk *may* ~~shall~~ evaluate and consider the results of the review in making a determination under this subsection. *If the review is conducted,* the clerk shall maintain the results of the review in a file with the application and provide the file to the court if the applicant seeks review under subsection (4) of the clerk's determination of indigent status.

Section 3. Subsection (12) of section 27.5304, Florida Statutes, is amended to read:

27.5304 Private court-appointed counsel; compensation.—

(12) The Legislature recognizes that on rare occasions an attorney may receive a case that requires extraordinary and unusual effort.

(a) If counsel seeks compensation that exceeds the limits prescribed *by law* ~~under this section and the General Appropriations Act~~, he or she must file a motion with the chief judge for an order approving payment of attorney's fees in excess of these limits.

1. *Before* ~~Prior to~~ filing the motion, the counsel shall deliver a copy of the intended billing, together with supporting affidavits and all other necessary documentation, to the Justice Administrative Commission.

2. The Justice Administrative Commission shall review the billings, affidavit, and documentation for completeness and compliance with contractual and statutory requirements. If the Justice Administrative Commission objects to any portion of the proposed billing, the objection and reasons therefor shall be communicated in writing to the private court-appointed counsel. The counsel may thereafter file his or her motion, which must specify whether the commission objects to any portion of the billing or the sufficiency of documentation, and ~~shall~~ attach the commission's letter stating its objection.

(b) Following receipt of the motion to exceed the fee limits, the chief judge or a *single* designee *for all such cases,* shall hold an evidentiary hearing.

1. At the hearing, the attorney seeking compensation must prove by competent and substantial evidence that the case required extraordinary and unusual efforts. The chief judge or designee shall consider criteria such as the number of witnesses, the complexity of the factual and legal issues, and the length of trial. The fact that a trial was conducted in a case does not, by itself, constitute competent substantial evidence of an extraordinary and unusual effort. In a criminal case, relief under this section may not be granted if the number of work hours does not exceed 75 or the number of the state's witnesses deposed does not exceed 20.

2. The chief judge or designee shall enter a written order detailing his or her findings and identifying the extraordinary nature of the time and efforts of the attorney in the case which warrant exceeding the flat fee established by this section and the General Appropriations Act.

(c) A copy of the motion and attachments shall be served on the Justice Administrative Commission at least 5 business days *before* ~~prior to~~ the date of a hearing. The Justice Administrative Commission shall have standing to appear before the court, including at the hearing under paragraph (b), to contest any motion for an order approving payment of attorney's fees, costs, or related expenses and may participate in a hearing on the motion by use of telephonic or other communication equipment ~~unless ordered otherwise~~. The Justice Administrative Commission may contract with other public or private entities or individuals to appear before the court for the purpose of contesting any motion for an order approving payment of attorney's fees, costs, or related expenses. The fact that the Justice Administrative Commission has not objected to any portion of the billing or to the sufficiency of the documentation is not binding on the court.

(d) If the chief judge or *a single* designee finds that counsel has proved by competent and substantial evidence that the case required extraordinary and unusual efforts, the chief judge or designee shall order the compensation to be paid to the attorney at a percentage above the flat fee rate, depending on the extent of the unusual and extraordinary effort required. The percentage *must* ~~shall~~ be only the rate necessary to ensure that the fees paid are not confiscatory under common law. The percentage may not exceed 200 percent of the established flat fee, absent a specific finding that 200 percent of the flat fee in the case would be confiscatory. If the chief judge or designee determines that 200 percent of the flat fee would be confiscatory, he or she shall order the amount of compensation using an hourly rate not to exceed $75 per hour for a noncapital case and $100 per hour for a capital case. However, the compensation calculated by using the hourly rate shall be only that amount necessary to ensure that the total fees paid are not confiscatory.

(e) Any order granting relief under this subsection must be attached to the final request for a payment submitted to the Justice Administrative Commission.

(f) For criminal cases only, the payment of fees when the court orders payment in excess of the flat fee established by law, shall be paid as follows:

1. The flat fee shall be paid from funds appropriated to the Justice Administrative Commission in the General Appropriations Act.

2. The amount ordered by the court in excess of the flat fee shall be paid by the Justice Administrative Commission in a special category designated for that purpose in the General Appropriations Act.

3. If, during the fiscal year, all funds designated for payment of the amount ordered by the court in excess of the flat fee are spent, the amount of payments in excess of the flat fee shall be made from the due process funds, or other funds as necessary, appropriated to the state court system in the General Appropriations Act. Funds from the state court system must be used in a manner approved by the Chief Justice and administered by the Trial Court Budget Commission.

(g)~~(f)~~ The Justice Administrative Commission shall provide to the Office of the State Courts Administrator data concerning the number of cases approved for compensation in excess of the limitation and the amount of these awards by circuit and by judge. The office ~~of the State Courts Administrator~~ shall report the data quarterly *in an electronic format* to the *chairs* ~~President~~ of the Senate *and*~~, the Speaker of the~~ House of Representatives *appropriations committees*, the Chief Justice of the Supreme Court, and the chief judge of each circuit.

Section 4. Section 39.8297, Florida Statutes, is created to read:

39.8297 County funding for guardian ad litem personnel.—

(1) A county and the executive director of the Statewide Guardian Ad Litem Office may enter into an agreement under which the county agrees to fund personnel positions to assist in the operation of the guardian ad litem program.

(2) The agreement, at a minimum, must provide that:

(a) Funding for the positions is provided on at least a fiscal-year basis.

(b) The personnel whose employment is funded under the agreement are hired, supervised, managed, and fired by personnel of the Statewide Guardian Ad Litem Office. The office shall supervise the personnel whose employment is funded under the agreement; be responsible for compliance with all requirements of federal and state employment laws, including, but not limited to, Title VII of the Civil Rights Act of 1964, Title I of the Americans with Disabilities Act, 42 U.S.C. s. 1983, the Family Medical Leave Act, the Fair Labor Standards Act, chapters 447 and 760, and ss. 112.3187, 440.105, and 440.205; and fully indemnify the county from any liability under such laws, as authorized by s. 768.28(19), to the extent such liability is the result of the acts or omissions of the guardian ad litem program or its agents or employees.

(c) The county is the employer for the purposes of s. 440.10 and chapter 443.

(d) Employees funded by the county under this section and other county employees may be aggregated for purposes of a flexible benefits plan pursuant to s. 125 of the Internal Revenue Code of 1986.

(e) The positions terminate upon the expiration of, or substantial breach of, the agreement or upon the expiration of county funding for the positions.

(3) Positions funded under this section do not count against any formula or similar process used by the Statewide Guardian Ad Litem Office to determine personnel needs or levels of a judicial circuit's guardian ad litem program.

(4) This section does not obligate the state to fund any personnel positions.

Section 5. Paragraph (b) of subsection (13) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(13)

(b) A county may impose a surcharge under subparagraph (a)1., subparagraph(a)2., or subparagraph(a)3., but may not impose more than one surcharge under this subsection. A county may elect to impose a different authorized surcharge but may not impose more than one surcharge at a time. The clerk of court shall report, no later than 30 days after the end of the quarter, the amount of funds collected under this subsection during each quarter of the fiscal year. The clerk shall submit the report, in *an electronic* ~~a~~ format developed by the *Florida Clerks of Court Operations Corporation* ~~Office of State Courts Administrator~~, to the chief judge of the circuit *and the Florida Clerks of Court Operations Corporation. The corporation shall submit the report in an electronic format to*~~,~~ the Governor, the President of the Senate, the Speaker of the House of Representatives, and the board of county commissioners.

Section 6. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the state judicial system; amending s. 27.511, F.S.; authorizing each office of criminal conflict and civil regional counsel to create a direct-support organization; prescribing requirements related to the creation and operation of the direct-support organization; amending s. 27.52, F.S.; providing the clerk with the discretion to conduct a review of the county's property records to confirm indigency; amending s. 27.5304, F.S.; providing for the payment of attorney's fees that exceed the limits prescribed by law; creating s. 39.8297, F.S.; providing for county funding of additional guardian ad litem personnel; requiring an agreement between the county and the Statewide Guardian Ad Litem Office; specifying responsibility for such positions; amending s. 318.18, F.S.; requiring the clerk of court and the Florida Clerks of Court Operations Corporation to submit reports on local traffic assessments in an electronic format; providing an effective date.

On motion by Senator Fasano, the Conference Committee Report on **SB 2116** was adopted. **SB 2116** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—36

Mr. President	Fasano	Negron
Alexander	Flores	Norman
Altman	Gaetz	Oelrich
Benacquisto	Garcia	Richter
Bennett	Gardiner	Ring
Bogdanoff	Hays	Sachs
Braynon	Hill	Simmons
Dean	Jones	Siplin
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise

Nays—3

Joyner	Rich	Smith

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2118

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2118, same being:

An act relating to criminal justice.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.

2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Committee Chair
Gary Aubuchon, At Large
Charles S. "Chuck" Chestnut IV, At Large
s/ Dorothy L. Hukill, At Large
s/ John Legg, At Large
s/ Charles McBurney
s/ Larry Metz
s/ W. Keith Perry
s/ William L. "Bill" Proctor, At Large
Ron Saunders, At Large
Irving "Irv" Slosberg
Darren Soto

s/ Richard "Rich" Glorioso
Chair
s/ Dennis K. Baxley
James W. "J.W." Grant
s/ Doug Holder
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Seth McKeel, At Large
s/ Peter Nehr
s/ Ray Pilon
s/ Darryl Ervin Rouson
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
s/ William D. Snyder, At Large
Will W. Weatherford, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2118, relating to criminal justice, provides for the following:

- Removes permissive language making it a requirement for a judge to assess the defendant convicted of a crime the current $100 crime lab services fee if state or county crime lab services were performed in the investigation of the crime.

- Eliminates the Department of Correction's authority to operate the Basic Training Program for youthful offenders ("boot camps").

- Transfers all powers, duties and responsibilities relating to the operation of private correctional facilities (Private Prison Monitoring Bureau) from the Department of Management Services to the Department of Corrections.

- This amendment has an effective date of July 1, 2011.

Conference Committee Amendment (580086)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 938.25, Florida Statutes, is transferred, renumbered as section 938.055, Florida Statutes, and amended to read:

938.055 ~~938.25~~ Operating Trust Fund of the Department of Law Enforcement.—Notwithstanding any provision to the contrary of the laws of this state, the court *shall* ~~may~~ assess any defendant who pleads guilty or nolo contendere to, or is convicted of, a violation of any provision of *chapters 775-896* ~~s. 893.13~~, without regard to whether adjudication was withheld, in addition to any fine and other penalty provided or authorized by law, an amount of $100, to be paid to the clerk of the court, who shall forward it to the Department of Revenue for deposit in the Operating Trust Fund of the Department of Law Enforcement to be used by the statewide criminal analysis laboratory system for the purposes specified in s. 943.361. *This amount shall be assessed when the services of any criminal analysis laboratory, as designated in s. 943.32, is used in connection with the investigation or prosecution of a violation of any provision of chapters 775-896.* The court *may not waive this assessment* ~~is authorized to order a defendant to pay an additional assessment if it finds that the defendant has the ability to pay the fine and the additional assessment and will not be prevented thereby from being rehabilitated or from making restitution~~.

Section 2. Paragraph (l) of subsection (1) of section 921.187, Florida Statutes, is amended to read:

921.187 Disposition and sentencing; alternatives; restitution.—

(1) The alternatives provided in this section for the disposition of criminal cases shall be used in a manner that will best serve the needs of society, punish criminal offenders, and provide the opportunity for rehabilitation. If the offender does not receive a state prison sentence, the court may:

(l)1. Require the offender who violates any criminal provision of chapter 893 to pay an additional assessment in an amount up to the amount of any fine imposed, pursuant to ss. 938.21 and 938.23.

2. Require the offender who violates any provision of s. 893.13 to pay an additional assessment in an amount of $100, pursuant to ss. *938.055* ~~938.25~~ and 943.361.

Section 3. Section 943.361, Florida Statutes, is amended to read:

943.361 Statewide criminal analysis laboratory system; funding through fine surcharges.—

(1) Funds deposited pursuant to ss. 938.07 and *938.055* ~~938.25~~ for the statewide criminal analysis laboratory system shall be used for state reimbursements to local county-operated crime laboratories enumerated in s. 943.35(1), and for the equipment, health, safety, and training of member crime laboratories of the statewide criminal analysis laboratory system.

(2) Moneys deposited pursuant to ss. 938.07 and *938.055* ~~938.25~~ for the statewide criminal analysis laboratory system shall be appropriated by the Legislature in accordance with the provisions of chapter 216 and with the purposes stated in subsection (1).

Section 4. Paragraph (c) of subsection (1) of section 945.0311, Florida Statutes, is amended to read:

945.0311 Employment of relatives.—

(1) For the purposes of this section, the term:

(c) "Organizational unit" includes:

1. A unit of a state correctional institution such as security, medical, dental, classification, maintenance, personnel, or business. A work camp~~, boot camp,~~ or other annex of a state correctional institution is considered part of the institution and not a separate unit.

2. An area of a regional office such as personnel, medical, administrative services, probation and parole, or community facilities.

3. A correctional work center, road prison, or work release center.

4. A probation and parole circuit office or a suboffice within a circuit.

5. A bureau of the Office of the Secretary or of any of the assistant secretaries.

Section 5. Subsection (1) of section 951.231, Florida Statutes, is amended to read:

951.231 County residential probation program.—

(1) Any prisoner who has been sentenced under s. 921.18 to serve a sentence in a county residential probation center as described in s. 951.23 shall:

(a) Reside at the center at all times other than during employment hours and reasonable travel time to and from his or her place of employment, except that supervisory personnel at a county residential probation center may extend the limits of confinement to include, but not be limited to, probation, community control, or other appropriate supervisory techniques.

(b) Seek and obtain employment on an 8-hours-a-day basis and retain employment throughout the period of time he or she is housed at the center.

~~(c) Participate in and complete the program required by s. 958.045, if required by the supervisor of the center.~~

(c)~~(d)~~ Participate in the education program provided at the center, if required by the supervisor of the center.

(d)~~(e)~~ Participate in the drug treatment program provided at the center, if required by the supervisor of the center.

Section 6. Subsections (4) and (5) of section 958.04, Florida Statutes, are amended to read:

958.04 Judicial disposition of youthful offenders.—

~~(4) Due to severe prison overcrowding, the Legislature declares the construction of a basic training program facility is necessary to aid in alleviating an emergency situation.~~

~~(5) The department shall provide a special training program for staff selected for the basic training program.~~

Section 7. *Section 958.045, Florida Statutes, is repealed.*

Section 8. Subsection (4) of section 944.02, Florida Statutes, is amended to read:

944.02 Definitions.—The following words and phrases used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings:

(4) "Elderly offender" means a prisoner age 50 or older in a state correctional institution or *a private correctional* facility ~~operated by the Department of Corrections or the Department of Management Services~~.

Section 9. Paragraph (b) of subsection (2) of section 944.115, Florida Statutes, is amended to read:

944.115 Smoking prohibited inside state correctional facilities.—

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

(b) "Employee" means an employee of the department or a private vendor in a contractual relationship with *the department* ~~either the Department of Corrections or the Department of Management Services~~, and includes persons such as contractors, volunteers, or law enforcement officers who are within a state correctional facility to perform a professional service.

Section 10. Subsection (1) of section 944.72, Florida Statutes, is amended to read:

944.72 Privately Operated Institutions Inmate Welfare Trust Fund.—

(1) There is hereby created in the Department of Corrections the Privately Operated Institutions Inmate Welfare Trust Fund. The purpose of the trust fund shall be the benefit and welfare of inmates incarcerated in private correctional facilities under contract with the department pursuant to this chapter or ~~the Department of Management Services pursuant to~~ chapter 957. Moneys shall be deposited in the trust fund and expenditures made from the trust fund as provided in s. 945.215.

Section 11. Section 944.8041, Florida Statutes, is amended to read:

944.8041 Elderly offenders; annual review.—For the purpose of providing information to the Legislature on elderly offenders within the correctional system, the department and the Correctional Medical Authority shall each submit annually a report on the status and treatment of elderly offenders in the state-administered and private state correctional systems and the department's geriatric facilities and dorms. In order to adequately prepare the reports, the department ~~and the Department of Management Services~~ shall grant access to the Correctional Medical Authority that includes access to the facilities, offenders, and any information the agencies require to complete their reports. The review shall also include an examination of promising geriatric policies, practices, and programs currently implemented in other correctional systems within the United States. The reports, with specific findings and recommendations for implementation, shall be submitted to the President of the Senate and the Speaker of the House of Representatives on or before December 31 of each year.

Section 12. Paragraphs (a) and (c) of subsection (2) of section 945.215, Florida Statutes, are amended to read:

945.215 Inmate welfare and employee benefit trust funds.—

(2) PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND; PRIVATE CORRECTIONAL FACILITIES.—

(a) For purposes of this subsection, privately operated institutions or private correctional facilities are those correctional facilities under contract with the department pursuant to chapter 944 or ~~the Department of Management Services pursuant to~~ chapter 957.

(c) The department ~~of Management Services~~ shall annually compile a report that documents Privately Operated Institutions Inmate Welfare Trust Fund receipts and expenditures at each private correctional facility. This report must specifically identify receipt sources and expenditures. The department ~~of Management Services~~ shall compile this report for the prior fiscal year and shall submit the report by September 1 of each year to the chairs of the appropriate substantive and fiscal committees of the Senate and House of Representatives and to the Executive Office of the Governor.

Section 13. *Effective July 1, 2011, the statutory powers, duties, and functions, and the records, personnel, property, and unexpended balances of appropriations, allocations, or other funds related to the requirements of chapter 957, Florida Statutes, which are currently under the Department of Management Services are transferred to the Department of Corrections by a type two transfer, pursuant to s. 20.06, Florida Statutes. The Secretary of Corrections is authorized to establish units or subunits and to assign administrative authority for the responsibilities and functions transferred pursuant to this section.*

Section 14. Paragraphs (a), (b), (e), and (g) of subsection (1), paragraph (c) of subsection (2), and subsections (5), (6), and (7) of section 957.04, Florida Statutes, are amended to read:

957.04 Contract requirements.—

(1) A contract entered into under this chapter for the operation of private correctional facilities shall maximize the cost savings of such facilities and shall:

(a) Be negotiated with the firm found most qualified. However, a contract for private correctional services may not be entered into by the department ~~of Management Services~~ unless the department ~~of Management Services~~ determines that the contractor has demonstrated that it has:

1. The qualifications, experience, and management personnel necessary to carry out the terms of the contract.

2. The ability to expedite the siting, design, and construction of correctional facilities.

3. The ability to comply with applicable laws, court orders, and national correctional standards.

(b) Indemnify the state and the department, including their officials and agents, against any and all liability, including, but not limited to, civil rights liability. Proof of satisfactory insurance is required in an amount to be determined by the department ~~of Management Services~~.

(e) Establish operations standards for correctional facilities subject to the contract. However, if the department and the contractor disagree with an operations standard, the contractor may propose to waive any rule, policy, or procedure of the department related to the operations standards of correctional facilities which is inconsistent with the mission of the contractor to establish cost-effective, privately operated correctional facilities. The department ~~of Management Services~~ shall be responsible for considering all proposals from the contractor to waive any rule, policy, or procedure and shall render a final decision granting or denying such request.

(g) Require the selection and appointment of a full-time contract monitor. The contract monitor shall be appointed and supervised by the department ~~of Management Services~~. The contractor is required to reimburse the department ~~of Management Services~~ for the salary and expenses of the contract monitor. It is the obligation of the contractor to provide suitable office space for the contract monitor at the correctional facility. The contract monitor shall have unlimited access to the correctional facility.

(2) Each contract entered into for the design and construction of a private correctional facility or juvenile commitment facility must include:

(c) A specific provision requiring the contractor, and not the department ~~of Management Services~~, to obtain the financing required to design and construct the private correctional facility or juvenile commitment facility built under this chapter.

(5) Each contract entered into by the department ~~of Management Services~~ must include substantial minority participation unless demonstrated by evidence, after a good faith effort, as impractical and must also include any other requirements the department ~~of Management Services~~ considers necessary and appropriate for carrying out the purposes of this chapter.

(6) Notwithstanding s. 253.025(7), the Board of Trustees of the Internal Improvement Trust Fund need not approve a lease-purchase agreement negotiated by the department ~~of Management Services~~ if the department ~~of Management Services~~ finds that there is a need to expedite the lease-purchase.

(7)(a) Notwithstanding s. 253.025 or s. 287.057, whenever the department ~~of Management Services~~ finds it to be in the best interest of timely site acquisition, it may contract without the need for competitive selection with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands of the Department of Environmental Protection in accordance with s. 253.025(6)(b). In those instances when the department ~~of Management Services~~ directly contracts for appraisal services, it shall also contract with an approved appraiser who is not employed by the same appraisal firm for review services.

(b) Notwithstanding s. 253.025(6), the department ~~of Management Services~~ may negotiate and enter into lease-purchase agreements before an appraisal is obtained. Any such agreement must state that the final purchase price cannot exceed the maximum value allowed by law.

Section 15. Subsection (2) of section 957.06, Florida Statutes, is amended to read:

957.06 Powers and duties not delegable to contractor.—A contract entered into under this chapter does not authorize, allow, or imply a delegation of authority to the contractor to:

(2) Choose the facility to which an inmate is initially assigned or subsequently transferred. The contractor may request, in writing, that an inmate be transferred to a facility operated by the department. The ~~Department of Management Services, the~~ contractor~~,~~ and the department shall develop and implement a cooperative agreement for transferring inmates between a correctional facility operated by the department and a private correctional facility. The department~~, the Department of Management Services,~~ and the contractor must comply with the cooperative agreement.

Section 16. Subsections (1) and (4) and paragraph (d) of subsection (5) of section 957.07, Florida Statutes, are amended to read:

957.07 Cost-saving requirements.—

(1) The department ~~of Management Services~~ may not enter into a contract or series of contracts unless the department determines that the contract or series of contracts in total for the facility will result in a cost savings to the state of at least 7 percent over the public provision of a similar facility. Such cost savings as determined by the department ~~of Management Services~~ must be based upon the actual costs associated with the construction and operation of similar facilities or services as determined by the department ~~of Corrections~~ and certified by the Auditor General. The department ~~of Corrections~~ shall calculate all of the cost components that determine the inmate per diem in correctional facilities of a substantially similar size, type, and location that are operated by the department ~~of Corrections~~, including administrative costs associated with central administration. Services that are provided to the department ~~of Corrections~~ by other governmental agencies at no direct cost to the department shall be assigned an equivalent cost and included in the per diem.

(4) The department ~~of Corrections~~ shall provide a report detailing the state cost to design, finance, acquire, lease, construct, and operate a facility similar to the private correctional facility on a per diem basis. ~~This report shall be provided to the Auditor General in sufficient time that it may be certified to the Department of Management Services to be included in the request for proposals.~~

(5)

(d) If a private vendor chooses not to renew the contract at the appropriated level, the department ~~of Management Services~~ shall terminate the contract as provided in s. 957.14.

Section 17. Section 957.08, Florida Statutes, is amended to read:

957.08 Capacity requirements.—The department ~~of Corrections~~ shall transfer and assign prisoners to each private correctional facility opened pursuant to this chapter in an amount not less than 90 percent or more than 100 percent of the capacity of the facility pursuant to the contract with the department ~~of Management Services~~. The prisoners transferred by the department ~~of Corrections~~ shall represent a cross-section of the general inmate population, based on the grade of custody or the offense of conviction, at the most comparable facility operated by the department.

Section 18. Section 957.14, Florida Statutes, is amended to read:

957.14 Contract termination and control of a correctional facility by the department.—A detailed plan shall be provided by a private vendor under which the department shall assume temporary control of a private correctional facility upon termination of the contract. The department ~~of Management Services~~ may terminate the contract with cause after written notice of material deficiencies and after 60 workdays in order to correct the material deficiencies. If any event occurs that involves the noncompliance with or violation of contract terms and that presents a serious threat to the safety, health, or security of the inmates, employees, or the public, the department may temporarily assume control of the private correctional facility~~, with the approval of the Department of Management Services~~. A plan shall also be provided by a private vendor for the purchase and temporary assumption of operations of a correctional facility by the department in the event of bankruptcy or the financial insolvency of the private vendor. The private vendor shall provide an emergency plan to address inmate disturbances, employee work stoppages, strikes, or other serious events in accordance with standards of the American Correctional Association.

Section 19. Section 957.15, Florida Statutes, is amended to read:

957.15 Funding of contracts for operation, maintenance, and lease-purchase of private correctional facilities.—The request for appropriation of funds to make payments pursuant to contracts entered into by the department ~~of Management Services~~ for the operation, maintenance, and lease-purchase of the private correctional facilities authorized by this chapter shall be made by the ~~Department of Management Services in a request to the~~ department. The department shall include such request in its budget request to the Legislature as a separately identified item ~~and shall forward the request of the Department of Management Services without change~~. ~~After an appropriation has been made by the Legislature to the department for the private correctional facilities, the department shall have no authority over such funds other than to pay~~

~~from such appropriation to the appropriate private vendor such amounts as are certified for payment by the Department of Management Services.~~

Section 20. Section 957.16, Florida Statutes, is amended to read:

957.16 Expanding capacity.—The department ~~of Management Services~~ is authorized to modify and execute agreements with contractors to expand up to the total capacity of contracted correctional facilities. Total capacity means the design capacity of all contracted correctional facilities increased by one-half as described under s. 944.023(1)(b). Any additional beds authorized under this section must comply with the cost-saving requirements set forth in s. 957.07. Any additional beds authorized as a result of expanded capacity under this section are contingent upon specified appropriations.

Section 21. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to criminal justice; transferring, renumbering, and amending s. 938.25, F.S.; requiring a court to assess an additional amount against a defendant who pleads guilty or nolo contendere to, or who is convicted of, violating certain specified offenses, and the services of a criminal analysis laboratory are used in the investigation of the offense; providing for the proceeds of the assessment to be deposited into the Operating Trust Fund of the Department of Law Enforcement and used by the statewide criminal analysis laboratory system; prohibiting the court from waiving the assessment; amending ss. 921.187 and 943.361, F.S.; conforming cross-references; amending s. 945.0311, F.S.; deleting a reference to the youthful offender basic training program; amending s. 951.231, F.S.; removing a reference to the youthful offender basic training program; amending s. 958.04, F.S.; deleting references to the youthful offender basic training program; repealing s. 958.045, F.S., relating to the youthful offender basic training program; amending s. 944.02, F.S.; redefining the term "elderly offender" to remove a reference to the Department of Management Services; amending s. 944.115, F.S.; removing a reference to the Department of Management Services in the definition of the term "employee"; amending ss. 944.72, 944.8041, and 945.215, F.S.; conforming provisions to changes made by the act; providing for a transfer of specified duties, functions, property, and funds from the Department of Management Services to the Department of Corrections; amending ss. 957.04, 957.06, 957.07, 957.08, 957.14, 957.15, and 957.16, F.S.; conforming provisions to changes made by the act; providing an effective date.

On motion by Senator Fasano, the Conference Committee Report on **SB 2118** was adopted. **SB 2118** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38

Mr. President	Gaetz	Oelrich
Alexander	Garcia	Rich
Altman	Gardiner	Richter
Benacquisto	Hays	Ring
Bennett	Hill	Sachs
Bogdanoff	Jones	Simmons
Braynon	Joyner	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	

Nays—1

Dockery

Vote after roll call:

Yea to Nay—Joyner

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2120

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2120, same being:

An act relating to K - 12 education funding.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Committee Chair
s/ Janet H. Adkins
Michael Bileca
Erik Fresen
s/ Dorothy L. Hukill, At Large
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
Scott Plakon
s/ Darryl Ervin Rouson, At Large
Franklin Sands, At Large
s/ Robert C. "Rob" Schenck, At Large
Kelli Stargel

s/ Marti Coley
Chair
Gary Aubuchon, At Large
Charles S. "Chuck" Chestnut IV, At Large
Martin David "Marty" Kiar
s/ John Legg, At Large
s/ Seth McKeel, At Large
s/ William L. "Bill" Proctor, At Large
Ron Saunders, At Large
s/ Jimmie T. Smith
s/ William D. Snyder, At Large
s/ Will W. Weatherford, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2120, 1st Eng., relating to K-12 education funding, provides for the following:

- Authorizes DOR to provide certain information regarding the gross receipts tax to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research. In making the determination of the amount of bonds that can be serviced by the gross receipts tax, the State Board of Education is to disregard the effects of a 2010 nonrecurring refund.

• Expands the class size reduction lottery bond program to include other educational facilities.

• Authorizes a regional educational consortium service organization to generate revenue to support its activities. A consortium may establish ownership of patents, copyrights, trademarks and licenses. Revenues generated must be used to support each organization's marketing and research and development activities in order to increase services to its member school districts.

• Provides that the allocation of state funds for a regional education consortium shall be determined based on funds provided in the General Appropriations Act.

• Adjusts the charter school enrollment process such that students living in a development that provides the facility and related property with an appraised value of at least $10 million for a charter school in the development shall be entitled to 50 percent of the enrollment in the charter school.

• Provides that charter school systems may be designated as local education agencies for the purpose of receiving federal funds.

• Limits the administrative fee that school districts withhold from high performing charter schools, as defined by SB 1546, to 2 percent for up to 250 students and to 2 percent for up to 500 students for high performing charter school systems as defined in s. 1002.33(20)(a)3.

• Clarifies prior legislation and authorizes the expenditure of PECO funds by a charter-school-in-the-workplace prior to July 1, 2010.

• Increases the number of students assigned to an instructor in the school year prekindergarten program from 11 to 12, and from 18 to 20 for an instructor plus an assistant. Reduces the administrative allowance for early learning coalitions from 4.5 to 4.0 percent.

• Redefines the term "core curricula courses" for the purpose of designating classes subject to the maximum class size requirements and requires the Department of Education (DOE) to maintain a list of such courses.

• Provides flexibility for school districts to implement class size requirements when additional students enroll in a school after the October survey and for grades 4 to 8 students who take high school courses. Clarifies the use of class size reduction funds.

• Authorizes school districts to establish pilot digital instructional materials schools. Participating districts will be required to have a local instructional improvement system and rely heavily on electronic instructional materials. Pilot schools will not have to purchase the required instructional materials adoption within the first two years and will not have to purchase materials from the depository. Districts will provide a plan and report on the outcomes.

• Revises statutes related to instructional materials for public schools, including revising naming conventions, using "instructional materials" as the generic rather than "textbooks"; modifying and expanding the description and requirements for local instructional improvement systems; revising the instructional materials review process by replacing committees with three national expert reviewers; clarifying and expanding bid advertisement specifications for electronic and digital content; revising the term for instructional materials adoption from 6 to 5 years; requiring that by 2015-2016, all adopted instructional materials for K-12 students are to be in electronic or digital format and districts are to use at least 50 percent of the annual allocation for the purchase of digital or electronic instructional materials on the state adopted list.

• Provides recurring flexibility, after March 1 of each year, for instructional materials funds to be used to purchase hardware for student instruction after required instructional materials purchases have been made.

• Revises the definition of adult education and provisions relating to the coenrollment of high school students in adult education courses.

• Adjusts industry certified bonus weights based on rigor and the employment value of the certification with revised weights remaining within existing funding levels, and provides for middle school student eligibility for industry certification and bonus weights;

• Requires school districts to provide to the DOE by October 1, copies of contracts and amounts paid to providers of virtual instruction. Also requires districts to spend the difference between funds received for the virtual instruction program and amounts paid to providers of virtual instruction on local instructional improvement systems and electronic and digital instructional materials.

• Removes the additional FTE provision for the Florida Virtual School.

• Creates a virtual education contribution categorical in the FEFP.

• Authorizes an interdistrict transfer of FEFP funds when students in Department of Juvenile Justice facilities are transferred between student membership surveys.

• Allows 16 districts that passed a referendum in the 2010 general election to levy 0.25 mills for the authorized two years and eligible districts to receive state compression adjustment funds for two more years. Provides for the expiration of the authorization for school boards to levy by supermajority vote, following referendum, an additional 0.25 mills for critical operations or capital outlay on June 30, 2011.

• Defines casualty insurance for educational and ancillary facilities for purposes of school district expenditure of capital improvement millage revenues.

• Waives the equal dollar reduction penalty in the FEFP for school district audit findings for property and casualty insurance expenditures for the 2009-2010 fiscal year and the 2010-2011 fiscal year prior to January 1, 2011.

• Provides that state funding for the Merit Award Program will be discontinued after 2011-2012 payment of the 2010-2011 awards.

• Provides the DOE with flexibility to provide Florida Knowledge Network materials and other educational services online or by other electronic media, instead of primarily through television broadcast.

• Updates and clarifies DOE responsibilities for the Florida Information Resource Network.

• Extends an exemption from state educational facilities requirements for the demolition and replacement of school buildings for certain school districts.

• Adopts by reference, the alternative compliance calculation amounts to the class size reduction operating categorical allocation for the 2010-2011 fiscal year.

This bill substantially amends sections 213.053, 215.61, 1001.10, 1001.25, 1001.271, 1001.28, 1001.451, 1002.33, 1002.34, 1002.45, 1002.55, 1002.63, 1002.71, 1003.01, 1003.03, 1004.02, 1006.28, 1006.281, 1006.29, 1006.30, 1006.31, 1006.32,1006.33, 1006.34, 1006.35, 1006.36, 1006.38, 1006.39, 1006.40, 1006.43, 1011.62, 1011.685, 1011.71, 1012.225, 1013.737, creates sections 1003.4935, 1006.282, and 1011.621, and repeals section 1006.43 of the Florida Statutes.

Conference Committee Amendment (451960)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (dd) is added to subsection (8) of section 213.053, Florida Statutes, as amended by chapter 2010-280, Laws of Florida, to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(dd) Information relative to s. 215.61(6) to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 2. Subsection (6) is added to section 215.61, Florida Statutes, to read:

215.61 State system of public education capital outlay bonds.—

(6) In making the determination as required by subsection (3) of the amount that can be serviced by the gross receipts tax, the State Board of Education shall disregard the effects on the reported gross receipts tax revenues collected during a tax period of any refund paid by the Department of Revenue as a direct result of a refund request made pursuant to the settlement reached in In re: AT&T Mobility Wireless Data Services Sales Litigation, 270 F.R.D. 330, (Aug. 11, 2010). The Department of Revenue shall provide to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research the amount of any such refund and the tax period in which the refund is included.

Section 3. Paragraph (o) of subsection (6) of section 1001.10, Florida Statutes, is amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(6) Additionally, the commissioner has the following general powers and duties:

(o) To develop criteria for use by state instructional materials *reviewers* ~~committees~~ in evaluating materials submitted for adoption consideration. The criteria shall, as appropriate, be based on instructional expectations reflected in curriculum frameworks and student performance standards. The criteria for each subject or course shall be made available to publishers of instructional materials pursuant to the requirements of chapter 1006.

Section 4. Paragraph (b) of subsection (2) of section 1001.25, Florida Statutes, is amended to read:

1001.25 Educational television.—

(2) POWERS OF DEPARTMENT.—

(b) The department shall provide through educational television *or* ~~and~~ other electronic media a means of extending educational services to all the state system of public education, except the state universities, which provision by the department is limited by paragraph (c) and by s. 1001.26(1). The department shall recommend to the State Board of Education rules necessary to provide such services.

Section 5. Section 1001.271, Florida Statutes, is amended to read:

1001.271 Florida Information Resource Network.—*The Commissioner of Education shall facilitate and coordinate the use of the Florida Information Resource Network by school districts, educational institutions in the Florida College System, universities, and other eligible users.* ~~Upon requisition by school districts, community colleges, universities, or other eligible users of the Florida Information Resource Network, the Commissioner of Education shall purchase the nondiscounted portion of Internet access services, including, but not limited to, circuits, encryption, content filtering, support, and any other services needed for the effective and efficient operation of the network. For the 2009-2010 fiscal year, each school district, the Florida School for the Deaf and the Blind, and the regional educational consortia eligible for the e-rate must submit a requisition to the Commissioner of Education for at least the same level of Internet access services used through the Florida Information Resource Network contract in the 2008-2009 fiscal year. Each user shall identify in its requisition the source of funds from which the commissioner is to make payments.~~

Section 6. Subsection (2) of section 1001.28, Florida Statutes, is amended to read:

1001.28 Distance learning duties.—The duties of the Department of Education concerning distance learning include, but are not limited to, the duty to:

(2) Coordinate the use of existing resources, including, but not limited to, the state's satellite transponders, the Florida Information Resource Network (FIRN), ~~the Florida Knowledge Network,~~ and distance learning initiatives.

Nothing in this section shall be construed to abrogate, supersede, alter, or amend the powers and duties of any state agency, district school board, community college board of trustees, university board of trustees, the Board of Governors, or the State Board of Education.

Section 7. Paragraph (a) of subsection (2) of section 1001.451, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

1001.451 Regional consortium service organizations.—In order to provide a full range of programs to larger numbers of students, minimize duplication of services, and encourage the development of new programs and services:

(2)(a) Each regional consortium service organization that consists of four or more school districts is eligible to receive, through the Department of Education, *subject to the funds provided in the General Appropriations Act,* an incentive grant of $50,000 per school district and eligible member to be used for the delivery of services within the participating school districts. The determination of services and use of such funds shall be established by the board of directors of the regional consortium service organization. The funds shall be distributed to each regional consortium service organization no later than 30 days following the release of the funds to the department.

(5) The board of directors of a regional consortium service organization may use various means to generate revenue in support of its activities. The board of directors may acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses and other rights or interests thereunder or therein. Ownership of all such patents, copyrights, trademarks, licenses, and rights or interests thereunder or therein shall vest in the state, with the board of directors having full right of use and full right to retain the revenues derived therefrom. Any funds realized from patents, copyrights, trademarks, or licenses shall be considered internal funds as provided in s. 1011.07. Such funds shall be used to support the organization's marketing and research and development activities in order to improve and increase services to its member districts.

Section 8. Paragraph (e) of subsection (10), subsection (19), and paragraph (a) of subsection (20) of section 1002.33, Florida Statutes, are amended, present subsections (25) and (26) of that section are redesignated as subsections (26) and (27), respectively, and a new subsection (25) is added to that section, to read:

1002.33 Charter schools.—

(10) ELIGIBLE STUDENTS.—

(e) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.

2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.

3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection (15).

4. Students residing within a reasonable distance of the charter school, as described in paragraph (20)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.

6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.

7. Students living in a development in which a business entity provides the school facility and related property having an appraised value of at least $10 million to be used as a charter school for the development. Students living in the development shall be entitled to 50 percent of the student stations in the charter school. The students who are eligible for enrollment are subject to a random lottery, the racial/ethnic balance provisions, or any federal provisions, as described in subparagraph 4. The remainder of the student stations shall be filled in accordance with subparagraph 4.

(19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible for capital outlay funds pursuant to s. 1013.62. Capital outlay funds authorized in *ss.* ~~s.~~ 1011.71(2) *and 1013.62 which* ~~that~~ have been shared with a charter school-in-the-workplace prior to July 1, 2010, are deemed to have met the authorized expenditure requirements for such funds.

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the federal lunch program, consistent with the needs of the charter school, are provided by the school district at the request of the charter school, that any funds due to the charter school under the federal lunch program be paid to the charter school as soon as the charter school begins serving food under the federal lunch program, and that the charter school is paid at the same time and in the same manner under the federal lunch program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to student information systems that are used by public schools in the district in which the charter school is located. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district.

2. A total administrative fee for the provision of such services shall be calculated based upon up to 5 percent of the available funds defined in paragraph (17)(b) for all students. However, a sponsor may only withhold up to a 5-percent administrative fee for enrollment for up to and including 250 students. For charter schools with a population of 251 or more students, the difference between the total administrative fee calculation and the amount of the administrative fee withheld may only be used for capital outlay purposes specified in s. 1013.62(2).

3. For high performing charter schools, as defined in Senate Bill 1546, a sponsor may withhold a total administrative fee of up to 2 percent for enrollment up to and including 250 students per school.

4.~~3.~~ In addition, a sponsor may withhold only up to a 5-percent administrative fee for enrollment for up to and including 500 students within a system of charter schools which meets all of the following:

a. Includes both conversion charter schools and nonconversion charter schools;

b. Has all schools located in the same county;

c. Has a total enrollment exceeding the total enrollment of at least one school district in the state;

d. Has the same governing board; and

e. Does not contract with a for-profit service provider for management of school operations.

5.~~4.~~ The difference between the total administrative fee calculation and the amount of the administrative fee withheld pursuant to subparagraph *4.* ~~3.~~ may be used for instructional and administrative purposes as well as for capital outlay purposes specified in s. 1013.62(2).

6. For a high performing charter school system that also meets the requirements in subparagraph 4., a sponsor may withhold a 2 percent administrative fee for enrollments up to and including 500 students per system.

7.~~5.~~ Each charter school shall receive 100 percent of the funds awarded to that school pursuant to s. 1012.225. Sponsors shall not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum 5-percent administrative fee withheld pursuant to this paragraph.

(25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER SCHOOL SYSTEMS.—A charter school system shall be designated a local educational agency for the purpose of receiving federal funds, the same as though the charter school system were a school district, if the governing board of the charter school system has adopted and filed a resolution with its sponsoring district school board and the Department of Education in which the governing board of the charter school system accepts the full responsibility for all local education agency requirements and the charter school system meets all of the following:

(a) Includes both conversion charter schools and nonconversion charter schools;

(b) Has all schools located in the same county;

(c) Has a total enrollment exceeding the total enrollment of at least one school district in the state;

(d) Has the same governing board; and

(e) Does not contract with a for-profit service provider for management of school operations.

Such designation does not apply to other provisions unless specifically provided in law.

Section 9. Subsection (13) of section 1002.34, Florida Statutes, is amended to read:

1002.34 Charter technical career centers.—

(13) BOARD OF DIRECTORS AUTHORITY.—The board of directors of a center may decide matters relating to the operation of the school, including budgeting, curriculum, and operating procedures, subject to the center's charter. The board of directors is responsible for performing the duties provided in s. 1002.345, including monitoring the corrective action plan. The board of directors must comply with *s. 1002.33(26)* ~~s. 1002.33(25)~~.

Section 10. Paragraph (e) is added to subsection (1) of section 1002.45, Florida Statutes, to read:

1002.45 School district virtual instruction programs.—

(1) PROGRAM.—

(e)1. Each school district shall provide to the department by October 1, 2011, and by each October 1 thereafter, a copy of each contract and the amounts paid per unweighted full-time equivalent student for services procured pursuant to paragraph (c).

2. Each school district shall expend the difference in funds provided for a student participating in the school district virtual instruction program pursuant to subsection (7) and the price paid for contracted services procured pursuant to paragraph (c) for the district's local instructional improvement system pursuant to s. 1006.281 or other technological tools that are required to access electronic and digital instructional materials.

Section 11. Paragraphs (c) and (f) of subsection (3) of section 1002.55, Florida Statutes, are amended to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:

(c) The private prekindergarten provider must have, for each prekindergarten class *of 11 children or fewer*, at least one prekindergarten instructor who meets each of the following requirements:

1. The prekindergarten instructor must hold, at a minimum, one of the following credentials:

a. A child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition; or

b. A credential approved by the Department of Children and Family Services as being equivalent to or greater than the credential described in sub-subparagraph a.

The Department of Children and Family Services may adopt rules under ss. 120.536(1) and 120.54 which provide criteria and procedures for approving equivalent credentials under sub-subparagraph b.

2. The prekindergarten instructor must successfully complete an emergent literacy training course approved by the department as meeting or exceeding the minimum standards adopted under s. 1002.59. This subparagraph does not apply to a prekindergarten instructor who successfully completes approved training in early literacy and language development under s. 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the establishment of one or more emergent literacy training courses under s. 1002.59 or April 1, 2005, whichever occurs later.

(f) Each of the private prekindergarten provider's prekindergarten classes must be composed of at least 4 students but may not exceed *20* ~~18~~ students. In order to protect the health and safety of students, each private prekindergarten provider must also provide appropriate adult supervision for students at all times and, for each prekindergarten class composed of *12* ~~11~~ or more students, must have, in addition to a prekindergarten instructor who meets the requirements of paragraph (c), at least one adult prekindergarten instructor who is not required to meet those requirements but who must meet each requirement of paragraph (d). This paragraph does not supersede any requirement imposed on a provider under ss. 402.301-402.319.

Section 12. Subsection (7) of section 1002.63, Florida Statutes, is amended to read:

1002.63 School-year prekindergarten program delivered by public schools.—

(7) Each prekindergarten class in a public school delivering the school-year prekindergarten program must be composed of at least 4 students but may not exceed *20* ~~18~~ students. In order to protect the health and safety of students, each school must also provide appropriate adult supervision for students at all times and, for each prekindergarten class composed of *12* ~~11~~ or more students, must have, in addition to a prekindergarten instructor who meets the requirements of s. 1002.55(3)(c), at least one adult prekindergarten instructor who is not required to meet those requirements but who must meet each requirement of subsection (5).

Section 13. Subsection (7) of section 1002.71, Florida Statutes, is amended to read:

1002.71 Funding; financial and attendance reporting.—

(7) The Agency for Workforce Innovation shall require that administrative expenditures be kept to the minimum necessary for efficient and effective administration of the Voluntary Prekindergarten Education Program. Administrative policies and procedures shall be revised, to the maximum extent practicable, to incorporate the use of automation and electronic submission of forms, including those required for child eligibility and enrollment, provider and class registration, and monthly certification of attendance for payment. A school district may use its automated daily attendance reporting system for the purpose of transmitting attendance records to the early learning coalition in a mutually agreed-upon format. In addition, actions shall be taken to reduce paperwork, eliminate the duplication of reports, and eliminate other duplicative activities. Beginning with the *2011-2012* ~~2010-2011~~ fiscal year, each early learning coalition may retain and expend no more than *4.0* ~~4.5~~ percent of the funds paid by the coalition to private prekindergarten providers and public schools under paragraph (5)(b). Funds retained by an early learning coalition under this subsection may be used only for administering the Voluntary Prekindergarten Education Program and may not be used for the school readiness program or other programs.

Section 14. Subsections (14) and (15) of section 1003.01, Florida Statutes, are amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(14) "Core-curricula courses" means*:*

(a) Courses in language arts/reading, mathematics, social studies, and science in prekindergarten through grade 3, excluding any extracurricular courses pursuant to subsection (15);

(b) Courses in grades 4 through 8 in subjects that are measured by state assessment at any grade level and courses required for middle school promotion, excluding any extracurricular courses pursuant to subsection (15);

(c) Courses in grades 9 through 12 in subjects that are measured by state assessment at any grade level and courses that are specifically identified by name in statute as required for high school graduation and that are not measured by state assessment, excluding any extracurricular courses pursuant to subsection (15);

(d) Exceptional student education courses; and

(e) English for Speakers of Other Languages courses. ~~courses defined by the Department of Education as mathematics, language arts/reading, science, social studies, foreign language, English for Speakers of Other Languages, exceptional student education, and courses taught in traditional self-contained elementary school classrooms.~~

The term is limited in meaning and used for the sole purpose of designating classes that are subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution. This term does not include courses offered under ss. 1002.37, 1002.415, and 1002.45.

(15) "Extracurricular courses" means all courses that are not defined as "core-curricula courses," which may include, but are not limited to, physical education, fine arts, performing fine arts, ~~and~~ career education*, and courses that may result in college credit*. The term is limited in meaning and used for the sole purpose of designating classes that are not subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution.

Section 15. Subsections (1) and (2) of section 1003.03, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

1003.03 Maximum class size.—

(1) ~~CONSTITUTIONAL~~ CLASS SIZE MAXIMUMS.—*Each year, on or before the October student membership survey, the following class size maximums shall be satisfied* ~~Pursuant to s. 1, Art. IX of the State Constitution, beginning in the 2010-2011 school year~~:

(a) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for prekindergarten through grade 3 may not exceed 18 students.

(b) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for grades 4 through 8 may not exceed 22 students. *The maximum number of students assigned to a core-curricula high school course in which a student in grades 4 through 8 is enrolled shall be governed by the requirements in paragraph (c).*

(c) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for grades 9 through 12 may not exceed 25 students.

These maximums shall be maintained after the October student membership survey, except as provided in paragraph (2)(b) or due to an extreme emergency beyond the control of the district school board.

(2) IMPLEMENTATION.—

(a) The Department of Education shall annually calculate class size measures described in subsection (1) based upon the October student membership survey.

(b) A student who enrolls in a school after the October student membership survey may be assigned to an existing class that temporarily exceeds the maximum number of students in subsection (1) if the district school board determines it to be impractical, educationally unsound, or disruptive to student learning to not assign the student to the class. If the district school board makes this determination:

1. Up to three students may be assigned to a teacher in kindergarten through grade 3 above the maximum as provided in paragraph (1)(a);

2. Up to five students may be assigned to a teacher in grades 4 through 12 above the maximum as provided in paragraphs (1)(b) and (c), respectively; and

3. The district school board shall develop a plan that provides that the school will be in full compliance with the maximum class size in subsection (1) by the next October student membership survey.

~~(b) Prior to the adoption of the district school budget for 2010-2011, each district school board shall hold public hearings and provide information to parents on the district's website, and through any other means by which the district provides information to parents and the public, on the district's strategies to meet the requirements in subsection (1).~~

(6) COURSES FOR COMPLIANCE.—Consistent with the provisions in ss. 1003.01(14) and 1003.428, the Department of Education shall identify from the Course Code Directory the core-curricula courses for the purpose of satisfying the maximum class size requirement in this section. The department may adopt rules to implement this subsection, if necessary.

Section 16. Section 1003.4935, Florida Statutes, is created to read:

1003.4935 Middle school career and professional academy courses.—

(1) Beginning with the 2011-2012 school year, each district school board, in collaboration with regional workforce boards, economic development agencies, and state-approved postsecondary institutions, shall include plans to implement a career and professional academy in at least one middle school in the district as part of the strategic 5-year plan pursuant to s. 1003.491(2). The middle school career and professional academy component of the strategic plan must ensure the transition of middle school career and professional academy students to a high school career and professional academy currently operating within the school district. Students who complete a middle school career and professional academy must have the opportunity to earn an industry certificate and high school credit and participate in career planning, job shadowing, and business leadership development activities.

(2) Each middle school career and professional academy must be aligned with at least one high school career and professional academy offered in the district and maintain partnerships with local business and industry and economic development boards. Middle school career and professional academies must:

(a) Provide instruction in courses leading to careers in occupations designated as high growth, high demand, and high pay in the Industry Certification Funding List approved under rules adopted by the State Board of Education;

(b) Offer career and professional academy courses that integrate content from core subject areas;

(c) Offer courses that integrate career and professional academy content with intensive reading and mathematics pursuant to s. 1003.428;

(d) Coordinate with high schools to maximize opportunities for middle school career and professional academy students to earn high school credit;

(e) Provide access to virtual instruction courses provided by virtual education providers legislatively authorized to provide part-time instruction to middle school students. The virtual instruction courses must be aligned to state curriculum standards for middle school career and professional academy students, with priority given to students who have required course deficits;

(f) Provide instruction from highly skilled professionals who hold industry certificates in the career area in which they teach;

(g) Offer externships; and

(h) Provide personalized student advisement that includes a parent-participation component.

(3) Beginning with the 2012-2013 school year, if a school district implements a middle school career and professional academy, the Department of Education shall collect and report student achievement data pursuant to performance factors identified under s. 1003.492(3) for academy students.

Section 17. Subsection (6) of section 1004.02, Florida Statutes, is amended to read:

1004.02 Definitions.—As used in this chapter:

(6) "Adult student" is a student who is beyond the compulsory school age and who has legally left elementary or secondary school~~, or a high school student who is taking an adult course required for high school graduation~~.

Section 18. Subsection (1), paragraph (a) of subsection (2), and paragraphs (b) and (e) of subsection (3) of section 1006.28, Florida Statutes, are amended to read:

1006.28 Duties of district school board, district school superintendent; and school principal regarding K-12 instructional materials.—

(1) DISTRICT SCHOOL BOARD.—The district school board has the duty to provide adequate instructional materials for all students in accordance with the requirements of this part. The term "adequate instructional materials" means a sufficient number of *student or site licenses* ~~textbooks~~ or sets of materials that are available in bound, unbound, kit, or package form and may consist of hard-backed or soft-backed textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature~~, except for instruction for which the school advisory council approves the use of a program that does not include a textbook as a major tool of instruction~~. The district school board has the following specific duties:

(a) *Courses of study; adoption.*—Adopt courses of study for use in the schools of the district.

(b) *Instructional materials* ~~*Textbooks*~~.—Provide for proper requisitioning, distribution, accounting, storage, care, and use of all instructional materials ~~furnished by the state~~ and furnish such other instructional materials as may be needed. The district school board shall *ensure* ~~assure~~ that instructional materials used in the district are consistent with the district goals and objectives and the curriculum frameworks adopted by rule of the State Board of Education, as well as with the state and district performance standards provided for in s. 1001.03(1).

(c) *Other instructional materials.*—Provide such other teaching accessories and aids as are needed for the school district's educational program.

(d) *School library media services; establishment and maintenance.*—Establish and maintain a program of school library media services for all public schools in the district, including school library media centers, or school library media centers open to the public, and, in addition such traveling or circulating libraries as may be needed for the proper operation of the district school system.

(2) DISTRICT SCHOOL SUPERINTENDENT.—

(a) The district school superintendent has the duty to recommend such plans for improving, providing, distributing, accounting for, and caring for *instructional materials* ~~textbooks~~ and other instructional aids as will result in general improvement of the district school system, as prescribed in this part, in accordance with adopted district school board rules prescribing the duties and responsibilities of the district school superintendent regarding the requisition, purchase, receipt, storage, distribution, use, conservation, records, and reports of, and management practices and property accountability concerning, instructional materials, and providing for an evaluation of any instructional materials to be requisitioned that have not been used previously in the district's schools. The district school superintendent must keep adequate records and accounts for all financial transactions for funds collected pursuant to subsection (3), as a component of the educational service delivery scope in a school district best financial management practices review under s. 1008.35.

(3) SCHOOL PRINCIPAL.—The school principal has the following duties for the management and care of instructional materials at the school:

(b) *Money collected for lost or damaged instructional materials* ~~*books*~~*; enforcement.*—The school principal shall collect from each student or the student's parent the purchase price of any instructional material the student has lost, destroyed, or unnecessarily damaged and to report and transmit the money collected to the district school superintendent. The failure to collect such sum upon reasonable effort by the school principal may result in the suspension of the student from participation in extracurricular activities or satisfaction of the debt by the student through community service activities at the school site as determined by the school principal, pursuant to policies adopted by district school board rule.

(e) *Accounting for instructional materials* ~~*textbooks*~~*.*—Principals shall see that all *instructional materials* ~~books~~ are fully and properly accounted for as prescribed by adopted rules of the district school board.

Section 19. Section 1006.281, Florida Statutes, is amended to read:

1006.281 Learning management systems.—

(1) The term "local instructional improvement system" means a system that uses electronic and digital tools that provide teachers, administrators, students, and parents with data and resources to systematically manage continuous instructional improvement. The system supports relevant activities such as instructional planning, information gathering and analysis, rapid-time reporting, decisionmaking on appropriate instructional sequence, and evaluating the effectiveness of instruction. The system shall integrate instructional information with student-level data to provide predictions of future student achievement.

(2) ~~(1)~~ *Each school district shall provide teachers, administrators, students, and parents* ~~To ensure that all school districts have equitable~~ access to *a local instructional improvement system. The system must provide access to electronic and digital* ~~digitally rich~~ instructional materials~~, districts are encouraged to provide access to an electronic learning management system that allows teachers, students, and parents to access, organize, and use electronically available instructional materials~~ and teaching and learning tools and resources, *including the ability for* ~~and that enables~~ teachers *and administrators* to manage, assess, and track student learning.

(3) ~~(2)~~ *By June 30, 2014, a school district's local instructional improvement system shall comply with minimum standards published by the Department of Education. The system must* ~~To the extent fiscally and technologically feasible, a school district's electronic learning management system should~~ allow for a single, authenticated sign-on and include the following functionality:

(a) Vertically searches for, gathers, and organizes specific standards-based instructional materials.

(b) Enables teachers to prepare lessons, individualize student instruction, and use best practices in providing instruction*, including the ability to connect student assessment data with electronic and digital instructional materials*.

(c) Provides communication, including access to up-to-date student performance data, in order to help teachers and parents better serve the needs of students.

(d) Provides access for administrators to ensure quality of instruction within every classroom.

(e) Enables district staff to plan, create, and manage professional development and to connect professional development with staff information and student performance data.

(f) ~~(e)~~ Provides access to multiple content providers *and provides the ability to seamlessly connect the local instructional improvement system to electronic and digital content*.

(4) ~~(3)~~ The Department of Education shall provide *advisory* assistance as requested by school districts in their deployment of a *local instructional improvement* ~~district electronic learning management~~ system.

(5) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section, including rules that establish minimum standards for a local instructional improvement system.

Section 20. Section 1006.282, Florida Statutes, is created to read:

1006.282 Pilot program for the transition to electronic and digital instructional materials.—

(1) A district school board may designate pilot program schools to implement the transition to instructional materials that are in an electronic or a digital format as defined in s. 1006.29(3).

(2) A district school board may designate pilot program schools if the school district:

(a) Implements a local instructional improvement system pursuant to s. 1006.281 which enables district staff to plan, create, and manage professional development and to connect professional development with staff information and student performance, provides the ability to seamlessly connect the system to electronic and digital instructional materials and the instructional materials to student assessment data, and includes the minimum standards published by the Department of Education.

(b) Requests only the electronic or digital format of the sample copies of instructional materials submitted pursuant to s. 1006.33.

(c) Uses at least 50 percent of the pilot program school's annual allocation from the district for the purchase of electronic or digital instructional materials included on the state-adopted list.

(3) A school designated as a pilot program school by the school board is exempt from:

(a) Section 1006.40(2)(a), if the school provides comprehensive electronic or digital instructional materials to all students; and

(b) Section 1006.37.

(4) By August 1 of each year, beginning in 2011, the school board must report to the Department of Education the school or schools in its district which have been designated as pilot program schools. The department shall publish the list of pilot program schools on the department's Internet website. The report must include:

(a) The name of the pilot program school, the contact person and contact person information, and the grade or grades and associated course or courses included in the pilot program school.

(b) A description of the type of technological tool or tools that will be used to access the electronic or digital instructional materials included in the pilot program school, whether district-owned or student-owned.

(c) The projected costs and funding sources, which must include cost savings or cost avoidances, associated with the pilot program.

(5) By September 1 of each year, beginning in 2012, each school board that has a designated pilot program school shall provide to the Department of Education, the Executive Office of the Governor, and the chairs of the appropriations committees of the Senate and the House of Representatives a review of the pilot program schools which must include, but need not be limited to:

(a) Successful practices;

(b) The average amount of online Internet time needed by a student to access and use the school's electronic or digital instructional materials;

(c) Lessons learned;

(d) The level of investment and cost-effectiveness; and

(e) Impacts on student performance.

Section 21. Section 1006.29, Florida Statutes, is amended to read:

1006.29 State instructional materials *reviewers* ~~committees~~.—

~~(1) Each school year, not later than April 15, the commissioner shall appoint state instructional materials committees composed of persons actively engaged in teaching or in the supervision of teaching in the public elementary, middle, or high schools and representing the major fields and levels in which instructional materials are used in the public schools and, in addition, lay citizens not professionally connected with education. Committee members shall receive training pursuant to subsection (5) in competencies related to the evaluation and selection of instructional materials.~~

~~(a) There shall be 10 or more members on each committee. At least 50 percent of the members shall be classroom teachers who are certified in an area directly related to the academic area or level being considered for adoption, 2 shall be laypersons, 1 shall be a district school board member, and 2 shall be supervisors of teachers. The committee must have the capacity or expertise to address the broad racial, ethnic, socioeconomic, and cultural diversity of the state's student population. Personnel selected as teachers of the year at the school, district, regional, or state level are encouraged to serve on instructional materials committees.~~

~~(b) The membership of each committee must reflect the broad racial, ethnic, socioeconomic, and cultural diversity of the state, including a balanced representation from the state's geographic regions.~~

(1)(a)~~(c)~~ The commissioner shall determine annually the areas in which instructional materials shall be submitted for adoption, taking into consideration the desires of the district school boards. The commissioner shall also determine the number of titles to be adopted in each area.

(b) By April 15 of each school year, the commissioner shall appoint three state or national experts in the content areas submitted for adoption to review the instructional materials and evaluate the content for alignment with the applicable Next Generation Sunshine State Standards. These reviewers shall be designated as state instructional materials reviewers and shall review the materials for the level of instructional support and the accuracy and appropriateness of progression of introduced content. Instructional materials shall be made electronically available to the reviewers. The initial review of the materials shall be made by only two of the three reviewers. If the two reviewers reach different results, the third reviewer shall break the tie. The reviewers shall independently make recommendations to the commissioner regarding materials that should be placed on the list of adopted materials through an electronic feedback review system.

(c) The commissioner shall request each district school superintendent to nominate one classroom teacher or district-level content supervisor to review two or three of the submissions recommended by the state instructional materials reviewers. School districts shall ensure that these district reviewers are provided with the support and time necessary to accomplish a thorough review of the instructional materials. District reviewers shall independently rate the recommended submissions on the instructional usability of the resources.

~~(2)(a) All appointments shall be as prescribed in this section. No member shall serve more than two consecutive terms on any committee. All appointments shall be for 18-month terms. All vacancies shall be filled in the manner of the original appointment for only the time remaining in the unexpired term. At no time may a district school board have more than one representative on a committee. The commissioner and a member of the department whom he or she shall designate shall be additional and ex officio members of each committee.~~

~~(b) The names and mailing addresses of the members of the state instructional materials committees shall be made public when appointments are made.~~

~~(c) The district school board shall be reimbursed for the actual cost of substitute teachers for each workday that a member of its instructional staff is absent from his or her assigned duties for the purpose of rendering service to the state instructional materials committee. In addition, committee members shall be reimbursed for travel expenses and per diem in accordance with s. 112.061 for actual service in meetings of committees called by the commissioner. Payment of such travel expenses shall be made from the appropriation for the administration of the instructional materials program, on warrants to be drawn by the Chief Financial Officer upon requisition approved by the commissioner.~~

~~(d) Any member of a committee may be removed by the commissioner for cause.~~

~~(3) All references in the law to the state instructional materials committee shall apply to each committee created by this section.~~

(2)~~(4)~~ For purposes of state adoption, *the term* "instructional materials" means items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. A publisher or manufacturer providing instructional materials as a single bundle shall also make the instructional materials available as separate and unbundled items, each priced individually. *A publisher may also offer sections of state-adopted instructional materials in digital or electronic versions at reduced rates to districts, schools, and teachers.*

(3) Beginning in the 2015-2016 academic year, all adopted ~~Any~~ instructional materials ~~adopted after 2012-2013~~ for students in *kindergarten* ~~grades 9~~ through *grade* 12 *must* ~~shall also~~ be provided in an electronic *or digital* format. *For purposes of this section, the term:*

(a) "Electronic format" means text-based or image-based content in a form that is produced on, published by, and readable on computers or other digital devices and is an electronic version of a printed book, whether or not any printed equivalent exists.

(b) "Digital format" means text-based or image-based content in a form that provides the student with various interactive functions; that can be searched, tagged, distributed, and used for individualized and group learning; that includes multimedia content such as video clips, animations, and virtual reality; and that has the ability to be accessed at any time and anywhere.

The *terms do* ~~term does~~ not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies.

(4)~~(5)~~ The department shall develop a training program for persons selected *as state instructional materials reviewers and school district reviewers* ~~to serve on state instructional materials committees~~. The program shall be structured to assist *reviewers* ~~committee members~~ in developing the skills necessary to make valid, culturally sensitive, and objective decisions regarding the content and rigor of instructional materials. All persons serving *as* ~~on~~ instructional materials *reviewers* ~~committees~~ must complete the training program prior to beginning the review and selection process.

Section 22. Section 1006.30, Florida Statutes, is amended to read:

1006.30 Affidavit of state instructional materials *reviewers* ~~committee members~~.—Before transacting any business, each *state instructional materials reviewer* ~~member of a state committee~~ shall make an affidavit, to be filed with the *department* ~~commissioner~~, that:

(1) The *reviewer* ~~member~~ will faithfully discharge the duties imposed upon him or her ~~as a member of the committee~~.

(2) The *reviewer* ~~member~~ has no interest~~, and while a member of the committee he or she will assume no interest,~~ in any publishing or manufacturing organization *that* ~~which~~ produces or sells instructional materials.

(3) The *reviewer* ~~member~~ is in no way connected~~, and while a member of the committee he or she will assume no connection,~~ with the distribution of the instructional materials.

(4) The *reviewer does not have any direct or indirect pecuniary interest* ~~member is not pecuniarily interested, and while a member of the committee he or she will assume no pecuniary interest, directly or indirectly,~~ in the business or profits of any person engaged in manufacturing, publishing, or selling instructional materials designed for use in the public schools.

(5) The *reviewer* ~~member~~ will not accept any emolument or promise of future reward of any kind from any publisher or manufacturer of instructional materials or his or her agent or anyone interested in, or intending to bias his or her judgment in any way in, the selection of any materials to be adopted.

(6) *The reviewer understands that* it is unlawful ~~for any member of a state instructional materials committee~~ to discuss matters relating to instructional materials submitted for adoption with any agent of a publisher or manufacturer of instructional materials, either directly or indirectly, except during the period when the *publisher or manufacturer is providing a presentation for the reviewer during his or her review of the* ~~committee has been called into session for the purpose of evaluating~~ instructional materials submitted for adoption. ~~Such discussions shall be limited to official meetings of the committee and in accordance with procedures prescribed by the commissioner for that purpose.~~

Section 23. Section 1006.31, Florida Statutes, is amended to read:

1006.31 Duties of each state instructional materials *reviewer* ~~committee~~.—The duties of each state instructional materials *reviewer* ~~committee~~ are:

~~(1) PLACE AND TIME OF MEETING.—To meet at the call of the commissioner, at a place in the state designated by him or her, for the purpose of evaluating and recommending instructional materials for adoption by the state. All meetings of state instructional materials committees shall be announced publicly in the Florida Administrative Weekly at least 2 weeks prior to the date of convening. All meetings of the committees shall be open to the public.~~

~~(2) ORGANIZATION.—To elect a chair and vice chair for each adoption. An employee of the department shall serve as secretary to the committee and keep an accurate record of its proceedings. All records of committee motions and votes, and summaries of committee debate shall be incorporated into a publishable document and shall be available for public inspection and duplication.~~

(1)~~(3)~~ PROCEDURES.—To adhere to procedures prescribed by the *department* ~~commissioner~~ for evaluating instructional materials submitted by publishers and manufacturers in each adoption.

(2)~~(4)~~ EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate carefully all instructional materials submitted, *in order* to ascertain which instructional materials, if any, submitted for consideration ~~best~~ implement the selection criteria developed by the *department* ~~commissioner~~ and those curricular objectives included within applicable performance standards provided for in s. 1001.03(1).

(a) When recommending instructional materials for use in the schools, each *reviewer* ~~committee~~ shall include only instructional materials that accurately portray the ethnic, socioeconomic, cultural, and racial diversity of our society, including men and women in professional, career, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of this state and the United States.

(b) When recommending instructional materials for use in the schools, each *reviewer* ~~committee~~ shall include only materials *that* ~~which~~ accurately portray, whenever appropriate, humankind's place in ecological systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.

(c) When recommending instructional materials for use in the schools, each *reviewer* ~~committee~~ shall require such materials as *he or she* ~~it~~ deems necessary and proper to encourage thrift, fire prevention, and humane treatment of people and animals.

(d) When recommending instructional materials for use in the schools, each *reviewer* ~~committee~~ shall require, when appropriate to the comprehension of students, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States. *A reviewer may not recommend any* ~~No~~ instructional materials ~~shall be recommended by any committee~~ for use in the schools which contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, or occupation.

(e) *Any* ~~All~~ instructional *material* ~~materials~~ recommended by each *reviewer* ~~committee~~ for use in the schools shall be, to the satisfaction of each *reviewer* ~~committee~~, accurate, objective, and current and suited to the needs and comprehension of students at their respective grade levels. *Reviewers* ~~Instructional materials committees~~ shall consider for adoption materials developed for academically talented students such as those enrolled in advanced placement courses.

(3)~~(5)~~ REPORT OF *REVIEWERS* ~~COMMITTEE~~.—~~Each committee,~~ After a thorough study of all data submitted on each instructional material, *to submit an electronic* ~~and after each member has carefully evaluated each instructional material, shall present a written~~ report to the *department* ~~commissioner~~. *The* ~~Such~~ report shall be made public~~,~~ and *must* ~~shall~~ include *responses to each section of the report format prescribed by the department.*~~:~~

~~(a) A description of the procedures used in determining the instructional materials to be recommended to the commissioner.~~

~~(b) Recommendations of instructional materials for each grade and subject field in the curriculum of public elementary, middle, and high schools in which adoptions are to be made. If deemed advisable, the committee may include such other information, expression of opinion, or recommendation as would be helpful to the commissioner. If there is a difference of opinion among the members of the committee as to the merits of any instructional materials, any member may file an expression of his or her individual opinion.~~

~~The findings of the committees, including the evaluation of instructional materials, shall be in sessions open to the public. All decisions leading to determinations of the committees shall be by roll call vote, and at no time will a secret ballot be permitted.~~

Section 24. Section 1006.32, Florida Statutes, is amended to read:

1006.32 Prohibited acts.—

(1) *A* ~~No~~ publisher or manufacturer of instructional material, or any representative thereof, *may not* ~~shall~~ offer to give any emolument, money, or other valuable thing, or any inducement, to any district school board official or *state* ~~member of a state level~~ instructional materials *reviewer* ~~committee~~ to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional materials.

(2) *A* ~~No~~ district school board official or ~~member of~~ a state instructional materials *reviewer may not* ~~committee shall~~ solicit or accept any emolument, money, or other valuable thing, or any inducement, to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material.

(3) *A* ~~No~~ district school board or publisher may *not* participate in a pilot program of materials being considered for adoption during the 18-month period before the official adoption of the materials by the commissioner. Any pilot program during the first 2 years of the adoption period must have the prior approval of the commissioner.

(4) Any publisher or manufacturer of instructional materials or representative thereof or any district school board official or state in-

structional materials *reviewer* ~~committee member,~~ who violates any provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any representative of a publisher or manufacturer who violates any provision of this section, in addition to any other penalty, shall be banned from practicing business in the state for a period of 1 calendar year. ~~Any district school board official or state instructional materials committee member who violates any provision of this section, in addition to any other penalty, shall be removed from his or her official position.~~

(5) *This section does not prohibit* ~~Nothing in this section shall be construed to prevent~~ any publisher, manufacturer, or agent from supplying, for purposes of examination, necessary sample copies of instructional materials to any district school board official or *state* instructional materials *reviewer* ~~committee member~~.

(6) *This section does not prohibit* ~~Nothing in this section shall be construed to prevent~~ a district school board official or *state* instructional materials *reviewer* ~~committee member~~ from receiving sample copies of instructional materials.

(7) *This section does not* ~~Nothing contained in this section shall be construed to~~ prohibit or restrict a district school board official from receiving royalties or other compensation, other than compensation paid to him or her as commission for negotiating sales to district school boards, from the publisher or manufacturer of instructional materials written, designed, or prepared by such district school board official, and adopted by the commissioner or purchased by any district school board. No district school board official shall be allowed to receive royalties on any materials not on the state-adopted list purchased for use by his or her district school board.

(8) *A* ~~No~~ district school superintendent, district school board member, teacher, or other person officially connected with the government or direction of public schools *may not* ~~shall~~ receive during the months actually engaged in performing duties under his or her contract any private fee, gratuity, donation, or compensation, in any manner whatsoever, for promoting the sale or exchange of any *instructional material* ~~school book~~, map, or chart in any public school, or be an agent for the sale or the publisher of any *instructional material* ~~school textbook~~ or reference work, or *have a direct or indirect pecuniary interest* ~~be directly or indirectly pecuniarily interested~~ in the introduction of any such *instructional material* ~~textbook~~, and any such agency or interest shall disqualify any person so acting or interested from holding any district school board employment whatsoever, and the person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; *however,* ~~provided that~~ this subsection *does* ~~shall~~ not *prevent* ~~be construed as preventing~~ the adoption of any *instructional material* ~~book~~ written in whole or in part by a Florida author.

Section 25. Paragraphs (b) and (e) of subsection (1) and subsections (2) and (4) of section 1006.33, Florida Statutes, are amended to read:

1006.33 Bids or proposals; advertisement and its contents.—

(1)

(b) The advertisement shall state that, beginning in 2010-2011, each bidder shall furnish electronic *sample* ~~specimen~~ copies of all instructional materials submitted, at a time designated by the department, which ~~specimen~~ copies shall be identical with the copies approved and accepted by ~~the members of the~~ state instructional materials *reviewers* ~~committee~~, as prescribed in this section, and with the copies furnished to the department and district school superintendents, as provided in this part. *A school district may not request* ~~Any district school superintendent who requires~~ samples in addition to the electronic *sample copies* ~~format must request those samples through the department~~.

(e) The advertisement shall give information *regarding digital* ~~as to how~~ specifications *that* ~~which~~ have been adopted by the department*, including minimum format requirements that will enable electronic and digital content to be accessed through the district's local instructional improvement system and a variety of mobile, electronic, and digital devices. Beginning with specifications released in 2014, the digital specifications shall include requiring the capability for searching by state standards and site and student-level licensing. Such digital format specifications shall be appropriate for the interoperability of the content. The department may not adopt specifications that require the instructional materials to include specific references to FCAT and Next Generation Sunshine State Standards and benchmarks at the point of student use* ~~in regard to paper, binding, cover boards, and mechanical makeup can be secured~~. ~~In adopting specifications, the department shall make an exception for instructional materials that are college level texts and that do not meet department physical specifications for secondary materials, if the publisher guarantees replacement during the term of the contract.~~

(2) The bids submitted shall be for furnishing the designated materials in accordance with specifications of the department. The bid shall state the lowest wholesale price at which the materials will be furnished, at the time the adoption period provided in the contract begins~~, delivered f.o.b. to the Florida depository of the publisher, manufacturer, or bidder~~.

(4) *Sample* ~~Specimen~~ copies of all instructional materials that have been made the bases of contracts under this part shall, upon request for the purpose of public inspection, be made available by the publisher to the department and the district school superintendent of each district school board that adopts the instructional materials from the state list upon request for the purpose of public inspection. ~~All contracts and bonds executed under this part shall be signed in triplicate. One copy of each contract and an original of each bid, whether accepted or rejected, shall be preserved with the department for at least 3 years after termination of the contract.~~

Section 26. Subsections (1), (2), (3), and (7) of section 1006.34, Florida Statutes, are amended to read:

1006.34 Powers and duties of the commissioner and the department in selecting and adopting instructional materials.—

(1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.—The *State Board of Education shall adopt rules prescribing* ~~commissioner shall prescribe~~ the procedures by which the department shall evaluate instructional materials submitted by publishers and manufacturers in each adoption. Included in these procedures shall be provisions *affording* ~~which afford~~ each publisher or manufacturer or his or her representative an opportunity to *provide a virtual presentation to* ~~present to members of the~~ state instructional materials *reviewers on* ~~committees~~ the merits of each instructional material submitted in each adoption.

(2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

(a) The department shall notify all publishers and manufacturers of instructional materials who have submitted bids that within 3 weeks after the deadline for receiving bids, at a designated time and place, it will open the bids submitted and deposited with it. At the time and place designated, the bids shall be opened, read, and tabulated in the presence of the bidders or their representatives. No one may revise his or her bid after the bids have been filed. When all bids have been carefully considered, the commissioner shall, from the list of suitable, usable, and desirable instructional materials reported by the state instructional materials *reviewers* ~~committee~~, select and adopt instructional materials for each grade and subject field in the curriculum of public elementary, middle, and high schools in which adoptions are made and in the subject areas designated in the advertisement. The adoption shall continue for the period specified in the advertisement, beginning on the ensuing April 1. The adoption shall not prevent the extension of a contract as provided in subsection (3). The commissioner shall always reserve the right to reject any and all bids. The commissioner may ask for new sealed bids from publishers or manufacturers whose instructional materials were recommended by the state instructional materials *reviewers* ~~committee~~ as suitable, usable, and desirable; specify the dates for filing such bids and the date on which they shall be opened; and proceed in all matters regarding the opening of bids and the awarding of contracts as required by this part. In all cases, bids shall be accompanied by a cash deposit or certified check of from $500 to $2,500, as the *department* ~~commissioner~~ may direct. The department, in adopting instructional materials, shall give due consideration both to the prices bid for furnishing instructional materials and to the report and recommendations of the state instructional materials *reviewers* ~~committee~~. When the commissioner has finished with the report of the state instructional materials *reviewers* ~~committee~~, the report shall be filed and preserved with the department and shall be available at all times for public inspection.

(b) In the selection of instructional materials, library *media* ~~books~~, and other reading material used in the public school system, the standards used to determine the propriety of the material shall include:

1. The age of the students who normally could be expected to have access to the material.

2. The educational purpose to be served by the material. In considering instructional materials for classroom use, priority shall be given to the selection of materials which encompass the state and district school board performance standards provided for in s. 1001.03(1) and which include the instructional objectives contained within the curriculum frameworks approved by rule of the State Board of Education.

3. The degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal classroom instructional program.

4. The consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of the students of this state.

Any instructional ~~No book or other~~ material containing ~~hard core~~ pornography or otherwise prohibited by s. 847.012 *may not* ~~shall~~ be used or *made* available within any public school ~~district~~.

(3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.—As soon as practicable after the commissioner has adopted any instructional materials and all bidders that have secured the adoption of any instructional materials have been notified thereof by registered letter, the department ~~of Legal Affairs~~ shall prepare a contract in proper form with every bidder awarded the adoption of any instructional materials. Each contract shall be executed by the *commissioner* ~~Governor and Secretary of State under the seal of the state~~, one copy to be kept by the contractor~~, one copy to be filed with the Department of State,~~ and one copy to be filed with the department. After giving due consideration to comments by the district school boards, the commissioner, with the agreement of the publisher, may extend or shorten a contract period for a period not to exceed 2 years; and the terms of any such contract shall remain the same as in the original contract. Any publisher or manufacturer to whom any contract is let under this part must give bond in such amount as the *department* ~~commissioner~~ requires, payable to the state, conditioned for the faithful, honest, and exact performance of the contract. The bond must provide for the payment of reasonable attorney's fees in case of recovery in any suit thereon. The surety on the bond must be a guaranty or surety company lawfully authorized to do business in the state; however, the bond shall not be exhausted by a single recovery but may be sued upon from time to time until the full amount thereof is recovered, and the department may at any time, after giving 30 days' notice, require additional security or additional bond. The form of any bond or bonds or contract or contracts under this part shall be prepared and approved by the department ~~of Legal Affairs~~. At the discretion of the *department* ~~commissioner~~, a publisher or manufacturer to whom any contract is let under this part may be allowed a cash deposit in lieu of a bond, conditioned for the faithful, honest, and exact performance of the contract. The cash deposit, payable to the department, shall be placed in the Textbook Bid Trust Fund. The department may recover damages on the cash deposit given by the contractor for failure to furnish instructional materials, the sum recovered to inure to the General Revenue Fund.

(7) FORFEITURE OF CONTRACT AND BOND.—If any publisher or manufacturer of instructional materials fails or refuses to furnish ~~a book, or books, or other~~ instructional materials as provided in the contract, *the publisher's or manufacturer's* ~~his or her~~ bond is forfeited and the *commissioner must* ~~department shall~~ make another contract ~~on such terms as it may find desirable, after giving due consideration to the recommendations of the commissioner~~.

Section 27. Subsection (2) of section 1006.35, Florida Statutes, is amended to read:

1006.35 Accuracy of instructional materials.—

(2) When errors in state-adopted materials are confirmed, the publisher of the materials shall provide to each district school board that has purchased the materials the corrections in a format approved by the *department* ~~commissioner~~.

Section 28. Section 1006.36, Florida Statutes, is amended to read:

1006.36 Term of adoption for instructional materials.—

(1) The term of adoption of any instructional materials must be a *5-year* ~~6 year~~ period beginning on April 1 following the adoption, except that the commissioner may approve terms of adoption of less than *5* ~~6~~ years for materials in content areas which require more frequent revision. Any contract for instructional materials may be extended as prescribed in s. 1006.34(3).

(2) The department shall publish annually an official schedule of subject areas to be called for adoption for each of the succeeding 2 years, and a tentative schedule for years 3, 4, *and* 5~~, and 6~~. If extenuating circumstances warrant, the commissioner may ~~order the department to~~ add one or more subject areas to the official schedule, in which event the commissioner shall develop criteria for such additional subject area or areas and make them available to publishers as soon as practicable before the date on which bids are due. The schedule shall be developed so as to promote balance among the subject areas so that the required expenditure for new instructional materials is approximately the same each year in order to maintain curricular consistency.

Section 29. Subsections (2), (3), (5), and (14) through (17) of section 1006.38, Florida Statutes, are amended to read:

1006.38 Duties, responsibilities, and requirements of instructional materials publishers and manufacturers.—Publishers and manufacturers of instructional materials, or their representatives, shall:

(2) *Electronically* deliver fully developed *sample* ~~specimen~~ copies of all instructional materials upon which bids are based to *the department pursuant to procedures adopted by the State Board of Education* ~~each member of a state instructional materials committee~~. ~~At the conclusion of the review process, manufacturers submitting samples of instructional materials are entitled to the return thereof, at the expense of the manufacturers; or, in the alternative, the manufacturers are entitled to reimbursement by the individual committee members for the retail value of the samples.~~

(3) Submit, at a time designated in s. 1006.33, the following information:

(a) Detailed specifications of the physical characteristics of the instructional materials*, including any software or technological tools required for use by the district, school, teachers, or students*. The publisher or manufacturer shall comply with these specifications if the instructional materials are adopted and purchased in completed form.

(b) *Evidence* ~~Written proof~~ that the publisher has provided *materials that address the* ~~written correlations to appropriate curricular objectives included within applicable~~ performance standards provided for in s. 1001.03(1) *and that can be accessed through the district's local instructional improvement system and a variety of electronic, digital, and mobile devices*.

(5) Furnish the instructional materials offered by them at a price in the state which, including all costs of *electronic transmission* ~~transportation to their depositories~~, *may* ~~shall~~ not exceed the lowest price at which they offer such instructional materials for adoption or sale to any state or school district in the United States.

~~(14) For all other subject areas, maintain in the depository an inventory of instructional materials sufficient to receive and fill orders.~~

(14)~~(15)~~ Accurately and fully disclose only the names of those persons who actually authored the instructional materials. In addition to the penalties provided in subsection *(16)* ~~(17)~~, the commissioner may remove from the list of state-adopted instructional materials those instructional materials whose publisher or manufacturer misleads the purchaser by falsely representing genuine authorship.

(15)~~(16)~~ Grant, without prior written request, for any copyright held by the publisher or its agencies automatic permission to the department or its agencies for the reproduction of *instructional materials* ~~textbooks~~ and supplementary materials in braille*,* ~~or~~ large print*,* or *other appropriate format* ~~in the form of sound recordings,~~ for use by visually impaired students or other students with disabilities that would benefit from use of the materials.

(16)~~(17)~~ Upon the willful failure of the publisher or manufacturer to comply with the requirements of this section, be liable to the department in the amount of *three* ~~3~~ times the total sum which the publisher or manufacturer was paid in excess of the price required under subsections (5) and (6) and in the amount of *three* ~~3~~ times the total value of the instructional materials and services which the district school board is entitled to receive free of charge under subsection (7).

Section 30. Subsection (5) of section 1006.39, Florida Statutes, is amended to read:

1006.39 Production and dissemination of educational materials and products by department.—

(5) The department shall not enter into the business of producing or publishing *instructional materials* ~~textbooks, or the contents therein,~~ for general use in classrooms.

Section 31. Subsection (2), paragraph (a) of subsection (3), and subsection (4) of section 1006.40, Florida Statutes, are amended to read:

1006.40 Use of instructional materials allocation; instructional materials, library books, and reference books; repair of books.—

(2)~~(a)~~ Each district school board must purchase current instructional materials to provide each student with ~~a textbook or other instructional materials as~~ a major tool of instruction in core courses of the ~~appropriate~~ subject areas of mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12. Such purchase must be made within the first 2 years after the effective date of the adoption cycle~~; however, this requirement is waived for the adoption cycle occurring in the 2008-2009 academic year for schools within the district which are identified in the top four categories of schools pursuant to s. 1008.33, as amended by chapter 2009-144, Laws of Florida. The Commissioner of Education may provide a waiver of this requirement for the adoption cycle occurring in the 2008-2009 academic year if the district demonstrates that it has intervention and support strategies to address the particular needs of schools in the lowest two categories. Unless specifically provided for in the General Appropriations Act, the cost of instructional materials purchases required by this paragraph shall not exceed the amount of the district's allocation for instructional materials, pursuant to s. 1011.67, for the previous 2 years.~~

~~(b) The requirement in paragraph (a) does not apply to contracts in existence before April 1, 2000, or to a purchase related to growth of student membership in the district or for instructional materials maintenance needs.~~

(3)(a) *By the 2015-2016 fiscal year,* each district school board shall use *at least 50 percent of* the annual allocation for the purchase of *digital or electronic* instructional materials included on the state-adopted list, except as otherwise authorized in paragraphs (b) and (c). ~~No less than 50 percent of the annual allocation shall be used to purchase items which will be used to provide instruction to students at the level or levels for which the materials are designed.~~

(4) The funds described in subsection (3) which district school boards may use to purchase materials not on the state-adopted list shall be used for the purchase of instructional materials or other items having intellectual content which assist in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, replacements for items which were part of previously purchased instructional materials, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools as prescribed by district school board rule. ~~The funds available to district school boards for the purchase of materials not on the state adopted list may not be used to purchase electronic or computer hardware even if such hardware is bundled with software or other electronic media unless the district school board has complied with the requirements in s. 1011.62(6)(b)5., nor may such funds be used to purchase equipment or supplies. However, when authorized to do so in the General Appropriations Act, a school or district school board may use a portion of the funds available to it for the purchase of materials not on the state adopted list to purchase science laboratory materials and supplies.~~

Section 32. *Section 1006.43, Florida Statutes, is repealed.*

Section 33. Paragraphs (j) through (u) of subsection (1), paragraph (a) of subsection (4), paragraph (b) of subsection (6), and subsection (11) of section 1011.62, Florida Statutes, are amended, present subsections (11) through (13) of that section are redesignated as subsections (12) through (14), respectively, and a new subsection (11) is added to that section, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

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

~~(j) *Coenrollment.* If a high school student wishes to earn high school credits from a community college and enrolls in one or more adult secondary education courses at the community college, the community college shall be reimbursed for the costs incurred because of the high school student's coenrollment as provided in the General Appropriations Act.~~

(j)~~(k)~~ *Instruction in exploratory career education.*—Students in grades 7 through 12 who are enrolled for more than four semesters in exploratory career education may not be counted as full-time equivalent students for this instruction.

(k)~~(l)~~ *Study hall.*—A student who is enrolled in study hall may not be included in the calculation of full-time equivalent student membership for funding under this section.

(l)~~(m)~~ *Calculation of additional full-time equivalent membership based on International Baccalaureate examination scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in an International Baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an International Baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each school district shall allocate 80 percent of the funds received from International Baccalaureate bonus FTE funding to the school program whose students generate the funds and to school programs that prepare prospective students to enroll in International Baccalaureate courses. Funds shall be expended solely for the payment of allowable costs associated with the International Baccalaureate program. Allowable costs include International Baccalaureate annual school fees; International Baccalaureate examination fees; salary, benefits, and bonuses for teachers and program coordinators for the International Baccalaureate program and teachers and coordinators who prepare prospective students for the International Baccalaureate program; supplemental books; instructional supplies; instructional equipment or instructional materials for International Baccalaureate courses; other activities that identify prospective International Baccalaureate students or prepare prospective students to enroll in International Baccalaureate courses; and training or professional development for International Baccalaureate teachers. School districts shall allocate the remaining 20 percent of the funds received from International Baccalaureate bonus FTE funding for programs that assist academically disadvantaged students to prepare for more rigorous courses. The school district shall distribute to each classroom teacher who provided International Baccalaureate instruction:

1. A bonus in the amount of $50 for each student taught by the International Baccalaureate teacher in each International Baccalaureate course who receives a score of 4 or higher on the International Baccalaureate examination.

2. An additional bonus of $500 to each International Baccalaureate teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 4 or higher on the International Baccalaureate examination, regardless of the number of classes taught or of the number of students scoring a 4 or higher on the International Baccalaureate examination.

Bonuses awarded to a teacher according to this paragraph shall not exceed $2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(m)~~(n)~~ *Calculation of additional full-time equivalent membership based on Advanced International Certificate of Education examination scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in a full-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.08 full-time equivalent student membership shall be calculated for each student enrolled in a half-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an Advanced International Certificate of Education diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. The school district shall distribute to each classroom teacher who provided Advanced International Certificate of Education instruction:

1. A bonus in the amount of $50 for each student taught by the Advanced International Certificate of Education teacher in each full-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination. A bonus in the amount of $25 for each student taught by the Advanced International Certificate of Education teacher in each half-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination.

2. An additional bonus of $500 to each Advanced International Certificate of Education teacher in a school designated with a grade of "D" or "F" who has at least one student scoring E or higher on the full-credit Advanced International Certificate of Education examination, regardless of the number of classes taught or of the number of students scoring an E or higher on the full-credit Advanced International Certificate of Education examination.

3. Additional bonuses of $250 each to teachers of half-credit Advanced International Certificate of Education classes in a school designated with a grade of "D" or "F" which has at least one student scoring an E or higher on the half-credit Advanced International Certificate of Education examination in that class. The maximum additional bonus for a teacher awarded in accordance with this subparagraph shall not exceed $500 in any given school year. Teachers receiving an award under subparagraph 2. are not eligible for a bonus under this subparagraph.

Bonuses awarded to a teacher according to this paragraph shall not exceed $2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(n)~~(o)~~ *Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each district must allocate at least 80 percent of the funds provided to the district for advanced placement instruction, in accordance with this paragraph, to the high school that generates the funds. The school district shall distribute to each classroom teacher who provided advanced placement instruction:

1. A bonus in the amount of $50 for each student taught by the Advanced Placement teacher in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination.

2. An additional bonus of $500 to each Advanced Placement teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 3 or higher on the College Board Advanced Placement Examination, regardless of the number of classes taught or of the number of students scoring a 3 or higher on the College Board Advanced Placement Examination.

Bonuses awarded to a teacher according to this paragraph shall not exceed $2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(o)~~(p)~~ *Calculation of additional full-time equivalent membership based on certification of successful completion of industry-certified career and professional academy programs pursuant to ss. 1003.491, 1003.492,* ~~*and*~~ *1003.493 and 1003.4935 and identified in the Industry Certified Funding List pursuant to rules adopted by the State Board of Education.*—A value of *0.1, 0.2, or* 0.3 full-time equivalent student membership shall be calculated for each student who completes an industry-certified career and professional academy program under ss. 1003.491, 1003.492, ~~and~~ 1003.493 *and 1003.4935* and who is issued the highest level of industry certification identified annually in the Industry Certification Funding List approved under rules adopted by the State Board of Education and a high school diploma. *The maximum full-time equivalent student membership value for any student is 0.3. The Department of Education shall assign the appropriate full-time equivalent value for each certification, 50 percent of which is based on rigor and the remaining 50 percent on employment value. The State Board of Education shall include the assigned values in the Industry Certification Funding List under rules adopted by the state board. Rigor shall be based on the number of instructional hours, including work experience hours, required to earn the certification, with a bonus for industry certifications that have a statewide articulation agreement for college credit approved by the State Board of Education. Employment value shall be based on the entry wage, growth rate in employment for each occupational category, and average annual openings for the primary occupation linked to the industry certification.* Such value shall be added to the total full-time equivalent student membership in secondary career education programs for grades 9 through 12 in the subsequent year for courses that were not funded through dual enrollment. The additional full-time equivalent membership authorized under this paragraph may not exceed 0.3 per student. Each district must allocate at least 80 percent of the funds provided for industry certification, in accordance with this paragraph, to the program that generated the funds. Unless a different amount is specified in the General Appropriations Act, the appropriation for this calculation is limited to $15 million annually. If the appropriation is insufficient to fully fund the total calculation, the appropriation shall be prorated.

~~(q) *Calculation of additional full-time equivalent membership for the Florida Virtual School.* The reported full-time equivalent student membership for the Florida Virtual School for students who are also enrolled in a school district shall be multiplied by 0.114, and such value shall be added to the total full-time equivalent student membership.~~

(p)~~(r)~~ *Year-round-school programs.*—The Commissioner of Education is authorized to adjust student eligibility definitions, funding criteria, and reporting requirements of statutes and rules in order that year-round-school programs may achieve equivalent application of funding requirements with non-year-round-school programs.

(q)~~(s)~~ *Extended-school-year program.*—It is the intent of the Legislature that students be provided additional instruction by extending the school year to 210 days or more. Districts may apply to the Commissioner of Education for funds to be used in planning and implementing an extended-school-year program.

(r)~~(t)~~ *Determination of the basic amount for current operation.*—The basic amount for current operation to be included in the Florida Education Finance Program for kindergarten through grade 12 for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by

2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by

3. The base student allocation.

(s)~~(u)~~ *Computation for funding through the Florida Education Finance Program.*—The State Board of Education may adopt rules establishing programs and courses for which the student may earn credit toward high school graduation.

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

(a) *Estimated taxable value calculations.—*

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. The value certified shall be the taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraphs (c) and (d), or an assessment roll change required by final judicial decisions as specified in paragraph *(13)(b)* ~~(12)(b)~~. Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 96 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation as calculated and adopted by the Legislature, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

2. On the same date as the certification in sub-subparagraph 1.a., the Department of Revenue shall certify to the Commissioner of Education for each district:

a. Each year for which the property appraiser has certified the taxable value pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a.

b. For each year identified in sub-subparagraph a., the taxable value certified by the appraiser pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a. This is the certification that reflects all final administrative actions of the value adjustment board.

(6) CATEGORICAL FUNDS.—

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.

2. Funds for safe schools.

3. Funds for supplemental academic instruction.

4. Funds for research-based reading instruction.

5. Funds for instructional materials if all instructional material purchases necessary to provide updated materials aligned to Next Generation Sunshine State Standards and benchmarks and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1~~, 2011~~. Funds available after March 1 may be used to purchase hardware for student instruction.

(11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may annually provide in the Florida Education Finance Program a virtual education contribution. The amount of the virtual education contribution shall be the difference between the amount per FTE established in the General Appropriations Act for virtual education and the amount per FTE for each district and the Florida Virtual School, which may be calculated by taking the sum of the base FEFP allocation, the discretionary local effort, the state-funded discretionary contribution, the discretionary millage compression supplement, the research-based reading instruction allocation, and the instructional materials allocation, and then dividing by the total unweighted FTE. This difference shall be multiplied by the virtual education unweighted FTE for programs and options identified in s. 1002.455(3)(a),(b), and (d) and the Florida Virtual School and its franchises to equal the virtual education contribution and shall be included as a separate allocation in the funding formula.

(12)~~(11)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection *(13)* ~~(12)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection *(13)* ~~(12)~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

Section 34. Section 1011.621, Florida Statutes, is created to read:

1011.621 Adjustments for interdistrict transfers of students in Department of Juvenile Justice detention facilities within a survey period.—The Department of Education, upon request by a school district and verification by the Department of Juvenile Justice, shall direct a school district that receives Florida Education Finance Program funds attributed to a membership survey for children in secure detention care pursuant to chapter 985 to transfer a pro rata share of the funds to another district that served the same students during the same survey period but were unable to report the students for funding. The amount of the funds transfer shall be based on the percentage of the survey period in which the students were served by each district.

Section 35. Subsection (2) of section 1011.685, Florida Statutes, is amended to read:

1011.685 Class size reduction; operating categorical fund.—

(2) Class size reduction operating categorical funds shall be used by school districts to reduce class size as required in s. 1003.03*. A school district that meets the maximum class size requirement may use the funds*~~, or the funds may be used~~ for any lawful operating expenditure; however, priority shall be given to increasing salaries of classroom teachers.

Section 36. Subsection (1), paragraph (b) of subsection (3), and subsection (5) of section 1011.71, Florida Statutes, are amended, and paragraphs (c) and (d) are added to subsection (3) of that section, to read:

1011.71 District school tax.—

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each district school board desiring to participate in the state allocation of funds for current operation as prescribed by s. *1011.62(13)* ~~1011.62(12)~~ shall levy on the taxable value for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year, pursuant to s. 1011.62(4)(a)1. In addition to the required

local effort millage levy, each district school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy.

(3)

(b) In addition to the millage authorized in this section, each district school board may, by a super majority vote, levy an additional 0.25 mills for critical capital outlay needs or for critical operating needs. If levied for capital outlay, expenditures shall be subject to the requirements of this section. If levied for operations, expenditures shall be consistent with the requirements for operating funds received pursuant to s. 1011.62. If the district levies this additional 0.25 mills for operations, the compression adjustment pursuant to s. 1011.62(5) shall be calculated and added to the district's FEFP allocation. Millage levied pursuant to this paragraph is subject to the provisions of s. 200.065. In order to be continued after the 2010-2011 fiscal year, millage levied pursuant to this paragraph must be approved by the voters of the district at the 2010 general election or at a subsequent-election held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held. *The provisions of this paragraph expire June 30, 2011.*

(c) Local funds generated by the additional 0.25 mills authorized in paragraph (b) and state funds provided pursuant to s. 1011.62(5) may not be included in the calculation of the Florida Education Finance Program in 2011-2012 or any subsequent year and may not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program in any year, except as provided in paragraph (d).

(d) For the 2011-2012 and 2012-2013 fiscal years, the 0.25 mills authorized in paragraph (b) may be levied by the districts in which it was authorized by the voters in the 2010 general election. If a district levies this voter-approved 0.25 mills for operations, a compression adjustment pursuant to s. 1011.62(5) may be calculated and added to the district's Florida Education Finance Program allocation, subject to determination in the General Appropriations Act.

(5) Effective July 1, 2008, a school district may expend, subject to the provisions of s. 200.065, up to $100 per unweighted full-time equivalent student from the revenue generated by the millage levy authorized by subsection (2) to fund, in addition to expenditures authorized in paragraphs (2)(a)-(j), expenses for the following:

(a) The purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

(b) Payment of the cost of premiums*, as defined in s. 627.403,* for property and casualty insurance necessary to insure school district educational and ancillary plants. *As used in this paragraph, casualty insurance has the same meaning as in s. 624.605(1)(d), (f), (g), (h), and (m).* Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.

Section 37. *If the Commissioner of Education determines that a school district acted in good faith, he or she may waive the equal-dollar reduction required in s. 1011.71, Florida Statutes, for audit findings for the 2009-2010 fiscal year, and for expenditures made prior to January 1, 2011, in the 2010-2011 fiscal year for payment of premiums for property insurance and casualty insurance.*

Section 38. *Notwithstanding the repeal of s. 1012.225, Florida Statutes, in section 11 of Committee Substitute for House Bill 7087, state funding for the Merit Award Program in the Conference Report on Senate Bill 2000 is provided for payment of awards for 2010-2011 fiscal year teacher performance pursuant to s. 1012.225, Florida Statutes 2010.*

Section 39. Section 1013.737, Florida Statutes, is amended to read:

1013.737 The Class Size Reduction *and Educational Facilities* Lottery Revenue Bond Program.—There is established the Class Size Reduction *and Educational Facilities* Lottery Revenue Bond Program.

(1) The issuance of revenue bonds is authorized to finance or refinance the construction, acquisition, reconstruction, or renovation of educational facilities. Such bonds shall be issued pursuant to and in compliance with the provisions of s. 11(d), Art. VII of the State Constitution, the provisions of the State Bond Act, ss. 215.57-215.83, as amended, and the provisions of this section.

(2) The bonds are payable from, and secured by a first lien on, the first lottery revenues transferred to the Educational Enhancement Trust Fund each fiscal year, as provided by s. 24.121(2), and do not constitute a general obligation of, or a pledge of the full faith and credit of, the state.

(3) The state hereby covenants with the holders of such revenue bonds that it will not take any action that will materially and adversely affect the rights of such holders so long as bonds authorized by this section are outstanding. The state does hereby additionally authorize the establishment of a covenant in connection with the bonds which provides that any additional funds received by the state from new or enhanced lottery programs; video gaming; banking card games, including baccarat, chemin de fer, or blackjack; electronic or electromechanical facsimiles of any game of chance; casino games; slot machines; or other similar activities will first be available for payments relating to bonds pledging revenues available pursuant to s. 24.121(2), prior to use for any other purpose.

(4) The bonds shall be issued by the Division of Bond Finance of the State Board of Administration on behalf of the Department of Education in such amount as shall be requested by resolution of the State Board of Education. However, the total principal amount of bonds, excluding refunding bonds, issued pursuant to this section shall not exceed amounts specifically authorized in the General Appropriations Act.

(5) Proceeds available from the sale of the bonds shall be deposited in the Lottery Capital Outlay and Debt Service Trust Fund within the Department of Education.

(6) The facilities to be financed with the proceeds of such bonds are designated as state fixed capital outlay projects for purposes of s. 11(d), Art. VII of the State Constitution, and the specific facilities to be financed shall be determined in accordance with state law and appropriations from the Educational Enhancement Trust Fund. Projects shall be funded from the Lottery Capital Outlay and Debt Service Trust Fund. Each educational facility to be financed with the proceeds of the bonds issued pursuant to this section is hereby approved as required by s. 11(f), Art. VII of the State Constitution.

(7) Any complaint for validation of such bonds is required to be filed only in the circuit court of the county where the seat of state government is situated. The notice required to be published by s. 75.06 is required to be published only in the county where the complaint is filed, and the complaint and order of the circuit court need be served only on the state attorney of the circuit in which the action is pending.

(8) The Commissioner of Education shall provide for timely encumbrances of funds for duly authorized projects. Encumbrances may include proceeds to be received under a resolution approved by the State Board of Education authorizing issuance of class size reduction lottery bonds *or educational facilities bonds* pursuant to s. 11(d), Art. VII of the State Constitution, this section, and other applicable law.

Section 40. *Notwithstanding the repeal of s. 1003.62, Florida Statutes 2009, educational facility exemptions for the demolition and replacement of school buildings identified in accordance with Charter School District Addendum Number 2 and approved by the district school board prior to June 30, 2010, are extended to June 30, 2012.*

Section 41. *Notwithstanding the required review by the Legislative Budget Commission pursuant to s. 1003.03(4)(c), Florida Statutes, the Legislature hereby adopts by reference the alternate compliance calculation amounts to the class size operating categorical as set forth in Budget Amendment EOG #O2011-0074, as submitted by the Governor on March 2, 2011, on behalf of the Department of Education for approval by the Legislative Budget Commission. The Commissioner of Education shall modify payments to school districts for the 2010-2011 fiscal year con-*

sistent with the amendment and s. 1003.03, Florida Statutes. This section shall take effect upon this act becoming a law.

Section 42. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to K-12 education funding; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information regarding the gross receipts tax to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research; amending s. 215.61, F.S.; requiring that, for purposes of servicing public education capital outlay bonds, the State Board of Education disregard the effects on the gross receipts tax revenues collected during a tax period of a refund resulting from a specified settlement agreement; amending s. 1001.10, F.S., relating to duties of the Commissioner of Education; conforming provisions to changes made by the act; amending s. 1001.25, F.S.; requiring that the Department of Education provide a means of extending educational services through educational television or other electronic media; amending s. 1001.271, F.S.; requiring that the Commissioner of Education facilitate and coordinate the use of the Florida Information Resource Network by school districts, educational institutions in the Florida College System, state universities, and other eligible users; amending s. 1001.28, F.S.; deleting a reference to the Florida Knowledge Network as it relates to the department's distance learning duties; amending s. 1001.451, F.S.; revising provisions relating to incentive grants for regional consortium service organizations; authorizing regional consortium service organizations to use various means to generate revenue for future activities; amending s. 1002.33, F.S.; revising provisions relating to charter schools; providing for an additional student population to be included for enrollment in a charter school; authorizing a sponsor to withhold up to a specified percentage of the total administrative fee for services in higher performing charter schools; providing that a charter school system may be designated as a local educational agency for funding purposes if certain requirements are met; amending s. 1002.34, F.S.; conforming a cross-reference; amending s. 1002.45, F.S., relating to school district virtual instruction programs; requiring school districts to expend certain funds for the district's local instructional improvement system or other technological tools; amending s. 1002.55, F.S.; revising class size requirements for school-year private prekindergarten program providers; amending s. 1002.63, F.S.; revising class size requirements for school-year prekindergarten programs delivered by public schools; amending s. 1002.71, F.S.; revising provisions relating to the amount of funds retained by an early learning coalition for the administration of prekindergarten education programs; amending s. 1003.01, F.S.; redefining the terms "core-curricula courses" and "extracurricular courses"; amending s. 1003.03, F.S.; deleting a reference to the State Constitution regarding class size maximums; requiring that class size maximums be satisfied on or before the October student membership survey each year; requiring that the class size maximums be maintained after the October student membership survey unless certain conditions occur; providing that a student who enrolls in a school after the October student membership survey may be assigned to classes that temporarily exceed class size maximums if the school board determines that not assigning the student would be impractical, educationally unsound, or disruptive to student learning; providing for a specified number of students to be assigned above the maximum if the district school board makes this determination; requiring that the district school board develop a plan providing that the school will be in full compliance with the maximum class size requirements by the next October student membership survey; requiring that the Department of Education identify from the Course Code Directory the core-curricula courses for the purpose of satisfying the maximum class size requirement; authorizing the department to adopt rules; creating s. 1003.4935, F.S.; requiring each district school board to include, as part of its 5-year plan, a middle school career and professional academy in at least one middle school in the district; requiring that the middle school career and professional academy be aligned with at least one high school career and professional academy in the district; providing requirements for middle school career and professional academies; requiring that the Department of Education collect and report student achievement data for academy students; amending s. 1004.02, F.S.; revising the definition of the term "adult student"; amending s. 1006.28, F.S., relating to K-12 instructional materials; conforming terminology to changes made by the act; amending s. 1006.281, F.S.; defining the term "local instructional improvement system"; requiring each school district to provide teachers, administrators, students, and parents with access to a local instructional improvement system; providing requirements for the system; requiring the State Board of Education to adopt rules that include minimum standards for local instructional improvement systems; creating s. 1006.282, F.S.; authorizing each district school board to designate schools to implement a pilot program for the transition to instructional materials in an electronic or digital format; providing requirements for the designation of pilot program schools; providing certain exemptions for such schools; requiring that the district school board report certain information regarding the pilot program to the department by a specified date each year; requiring that each district school board submit a review of the pilot program to the department, the Executive Office of the Governor, and the chairs of the legislative appropriations committees by a specified date each year; amending s. 1006.29, F.S.; deleting provisions requiring the appointment of instructional materials committees; providing for the Commissioner of Education to appoint experts to review instructional materials; providing for school districts to nominate teachers and supervisors to review recommendations by the state instructional materials reviewers; requiring that by a specified date all adopted instructional materials for students in kindergarten through grade 12 be provided in an electronic or digital format; defining the terms "electronic format" and "digital format"; requiring that the department develop a training program for persons selected as instructional materials reviewers at the state and district levels; amending s. 1006.30, F.S.; revising the requirements for the affidavit to be filed with the department by each state instructional materials reviewer; amending s. 1006.31, F.S.; specifying duties of the state instructional materials reviewers; requiring that reviewers submit reports electronically; amending s. 1006.32, F.S., relating to prohibited acts with respect to the review and selection of instructional materials; conforming provisions to changes made by the act; amending s. 1006.33, F.S.; revising the requirements for bids and proposals for instructional materials; requiring that the department adopt specifications for electronic and digital content; amending s. 1006.34, F.S.; requiring that the State Board of Education adopt rules for the evaluation of instructional materials; conforming provisions and terminology; amending s. 1006.35, F.S.; requiring that the department rather than the Commissioner of Education approve certain materials; amending s. 1006.36, F.S.; reducing the length of the term of adoption for instructional materials; amending s. 1006.38, F.S.; revising requirements for publishers and manufacturers of instructional materials; requiring that certain samples be delivered electronically to the department; amending s. 1006.39, F.S.; prohibiting the department from producing or publishing instructional materials; amending s. 1006.40, F.S.; deleting obsolete provisions; requiring each district school board, by a certain date, to use a specified percentage of its annual allocation for the purchase of digital or electronic instructional materials; repealing s. 1006.43, F.S., relating to the department's annual legislative budget request; amending s. 1011.62, F.S.; revising provisions relating to district funding for the operation of schools; deleting provisions relating to the coenrollment of high school students; providing the maximum full-time equivalent membership value for students completing an industry-certified career and professional academy program; requiring that the Department of Education assign the appropriate full-time equivalent value for each certification based on rigor and employment value; requiring that the State Board of Education include the assigned values in the Industry Certification Funding List under rules adopted by the state board; deleting provisions providing for calculating an additional full-time equivalent membership for the Florida Virtual School; conforming a cross-reference; providing for certain amendments to the district's operating budget; authorizing the Legislature to provide a virtual education contribution as a separate allocation in the Florida Education Finance Program; specifying a formula for calculating the virtual education contribution; creating s. 1011.621, F.S.; requiring that the Department of Education, upon request by a school district and verification by the Department of Juvenile Justice, direct a school district receiving funds through the Florida Education Finance Program to transfer a pro rata share of the funds to another district that served the same students during the same survey period but were unable to report the students for funding purposes; requiring that the amount of the transfer be based on the percentage of the survey period in which the students were served by each district; amending s. 1011.685, F.S.; revising provisions relating to class size reduction operational categorical funds; authorizing a school district that meets the maximum class size requirement to use the funds for any lawful operating expenditure; amending s. 1011.71, F.S.; revising provisions relating to the district

school tax; conforming a cross-reference; providing for future expiration of provisions relating to additional millage levied by district school boards; authorizing district school boards to levy additional millage if approved by the voters; providing that the local funds generated by the additional millage not be included in the calculation of funding through the Florida Education Finance Program; clarifying the types of insurance premiums that may be paid from revenue generated by the levy; authorizing the Commissioner of Education to waive the equal-dollar reduction requirement for certain expenditures relating to the purchase of premiums for property and casualty insurance; providing for payment of awards for the 2010-2011 fiscal year under the Merit Award Program for Instructional Personnel and School-Based Administrators, notwithstanding the discontinuation of the program; amending s. 1013.737, F.S.; changing the name of the Class Size Reduction Lottery Revenue Bond Program to the Class Size Reduction and Educational Facilities Lottery Revenue Bond Program; authorizing the issuance of educational facilities bonds; extending an exemption for educational facilities in a district designated as a Charter School District for purposes of the demolition and replacement of certain school buildings; adopting by reference the alternate compliance calculation amounts to the class size operating categorical, as submitted by the Governor on behalf of the Department of Education for approval by the Legislative Budget Commission; requiring that the Commissioner of Education modify payments to school districts for the 2010-2011 fiscal year consistent with the amendment; providing effective dates.

On motion by Senator Simmons, the Conference Committee Report on **SB 2120** was adopted. **SB 2120** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—30

Mr. President	Gaetz	Norman
Altman	Garcia	Oelrich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Jones	Sachs
Dean	Latvala	Simmons
Diaz de la Portilla	Lynn	Siplin
Evers	Margolis	Storms
Fasano	Montford	Thrasher
Flores	Negron	Wise

Nays—7

Braynon	Joyner	Sobel
Dockery	Rich	
Hill	Smith	

Vote after roll call:

Yea to Nay—Ring

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2150

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2150, same being:

An act relating to postsecondary education funding.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Committee Chair
s/ Larry Ahern
s/ Jason T. Brodeur
s/ Clay Ford
Eduardo "Eddy" Gonzalez
Mia L. Jones
s/ John Legg, At Large
s/ Seth McKeel, At Large
Betty Reed
s/ Darryl Ervin Rouson, At Large
Ron Saunders, At Large
s/ William D. Snyder, At Large
s/ Carlos Trujillo
Alan B. Williams

s/ H. Marlene O'Toole
Chair
Gary Aubuchon, At Large
Charles S. "Chuck" Chestnut IV, At Large
s/ Dorothy L. Hukill, At Large
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ William L. "Bill" Proctor, At Large
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
Will W. Weatherford, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2150, relating to Higher Education Appropriations Issues, provides for the following:

- Authorizes the Department of Revenue to provide information regarding gross receipts taxes to the State Board of Education, the Division of Bond Finance and the Office of Economic and Demographic Research. In making the determination of the amount of bonds that can be serviced by gross receipts tax the State Board of Education is to disregard the effects of a 2010 nonrecurring refund.

- Expands the class size reduction lottery bond program to include other educational facilities.

- Repeals certain responsibilities of the Department of Education for monitoring rehabilitation providers and services; repeals rehabilitation provider qualifications.

- Authorizes the implementation of a transient student admission application process through the Florida Academic Counseling Tracking for Students system to include admissions, readmissions, financial aid, and transfer of credit functions. Authorizes a fee of $5 to support the system.

- Designates the Northwest Regional Data Center as a primary data center.

- Requires an annual report on cost savings from collaborative licensing of electronic library resources.

• Authorizes the Florida Fund for Minority Teachers, Inc. to use other available funds for administration.

• Authorizes a spring and summer term student enrollment pilot program at the University of Florida for the purpose of aligning student enrollment and the availability of instructional facilities. Authorizes Bright Futures scholarships in the summer for these students.

• Updates the provisions related to tuition and out-of-state fees for postsecondary students in workforce, college, and university programs to include 2011-2012 tuition.

• Requires a block tuition and corresponding out-of-state fee for students enrolled in adult general education courses. Removes fee exemptions for certain students and requires residency of students to be documented.

• Authorizes college and school district workforce programs to use capital improvement fee revenue for the acquisition of improved real property.

• Authorizes college and school district workforce programs to charge a convenience fee for processing automated or online credit card payments.

• Authorizes the Board of Trustees of Santa Fe College to establish a transportation access fee of up to $6 if approved by a referendum held by student government.

• Provides an exemption from the 30 percent need-based expenditure requirement from the tuition differential fee if the university has covered the entire tuition and fee costs of all need-based students.

• Authorizes alternative documentation for tuition fee waivers for Purple Heart veterans.

• Increases the Florida Medallion Scholarship test scores in 2013-2014, from 1050 to 1170 for SAT, including the applicable home school test scores. Increases or establishes required community service hours for Bright Futures applicants.

• Requires applicants for Bright Futures, FRAG, and ABLE programs to submit the Free Application for Federal Student Aid prior to disbursement of funds.

• Increases the tuition surcharge for excess hours to 100 percent in excess of 115 percent of the credit hours required for a degree.

• Provides that funding for student financial aid and tuition assistance programs shall be as provided in the General Appropriations Act.

• Streamlines library operations through consolidation and joint purchasing. Requires creation of a union catalog for higher education.

• Prioritizes state student financial aid to the neediest (Pell eligible) students.

• Prohibits funding for coenrollment in public schools and adult general education programs, except that for the 2011-2012 fiscal year students may enroll in core courses for credit recovery or dropout prevention for up to two credits. High school students are exempt from the payment of block tuition for general adult education programs.

• Prohibits the use of state workforce education and Florida College funding for prison inmate education.

• Temporarily suspends the state match for facilities and operating challenge grant programs for colleges and universities, effective July 1, 2011. Existing eligible donations will remain eligible for future match. Removes the suspension once $200 million of the grant backlog has been matched.

• Allows a university board of trustees to expend carry-forward balances from prior year operational appropriations on legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.

• Requires the Florida College System Council of Presidents to develop and recommend an equitable funding formula for the distribution of PECO funds to the college system institutions.

• Provides for the use of a funding formula to ensure equitable distribution of district workforce funds.

• Provides a $200,000 limit on the amount of state funds that may be paid for salaries of college and university presidents and administrative employees.

• Allows the Division of Blind Services to lease donated property.

• Provides that funds received from community events or festivals are not eligible for state match under the Philip Benjamin Matching Grant Program.

This bill substantially amends sections 213.053, 215.61, 440.491, 413.011, 1004.091, 1006.72, 1007.28, 1009.22, 1009.23, 1009.24, 1009.25, 1009.286, 1009.531, 1009.534, 1009.535, 1009.536, 1009.55, 1009.56, 1009.57, 1009.60, 1009.605, 1009.68, 1009.69, 1009.701, 1009.73, 1009.74, 1009.77, 1009.89, 1009.891, 1011.32, 1011.61, 1011.80, 1011.81, 1011.85, 1011.94, 1012.885, 1012.975, 1013.33, 1013.737, 1013.79 and creates sections 1004.649, 1009.21, 1009.215, 1012.886, 1012.976, and repeals sections 1013.63 of the Florida Statutes.

Conference Committee Amendment (177676)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (dd) is added to subsection (8) of section 213.053, Florida Statutes, as amended by chapter 2010-280, Laws of Florida, to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(dd) Information relative to s. 215.61(6) to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 2. Subsection (6) is added to section 215.61, Florida Statutes, to read:

215.61 State system of public education capital outlay bonds.—

(6) In making the determination as required by subsection (3) of the amount that can be serviced by the gross receipts tax, the State Board of Education shall disregard the effects on the reported gross receipts tax revenues collected during a tax period of any refund paid by the Department of Revenue as a direct result of a refund request made pursuant to the settlement reached in In re: AT&T Mobility Wireless Data Services Sales Litigation, 270 F.R.D. 330, (Aug. 11, 2010). The Department of Revenue shall provide to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research the amount of any such refund and the tax period in which the refund is included.

Section 3. Section 440.491, Florida Statutes, is amended to read:

440.491 Reemployment of injured workers; rehabilitation.—

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

(a) "Carrier" means group self-insurance funds or individual self-insureds authorized under this chapter and commercial funds or insurance entities authorized to write workers' compensation insurance under chapter 624.

(b) "Department" means the Department of Education.

(c) "Medical care coordination" includes, but is not limited to, coordinating physical rehabilitation services such as medical, psychiatric, or therapeutic treatment for the injured employee, providing health training to the employee and family, and monitoring the employee's recovery. The purposes of medical care coordination are to minimize the disability and recovery period without jeopardizing medical stability, to assure that proper medical treatment and other restorative services are timely provided in a logical sequence, and to contain medical costs.

(d) "~~Qualified~~ Rehabilitation provider" means a rehabilitation nurse, rehabilitation counselor, *or* vocational evaluator *providing*~~, rehabilitation facility, or agency approved by the Department of Education as qualified to provide~~ reemployment assessments, medical care coordination, reemployment services, or vocational evaluations under this *section, possessing one or more of the following nationally recognized rehabilitation provider credentials:*

1. Certified Rehabilitation Registered Nurse, C.R.R.N., certified by the Association of Rehab Professionals.

2. Certified Rehabilitation Counselor, C.R.C., certified by the Commission of Rehabilitation Counselor Certifications.

3. Certified Case Manager, C.C.M., certified by the Commission for Case Management Certification.

4. Certified Disability Management Specialist, C.D.M.S., certified by the Certified Disability Management Specialist Commission.

5. Certified Vocational Evaluator, C.V.E., certified by the Commission of Rehabilitation Counselor Certification.

6. Certified Occupational Health Nurse, C.O.H.N., certified by the American Board of Occupational Health Nurses ~~chapter~~.

(e) "Reemployment assessment" means a written assessment performed by a ~~qualified~~ rehabilitation provider which provides a comprehensive review of the medical diagnosis, treatment, and prognosis; includes conferences with the employer, physician, and claimant; and recommends a cost-effective physical and vocational rehabilitation plan to assist the employee in returning to suitable gainful employment.

(f) "Reemployment services" means services that include, but are not limited to, vocational counseling, job-seeking skills training, ergonomic job analysis, transferable skills analysis, selective job placement, labor market surveys, and arranging other services such as education or training, vocational and on-the-job, which may be needed by the employee to secure suitable gainful employment.

(g) "Reemployment status review" means a review to determine whether an injured employee is at risk of not returning to work.

(h) "Suitable gainful employment" means employment or self-employment that is reasonably attainable in light of the employee's age, education, work history, transferable skills, previous occupation, and injury, and which offers an opportunity to restore the individual as soon as practicable and as nearly as possible to his or her average weekly earnings at the time of injury.

(i) "Vocational evaluation" means a review of the employee's physical and intellectual capabilities, his or her aptitudes and achievements, and his or her work-related behaviors to identify the most cost-effective means toward the employee's return to suitable gainful employment.

(2) INTENT.—It is the intent of this section ~~to implement a systematic review by carriers of the factors that are predictive of longer-term disability and~~ to encourage the provision of medical care coordination and reemployment services that are necessary to assist the employee in returning to work as soon as is medically feasible.

(3) REEMPLOYMENT STATUS REVIEWS AND REPORTS.—

(a) When an employee who has suffered an injury compensable under this chapter is unemployed 60 days after the date of injury and is receiving benefits for temporary total disability, temporary partial disability, or wage loss, and has not yet been provided medical care coordination and reemployment services voluntarily by the carrier, the carrier must determine whether the employee is likely to return to work and must report its determination to the department *and the employee. The report shall include the identification of both the carrier and the employee, and the carrier claim number and any case number assigned by the Office of Judges of Compensation Claims.* The carrier must thereafter determine the reemployment status of the employee at 90-day intervals as long as the employee remains unemployed, is not receiving medical care coordination or reemployment services, and is receiving the benefits specified in this subsection.

(b) If medical care coordination or reemployment services are voluntarily undertaken within 60 days of the date of injury, such services may continue to be provided as agreed by the employee and the carrier.

(4) REEMPLOYMENT ASSESSMENTS.—

(a) The carrier may require the employee to receive a reemployment assessment as it considers appropriate. However, the carrier is encouraged to obtain a reemployment assessment if:

1. The carrier determines that the employee is at risk of remaining unemployed.

2. The case involves catastrophic or serious injury.

(b) The carrier shall authorize ~~only~~ a ~~qualified~~ rehabilitation provider to provide the reemployment assessment. The rehabilitation provider shall conduct its assessment and issue a report to the carrier *and*~~,~~ the employee~~, and the department~~ within 30 days after the time such assessment is complete.

(c) If the rehabilitation provider recommends that the employee receive medical care coordination or reemployment services, the carrier shall advise the employee of the recommendation and determine whether the employee wishes to receive such services. The employee shall have 15 days after the date of receipt of the recommendation in which to agree to accept such services. If the employee elects to receive services, the carrier may refer the employee to a rehabilitation provider for such coordination or services within 15 days of receipt of the assessment report or notice of the employee's election, whichever is later.

(5) MEDICAL CARE COORDINATION AND REEMPLOYMENT SERVICES.—

(a) Once the carrier has assigned a case to a ~~qualified~~ rehabilitation provider for medical care coordination or reemployment services, the provider shall develop a reemployment plan and submit the plan to the carrier and the employee for approval.

(b) If the rehabilitation provider concludes that training and education are necessary to return the employee to suitable gainful employment, or if the employee has not returned to suitable gainful employment within 180 days after referral for reemployment services or receives $2,500 in reemployment services, whichever comes first, the carrier must discontinue reemployment services and refer the employee to the department for a vocational evaluation. Notwithstanding any provision of chapter 289 or chapter 627, the cost of a reemployment assessment and the first $2,500 in reemployment services to an injured employee must not be treated as loss adjustment expense for workers' compensation ratemaking purposes.

(c) A carrier may voluntarily provide medical care coordination or reemployment services to the employee at intervals more frequent than those required in this section. ~~For the purpose of monitoring reemployment, the carrier or the rehabilitation provider shall report to the department, in the manner prescribed by the department, the date of reemployment and wages of the employee. The carrier shall report its voluntary service activity to the department as required by rule.~~ Voluntary services offered by the carrier for any of the following injuries must be considered benefits for purposes of ratemaking: traumatic brain injury; spinal cord injury; amputation, including loss of an eye or eyes; burns of 5 percent or greater of the total body surface.

(d) If medical care coordination or reemployment services have not been undertaken as prescribed in paragraph (3)(b), a ~~qualified~~ rehabilitation service provider, facility, or agency that performs a reemployment assessment shall not provide medical care coordination or reemployment services for the employees it assesses.

(6) TRAINING AND EDUCATION.—

(a) Upon referral of an injured employee by the carrier, or upon the request of an injured employee, the department shall conduct a training and education screening to determine whether it should refer the employee for a vocational evaluation and, if appropriate, approve training and education or other vocational services for the employee. *At the time of such referral, the carrier shall provide the department a copy of any reemployment assessment or reemployment plan provided to the carrier by a rehabilitation provider.* The department may not approve formal training and education programs unless it determines, after consideration of the reemployment assessment, ~~pertinent reemployment status reviews or reports, and such other relevant factors as it prescribes by rule,~~ that the reemployment plan is likely to result in return to suitable gainful employment. The department is authorized to expend moneys from the Workers' Compensation Administration Trust Fund, established by s. 440.50, to secure appropriate training and education at a Florida public college or at a career center established under s. 1001.44, or to secure other vocational services when necessary to satisfy the recommendation of a vocational evaluator. As used in this paragraph, "appropriate training and education" includes securing a general education diploma (GED), if necessary. The department shall *by rule* establish training and education standards pertaining to employee eligibility, course curricula and duration, and associated costs. For purposes of this subsection, training and education services may be secured from additional providers if:

1. The injured employee currently holds an associate degree and requests to earn a bachelor's degree not offered by a Florida public college located within 50 miles from his or her customary residence;

2. The injured employee's enrollment in an education or training program in a Florida public college or career center would be significantly delayed; or

3. The most appropriate training and education program is available only through a provider other than a Florida public college or career center or at a Florida public college or career center located more than 50 miles from the injured employee's customary residence.

(b) When an employee who has attained maximum medical improvement is unable to earn at least 80 percent of the compensation rate and requires training and education to obtain suitable gainful employment, the employer or carrier shall pay the employee additional training and education temporary total compensation benefits while the employee receives such training and education for a period not to exceed 26 weeks, which period may be extended for an additional 26 weeks or less, if such extended period is determined to be necessary and proper by a judge of compensation claims. The benefits provided under this paragraph shall not be in addition to the 104 weeks as specified in s. 440.15(2). However, a carrier or employer is not precluded from voluntarily paying additional temporary total disability compensation beyond that period. If an employee requires temporary residence at or near a facility or an institution providing training and education which is located more than 50 miles away from the employee's customary residence, the reasonable cost of board, lodging, or travel must be borne by the department from the Workers' Compensation Administration Trust Fund established by s. 440.50. An employee who refuses to accept training and education that is recommended by the vocational evaluator and considered necessary by the department will forfeit any additional training and education benefits and any additional payment for lost wages under this chapter. The ~~department shall adopt rules to implement this section, which shall include requirements placed upon the~~ carrier *shall* ~~to~~ notify the injured employee of the availability of training and education benefits as specified in this chapter. The Department *of Financial Services* shall ~~also~~ include information regarding the eligibility for training and education benefits in informational materials specified in ss. 440.207 and 440.40.

~~(7) PROVIDER QUALIFICATIONS.—~~

~~(a) The department shall investigate and maintain a directory of each qualified public and private rehabilitation provider, facility, and agency, and shall establish by rule the minimum qualifications, credentials, and requirements that each rehabilitation service provider, facility, and agency must satisfy to be eligible for listing in the directory. These minimum qualifications and credentials must be based on those generally accepted within the service specialty for which the provider, facility, or agency is approved.~~

~~(b) The department shall impose a biennial application fee of $25 for each listing in the directory, and all such fees must be deposited in the Workers' Compensation Administration Trust Fund.~~

~~(c) The department shall monitor and evaluate each rehabilitation service provider, facility, and agency qualified under this subsection to ensure its compliance with the minimum qualifications and credentials established by the department. The failure of a qualified rehabilitation service provider, facility, or agency to provide the department with information requested or access necessary for the department to satisfy its responsibilities under this subsection is grounds for disqualifying the provider, facility, or agency from further referrals.~~

~~(d) A qualified rehabilitation service provider, facility, or agency may not be authorized by an employer, a carrier, or the department to provide any services, including expert testimony, under this section in this state unless the provider, facility, or agency is listed or has been approved for listing in the directory. This restriction does not apply to services provided outside this state under this section.~~

~~(e) The department, after consultation with representatives of employees, employers, carriers, rehabilitation providers, and qualified training and education providers, shall adopt rules governing professional practices and standards.~~

~~(8) CARRIER PRACTICES. The department shall monitor the selection of providers and the provision of services by carriers under this section for consistency with legislative intent set forth in subsection (2).~~

(7)~~(9)~~ PERMANENT DISABILITY.—The judge of compensation claims may not adjudicate an injured employee as permanently and totally disabled until or unless the carrier is given the opportunity to provide a reemployment assessment.

Section 4. Paragraph (v) of subsection (3) of section 413.011, Florida Statutes, is amended to read:

413.011 Division of Blind Services, legislative policy, intent; internal organizational structure and powers; Rehabilitation Council for the Blind.—

(3) DIVISION STRUCTURE AND DUTIES.—The internal organizational structure of the Division of Blind Services shall be designed for the purpose of ensuring the greatest possible efficiency and effectiveness of services to the blind and to be consistent with chapter 20. The Division of Blind Services shall plan, supervise, and carry out the following activities:

(v) Receive moneys or properties by gift or bequest from any person, firm, corporation, or organization for any of the purposes herein set out, but without authority to bind the state to any expenditure or policy except such as may be specifically authorized by law. All such moneys or properties so received by gift or bequest as herein authorized may be disbursed and expended by the division upon its own warrant for any of the purposes herein set forth, and such moneys or properties shall not constitute or be considered a part of any legislative appropriation made by the state for the purpose of carrying out the provisions of this law. *When determined to be in the best interest of the division, the division may lease property received pursuant to this paragraph, and the Department of Education may enter into leases of property and sublease property on behalf of the division. Division and department leases and subleases may be to governmental, public, or nonprofit entities for the provision of blind, education, health, and other social service programs.*

Section 5. Subsection (2) of section 1004.091, Florida Statutes, is amended to read:

1004.091 Florida Distance Learning Consortium.—

(2) The Florida Distance Learning Consortium shall:

(a) Manage and promote the Florida Higher Education Distance Learning Catalog, established pursuant to s. 1004.09, to help increase student access to undergraduate distance learning courses and degree programs and to assist students seeking accelerated access in order to complete their degrees.

(b) *Beginning with the 2011-2012 academic year, implement* ~~Develop, in consultation with the Florida College System and the State University System, a plan to be submitted to the Board of Governors, the State Board of Education, the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 1, 2010, for implementing~~ a streamlined, automated, online registration process for *transient students who are* undergraduate students *currently enrolled and pursuing a degree at* ~~who have been admitted to~~ a public postsecondary educational institution and who *choose* ~~wish~~ to enroll in a course listed in the Florida Higher Education Distance Learning Catalog *which*~~, including courses offered by an institution that~~ is *offered by a public postsecondary educational institution that is* not the student's degree-granting ~~or home~~ institution. *The consortium shall work with the Florida College System and the State University System to implement this admissions application process requiring all state universities and state colleges to:* ~~The plan must describe how such a registration process can be implemented by the 2011-2012 academic year as an alternative to the standard registration process of each institution. The plan must also address:~~

1. Use the transient student admissions application available through the Florida Academic Counseling and Tracking for Students system established pursuant to s. 1007.28. This admissions application shall be the only one required for the enrollment of the transient student defined in this paragraph.

2. Implement the financial aid procedures required by the transient student admissions application process, which must include the involvement of the financial aid officers.

3. Transfer credit awarded by the institutions offering the distance learning course to the transient student's degree-granting institution.

4. By July 1, 2012, provide for an interface between the institutional system and the Florida Academic Counseling and Tracking for Students system in order to electronically send, receive, and process the transient admissions application.

~~1. Fiscal and substantive policy changes needed to address administrative, academic, and programmatic policies and procedures. Policy areas that the plan must address include, but need not be limited to, student financial aid issues, variations in fees, admission and readmission, registration prioritization issues, transfer of credit, and graduation requirements, with specific attention given to creating recommended guidelines that address students who attend more than one institution in pursuit of a degree.~~

~~2. A method for the expedited transfer of distance learning course credit awarded by an institution offering a distance learning course to a student's degree-granting or home institution upon the student's successful completion of the distance learning course.~~

~~3. Compliance with applicable technology security standards and guidelines to ensure the secure transmission of student information.~~

(c) Coordinate the negotiation of statewide licensing and preferred pricing agreements for distance learning resources and enter into agreements that result in cost savings with distance learning resource providers so that postsecondary educational institutions have the opportunity to benefit from the cost savings.

(d)1. Develop and operate a central instructional content repository that allows *public school and postsecondary educational institution users* ~~faculty~~ to search, locate, ~~and~~ use*, and contribute digital and electronic* instructional resources *and content*, including open access textbooks. In the development of *the* ~~a~~ repository, the consortium shall identify and seek partnerships ~~with similar national, state, and regional repositories~~ for the purpose of sharing instructional content. The consortium shall collaborate with the public ~~postsecondary~~ educational institutions to ensure that the repository:

a. *Is accessible by the* ~~Integrates with multiple~~ learning management systems used by the *public postsecondary educational* institutions *and the local instructional improvement systems established pursuant to s. 1006.281.*

b. Allows institutions to set appropriate copyright and access restrictions and track content usage.

c. Allows for appropriate customization.

d. Supports established protocols to access instructional content within other repositories.

2. *Provide to* ~~Develop, in consultation with~~ the *chancellors of the* Florida College System and the State University System, *recommendations* ~~a plan~~ for promoting and increasing the use of open access textbooks as a method for reducing textbook costs. The *recommendations* ~~plan shall be submitted to the Board of Governors, the State Board of Education, the Office of Policy and Budget in the Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on Education & Economic Development no later than March 1, 2010, and~~ shall include:

~~a. An inventory of existing open access textbooks.~~

a.~~b.~~ *The* ~~A listing of~~ undergraduate courses, in particular the general education courses, that would be recommended for the use of open access textbooks.

b.~~c.~~ A standardized process for the review and approval of open access textbooks.

~~d. Recommendations for encouraging and promoting faculty development and use of open access textbooks.~~

~~e. Identification of barriers to the implementation of open access textbooks.~~

c.~~f.~~ Strategies for the production and distribution of open access textbooks to ensure such textbooks may be easily accessed, downloaded, printed, or obtained as a bound version by students at either reduced or no cost.

~~g. Identification of the necessary technology security standards and guidelines to safeguard the use of open access textbooks.~~

(e) Identify and evaluate new technologies and instructional methods that can be used for improving distance learning instruction, student learning, and the overall quality of undergraduate distance learning courses and degree programs.

(f) Identify methods that will improve student access to and completion of undergraduate distance learning courses and degree programs.

Section 6. Section 1004.649, Florida Statutes, is created to read:

1004.649 Northwest Regional Data Center.—

(1) For the purpose of serving its state agency customers, the Northwest Regional Data Center at Florida State University is designated as a primary data center and shall comply with the following:

(a) Operates under a governance structure that represents its customers proportionally.

(b) Maintains an appropriate cost-allocation methodology that accurately bills state agency customers based solely on the actual direct and indirect costs of the services provided to state agency customers, and prohibits the subsidization of nonstate agency customers' costs by state agency customers.

(c) Enters into a service-level agreement with each state agency customer to provide services as defined and approved by the governing board of the center. At a minimum, such service-level agreements must:

1. Identify the parties and their roles, duties, and responsibilities under the agreement;

2. State the duration of the agreement term and specify the conditions for renewal;

3. Identify the scope of work;

4. Establish the services to be provided, the business standards that must be met for each service, the cost of each service, and the process by

which the business standards for each service are to be objectively measured and reported;

5. Provide a timely billing methodology for recovering the cost of services provided; and

6. Provide a procedure for modifying the service-level agreement to address any changes in projected costs of service.

(d) Provides to the Board of Governors the total annual budget by major expenditure category, including, but not limited to, salaries, expenses, operating capital outlay, contracted services, or other personnel services by July 30 each fiscal year.

(e) Provides to each state agency customer its projected annual cost for providing the agreed-upon data center services by August 1 each fiscal year.

(2) The Northwest Regional Data Center's designation as a primary data center for purposes of serving its state agency customers may be terminated if:

(a) The center requests such termination to the Board of Governors, the Senate President, and the Speaker of the House of Representatives; or

(b) The center fails to comply with the provisions of this section.

(3) If such designation is terminated, the center shall have 1 year to provide for the transition of its state agency customers to the Southwood Shared Resource Center or the Northwood Shared Resource Center.

Section 7. Subsection (7) is added to section 1006.72, Florida Statutes, to read:

1006.72 Licensing electronic library resources.—

(7) REPORT.—The chancellors and vice chancellors of the Florida College System and the State University System shall annually report to the Executive Office of the Governor and the chairs of the legislative appropriations committees the cost savings realized as a result of the collaborative licensing process identified in this section.

Section 8. Subsection (5) is added to section 1007.28, Florida Statutes, to read:

1007.28 Computer-assisted student advising system.—The Department of Education, in conjunction with the Board of Governors, shall establish and maintain a single, statewide computer-assisted student advising system, which must be an integral part of the process of advising, registering, and certifying students for graduation and must be accessible to all Florida students. The state universities and community colleges shall interface institutional systems with the computer-assisted advising system required by this section. The State Board of Education and the Board of Governors shall specify in the statewide articulation agreement required by s. 1007.23(1) the roles and responsibilities of the department, the state universities, and the community colleges in the design, implementation, promotion, development, and analysis of the system. The system shall consist of a degree audit and an articulation component that includes the following characteristics:

(5) The system must provide the admissions application for transient students who are undergraduate students currently enrolled and pursuing a degree at a public postsecondary educational institution and who want to enroll in a course listed in the Florida Higher Education Distance Leaning Catalog which is offered by a public postsecondary educational institution that is not the student's degree-granting institution. This system must include the electronic transfer and receipt of information and records for the following functions:

(a) Admissions and readmissions;

(b) Financial aid; and

(c) Transfer of credit awarded by the institution offering the distance learning course to the transient student's degree-granting institution.

Section 9. Paragraph (g) of subsection (3) of section 1009.605, Florida Statutes, is amended to read:

1009.605 Florida Fund for Minority Teachers, Inc.—

(3) A board of directors shall administer the corporation. The Governor shall appoint to the board at least 15 but not more than 25 members, who shall serve terms of 3 years, except that 4 of the initial members shall serve 1-year terms and 4 shall serve 2-year terms. At least 4 members must be employed by public community colleges and at least 11 members must be employed by public or private postsecondary institutions that operate colleges of education. At least one member must be a financial aid officer employed by a postsecondary education institution operating in Florida. Administrative costs for support of the Board of Directors and the Florida Fund for Minority Teachers may not exceed 5 percent of funds allocated for the program. The board shall:

(g) Carry out the training program as required for the minority teacher education scholars program. No more than 5 percent of the funds appropriated *and up to $100,000 from other available funds* for the minority teacher education scholars program may be expended *annually* for administration, including administration of the required training program.

Section 10. Section 1009.215, Florida Statutes, is created to read:

1009.215 Student enrollment pilot program for the spring and summer terms.—

(1) Subject to approval by the Board of Governors, the University of Florida may plan and implement a student enrollment pilot program for the spring and summer terms for the purpose of aligning on-campus student enrollment and the availability of instructional facilities.

(2) The pilot program shall provide for a student cohort that is limited to on-campus enrollment during the spring and summer terms. Students in this cohort are not eligible for on-campus enrollment during the fall term.

(3) Students who are enrolled in the pilot program and who are eligible to receive Bright Futures Scholarships under ss. 1009.53-1009.536 shall be eligible to receive the scholarship award for attendance in the spring and summer terms, but are not eligible to receive the scholarship for attendance during the fall term.

(4) By January 31, 2013, the University of Florida shall report to the Board of Governors, the President of the Senate, and the Speaker of the House of Representatives regarding the result of the pilot program.

Section 11. Paragraphs (a) and (c) of subsection (3) and subsections (6) and (10) of section 1009.22, Florida Statutes, are amended, present subsection (12) of that section is redesignated as subsection (13), and a new subsection (12) is added to that section, to read:

1009.22 Workforce education postsecondary student fees.—

(3)(a) Except as otherwise provided by law, fees for students who are nonresidents for tuition purposes must offset the full cost of instruction. *Residency of students shall be determined as required in s. 1009.21.* Fee-nonexempt students enrolled in vocational-preparatory instruction shall be charged fees equal to the fees charged for *adult general education programs* ~~certificate career education instruction~~. Each community college that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.

(c) *Effective July 1, 2011, for programs leading to a career certificate or an applied technology diploma, the standard tuition shall be $2.22 per contact hour for residents and nonresidents and the out-of-state fee shall be $6.66 per contact hour. For adult general education programs, a block tuition of $45 per half year or $30 per term shall be assessed for residents and nonresidents, and the out-of-state fee shall be $135 per half year or $90 per term. Each district school board and Florida College System institution board of trustees shall adopt policies and procedures for the collection of and accounting for the expenditure of the block tuition. All funds received from the block tuition shall be used only for adult general education programs. Students enrolled in adult general education programs may not be assessed the fees authorized in subsection (5), subsection (6), or subsection (7).* ~~Effective January 1, 2008, standard tuition shall be $1.67 per contact hour for programs leading to a career certificate or an applied technology diploma and 83 cents for adult general~~

~~education programs. The out-of-state fee per contact hour shall be three times the standard tuition per contact hour.~~

(6)(a) Each district school board and community college board of trustees may establish a separate fee for capital improvements, technology enhancements, ~~or~~ equipping buildings*, or the acquisition of improved real property* which may not exceed 5 percent of tuition for resident students or 5 percent of tuition and out-of-state fees for nonresident students. Funds collected by community colleges through the fee may be bonded only for the purpose of financing or refinancing new construction and equipment, renovation, ~~or~~ remodeling of educational facilities*, or the acquisition of improved real property for use as educational facilities*. The fee shall be collected as a component part of the tuition and fees, paid into a separate account, and expended only to *acquire improved real property or* construct and equip, maintain, improve, or enhance the certificate career education or adult education facilities of the school district or *the educational facilities of the* community college. Projects *and acquisitions of improved real property* funded through the use of the capital improvement fee must meet the survey and construction requirements of chapter 1013. Pursuant to s. 216.0158, each district school board and community college board of trustees shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. Capital improvement fee revenues may be pledged by a board of trustees as a dedicated revenue source to the repayment of debt, including lease-purchase agreements, with an overall term of not more than 7 years, including renewals, extensions, and refundings, and revenue bonds with a term not exceeding 20 years and not exceeding the useful life of the asset being financed, only for the new construction and equipment, renovation, or remodeling of educational facilities. Bonds authorized pursuant to this paragraph shall be requested by the community college board of trustees and shall be issued by the Division of Bond Finance in compliance with s. 11(d), Art. VII of the State Constitution and the State Bond Act. The Division of Bond Finance may pledge fees collected by one or more community colleges to secure such bonds. Any project included in the approved educational plant survey pursuant to chapter 1013 is approved pursuant to s. 11(f), Art. VII of the State Constitution. Bonds issued pursuant to the State Bond Act may be validated in the manner provided by chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the district school board or community college board of trustees. The use of capital improvement fees for such purpose shall be subordinate to the payment of any bonds secured by the fees.

(b) The state does hereby covenant with the holders of the bonds issued under paragraph (a) that it will not take any action that will materially and adversely affect the rights of such holders so long as the bonds authorized by paragraph (a) are outstanding.

(10) Each school district and community college may assess a service charge for the payment of tuition and fees in installments *and a convenience fee for the processing of automated or online credit card payments. However, the amount of the convenience fee for automated or online credit card payments may not exceed the total cost charged by the credit card company to the school district or Florida College System institution.* Such service charge *or convenience fee* must be approved by the district school board or community college board of trustees.

(12)(a) The Board of Trustees of Santa Fe College may establish a transportation access fee. Revenue from the fee may be used only to provide or improve access to transportation services for students enrolled at Santa Fe College. The fee may not exceed $6 per credit hour. An increase in the transportation access fee may occur only once each fiscal year and must be implemented beginning with the fall term. A referendum must be held by the student government to approve the application of the fee.

(b) Notwithstanding ss. 1009.534, 1009.535, and 1009.536, the transportation access fee authorized under paragraph (a) may not be included in calculating the amount a student receives for a Florida Academic Scholars award, a Florida Medallion Scholars award, or a Florida Gold Seal Vocational Scholars award.

Section 12. Paragraphs (a) and (b) of subsection (3), paragraph (c) of subsection (8), and paragraph (a) of subsection (11) of section 1009.23, Florida Statutes, are amended, present subsection (17) of that section is redesignated as subsection (19), and new subsections (17) and (18) are added to that section, to read:

1009.23 Community college student fees.—

(3)(a) Effective *July 1, 2011* ~~January 1, 2008~~, for advanced and professional, postsecondary vocational, college preparatory, and educator preparation institute programs, ~~the following tuition and fee rates shall apply:~~

~~1.~~ the standard tuition shall be *$68.56 per credit hour for residents and nonresidents, and the out-of-state fee shall be $205.82 per credit hour* ~~$51.35 per credit hour for students who are residents for tuition purposes~~.

~~2. The standard tuition shall be $51.35 per credit hour and the out-of-state fee shall be $154.14 per credit hour for students who are nonresidents for tuition purposes.~~

(b) Effective *July 1, 2011* ~~January 1, 2008~~, for baccalaureate degree programs, the following tuition and fee rates shall apply:

1. The tuition shall be *$87.42* ~~$65.47~~ per credit hour for students who are residents for tuition purposes.

2. The sum of the tuition and the out-of-state fee per credit hour for students who are nonresidents for tuition purposes shall be no more than 85 percent of the sum of the tuition and the out-of-state fee at the state university nearest the community college.

(8)

(c) Up to 25 percent or $600,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and *any* fee exemptions provided *to athletes* pursuant to s. 1009.25*(2)*~~(3)~~ *must* ~~for athletes shall~~ be distributed equitably as required by s. 1000.05(3)(d). A minimum of 75 percent of the balance of these funds for new awards shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Education shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the revenue collected pursuant to this paragraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards *that* ~~which~~ are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Education. An award for academic merit *requires* ~~shall require~~ a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(11)(a) Each community college board of trustees may establish a separate fee for capital improvements, technology enhancements, ~~or~~ equipping student buildings*, or the acquisition of improved real property* which may not exceed 10 percent of tuition for resident students or 10 percent of the sum of tuition and out-of-state fees for nonresident students. The fee for resident students shall be limited to an increase of $2 per credit hour over the prior year. Funds collected by community colleges through the fee may be bonded only as provided in this subsection for the purpose of financing or refinancing new construction and equipment, renovation, ~~or~~ remodeling of educational facilities*, or the acquisition and renovation or remodeling of improved real property for use as educational facilities*. The fee shall be collected as a component part of the tuition and fees, paid into a separate account, and expended only to *acquire improved real property or* construct and equip, maintain, improve, or enhance the educational facilities of the community college.

Projects *and acquisitions of improved real property* funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 1013. Pursuant to s. 216.0158, each community college shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee.

(17) Each Florida College System institution that accepts transient students, pursuant to s. 1004.091, may establish a transient student fee not to exceed $5 per distance learning course for processing the transient student admissions application.

(18)(a) The Board of Trustees of Santa Fe College may establish a transportation access fee. Revenue from the fee may be used only to provide or improve access to transportation services for students enrolled at Santa Fe College. The fee may not exceed $6 per credit hour. An increase in the transportation access fee may occur only once each fiscal year and must be implemented beginning with the fall term. A referendum must be held by the student government to approve the application of the fee.

(b) Notwithstanding ss. 1009.534, 1009.535, and 1009.536, the transportation access fee authorized under paragraph (a) may not be included in calculating the amount a student receives for a Florida Academic Scholars award, a Florida Medallion Scholars award, or a Florida Gold Seal Vocational Scholars award.

Section 13. Paragraph (a) of subsection (4) and paragraph (a) of subsection (16) of section 1009.24, Florida Statutes, are amended, and paragraph (t) is added to subsection (14) of that section, to read:

1009.24 State university student fees.—

(4)(a) Effective *July 1, 2011,* ~~January 1, 2008,~~ the resident undergraduate tuition for lower-level and upper-level coursework shall be *$103.32* ~~$77.39~~ per credit hour.

(14) Except as otherwise provided in subsection (15), each university board of trustees is authorized to establish the following fees:

(t) A transient student fee that may not exceed $5 per distance learning course for accepting a transient student and processing the transient student admissions application pursuant to s. 1004.091.

With the exception of housing rental rates and except as otherwise provided, fees assessed pursuant to paragraphs (h)-(s) shall be based on reasonable costs of services. The Board of Governors shall adopt regulations and timetables necessary to implement the fees and fines authorized under this subsection. The fees assessed under this subsection may be used for debt only as authorized under s. 1010.62.

(16) Each university board of trustees may establish a tuition differential for undergraduate courses upon receipt of approval from the Board of Governors. The tuition differential shall promote improvements in the quality of undergraduate education and shall provide financial aid to undergraduate students who exhibit financial need.

(a) Seventy percent of the revenues from the tuition differential shall be expended for purposes of undergraduate education. Such expenditures may include, but are not limited to, increasing course offerings, improving graduation rates, increasing the percentage of undergraduate students who are taught by faculty, decreasing student-faculty ratios, providing salary increases for faculty who have a history of excellent teaching in undergraduate courses, improving the efficiency of the delivery of undergraduate education through academic advisement and counseling, and reducing the percentage of students who graduate with excess hours. This expenditure for undergraduate education may not be used to pay the salaries of graduate teaching assistants. Except as otherwise provided in this subsection, the remaining 30 percent of the revenues from the tuition differential, or the equivalent amount of revenue from private sources, shall be expended to provide financial aid to undergraduate students who exhibit financial need, including students who are scholarship recipients under s. 1009.984, to meet the cost of university attendance. This expenditure for need-based financial aid shall not supplant the amount of need-based aid provided to undergraduate students in the preceding fiscal year from financial aid fee revenues, the direct appropriation for financial assistance provided to state universities in the General Appropriations Act, or from private sources. The total amount of tuition differential waived under subparagraph (b)8. may be included in calculating the expenditures for need-based financial aid to undergraduate students required by this subsection. *If the entire tuition and fee costs of resident students who have applied for and received Pell Grant funds have been met and the university has excess funds remaining from the 30 percent of the revenues from the tuition differential required to be used to assist students who exhibit financial need, the university may expend the excess portion in the same manner as required for the other 70 percent of the tuition differential revenues.*

Section 14. Section 1009.25, Florida Statutes, is amended to read:

1009.25 Fee exemptions.—

~~(1) The following Students are exempt from any requirement for the payment of tuition and fees, including lab fees, for adult basic, adult secondary, or career preparatory instruction:~~

~~(a) A student who does not have a high school diploma or its equivalent.~~

~~(b) A student who has a high school diploma or its equivalent and who has academic skills at or below the eighth grade level pursuant to state board rule. A student is eligible for this exemption from fees if the student's skills are at or below the eighth grade level as measured by a test administered in the English language and approved by the Department of Education, even if the student has skills above that level when tested in the student's native language.~~

(1)~~(2)~~ The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides postsecondary career programs, community college, or state university:

(a) A student enrolled in a dual enrollment or early admission program pursuant to s. 1007.27 or s. 1007.271.

(b) A student enrolled in an approved apprenticeship program, as defined in s. 446.021.

(c) A student who is or was at the time he or she reached 18 years of age in the custody of the Department of Children and Family Services or who, after spending at least 6 months in the custody of the department after reaching 16 years of age, was placed in a guardianship by the court. Such exemption includes fees associated with enrollment in career-preparatory instruction. The exemption remains valid until the student reaches 28 years of age.

(d) A student who is or was at the time he or she reached 18 years of age in the custody of a relative under s. 39.5085 or who was adopted from the Department of Children and Family Services after May 5, 1997. Such exemption includes fees associated with enrollment in career-preparatory instruction. The exemption remains valid until the student reaches 28 years of age.

(e) A student enrolled in an employment and training program under the welfare transition program. The regional workforce board shall pay the state university, community college, or school district for costs incurred for welfare transition program participants.

(f) A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(g) A student who is a proprietor, owner, or worker of a company whose business has been at least 50 percent negatively financially impacted by the buyout of property around Lake Apopka by the State of Florida. Such student may receive a fee exemption only if the student has not received compensation because of the buyout, the student is designated a Florida resident for tuition purposes, pursuant to s. 1009.21, and the student has applied for and been denied financial aid, pursuant to s. 1009.40, which would have provided, at a minimum, payment of all student fees. The student is responsible for providing evidence to the postsecondary education institution verifying that the conditions of this paragraph have been met, including supporting documentation provided by the Department of Revenue. The student must be currently enrolled in, or begin coursework within, a program area by fall semester 2000. The exemption is valid for a period of 4 years after

the date that the postsecondary education institution confirms that the conditions of this paragraph have been met.

(2)~~(3)~~ Each community college is authorized to grant student fee exemptions from all fees adopted by the State Board of Education and the community college board of trustees for up to 40 full-time equivalent students at each institution.

Section 15. Subsection (8) of section 1009.26, Florida Statutes, is amended to read:

1009.26 Fee waivers.—

(8) A state university or community college shall waive undergraduate tuition for each recipient of a Purple Heart or another combat decoration superior in precedence who:

(a) Is enrolled as a full-time, part-time, or summer-school student in an undergraduate program that terminates in a degree or certificate;

(b) Is currently, and was at the time of the military action that resulted in the awarding of the Purple Heart or other combat decoration superior in precedence, a resident of this state; and

(c) Submits to the state university or the community college the DD-214 form issued at the time of separation from service as documentation that the student has received a Purple Heart or another combat decoration superior in precedence. *If the DD-214 is not available, other documentation may be acceptable if recognized by the United States Department of Defense or the United States Department of Veterans Affairs as documenting the award.*

Such a waiver for a Purple Heart recipient or recipient of another combat decoration superior in precedence shall be applicable for 110 percent of the number of required credit hours of the degree or certificate program for which the student is enrolled.

Section 16. Subsections (2) and (7) of section 1009.286, Florida Statutes, are amended to read:

1009.286 Additional student payment for hours exceeding baccalaureate degree program completion requirements at state universities.—

(2) State universities shall require a student to pay an excess hour surcharge equal to *100* ~~50~~ percent of the tuition rate for each credit hour in excess of *115* ~~120~~ percent of the number of credit hours required to complete the baccalaureate degree program in which the student is enrolled.

(7) The provisions of this section become effective for students who enter a community college or a state university for the first time in the *2011-2012* ~~2009-2010~~ academic year and thereafter.

Section 17. Paragraphs (b) and (c) of subsection (6) of section 1009.531, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

1009.531 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(6)

(b) The State Board of Education shall publicize the examination score required for a student to be eligible for a Florida Medallion Scholars award, pursuant to s. 1009.535(1)(a) or (b), as follows:

1. For high school students graduating in the 2010-2011 academic year, the student must earn an SAT score of 970 or a concordant ACT score of 20 or the student in a home education program whose parent cannot document a college-preparatory curriculum must earn an SAT score of 1070 or a concordant ACT score of 23.

2. For high school students graduating in the 2011-2012 academic year, the student must earn an SAT score of 980 which corresponds to the 44th SAT percentile rank or a concordant ACT score of 21 or the student in a home education program whose parent cannot document a college-preparatory curriculum must earn an SAT score of 1070 or a concordant ACT score of 23.

3. For high school students graduating in the 2012-2013 academic year, the student must earn an SAT score of 1020 which corresponds to the *51st* ~~50th~~ SAT percentile rank or a concordant ACT score of 22 or the student in a home education program whose parent cannot document a college-preparatory curriculum must earn an SAT score of 1070 or a concordant ACT score of 23.

4. For high school students graduating in the 2013-2014 academic year and thereafter, the student must earn an SAT score of *1170* ~~1050~~ which corresponds to the *75th* ~~56th~~ SAT percentile rank or a concordant ACT score of *26* ~~23~~ or the student in a home education program whose parent cannot document a college-preparatory curriculum must earn an SAT score of *1220* ~~1100~~ or a concordant ACT score of *27* ~~24~~.

(c) The SAT percentile ranks and corresponding SAT scores specified in paragraphs (a) and (b) are based on the SAT percentile ranks for *2010* ~~2009~~ college-bound seniors in critical reading and mathematics as reported by the College Board. The next highest SAT score is used when the percentile ranks do not directly correspond.

(7) To be eligible for an award under the Florida Bright Futures Scholarship Program, a student must submit a Free Application for Federal Student Aid which is complete and error free prior to disbursement.

Section 18. Subsection (1) of section 1009.534, Florida Statutes, is amended to read:

1009.534 Florida Academic Scholars award.—

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

(a) Has achieved a 3.5 weighted grade point average as calculated pursuant to s. 1009.531, or its equivalent, in high school courses that are designated by the State Board of Education as college-preparatory academic courses; and has attained at least the score pursuant to s. 1009.531(6)(a) on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program;

(b) Has attended a home education program according to s. 1002.41 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma or has completed the Advanced International Certificate of Education curriculum but failed to earn the Advanced International Certificate of Education Diploma, and has attained at least the score pursuant to s. 1009.531(6)(a) on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program;

(c) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office or an Advanced International Certificate of Education Diploma from the University of Cambridge International Examinations Office;

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

(e) Has been recognized by the National Hispanic Recognition Program as a scholar recipient.

A student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work *for high school students graduating in the 2010-2011 academic year and 100 hours of service work for high school students graduating in the 2011-2012 academic year and thereafter, and must* ~~and require the student to~~ identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

Section 19. Subsection (1) of section 1009.535, Florida Statutes, is amended to read:

1009.535 Florida Medallion Scholars award.—

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

(a) Has achieved a weighted grade point average of 3.0 as calculated pursuant to s. 1009.531, or the equivalent, in high school courses that are designated by the State Board of Education as college-preparatory academic courses; and has attained at least the score pursuant to s. 1009.531(6)(b) on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program;

(b) Has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma or has completed the Advanced International Certificate of Education curriculum but failed to earn the Advanced International Certificate of Education Diploma, and has attained at least the score pursuant to s. 1009.531(6)(b) on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program;

(c) Has attended a home education program according to s. 1002.41 during grades 11 and 12 and has attained at least the score pursuant to s. 1009.531(6)(b) on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program, if the student's parent cannot document a college-preparatory curriculum as described in paragraph (a);

(d) Has been recognized by the merit or achievement program of the National Merit Scholarship Corporation as a scholar or finalist but has not completed a program of community service as provided in s. 1009.534; or

(e) Has been recognized by the National Hispanic Recognition Program as a scholar, but has not completed a program of community service as provided in s. 1009.534.

A high school student graduating in the 2011-2012 academic year and thereafter must complete a program of community service work approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work, and must identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

Section 20. Paragraph (e) is added to subsection (1) of section 1009.536, Florida Statutes, to read:

1009.536 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and career preparation by high school students who wish to continue their education.

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

(e) Beginning with high school students graduating in the 2011-2012 academic year and thereafter, completes a program of community service work approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 30 hours of service work, and identifies a social problem that interests him or her, develops a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluates and reflects upon his or her experience.

Section 21. Subsection (4) is added to section 1009.55, Florida Statutes, to read:

1009.55 Rosewood Family Scholarship Program.—

(4) Funding for the program shall be as provided in the General Appropriations Act.

Section 22. Subsection (7) is added to section 1009.56, Florida Statutes, to read:

1009.56 Seminole and Miccosukee Indian Scholarships.—

(7) Funding for the program shall be as provided in the General Appropriations Act.

Section 23. Subsection (3) is added to section 1009.57, Florida Statutes, to read:

1009.57 Florida Teacher Scholarship and Forgivable Loan Program.—

(3) Funding for the program shall be as provided in the General Appropriations Act.

Section 24. Subsection (7) is added to section 1009.60, Florida Statutes, to read:

1009.60 Minority teacher education scholars program.—There is created the minority teacher education scholars program, which is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-American, and Native American students. The participants in the program include Florida's community colleges and its public and private universities that have teacher education programs.

(7) Funding for the program shall be as provided in the General Appropriations Act.

Section 25. Subsection (8) is added to section 1009.68, Florida Statutes, to read:

1009.68 Florida Minority Medical Education Program.—

(8) Funding for the program shall be as provided in the General Appropriations Act.

Section 26. Subsection (5) is added to section 1009.69, Florida Statutes, to read:

1009.69 Virgil Hawkins Fellows Assistance Program.—

(5) Funding for the program shall be as provided in the General Appropriations Act.

Section 27. Subsections (5) and (6) of section 1009.701, Florida Statutes, are amended to read:

1009.701 First Generation Matching Grant Program.—

(5) In order to be eligible to receive a grant pursuant to this section, an applicant must:

(a) Be a resident for tuition purposes pursuant to s. 1009.21.

(b) Be a first-generation college student. For the purposes of this section, a student is considered "first generation" if neither of the student's parents, as defined in s. 1009.21(1), earned a college degree at the baccalaureate level or higher or, in the case of any individual who regularly resided with and received support from only one parent, if that parent did not earn a baccalaureate degree.

(c) Be accepted at a state university.

(d) Be enrolled for a minimum of six credit hours per term as a degree-seeking undergraduate student.

(e) Have *submitted a Free Application for Federal Student Aid which is complete and error free prior to disbursement and* met the eligibility requirements in s. 1009.50 for demonstrated financial need for the Florida Public Student Assistance Grant Program.

(f) Meet additional eligibility requirements as established by the institution.

(6) The award amount shall be based on the student's need assessment after any scholarship or grant aid, including, but not limited to, a Pell Grant or a Bright Futures Scholarship, has been applied. *The first priority of funding shall be given to students who demonstrate need by qualifying and receiving federal Pell Grant funds up to the full cost of tuition and fees per term.* An award may not exceed the institution's estimated annual cost of attendance for the student to attend the institution.

Section 28. Subsection (11) is added to section 1009.73, Florida Statutes, to read:

1009.73 Mary McLeod Bethune Scholarship Program.—

(11) Funding for the program shall be as provided in the General Appropriations Act.

Section 29. Subsection (4) is added to section 1009.74, Florida Statutes, to read:

1009.74 The Theodore R. and Vivian M. Johnson Scholarship Program.—

(4) Funding for the program shall be as provided in the General Appropriations Act.

Section 30. Paragraph (c) of subsection (8) of section 1009.77, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

1009.77 Florida Work Experience Program.—

(8) A student is eligible to participate in the Florida Work Experience Program if the student:

(c) *Submits a Free Application for Federal Student Aid which is complete and error free prior to disbursement and* demonstrates financial need*, with the first priority of funding given to students who demonstrate need by qualifying and receiving federal Pell Grant funds up to the full cost of tuition and fees per term*.

(11) Funding for the program shall be as provided in the General Appropriations Act.

Section 31. Subsection (4) and paragraph (a) of subsection (5) of section 1009.89, Florida Statutes, are amended to read:

1009.89 The William L. Boyd, IV, Florida resident access grants.—

(4) A person is eligible to receive such William L. Boyd, IV, Florida resident access grant if:

(a) He or she meets the general requirements, including residency, for student eligibility as provided in s. 1009.40, except as otherwise provided in this section; ~~and~~

(b)1. He or she is enrolled as a full-time undergraduate student at an eligible college or university;

2. He or she is not enrolled in a program of study leading to a degree in theology or divinity; and

3. He or she is making satisfactory academic progress as defined by the college or university in which he or she is enrolled*; and*~~.~~

(c) He or she submits a Free Application for Federal Student Aid which is complete and error free prior to disbursement.

(5)(a) Funding for the William L. Boyd, IV, Florida Resident Access Grant Program *for eligible institutions* shall be *as provided in the General Appropriations Act* ~~based on a formula composed of planned enrollment and the state cost of funding undergraduate enrollment at public institutions pursuant to s. 1011.90. The amount of the William L. Boyd, IV, Florida resident access grant issued to a full-time student shall be an amount as specified in the General Appropriations Act.~~ The William L. Boyd, IV, Florida resident access grant may be paid on a prorated basis in advance of the registration period. The department shall make such payments to the college or university in which the student is enrolled for credit to the student's account for payment of tuition and fees. Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances or refunds within 60 days of the end of regular registration. *A student is* ~~Students shall~~ not ~~be~~ eligible to receive the award for more than 9 semesters or 14 quarters, except as otherwise provided in s. 1009.40(3).

Section 32. Subsections (4) and (7) of section 1009.891, Florida Statutes are amended to read:

1009.891 The Access to Better Learning and Education Grant Program.—

(4) A person is eligible to receive an access grant if:

(a) He or she meets the general requirements, including residency, for student eligibility as provided in s. 1009.40, except as otherwise provided in this section; ~~and~~

(b)1. He or she is enrolled as a full-time undergraduate student at an eligible college or university in a program of study leading to a baccalaureate degree;

2. He or she is not enrolled in a program of study leading to a degree in theology or divinity; and

3. He or she is making satisfactory academic progress as defined by the college or university in which he or she is enrolled*; and*~~.~~

(c) He or she submits a Free Application for Federal Student Aid which is complete and error free prior to disbursement.

(7) *Funding for the program shall be as provided in the General Appropriations Act.* ~~This section shall be implemented only to the extent specifically funded and authorized by law.~~

Section 33. Subsection (13) is added to section 1011.32, Florida Statutes, to read:

1011.32 Community College Facility Enhancement Challenge Grant Program.—

(13) Effective July 1, 2011, state matching funds are temporarily suspended for donations received for the program on or after June 30, 2011. Existing eligible donations remain eligible for future matching funds. The program may be restarted after $200 million of the backlog for programs under ss. 1011.32, 1011.85, 1011.94, and 1013.79 have been matched.

Section 34. Paragraph (c) of subsection (1) of section 1011.61, Florida Statutes, is amended to read:

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(1) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed in s. 1011.62(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 1011.62(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student~~, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation,~~ in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2. The difference between that fraction or sum of fractions and the maximum value as set forth in subsection (4) for each full-time student is presumed to be the balance of the student's time not spent in such

special education programs and shall be recorded as time in the appropriate basic program.

(II) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

(III) A full-time equivalent student for students in kindergarten through grade 5 in a school district virtual instruction program under s. 1002.45 shall consist of a student who has successfully completed a basic program listed in s. 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade level.

(IV) A full-time equivalent student for students in grades 6 through 12 in a school district virtual instruction program under s. 1002.45(1)(b) 1. and 2. shall consist of six full credit completions in programs listed in s. 1011.62(1)(c)1.b. or c. and 3. Credit completions can be a combination of either full credits or half credits.

(V) A Florida Virtual School full-time equivalent student shall consist of six full credit completions in the programs listed in s. 1011.62(1)(c) 1.b. for grades 6 through 8 and the programs listed in s. 1011.62(1)(c)1.c. for grades 9 through 12. Credit completions can be a combination of either full credits or half credits.

(VI) Each successfully completed credit earned under the alternative high school course credit requirements authorized in s. 1002.375, which is not reported as a portion of the 900 net hours of instruction pursuant to subparagraph (1)(a)1., shall be calculated as $^1/_6$ FTE.

2. A student in membership in a program scheduled for more or less than 180 school days or the equivalent on an hourly basis as specified by rules of the State Board of Education is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students enrolled in juvenile justice education programs and the Florida Virtual School.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum school day.

Section 35. Subsections (6), (7), and (10) of section 1011.80, Florida Statutes, are amended to read:

1011.80 Funds for operation of workforce education programs.—

(6)(a) A school district or a community college that provides workforce education programs shall receive funds in accordance with distributions for base and performance funding established by the Legislature in the General Appropriations Act. *To ensure equitable funding for all school district workforce education programs and to recognize enrollment growth, the Department of Education shall use the funding model developed by the District Workforce Education Funding Steering Committee to determine each district's workforce education funding needs. To assist the Legislature in allocating workforce education funds in the General Appropriations Act, the funding model shall annually be provided to the legislative appropriations committees no later than March 1.* ~~If the General Appropriations Act does not provide for the distribution of funds, the following methodology shall apply:~~

~~1. Base funding shall be allocated based on weighted enrollment and shall not exceed 90 percent of the allocation. The Department of Education shall develop a funding process for school district workforce education programs that is comparable with community college workforce programs.~~

~~2. Performance funding shall be at least 10 percent of the allocation, based on the previous fiscal year's achievement of output and outcomes in accordance with formulas adopted pursuant to subsection (10). Performance funding must incorporate payments for at least three levels of placements that reflect wages and workforce demand. Payments for completions must not exceed 60 percent of the payments for placement. School districts and community colleges shall be awarded funds pursuant to this paragraph based on performance output data and performance outcome data available in that year.~~

(b) A program is established to assist school districts and community colleges in responding to the needs of new and expanding businesses and thereby strengthening the state's workforce and economy. The program may be funded in the General Appropriations Act. ~~A school district or community college may expend funds under the program without regard to performance criteria set forth in subparagraph (a)2.~~ The district or community college shall use the program to provide customized training for businesses which satisfies the requirements of s. 288.047. Business firms whose employees receive the customized training must provide 50 percent of the cost of the training. Balances remaining in the program at the end of the fiscal year shall not revert to the general fund, but shall be carried over for 1 additional year and used for the purpose of serving incumbent worker training needs of area businesses with fewer than 100 employees. Priority shall be given to businesses that must increase or upgrade their use of technology to remain competitive.

(7)*(a)* A school district or community college that receives workforce education funds must use the money to benefit the workforce education programs it provides. The money may be used for equipment upgrades, program expansions, or any other use that would result in workforce education program improvement. The district school board or community college board of trustees may not withhold any portion of the performance funding for indirect costs.

(b) State funds provided for the operation of postsecondary workforce programs may not be expended for the education of state or federal inmates.

(10) A high school student dually enrolled under s. 1007.271 in a workforce education program operated by a community college or school district career center generates the amount calculated for workforce education funding, including any payment of performance funding, and the proportional share of full-time equivalent enrollment generated through the Florida Education Finance Program for the student's enrollment in a high school. If a high school student is dually enrolled in a community college program, including a program conducted at a high school, the community college earns the funds generated for workforce education funding, and the school district earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a career center operated by the same district as the district in which the student attends high school, that district earns the funds generated for workforce education funding and also earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a workforce education program provided by a career center operated by a different school district, the funds must be divided between the two school districts proportionally from the two funding sources. A student may not be reported for funding in a dual enrollment workforce education program unless the student has completed the basic skills assessment pursuant to s. 1004.91. *A student who is coenrolled in a K-12 education program and an adult education program may not be reported for purposes of funding in an adult education program, except that for the 2011-2012 fiscal year only, students who are coenrolled in core curricula courses for credit recovery or dropout prevention purposes may be reported for funding for up to two courses per student. Such students are exempt from the payment of the block tuition for adult general education programs provided in s. 1009.22(3)(c).*

Section 36. Subsection (3) is added to section 1011.81, Florida Statutes, to read:

1011.81 Community College Program Fund.—

(3) State funds provided for the Community College Program Fund may not be expended for the education of state or federal inmates.

Section 37. Subsection (2) of section 1011.85, Florida Statutes, is amended, and subsection (13) is added to that section, to read:

1011.85 Dr. Philip Benjamin Matching Grant Program for Community Colleges.—

(2) Each community college board of trustees receiving state appropriations under this program shall approve each gift to ensure alignment with the unique mission of the community college. The board of trustees must link all requests for a state match to the goals and mission statement. The Florida Community College Foundation Board receiving state appropriations under this program shall approve each gift to ensure

alignment with its goals and mission statement. *Funds received from community events and festivals are not eligible for state matching funds under this program.*

(13) Effective July 1, 2011, state matching funds are temporarily suspended for donations received for this program on or after June 30, 2011. Existing eligible donations remain eligible for future matching funds. The program may be restarted after $200 million of the backlog for programs under ss. 1011.32, 1011.85, 1011.94, and 1013.79 have been matched.

Section 38. Subsection (8) is added to section 1011.94, Florida Statutes, to read:

1011.94 University Major Gifts Program.—

(8) Effective July 1, 2011, state matching funds are temporarily suspended for donations received for this program on or after June 30, 2011. Existing eligible donations remain eligible for future matching funds. The program may be restarted after $200 million of the backlog for programs under ss. 1011.32, 1011.85, 1011.94, and 1013.79 have been matched.

Section 39. Subsection (4) is added to section 1012.885, Florida Statutes, to read:

1012.885 Remuneration of community college presidents; limitations.—

(4) LIMITATION ON REMUNERATION.—Notwithstanding the provisions of this section, for the 2011-2012 fiscal year, a Florida College System institution president may not receive more than $200,000 in remuneration from appropriated state funds. Only compensation, as defined in s. 121.021(22), provided to a Florida College System institution president may be used in calculating benefits under chapter 121.

Section 40. Section 1012.886, Florida Statutes, is created to read:

1012.886 Remuneration of Florida College System institution administrative employees; limitations.—

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

(a) "Appropriated state funds" means funds appropriated from the General Revenue Fund or funds appropriated from state trust funds.

(b) "Cash-equivalent compensation" means any benefit that may be assigned an equivalent cash value.

(c) "Remuneration" means salary, bonuses, and cash-equivalent compensation paid to a Florida College System institution administrative employee by his or her employer for work performed, excluding health insurance benefits and retirement benefits.

(2) LIMITATION ON COMPENSATION.—Notwithstanding any other law, resolution, or rule to the contrary, a Florida College System institution administrative employee may not receive more than $200,000 in remuneration annually from appropriated state funds. Only compensation, as such term is defined in s. 121.021(22), provided to a Florida College System institution administrative employee may be used in calculating benefits under chapter 121.

(3) EXCEPTIONS.—This section does not prohibit any party from providing cash or cash-equivalent compensation from funds that are not appropriated state funds to a Florida College System institution administrative employee in excess of the limit in subsection (2). If a party is unable or unwilling to fulfill an obligation to provide cash or cash-equivalent compensation to a Florida College System institution administrative employee as permitted under this subsection, appropriated state funds may not be used to fulfill such obligation. This section does not apply to Florida College System institution teaching faculty.

(4) EXPIRATION.—This section expires June 30, 2012.

Section 41. Subsection (4) is added to section 1012.975, Florida Statutes, to read:

1012.975 Remuneration of state university presidents; limitations.—

(4) LIMITATION ON REMUNERATION.—Notwithstanding the provisions of this section, for the 2011-2012 fiscal year, a state university president may not receive more than $200,000 in remuneration from public funds. Only compensation, as defined in s. 121.021(22), provided to a state university president may be used in calculating benefits under chapter 121.

Section 42. Section 1012.976, Florida Statutes, is created to read:

1012.976 Remuneration of state university administrative employees; limitations.—

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

(a) "Appropriated state funds" means funds appropriated from the General Revenue Fund or funds appropriated from state trust funds.

(b) "Cash-equivalent compensation" means any benefit that may be assigned an equivalent cash value.

(c) "Remuneration" means salary, bonuses, and cash-equivalent compensation paid to a state university administrative employee by his or her employer for work performed, excluding health insurance benefits and retirement benefits.

(2) LIMITATION ON COMPENSATION.—Notwithstanding any other law, resolution, or rule to the contrary, a state university administrative employee may not receive more than $200,000 in remuneration annually from appropriated state funds. Only compensation, as such term is defined in s. 121.021(22), provided to a state university administrative employee may be used in calculating benefits under chapter 121.

(3) EXCEPTIONS.—This section does not prohibit any party from providing cash or cash-equivalent compensation from funds that are not appropriated state funds to a state university administrative employee in excess of the limit in subsection (2). If a party is unable or unwilling to fulfill an obligation to provide cash or cash-equivalent compensation to a state university administrative employee as permitted under this subsection, appropriated state funds may not be used to fulfill such obligation. This section does not apply to university teaching faculty or medical school faculty or staff.

(4) EXPIRATION.—This section expires June 30, 2012.

Section 43. Subsection (12) of section 1013.33, Florida Statutes, is amended to read:

1013.33 Coordination of planning with local governing bodies.—

(12) As early in the design phase as feasible and consistent with an interlocal agreement entered pursuant to subsections (2)-(8), but no later than 90 days before commencing construction, the district school board shall in writing request a determination of consistency with the local government's comprehensive plan. The local governing body that regulates the use of land shall determine, in writing within 45 days after receiving the necessary information and a school board's request for a determination, whether a proposed educational facility is consistent with the local comprehensive plan and consistent with local land development regulations. If the determination is affirmative, school construction may commence and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a district school board's request for a determination of consistency shall be considered an approval of the district school board's application. Campus master plans and development agreements must comply with the provisions of *s.* ~~ss.~~ 1013.30 ~~and 1013.63~~.

Section 44. *Section 1013.63, Florida Statutes, is repealed.*

Section 45. Subsection (12) is added to section 1013.79, Florida Statutes, to read:

1013.79 University Facility Enhancement Challenge Grant Program.—

(12) Effective July 1, 2011, state matching funds are temporarily suspended for donations received for this program on or after June 30, 2011. Existing eligible donations remain eligible for future matching funds. The program may be restarted after $200 million of the backlog for

programs under ss. 1011.32, 1011.85, 1011.94, and 1013.79 have been matched.

Section 46. Section 1013.737, Florida Statutes, is amended to read:

1013.737 The Class Size Reduction *and Educational Facilities* Lottery Revenue Bond Program.—There is established the Class Size Reduction *and Educational Facilities* Lottery Revenue Bond Program.

(1) The issuance of revenue bonds is authorized to finance or refinance the construction, acquisition, reconstruction, or renovation of educational facilities. Such bonds shall be issued pursuant to and in compliance with the provisions of s. 11(d), Art. VII of the State Constitution, the provisions of the State Bond Act, ss. 215.57-215.83, as amended, and the provisions of this section.

(2) The bonds are payable from, and secured by a first lien on, the first lottery revenues transferred to the Educational Enhancement Trust Fund each fiscal year, as provided by s. 24.121(2), and do not constitute a general obligation of, or a pledge of the full faith and credit of, the state.

(3) The state hereby covenants with the holders of such revenue bonds that it will not take any action that will materially and adversely affect the rights of such holders so long as bonds authorized by this section are outstanding. The state does hereby additionally authorize the establishment of a covenant in connection with the bonds which provides that any additional funds received by the state from new or enhanced lottery programs; video gaming; banking card games, including baccarat, chemin de fer, or blackjack; electronic or electromechanical facsimiles of any game of chance; casino games; slot machines; or other similar activities will first be available for payments relating to bonds pledging revenues available pursuant to s. 24.121(2), prior to use for any other purpose.

(4) The bonds shall be issued by the Division of Bond Finance of the State Board of Administration on behalf of the Department of Education in such amount as shall be requested by resolution of the State Board of Education. However, the total principal amount of bonds, excluding refunding bonds, issued pursuant to this section shall not exceed amounts specifically authorized in the General Appropriations Act.

(5) Proceeds available from the sale of the bonds shall be deposited in the Lottery Capital Outlay and Debt Service Trust Fund within the Department of Education.

(6) The facilities to be financed with the proceeds of such bonds are designated as state fixed capital outlay projects for purposes of s. 11(d), Art. VII of the State Constitution, and the specific facilities to be financed shall be determined in accordance with state law and appropriations from the Educational Enhancement Trust Fund. Projects shall be funded from the Lottery Capital Outlay and Debt Service Trust Fund. Each educational facility to be financed with the proceeds of the bonds issued pursuant to this section is hereby approved as required by s. 11(f), Art. VII of the State Constitution.

(7) Any complaint for validation of such bonds is required to be filed only in the circuit court of the county where the seat of state government is situated. The notice required to be published by s. 75.06 is required to be published only in the county where the complaint is filed, and the complaint and order of the circuit court need be served only on the state attorney of the circuit in which the action is pending.

(8) The Commissioner of Education shall provide for timely encumbrances of funds for duly authorized projects. Encumbrances may include proceeds to be received under a resolution approved by the State Board of Education authorizing issuance of class size reduction lottery bonds *or educational facilities bonds* pursuant to s. 11(d), Art. VII of the State Constitution, this section, and other applicable law.

Section 47. *The Department of Education shall work with the College Center for Library Automation (CCLA) to transfer the K-12 public school bibliographic database in standard library data format to the CCLA for inclusion in its online discovery tool product and make it publicly searchable by school district students, staff, and parents no later than September 1, 2011. The department shall also develop an ongoing process to provide for the electronic updating of school district library holdings data to the CCLA in a manner that will ensure that the public school bibliographic database and searchable catalog is current.*

Section 48. *By January 1, 2012, the Chancellors of the State University System and the Florida College System shall submit a plan to the Executive Office of the Governor and to the legislative appropriations committees for establishing a joint library organization to address the needs of academic libraries in the State University System and the Florida College System that replaces the Florida Center for Library Automation and the College Center for Library Automation. The plan must include, but need not be limited to, the following components:*

(1) A proposed governance and reporting structure for the joint library organization.

(2) Recommended staffing for the joint library organization, which includes roles and responsibilities.

(3) A recommended process and schedule for the acquisition of a next generation library management system and its associated services which includes a discovery tool provided by the joint library organization. The library management system will replace the current systems and services provided by the Florida Center for Library Automation and the College Center for Library Automation. The process for acquiring the next generation library management system must involve the identification of the functional requirements necessary to meet the needs of the postsecondary education library users and be scalable in order to meet any additional library user needs that are identified as being necessary and in the best interest of the state.

(4) A proposed schedule for consolidating the computing and data center resources and equipment provided by the Florida Center for Library Automation and the College Center for Library Automation to a statutorily established or designated primary data center no later than December 1, 2012, or for decommissioning the computing and data center resources and equipment that are no longer required by the joint library organization and are currently located at and managed by the Florida Center for Library Automation and the College Center for Library Automation.

(5) A proposed operational budget for the joint library organization which is more cost-effective than separately funding both the Florida Center for Library Automation and the College Center for Library Automation.

(6) Proposed substantive and fiscal policy changes needed to implement the joint library organization.

(7) A timeline and implementation strategies for establishing the joint library organization.

Section 49. *Notwithstanding any section of law to the contrary, for the fiscal 2011-2012 year only, a university board of trustees is authorized to expend reserve or carry-forward balances from prior year operational and programmatic appropriations on legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.*

Section 50. *The Florida College System Council of Presidents shall develop and recommend an equitable funding formula for the distribution of Public Educational Capital Outlay funds to the Florida College System institutions. The Florida College System Council of Presidents shall submit a report, with recommendations, to the State Board of Education, the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2011, which specifically includes a proposed funding formula that provides for the equitable distribution of Public Educational Capital Outlay funds to Florida College System institutions for consideration by the Legislature for implementation in the 2012-2013 fiscal year.*

Section 51. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to postsecondary education funding; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information regarding the gross receipts tax to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research; amending s. 215.61, F.S.; requiring that, for purposes of servicing public education capital outlay bonds, the State Board of Education disregard the effects on the gross receipts tax revenues collected during a tax period of a refund resulting from a specified

settlement agreement; amending s. 440.491, F.S.; revising definitions; revising legislative intent; eliminating regulatory and monitoring responsibilities of the Department of Education with respect to rehabilitation providers and services; authorizing referral of an injured employee to the Department of Education for vocational evaluation; authorizing referral to the Agency for Workforce Innovation or any successor agency for reemployment services; authorizing interagency agreements between the Department of Education and an agency providing reemployment services; authorizing the expenditure of funds from the Workers Compensation Trust Fund for reemployment services; deleting provisions specifying qualifications for rehabilitation providers and requiring rehabilitation provider fees; amending s. 413.011, F.S.; authorizing the Division of Blind Services to lease property and the Department of Education to enter into leases and subleases on behalf of the division; amending s. 1004.091, F.S.; revising provisions relating to the duties of the Florida Distance Learning Consortium; requiring that the consortium implement a streamlined, automated, online registration process for transient students who are undergraduate students currently enrolled and pursuing a degree at a public postsecondary educational institution; requiring that the consortium work with the Florida College System and the State University System to implement the admissions application process; providing certain requirements for state universities and state colleges; revising requirements for the central instructional content repository; creating s. 1004.649, F.S.; designating the Northwest Regional Data Center at Florida State University as a primary data center; providing requirements for the data center; requiring the data center to provide its annual budget costs to the Board of Governors of the State University System; specifying circumstances under which the data center's designation may be terminated; amending s. 1006.72, F.S.; revising provisions relating to the licensing of electronic library resources; requiring that the chancellors and vice chancellors of the Florida College System and the State University System report cost savings resulting from the collaborative licensing process to the Executive Office of the Governor and the chairs of the legislative appropriations committees; amending s. 1007.28, F.S.; revising provisions relating to the computer-assisted student advising system; requiring that the system provide for a transient student admissions application process for certain students; amending s. 1009.605, F.S.; providing for additional funds to be expended for administration of the Florida Fund for Minority Teachers, Inc.; creating s. 1009.215, F.S.; authorizing the University of Florida, with the approval of the Board of Governors of the State University System, to plan and implement a pilot program for students to enroll for the spring and summer terms rather than the fall terms in order to align student enrollment with available instructional staff and facilities; providing for eligibility for the Bright Futures Scholarship to conform to periods of a student's enrollment; requiring that the university report the status of the pilot program to the Board of Governors and the Legislature by a specified date; amending s. 1009.22, F.S.; revising provisions relating to workforce education postsecondary student fees; revising the standard tuition for programs leading to a career certificate or an applied technology diploma; requiring that a block tuition be assessed for residents and nonresidents enrolled in adult general education programs; providing that a separate fee may be used for the acquisition of improved real property by the district school board or the community college board of trustees; authorizing the assessment of a convenience fee for processing online credit card payments; providing certain limitations; authorizing the Board of Trustees of Santa Fe College to establish a transportation access fee for students enrolled at Santa Fe College; requiring that revenue from the fee be used only to provide or improve access to transportation services; limiting the amount of the fee; providing a timeframe for a fee increase and implementation of an increase; requiring that a referendum be held by the student government to approve the application of the fee; prohibiting the inclusion of the fee in calculating the amount a student receives under Florida Bright Futures Scholarship Program awards; amending s. 1009.23, F.S.; revising provisions relating to community college student fees, including the standard tuition for residents and nonresidents and the out-of-state fee; revising the amount of standard tuition fees for residents and nonresidents and out-of-state fees; clarifying provisions governing the fee exemptions provided for athletes; providing for a separate fee to be used for the acquisition of improved real property; authorizing each college to assess a transient student fee that does not exceed a specified amount per distance learning course; authorizing the Board of Trustees of Santa Fe College to establish a transportation access fee for students enrolled at Santa Fe College; requiring that revenue from the fee be used only to provide or improve access to transportation services; limiting the amount of the fee; providing a timeframe for a fee increase and implementation of an increase; requiring that a referendum be held by the student government to approve the application of the fee; prohibiting the inclusion of the fee in calculating the amount a student receives under Florida Bright Futures Scholarship Program awards; amending s. 1009.24, F.S.; revising provisions relating to state university student fees; revising the amount of resident undergraduate tuition; authorizing each university board of trustees to establish a transient student fee that does not exceed a specified amount per distance learning course for processing the transient student admissions application; authorizing a university to expend certain funds remaining from the tuition differential required for student financial assistance; amending s. 1009.25, F.S.; deleting provisions that exempt students from paying tuition and fees for adult basic, adult secondary, or career preparatory instruction; amending s. 1009.26, F.S.; authorizing the use of certain additional documentation recognized by the Federal Government for purpose of certain fee waivers; amending s. 1009.286, F.S.; requiring that a student pay 100 percent of the tuition rate for each credit hour in excess of a specified percent of the number of credit hours required to complete a baccalaureate degree program; amending s. 1009.531, F.S.; revising the eligibility requirements for the Florida Bright Futures Scholarship Program; requiring that a student complete a specified federal application form before disbursement of an award; amending ss. 1009.534, 1009.535, and 1009.536, F.S.; requiring that students receiving a Florida Academic Scholars award, a Florida Medallion Scholars award, or a Florida Gold Seal Vocational Scholars award perform a specified number of hours of community service work; requiring that the student identify a social problem of interest and develop a plan; amending ss. 1009.55, 1009.56, 1009.57, 1009.60, 1009.68, and 1009.69, F.S.; requiring that the funding for the Rosewood Family Scholarship Program, the Seminole and Miccosukee Indian Scholarships, the Florida Teacher Scholarship and Forgivable Loan Program, the Minority Teacher Education Scholars Program, the Florida Minority Medical Education Program, and the Virgil Hawkins Fellows Assistance Program be as provided in the General Appropriations Act; amending s. 1009.701, F.S.; revising provisions relating to the First Generation Matching Grant Program; requiring that a student complete a specified federal application form before disbursement of an award; requiring that the first priority of funding be given to certain students who qualify and receive federal Pell Grant funds; amending ss. 1009.73 and 1009.74, F.S.; providing that funding for the Mary McLeod Bethune Scholarship Program and the Theodore R. and Vivian M. Johnson Scholarship Program be as provided in the General Appropriations Act; amending s. 1009.77, F.S.; revising provisions relating to the Florida Work Experience Program; requiring that a student complete a specified federal application form before disbursement of funds; requiring that first priority of funding be given to certain students who qualify and receive federal Pell Grant funds; requiring that the funding of the program be as provided in the General Appropriations Act; amending ss. 1009.89 and 1009.891, F.S.; requiring that funding of the William L. Boyd, IV, Florida Resident Access Grant Program and the Access to Better Learning and Education Grant Program be provided as in the General Appropriations Act; requiring that a student complete a specified federal application form before disbursement of a grant; amending s. 1011.32, F.S.; providing that state matching funds for the Community College Facility Enhancement Challenge Grant Program be temporarily suspended for donations made on or after a specified date; providing that existing donations remain eligible for future matching funds; amending s. 1011.61, F.S.; redefining the term "full-time equivalent student" as applied to a student in a combination of programs; amending s. 1011.80, F.S.; requiring that the Department of Education use a specified funding model to determine each district's workforce education funding needs; prohibiting the expenditure of funds for the education of state or federal inmates; prohibiting the reporting of a student who is coenrolled in a K-12 education program and an adult education program for funding purposes; providing an exception; amending s. 1011.81, F.S.; prohibiting the expenditure of funds under the Community College Program Fund for the education of state or federal inmates; amending s. 1011.85, F.S., relating to the Dr. Philip Benjamin Matching Grant Program for Community Colleges; providing that funds received from community events and festivals are not eligible for state matching funds; providing that state matching funds under the program be temporarily suspended for donations received on or after a specified date; providing that existing donations remain eligible for future matching funds; amending ss. 1011.94 and 1013.79, F.S.; providing that state matching funds for donations to the University Major Gifts Program and the University Facility Enhancement Challenge Grant Program are temporarily suspended; providing that existing donations remain eligible for future

matching funds; amending ss. 1012.885 and 1012.975, F.S.; limiting the amount of remuneration provided to a Florida College System institution president or a state university president for the 2011-2012 fiscal year; creating ss. 1012.886 and 1012.976, F.S.; defining terms; providing certain limitations on the amount of remuneration provided to Florida College System institution administrative employees and state university administrative employees; providing certain exceptions; providing for future expiration; amending s. 1013.33, F.S., relating to campus master plans and development agreements; conforming a cross-reference; repealing s. 1013.63, F.S., relating to the University Concurrency Trust Fund; amending s. 1013.737, F.S.; changing the name of the Class Size Reduction Lottery Revenue Bond Program to the Class Size Reduction and Educational Facilities Lottery Revenue Bond Program; authorizing the issuance of educational facilities bonds; requiring that the Department of Education work with the College Center for Library Automation to transfer the K-12 public school bibliographic database for inclusion in CCLA's online discovery tool product for the public to search; requiring that the department also develop an ongoing process to provide for the updating of such data; requiring that the Chancellors of the State University System and the Florida College System submit a plan to the Governor and Legislature regarding the establishment of a joint library organization to address the needs of academic libraries; specifying requirements for the plan; authorizing a university board of trustees to expend reserve or carry-forward balances from prior year appropriations for the establishment of a new campus; requiring that the Florida College System Council of Presidents recommend an equitable funding formula for funds to the Florida College System institutions; requiring a report and recommendations to the State Board of Education, the Governor and the Legislature by a specified date; providing an effective date.

On motion by Senator Lynn, the Conference Committee Report on **SB 2150** was adopted. **SB 2150** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—35

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Latvala	Smith
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	

Nays—3

Dockery	Rich	Sobel

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2152

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2152, same being:

An act relating to transportation.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.

2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Committee Chair
Gary Aubuchon, At Large
Mack Bernard
Douglas Vaughn "Doug" Broxson
At Large
Chris Dorworth
s/ Brad Drake
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ William L. "Bill" Proctor,
At Large
s/ Darryl Ervin Rouson, At Large
Ron Saunders, At Large
s/ William D. Snyder, At Large
Will W. Weatherford, At Large

s/ Mike Horner
Chair
Lori Berman
s/ Jeffrey "Jeff" Brandes
s/ Matthew H. "Matt" Caldwell
Charles S. "Chuck" Chestnut IV,
At Large
s/ Dorothy L. Hukill, At Large
s/ John Legg, At Large
s/ Seth McKeel, At Large
s/ Lake Ray
Hazelle P. "Hazel" Rogers
Franklin Sands, At Large
Robert C. "Rob" Schenck,
At Large
s/ Ritch Workman

Managers on the part of the House

The Conference Committee Amendment for SB 2152, relating to transportation, provides for the following:

- Clarifies that the Florida Department of Transportation is authorized to adjust toll rates by rule and is not subject to the provisions of ss. 120.54(3)(b) and 120.541., F.S.;

- Authorizes the use of excess toll revenues from the Alligator Alley Toll Road to develop and operate a fire station at mile marker 63 on Alligator Alley to provide, fire, rescue, and emergency management services to the adjacent counties along Alligator Alley;

- Repeals the Brevard County Expressway Authority, Broward County Expressway Authority, Pasco County Expressway Authority, St. Lucie County Expressway Authority, Seminole County Expressway Authority, and Southwest Florida Expressway Authority;

- Repeals various sections of law relating to and authorizing lease purchase agreements between certain transportation authorities and FDOT;

- Clarifies that an airport providing communications services within its own confines is exempt from the definition of telecommunications company;

- Corrects cross references in various sections of law to conform to changes made in this amendment;

- Directs state agencies to develop and adopt assessment protocols for evaluating damaged equipment before a request for purchase is approved; and

- Provides an effective date.

Conference Committee Amendment (835008)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (17) is added to section 120.80, Florida Statutes, to read:

120.80 Exceptions and special requirements; agencies.—

(17) DEPARTMENT OF TRANSPORTATION.—Sections 120.54(3)(b) and 120.541 do not apply to the adjustment of tolls pursuant to s. 338.165(3).

Section 2. Subsection (3) of section 338.26, Florida Statutes, is amended to read:

338.26 Alligator Alley toll road.—

(3) Fees generated from tolls shall be deposited in the State Transportation Trust Fund, and any amount of funds generated annually in excess of that required to reimburse outstanding contractual obligations, to operate and maintain the highway and toll facilities, including reconstruction and restoration, ~~and~~ to pay for those projects that are funded with Alligator Alley toll revenues and that are contained in the 1993-1994 adopted work program or the 1994-1995 tentative work program submitted to the Legislature on February 22, 1994, *and to develop and operate a fire station at mile marker 63 on Alligator Alley to provide fire, rescue, and emergency management services to the adjacent counties along Alligator Alley,* may be transferred to the Everglades Fund of the South Florida Water Management District. The South Florida Water Management District shall deposit funds for projects undertaken pursuant to s. 373.4592 in the Everglades Trust Fund pursuant to s. 373.45926(4)(a). Any funds remaining in the Everglades Fund may be used for environmental projects to restore the natural values of the Everglades, subject to compliance with any applicable federal laws and regulations. Projects shall be limited to:

(a) Highway redesign to allow for improved sheet flow of water across the southern Everglades.

(b) Water conveyance projects to enable more water resources to reach Florida Bay to replenish marine estuary functions.

(c) Engineering design plans for wastewater treatment facilities as recommended in the Water Quality Protection Program Document for the Florida Keys National Marine Sanctuary.

(d) Acquisition of lands to move STA 3/4 out of the Toe of the Boot, provided such lands are located within 1 mile of the northern border of STA 3/4.

(e) Other Everglades Construction Projects as described in the February 15, 1994, conceptual design document.

Section 3. *Subsection (6) of section 343.805, Florida Statutes, is repealed.*

Section 4. Paragraph (b) of subsection (2) and paragraph (a) of subsection (3) of section 343.835, Florida Statutes, are amended to read:

343.835 Bonds of the authority.—

(2) Any such resolution or resolutions authorizing any bonds hereunder may contain provisions that are part of the contract with the holders of such bonds, as to:

(b) The completion, improvement, operation, extension, maintenance, repair, *or* lease~~, or lease purchase agreement~~ of the system, and the duties of the authority and others~~, including the department,~~ with reference thereto.

(3) The authority may employ fiscal agents as provided by this part or the State Board of Administration may, upon request of the authority, act as fiscal agent for the authority in the issuance of any bonds that are issued pursuant to this part, and the State Board of Administration may, upon request of the authority, take over the management, control, administration, custody, and payment of any or all debt services or funds or assets now or hereafter available for any bonds issued pursuant to this part. The authority may enter into any deeds of trust, indentures, or other agreements with its fiscal agent, or with any bank or trust company within or without the state, as security for such bonds and may, under such agreements, sign and pledge all or any of the revenues, rates, fees, rentals, or other charges or receipts of the authority. Such deed of trust, indenture, or other agreement may contain such provisions as are customary in such instruments or, as the authority authorizes, including, but without limitation, provisions as to:

(a) The completion, improvement, operation, extension, maintenance, repair, and lease of ~~or lease purchase agreement relating to~~ U.S. 98 corridor improvements and the duties of the authority and others~~, including the department,~~ with reference thereto.

Section 5. Section 343.836, Florida Statutes, is amended to read:

343.836 Remedies of the bondholders.—

(1) The rights and the remedies in this section conferred upon or granted to the bondholders are in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by a ~~lease-purchase agreement,~~ deed of trust, indenture, or other agreement under which the bonds may be issued or secured. If the authority defaults in the payment of the principal of or interest on any of the bonds issued pursuant to the provisions of this part after such principal of or interest on the bonds becomes due, whether at maturity or upon call for redemption, ~~or the department defaults in any payments under, or covenants made in, any lease purchase agreement between the authority and the department,~~ and such default continues for a period of 30 days, or if the authority ~~or the department~~ fails or refuses to comply with the provisions of this part or any agreement made with, or for the benefit of, the holders of the bonds, the holders of 25 percent in aggregate principal amount of the bonds then outstanding may appoint a trustee to represent such bondholders for the purposes hereof, if such holders of 25 percent in aggregate principal amount of the bonds then outstanding shall first give notice of their intention to appoint a trustee to the authority ~~and to the department~~. Such notice shall be deemed to have been given if given in writing, deposited in a securely sealed postpaid wrapper, mailed at a regularly maintained United States post office box or station, and addressed~~, respectively,~~ to the chair of the authority ~~and to the secretary of the department at the principal office of the department~~.

(2) Such trustee and any trustee under any deed of trust, indenture, or other agreement may, and upon written request of the holders of 25 percent or such other percentages as are specified in any deed of trust, indenture, or other agreement aforesaid in principal amount of the bonds then outstanding shall, in any court of competent jurisdiction, in his, her, or its own name:

(a) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bondholders, including the right to require the authority to fix, establish, maintain, collect, and charge rates, fees, rentals, and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the authority to carry out any other covenants and agreements with or for the benefit of the bondholders, and to perform its and their duties under this part.

~~(b) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bondholders under or pursuant to any lease-purchase agreement between the authority and the department, including the right to require the department to make all rental payments required to be made by it under the provisions of any such lease-purchase agreement, to require the department to carry out any other covenants and agreements with or for the benefit of the bondholders, and to perform its and their duties under this part.~~

(b)~~(c)~~ Bring suit upon the bonds.

(c)~~(d)~~ By action or suit in equity, require the authority ~~or the department~~ to account as if it were the trustee of an express trust for the bondholders.

(d)~~(c)~~ By action or suit in equity, enjoin any acts or things that may be unlawful or in violation of the rights of the bondholders.

(3) Any trustee, when appointed as aforesaid or acting under a deed of trust, indenture, or other agreement, and whether or not all bonds have been declared due and payable, may appoint a receiver who may enter upon and take possession of the system or the facilities or any part or parts thereof, the rates, fees, rentals, or other revenues, charges, or receipts from which are or may be applicable to the payment of the bonds so in default, and~~, subject to and in compliance with the provisions of any lease-purchase agreement between the authority and the department,~~ operate and maintain the same for and on behalf of and in the name of the authority~~, the department,~~ and the bondholders, and collect and receive all rates, fees, rentals, and other charges or receipts or revenues arising therefrom in the same manner as the authority ~~or the department~~ might do, and shall deposit all such moneys in a separate account and apply such moneys in such manner as the court shall direct. In any suit, action, or proceeding by the trustee, the fees, counsel fees, and expenses of the trustee and the receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any rates, fees, rentals, or other charges, revenues, or receipts derived from the system or the facilities or services or any part or parts thereof, ~~including payments under any such lease-purchase agreement as aforesaid,~~ which rates, fees, rentals, or other charges, revenues, or receipts may be applicable to the payment of the bonds so in default. Such trustee, in addition to the foregoing, possesses all of the powers necessary for the exercise of any functions specifically set forth herein or incident to the representation of the bondholders in the enforcement and protection of their rights.

(4) This section or any other section of this part does not authorize any receiver appointed pursuant hereto for the purpose~~, subject to and in compliance with the provisions of any lease-purchase agreement between the authority and the department,~~ of operating and maintaining the system or any facilities or part or parts thereof, to sell, assign, mortgage, or otherwise dispose of any of the assets of whatever kind and character belonging to the authority. It is the intention of this part to limit the powers of such receiver~~, subject to and in compliance with the provisions of any lease-purchase agreement between the authority and the department,~~ to the operation and maintenance of the system or any facility or part or parts thereof, as the court may direct, in the name and for and on behalf of the authority~~, the department,~~ and the bondholders. In any suit, action, or proceeding at law or in equity, a holder of bonds on the authority, a trustee, or any court may not compel or direct a receiver to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority. A receiver also may not be authorized to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority in any suit, action, or proceeding at law or in equity.

Section 6. *Section 343.837, Florida Statutes, is repealed.*

Section 7. *Section 343.885, Florida Statutes, is repealed.*

Section 8. *Section 343.91(1)(h), Florida Statutes, is repealed.*

Section 9. Paragraph (b) of subsection (3) and paragraph (a) of subsection (4) of section 343.94, Florida Statutes, are amended to read:

343.94 Bond financing authority.—

(3) Any such resolution or resolutions authorizing any bonds hereunder may contain provisions that are part of the contract with the holders of such bonds, as to:

(b) The completion, improvement, operation, extension, maintenance, repair, or lease of~~, or lease-purchase agreement relating to,~~ the system and the duties of the authority and others, including the department, with reference thereto.

(4) The authority may employ fiscal agents as provided by this part or the State Board of Administration may, upon request of the authority, act as fiscal agent for the authority in the issuance of any bonds that are issued pursuant to this part, and the State Board of Administration may, upon request of the authority, take over the management, control, administration, custody, and payment of any or all debt services or funds or assets now or hereafter available for any bonds issued pursuant to this part. The authority may enter into any deeds of trust, indentures, or other agreements with its fiscal agent, or with any bank or trust company within or without the state, as security for such bonds and may, under such agreements, sign and pledge all or any of the revenues, rates, fees, rentals, or other charges or receipts of the authority. Such deed of trust, indenture, or other agreement may contain such provisions as are customary in such instruments or as the authority authorizes, including, but without limitation, provisions as to:

(a) The completion, improvement, operation, extension, maintenance, repair, and lease of~~, or lease-purchase agreement relating to,~~ highway, bridge, and related transportation facilities and appurtenances and the duties of the authority and others~~, including the department,~~ with reference thereto.

Section 10. Section 343.944, Florida Statutes, is amended to read:

343.944 Remedies of the bondholders.—

(1) The rights and the remedies in this section conferred upon or granted to the bondholders are in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by a ~~lease-purchase agreement,~~ deed of trust, indenture, or other agreement under which the bonds may be issued or secured. If the authority defaults in the payment of the principal of or interest on any of the bonds issued pursuant to the provisions of this part after such principal of or interest on the bonds becomes due, whether at maturity or upon call for redemption~~, or the department defaults in any payments under, or covenants made in, any lease-purchase agreement between the authority and the department,~~ and such default continues for a period of 30 days, or if the authority or the department fails or refuses to comply with the provisions of this part or any agreement made with, or for the benefit of, the holders of the bonds, the holders of 25 percent in aggregate principal amount of the bonds then outstanding may appoint a trustee to represent such bondholders for the purposes hereof, if such holders of 25 percent in aggregate principal amount of the bonds then outstanding shall first give notice of their intention to appoint a trustee to the authority ~~and to the department~~. Such notice shall be deemed to have been given if given in writing, deposited in a securely sealed postpaid wrapper, mailed at a regularly maintained United States post office box or station, and addressed, respectively, to the chair of the authority ~~and to the secretary of the department at the principal office of the department~~.

(2) Such trustee and any trustee under any deed of trust, indenture, or other agreement may and, upon written request of the holders of 25 percent or such other percentages as are specified in any deed of trust, indenture, or other agreement aforesaid in principal amount of the bonds then outstanding, shall, in any court of competent jurisdiction, in his, her, or its own name:

(a) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bondholders, including the right to require the authority to fix, establish, maintain, collect, and charge rates, fees, rentals, and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the authority, to carry out any other covenants and agreements with or for the benefit of the bondholders, and to perform its and their duties under this part.

~~(b) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bondholders under or pursuant to any lease-purchase agreement between the authority and the department, including the right to require the department to make all rental payments required to be made by it under the provisions of any such lease-purchase agreement and to require the department to carry out any other covenants and agreements with or for the benefit of the bondholders and to perform its and their duties under this part.~~

(b)~~(c)~~ Bring suit upon the bonds.

(c)~~(d)~~ By action or suit in equity, require the authority or the department to account as if it were the trustee of an express trust for the bondholders.

(d)~~(e)~~ By action or suit in equity, enjoin any acts or things that may be unlawful or in violation of the rights of the bondholders.

(3) Any trustee, when appointed as aforesaid or acting under a deed of trust, indenture, or other agreement, and regardless of whether all

bonds have been declared due and payable, may appoint a receiver who may enter upon and take possession of the system or the facilities or any part or parts thereof, the rates, fees, rentals, or other revenues, charges, or receipts from which are or may be applicable to the payment of the bonds so in default~~,~~ and~~, subject to and in compliance with the provisions of any lease-purchase agreement between the authority and the department,~~ operate and maintain the same for and on behalf of and in the name of the authority~~, the department,~~ and the bondholders, and collect and receive all rates, fees, rentals, and other charges or receipts or revenues arising therefrom in the same manner as the authority ~~or the department~~ might do, and shall deposit all such moneys in a separate account and apply such moneys in such manner as the court shall direct. In any suit, action, or proceeding by the trustee, the fees, counsel fees, and expenses of the trustee and the receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any rates, fees, rentals, or other charges, revenues, or receipts derived from the system or the facilities or services or any part or parts thereof, ~~including payments under any such lease-purchase agreement as aforesaid,~~ which rates, fees, rentals, or other charges, revenues, or receipts may be applicable to the payment of the bonds so in default. Such trustee, in addition to the foregoing, possesses all of the powers necessary for the exercise of any functions specifically set forth herein or incident to the representation of the bondholders in the enforcement and protection of their rights.

(4) This section or any other section of this part does not authorize any receiver appointed pursuant hereto for the purpose~~, subject to and in compliance with the provisions of any lease-purchase agreement between the authority and the department,~~ of operating and maintaining the system or any facilities or part or parts thereof to sell, assign, mortgage, or otherwise dispose of any of the assets of whatever kind and character belonging to the authority. It is the intention of this part to limit the powers of such receiver~~, subject to and in compliance with the provisions of any lease-purchase agreement between the authority and the department,~~ to the operation and maintenance of the system or any facility or part or parts thereof, as the court may direct, in the name of and for and on behalf of the authority~~, the department,~~ and the bondholders. In any suit, action, or proceeding at law or in equity, a holder of bonds on the authority, a trustee, or any court may not compel or direct a receiver to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority. A receiver also may not be authorized to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority in any suit, action, or proceeding at law or in equity.

Section 11. *Section 343.945, Florida Statutes, is repealed.*

Section 12. *Section 343.946, Florida Statutes, is repealed.*

Section 13. *Subsection (11) of section 348.0002, Florida Statutes, is repealed.*

Section 14. Paragraph (a) of subsection (1), paragraph (e) of subsection (2), and paragraph (d) of subsection (9) of section 348.0004, Florida Statutes, are amended, present paragraphs (f) through (l) of subsection (2) of that section are redesignated as paragraphs (e) through (k), respectively, and present paragraphs (e) through (h) of subsection (9) of that section are redesignated as paragraphs (d) through (g), respectively, to read:

348.0004 Purposes and powers.—

(1)(a) An authority created and established pursuant to the Florida Expressway Authority Act may acquire, hold, construct, improve, maintain, operate, *and* own~~, and lease~~ an expressway system.

(2) Each authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes, including, but not limited to, the following rights and powers:

~~(e) To enter into and make lease-purchase agreements with the department until any bonds secured by a pledge of rentals thereunder, and any refundings thereof, are fully paid as to both principal and interest.~~

(9) The Legislature declares that there is a public need for the rapid construction of safe and efficient transportation facilities for traveling within the state and that it is in the public's interest to provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.

~~(d) The department may lend funds from the Toll Facilities Revolving Trust Fund, as outlined in s. 338.251, to public-private partnerships. To be eligible a private entity must comply with s. 338.251 and must provide an indication from a nationally recognized rating agency that the senior bonds for the project will be investment grade or must provide credit support, such as a letter of credit or other means acceptable to the department, to ensure that the loans will be fully repaid.~~

Section 15. Paragraph (b) of subsection (2) of section 348.0005, Florida Statutes, is amended to read:

348.0005 Bonds.—

(2)

(b) The bonds of an authority in any county as defined in s. 125.011(1), issued pursuant to the provisions of this part, whether on original issuance or refunding, must be authorized by resolution of the authority, after approval of the issuance of the bonds at a public hearing, and may be either term or serial bonds, shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be payable semiannually, be in such denominations, be in such form, either coupon or fully registered, shall carry such registration, exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities on the revenues, rates, fees, rentals, or other charges or receipts of the authority including any county gasoline tax funds received by an authority pursuant to the terms of any interlocal or lease-purchase agreement between an authority~~, the department,~~ or a county, as such resolution or any resolution subsequent thereto may provide. The bonds must be executed by such officers as the authority determines under the requirements of s. 279.06.

Section 16. *Section 348.0006, Florida Statutes, is repealed.*

Section 17. *Part II of chapter 348, Florida Statutes, consisting of ss. 348.216, 348.217, 348.218, 348.219, 348.22, 348.221, 348.222, 348.223, 348.224, 348.225, 348.226, 348.227, 348.228, 348.229, and 348.23, is repealed.*

Section 18. *Part III of chapter 348, Florida Statutes, consisting of ss. 348.24, 348.241, 348.242, 348.243, 348.244, 348.245, 348.246, 348.247, 348.248, 348.249, and 348.25, is repealed.*

Section 19. *Part VI of chapter 348, Florida Statutes, consisting of ss. 348.80, 348.81, 348.82, 348.83, 348.84, 348.86, 348.87, 348.88, 348.89, 348.90, 348.91, 348.92, 348.93, and 348.94, is repealed.*

Section 20. *Part VII of chapter 348, Florida Statutes, consisting of ss. 348.9401, 348.941, 348.942, 348.943, 348.944, 348.945, 348.946, 348.947, 348.948, 348.949, and 348.9495, is repealed.*

Section 21. *Part VIII of chapter 348, Florida Statutes, consisting of ss. 348.95, 348.951, 348.952, 348.953, 348.954, 348.955, 348.956, 348.957, 348.958, 348.959, 348.96, 348.961, 348.962, and 348.963, is repealed.*

Section 22. *Part X of chapter 348, Florida Statutes, consisting of ss. 348.993, 348.9931, 348.9932, 348.9933, 348.9934, 348.9935, 348.9936, 348.9938, 348.9939, 348.994, 348.9941, 348.9942, 348.9943, 348.9944, 348.9945, 348.9946, 348.9947, 348.9948, is repealed.*

Section 23. *Section 348.9955, Florida Statutes, is repealed.*

Section 24. *Paragraph (d) of subsection (1) of s. 349.02, Florida Statutes, is repealed.*

Section 25. Paragraphs (e) and (g) of subsection (2) of section 349.04, Florida Statutes, are amended, and present paragraphs (f) through (u) of that subsection are redesignated as paragraphs (e) through (t), respectively, to read:

349.04 Purposes and powers.—

(2) The authority is hereby granted, and shall have and may exercise all powers necessary, appurtenant, convenient, or incidental to the car-

rying out of the aforesaid purposes, including, but without being limited to, the right and power:

~~(e) To enter into and make lease purchase agreements with the department for terms not exceeding 40 years, or until any bonds secured by a pledge of rentals thereunder, and any refundings thereof, are fully paid as to both principal and interest, whichever is longer.~~

(g)1. To borrow money and make and issue negotiable notes, bonds, refunding bonds, and other evidences of indebtedness or obligations, either in temporary or definitive form (hereinafter in this chapter sometimes called "bonds"), of the authority, for the purpose of funding or refunding, at or prior to maturity, any bonds theretofore issued by the authority, or by the Florida State Improvement Commission to finance part of the cost of the Jacksonville Expressway System, and purposes related thereto, and for the purpose of financing or refinancing all or part of the costs of completion, improvement, or extension of the Jacksonville Expressway System, and appurtenant facilities, including all approaches, streets, roads, bridges, and avenues of access for the Jacksonville Expressway System and for any other purpose authorized by this chapter, such bonds to mature in not exceeding 40 years from the date of the issuance thereof; ~~and~~ to secure the payment of such bonds or any part thereof by a pledge of any or all of its revenues, rates, fees, rentals, or other charges, including all or any portion of the Duval County gasoline tax funds received by the authority ~~pursuant to the terms of any lease purchase agreement between the authority and the department~~; and in general to provide for the security of such bonds and the rights and remedies of the holders thereof.

2. In the event that the authority determines to fund or refund any bonds theretofore issued by the authority, or by the commission as aforesaid, prior to the maturity thereof, the proceeds of such funding or refunding bonds shall, pending the prior redemption of the bonds to be funded or refunded, be invested in direct obligations of the United States; and it is the express intention of this chapter that such outstanding bonds may be funded or refunded by the issuance of bonds pursuant to this chapter notwithstanding that part of such outstanding bonds will not mature or become redeemable until 6 years after the date of issuance of bonds pursuant to this chapter to fund or refund such outstanding bonds.

Section 26. Subsections (2) and (3) of section 349.05, Florida Statutes, are amended to read:

349.05 Bonds of the authority; bonds not debt or pledges of credit of state.—

(2) Any such resolution or resolutions authorizing any bonds hereunder may contain provisions, and valid and legally binding covenants of the authority, which shall be part of the contract with the holders of such bonds, as to:

(a) The pledging of all or any part of the revenues, rates, fees, rentals, including the sales surtax adopted pursuant to s. 212.055(1) (including all or any portion of the county gasoline tax funds received by the authority), or other charges or receipts of any nature of the authority, whether or not derived by the authority from the Jacksonville Expressway System or its other transportation facilities;

(b) The completion, improvement, operation, extension, maintenance, repair, *or* lease~~, or lease purchase agreement~~ of said system or transportation facilities, and the duties of the authority and others, including the department, with reference thereto;

(c) Limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant, may be applied;

(d) The fixing, charging, establishing, and collecting of rates, fees, rentals, or other charges for use of the services and facilities of the Jacksonville Expressway System or any part thereof or its other transportation facilities;

(e) The setting aside of reserves or sinking funds or repair and replacement funds and the regulation and disposition thereof;

(f) Limitations on the issuance of additional bonds;

(g) The terms and provisions of any lease-purchase agreement, deed of trust, or indenture securing the bonds or under which the same may be issued; and

(h) Any other or additional provisions, covenants, and agreements with the holders of the bonds which the authority may deem desirable and proper.

(3) The State Board of Administration may, upon request by the authority, act as fiscal agent for the authority in the issuance of any bonds that may be issued pursuant to this chapter, and the State Board of Administration may, upon request by the authority, take over the management, control, administration, custody, and payment of any or all debt services or funds or assets now or hereafter available for any bonds issued pursuant to this chapter. The authority may enter into deeds of trust, indentures, or other agreements with a corporate trustee or trustees, which shall act as fiscal agent for the authority and may be any bank or trust company within or without the state, as security for such bonds and may, under such agreements, assign and pledge all or any of the revenues, rates, fees, rentals, or other charges or receipts of the authority, including all or any portion of local option taxes or county gasoline tax funds received by the authority, thereunder. Such deed of trust, indenture, or other agreement may contain such provisions as are customary in such instruments or as the authority may authorize, including, without limitation, provisions as to:

(a) The completion, improvement, operation, extension, maintenance, repair, and lease of~~, or lease purchase agreement relating to,~~ all or any part of transportation facilities authorized in this chapter to be constructed, acquired, developed, or operated by the authority and the duties of the authority and others~~, including the department,~~ with reference thereto;

(b) The application of funds and the safeguarding of funds on hand or on deposit;

(c) The rights and remedies of the trustee and the holders of the bonds; and

(d) The terms and provisions of the bonds or the resolutions authorizing the issuance of the same.

Section 27. *Section 349.07, Florida Statutes, is repealed.*

Section 28. Section 349.15, Florida Statutes, is amended to read:

349.15 Remedies; pledges enforceable by bondholders.—Any holder of bonds issued under this chapter, except to the extent such rights may be restricted by the resolution, deed of trust, indenture, or other proceeding relating to the issuance of such bonds, may by civil action, mandamus, or other appropriate action, suit, or proceeding in law or in equity, in any court of competent jurisdiction, protect and enforce any and all rights of such bondholder granted under the proceedings authorizing the issuance of such bonds and enforce any pledge made for payment of the principal and interest on bonds, or any covenant or agreement relative thereto, against the authority ~~or directly against the department, as may be appropriate~~. ~~It is the express intention of this chapter that any pledge by the department of rates, fees, revenues, county gasoline tax funds, or other funds, as rentals, to the authority or any covenants or agreements relative thereto may be enforceable in any court of competent jurisdiction against the authority or directly against the department by any holder of bonds issued by the authority.~~

Section 29. Section 364.02, Florida Statutes, is amended to read:

364.02 Definitions.—As used in this chapter, the term:

(1) "Basic local telecommunications service" means voice-grade, single-line, flat-rate residential local exchange service that provides dial tone, local usage necessary to place unlimited calls within a local exchange area, dual tone multifrequency dialing, and access to the following: emergency services such as "911," all locally available interexchange companies, directory assistance, operator services, *and* relay services~~, and an alphabetical directory listing~~. For a local exchange telecommunications company, the term includes any extended area service routes, and extended calling service in existence or ordered by the commission on or before July 1, 1995.

(2) "Broadband service" means any service that consists of or includes the offering of the capability to transmit or receive information at a rate that is not less than 200 kilobits per second and either:

(a) Is used to provide access to the Internet; or

(b) Provides computer processing, information storage, information content, or protocol conversion in combination with the service.

The definition of broadband service does not include any intrastate telecommunications services that have been tariffed with the commission on or before January 1, 2005.

(3) "Commercial mobile radio service provider" means a commercial mobile radio service provider as defined by and pursuant to 47 U.S.C. ss. 153(27) and 332(d).

(4) "Commission" means the Florida Public Service Commission.

(5) "Competitive local exchange telecommunications company" means any company certificated by the commission to provide local exchange telecommunications services in this state on or after July 1, 1995.

(6) "Corporation" includes a corporation, company, association, or joint stock association.

(7) "Intrastate interexchange telecommunications company" means any entity that provides intrastate interexchange telecommunications services.

(8) "Local exchange telecommunications company" means any company certificated by the commission to provide local exchange telecommunications service in this state on or before June 30, 1995.

~~(9) "Monopoly service" means a telecommunications service for which there is no effective competition, either in fact or by operation of law.~~

(9)~~(10)~~ "Nonbasic service" means any telecommunications service provided by a local exchange telecommunications company other than a basic local telecommunications service, ~~a~~ local interconnection*, resale, or unbundling pursuant to* ~~arrangement described in~~ s. 364.16, or a network access service described in s. 364.163. Any combination of basic service along with a nonbasic service or an unregulated service is nonbasic service.

(10)~~(11)~~ "Operator service" includes, but is not limited to, billing or completion of third-party, person-to-person, collect, or calling card or credit card calls through the use of a live operator or automated equipment.

(11)~~(12)~~ "Operator service provider" means a person who furnishes operator service through a call aggregator.

(12)~~(13)~~ "Service" is to be construed in its broadest and most inclusive sense. The term "service" does not include broadband service or voice-over-Internet protocol service for purposes of regulation by the commission. Nothing herein shall affect the rights and obligations of any entity related to the payment of switched network access rates or other intercarrier compensation, if any, related to voice-over-Internet protocol service. Notwithstanding s. 364.013, and the exemption of services pursuant to this subsection, the commission may arbitrate, enforce, or approve interconnection agreements, and resolve disputes as provided by 47 U.S.C. ss. 251 and 252, or any other applicable federal law or regulation. With respect to the services exempted in this subsection, regardless of the technology, the duties of a local exchange telecommunications company are only those that the company is obligated to extend or provide under applicable federal law and regulations.

(13)~~(14)~~ "Telecommunications company" includes every corporation, partnership, and person and their lessees, trustees, or receivers appointed by any court whatsoever, and every political subdivision in the state, offering two-way telecommunications service to the public for hire within this state by the use of a telecommunications facility. The term "telecommunications company" does not include:

(a) An entity that provides a telecommunications facility exclusively to a certificated telecommunications company;

(b) An entity that provides a telecommunications facility exclusively to a company which is excluded from the definition of a telecommunications company under this subsection;

(c) A commercial mobile radio service provider;

(d) A facsimile transmission service;

(e) A private computer data network company not offering service to the public for hire;

(f) A cable television company providing cable service as defined in 47 U.S.C. s. 522; ~~or~~

(g) An intrastate interexchange telecommunications company*;*

(h) An operator services provider; or

(i) An airport that provides communications services within the confines of its airport layout plan.

However, each commercial mobile radio service provider and each intrastate interexchange telecommunications company shall continue to be liable for any taxes imposed under chapters 202, 203, and 212 ~~and any fees assessed under s. 364.025~~. Each intrastate interexchange telecommunications company shall continue to be subject to *s.* ~~ss. 364.04, 364.10(3)(a) and (d),~~ 364.163~~, 364.285, 364.336, 364.501, 364.603, and 364.604, shall provide the commission with the current information as the commission deems necessary to contact and communicate with the company,~~ and shall continue to pay intrastate switched network access rates or other intercarrier compensation to the local exchange telecommunications company or the competitive local exchange telecommunications company for the origination and termination of interexchange telecommunications service.

(14)~~(15)~~ "Telecommunications facility" includes real estate, easements, apparatus, property, and routes used and operated to provide two-way telecommunications service to the public for hire within this state.

(15)~~(16)~~ "VoIP" means *any service that:*

(a) Enables real-time, two-way voice communications that originate from or terminate to the user's location in Internet Protocol or any successor protocol;

(b) Uses a broadband connection from the user's location; and

(c) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network ~~the voice over Internet protocol as that term is defined in federal law~~.

Section 30. *(1) It is the intent of the Legislature that purchases of new equipment, machinery, or inventory by any state agency as a result of damage from fire, smoke, water, or any other similar incident be limited to purchases that are absolutely necessary because the damaged equipment, machinery, or inventory is in irreparable condition.*

(2) By January 1, 2012, each state agency shall develop and adopt assessment protocols for evaluating and determining whether equipment, machinery, or any other inventory must be repaired or restored before any request to purchase replacement equipment, machinery, or any other inventory is approved.

Section 31. Subsection (6) of section 196.012, Florida Statutes, is amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(6) Governmental, municipal, or public purpose or function shall be deemed to be served or performed when the lessee under any leasehold interest created in property of the United States, the state or any of its political subdivisions, or any municipality, agency, special district, authority, or other public body corporate of the state is demonstrated to perform a function or serve a governmental purpose which could properly be performed or served by an appropriate governmental unit or

which is demonstrated to perform a function or serve a purpose which would otherwise be a valid subject for the allocation of public funds. For purposes of the preceding sentence, an activity undertaken by a lessee which is permitted under the terms of its lease of real property designated as an aviation area on an airport layout plan which has been approved by the Federal Aviation Administration and which real property is used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed base operation which provides goods and services to the general aviation public in the promotion of air commerce shall be deemed an activity which serves a governmental, municipal, or public purpose or function. Any activity undertaken by a lessee which is permitted under the terms of its lease of real property designated as a public airport as defined in s. 332.004(14) by municipalities, agencies, special districts, authorities, or other public bodies corporate and public bodies politic of the state, a spaceport as defined in s. 331.303, or which is located in a deepwater port identified in s. 403.021(9)(b) and owned by one of the foregoing governmental units, subject to a leasehold or other possessory interest of a nongovernmental lessee that is deemed to perform an aviation, airport, aerospace, maritime, or port purpose or operation shall be deemed an activity that serves a governmental, municipal, or public purpose. The use by a lessee, licensee, or management company of real property or a portion thereof as a convention center, visitor center, sports facility with permanent seating, concert hall, arena, stadium, park, or beach is deemed a use that serves a governmental, municipal, or public purpose or function when access to the property is open to the general public with or without a charge for admission. If property deeded to a municipality by the United States is subject to a requirement that the Federal Government, through a schedule established by the Secretary of the Interior, determine that the property is being maintained for public historic preservation, park, or recreational purposes and if those conditions are not met the property will revert back to the Federal Government, then such property shall be deemed to serve a municipal or public purpose. The term "governmental purpose" also includes a direct use of property on federal lands in connection with the Federal Government's Space Exploration Program or spaceport activities as defined in s. 212.02(22). Real property and tangible personal property owned by the Federal Government or Space Florida and used for defense and space exploration purposes or which is put to a use in support thereof shall be deemed to perform an essential national governmental purpose and shall be exempt. "Owned by the lessee" as used in this chapter does not include personal property, buildings, or other real property improvements used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed based operation which provides goods and services to the general aviation public in the promotion of air commerce provided that the real property is designated as an aviation area on an airport layout plan approved by the Federal Aviation Administration. For purposes of determination of "ownership," buildings and other real property improvements which will revert to the airport authority or other governmental unit upon expiration of the term of the lease shall be deemed "owned" by the governmental unit and not the lessee. Providing two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in *s. 364.02(14)* ~~s. 364.02(15)~~, and for which a certificate is required under chapter 364 does not constitute an exempt use for purposes of s. 196.199, unless the telecommunications services are provided by the operator of a public-use airport, as defined in s. 332.004, for the operator's provision of telecommunications services for the airport or its tenants, concessionaires, or licensees, or unless the telecommunications services are provided by a public hospital.

Section 32. Subsection (1) of section 199.183, Florida Statutes, is amended to read:

199.183 Taxpayers exempt from nonrecurring taxes.—

(1) Intangible personal property owned by this state or any of its political subdivisions or municipalities shall be exempt from taxation under this chapter. This exemption does not apply to:

(a) Any leasehold or other interest that is described in s. 199.023(1)(d), Florida Statutes 2005; or

(b) Property related to the provision of two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in *s. 364.02(14)* ~~s. 364.02(15)~~, and for which a certificate is required under chapter 364, when the service is provided by any county, municipality, or other political subdivision of the state. Any immunity of any political subdivision of the state or other entity of local government from taxation of the property used to provide telecommunication services that is taxed as a result of this paragraph is hereby waived. However, intangible personal property related to the provision of telecommunications services provided by the operator of a public-use airport, as defined in s. 332.004, for the operator's provision of telecommunications services for the airport or its tenants, concessionaires, or licensees, and intangible personal property related to the provision of telecommunications services provided by a public hospital, are exempt from taxation under this chapter.

Section 33. Subsection (6) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—There are also exempt from the tax imposed by this chapter sales made to the United States Government, a state, or any county, municipality, or political subdivision of a state when payment is made directly to the dealer by the governmental entity. This exemption shall not inure to any transaction otherwise taxable under this chapter when payment is made by a government employee by any means, including, but not limited to, cash, check, or credit card when that employee is subsequently reimbursed by the governmental entity. This exemption does not include sales of tangible personal property made to contractors employed either directly or as agents of any such government or political subdivision thereof when such tangible personal property goes into or becomes a part of public works owned by such government or political subdivision. A determination whether a particular transaction is properly characterized as an exempt sale to a government entity or a taxable sale to a contractor shall be based on the substance of the transaction rather than the form in which the transaction is cast. The department shall adopt rules that give special consideration to factors that govern the status of the tangible personal property before its affixation to real property. In developing these rules, assumption of the risk of damage or loss is of paramount consideration in the determination. This exemption does not include sales, rental, use, consumption, or storage for use in any political subdivision or municipality in this state of machines and equipment and parts and accessories therefor used in the generation, transmission, or distribution of electrical energy by systems owned and operated by a political subdivision in this state for transmission or distribution expansion. Likewise exempt are charges for services rendered by radio and television stations, including line charges, talent fees, or license fees and charges for films, videotapes, and transcriptions used in producing radio or television broadcasts. The exemption provided in this subsection does not include sales, rental, use, consumption, or storage for use in any political subdivision or municipality in this state of machines and equipment and parts and accessories therefor used in providing two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in *s. 364.02(14)* ~~s. 364.02(15)~~, and for which a certificate is required under chapter 364, which facility is owned and operated by any county, municipality, or other political subdivision of the state. Any immunity of any political subdivision of the state or other entity of local government from taxation of the property used to provide telecommunication services that is taxed as a result of this section is hereby waived. However, the exemption provided in this subsection includes transactions taxable under this chapter which are for use by the operator of a public-use airport, as defined in s. 332.004, in providing such telecommunications services for the airport or its tenants, concessionaires, or licensees, or which are for use by a public hospital for the provision of such telecommunications services.

Section 34. Subsection (8) of section 290.007, Florida Statutes, is amended to read:

290.007 State incentives available in enterprise zones.—The following incentives are provided by the state to encourage the revitalization of enterprise zones:

(8) Notwithstanding any law to the contrary, the Public Service Commission may allow public utilities and telecommunications companies to grant discounts of up to 50 percent on tariffed rates for services to

small businesses located in an enterprise zone designated pursuant to s. 290.0065. Such discounts may be granted for a period not to exceed 5 years. For purposes of this subsection, the term "public utility" has the same meaning as in s. 366.02(1) and the term "telecommunications company" has the same meaning as in *s. 364.02(13)* ~~s. 364.02(14)~~.

Section 35. Subsection (3) of section 350.0605, Florida Statutes, is amended to read:

350.0605 Former commissioners and employees; representation of clients before commission.—

(3) For a period of 2 years following termination of service on the commission, a former member may not accept employment by or compensation from a business entity which, directly or indirectly, owns or controls a public utility regulated by the commission, from a public utility regulated by the commission, from a business entity which, directly or indirectly, is an affiliate or subsidiary of a public utility regulated by the commission or is an actual business competitor of a local exchange company or public utility regulated by the commission and is otherwise exempt from regulation by the commission under ss. *364.02(13)* ~~364.02(14)~~ and 366.02(1), or from a business entity or trade association that has been a party to a commission proceeding within the 2 years preceding the member's termination of service on the commission. This subsection applies only to members of the Florida Public Service Commission who are appointed or reappointed after May 10, 1993.

Section 36. Subsection (4) of section 364.602, Florida Statutes, is amended to read:

364.602 Definitions.—For purposes of this part:

(4) "Originating party" means any person, firm, corporation, or other entity, including a telecommunications company or a billing clearinghouse, that provides any telecommunications service or information service to a customer or bills a customer through a billing party, except the term "originating party" does not include any entity specifically exempted from the definition of "telecommunications company" as provided in *s. 364.02(13)* ~~s. 364.02(14)~~.

Section 37. Subsection (5) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(5) Public utilities, including special gas districts as defined in chapter 189, telecommunications companies as defined in *s. 364.02(13)* ~~s. 364.02(14)~~, and natural gas transmission companies as defined in s. 368.103(4), on construction, maintenance, and development work performed by their employees, which work, including, but not limited to, work on bridges, roads, streets, highways, or railroads, is incidental to their business. The board shall define, by rule, the term "incidental to their business" for purposes of this subsection.

Section 38. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to transportation; amending s. 120.80, F.S.; providing that requirements relating to rulemaking and statements of estimated regulatory costs do not apply to the adjustment of tolls; amending s. 338.26, F.S.; requiring that excess funds generated from Alligator Alley tolls be used to develop and operate a fire station to provide fire, rescue, and emergency management services in adjacent counties along Alligator Alley; repealing s. 343.805(6), F.S., relating to the definition of the term "lease-purchase agreement" as it relates to the Northwest Florida Transportation Corridor Authority and the Department of Transportation; amending s. 343.835, F.S.; deleting references to lease-purchase agreements; amending s. 343.836, F.S.; deleting references to lease-purchase agreements in remedies to bondholders as they relate to the U.S. 98 Corridor System; repealing s. 343.837, F.S., relating to lease-purchase agreements that provide for the leasing of the U.S. 98 Corridor System to the Department of Transportation; repealing s. 343.885, F.S., relating to the enforceability of pledges by bondholders; repealing s. 343.91(1)(h), F.S., relating to the definition of the term "lease-purchase agreement" as it relates to the Tampa Bay Area Regional Transportation Authority and the Department of Transportation; amending s. 343.94, F.S.; deleting references to lease-purchase agreements; amending s. 343.944, F.S.; deleting references to lease-purchase agreements in remedies to bondholders as they relate to the Tampa Bay Area Regional Transportation Authority; repealing s. 343.945, F.S., relating to the enforceability of pledges to the Tampa Bay Area Regional Transportation Authority; repealing s. 343.946, F.S., relating to lease-purchase agreements that provide for the leasing of projects of the Tampa Bay Area Regional Transportation Authority to the Department of Transportation; repealing s. 348.0002(11), F.S., relating to the definition of the term "lease-purchase agreement" as it relates to expressway authorities and the Department of Transportation; amending s. 348.0004, F.S.; authorizing authorities created pursuant to the Florida Expressway Authority Act to own expressway systems; deleting the power of such authorities to lease such systems; deleting obsolete provisions; amending s. 348.0005, F.S.; deleting a reference to the Department of Transportation to conform to changes made by the act; repealing s. 348.0006, F.S., which provides for lease-purchase agreements in the Florida Expressway Authority Act; repealing part II of ch. 348, F.S., which provides for the creation and operation of the Brevard County Expressway Authority; repealing part III of ch. 348, F.S., which provides for the creation and operation of the Broward County Expressway Authority; repealing part VI of ch. 348, F.S., which provides for the creation and operation of the Pasco County Expressway Authority; repealing part VII of ch. 348, F.S., which provides for the creation and operation of the St. Lucie County Expressway and Bridge Authority; repealing part VIII of ch. 348, F.S., which provides for the creation and operation of the Seminole County Expressway Authority; repealing part X of ch. 348, F.S., which provides for the creation and operation of the Southwest Florida Expressway Authority; repealing s. 348.9955, F.S., relating to the power of the Osceola Expressway Authority to enter into lease-purchase agreements with the Department of Transportation; repealing s. 349.02(1)(d), F.S., relating to the definition of the term "lease-purchase agreement" as it relates to the Jacksonville Transportation Authority and the Department of Transportation; amending s. 349.04, F.S.; deleting the authority of the Jacksonville Transportation Authority to enter lease-purchase agreements; amending s. 349.05, F.S.; deleting authorization for lease-purchase agreements in bond agreements of the Jacksonville Transportation Authority; repealing s. 349.07, F.S., relating to lease-purchase agreements that provide for the leasing of the Jacksonville Expressway System to the Department of Transportation; amending s. 349.15, F.S.; deleting certain bond authority of the department; amending s. 364.02, F.S.; revising definitions; providing legislative intent; providing that any purchase of new equipment, machinery, or other inventory by state agencies as a result damage caused by fire, smoke, water, or any incident be limited to purchases that are absolutely necessary and are irreparable; requiring that all state agencies develop and adopt assessment protocols for evaluating and determining whether equipment, machinery, or other inventory needs repair or restored; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross-references; providing an effective date.

On motion by Senator Gaetz, the Conference Committee Report on **SB 2152** was adopted. **SB 2152** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—33

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Jones	Sachs
Dean	Latvala	Simmons
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—5

Braynon	Hill	Smith
Dockery	Siplin	

Vote after roll call:

Nay—Joyner

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2156

The Honorable Mike Haridopolos
President of the Senate

May 5, 2011

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2156, same being:

An act relating to Governmental Reorganization.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Joe Negron, At Large
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

s/ Thad Altman
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Denise Grimsley
Chair
Gary Aubuchon, At Large
s/ Dorothy L. Hukill, At Large
s/ Paige Kreegel, At Large
s/ Seth McKeel, At Large
s/ Darryl Ervin Rouson, At Large
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
Will W. Weatherford, At Large

s/ John Legg
Lead House Manager
Charles S. "Chuck" Chestnut IV, At Large
s/ Carlos Lopez-Cantera, At Large
s/ William L. "Bill" Proctor, At Large
Ron Saunders, At Large
s/ William D. Snyder, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2156, 2nd Eng., relating to governmental reorganization, provides for the following:

1. REORGANIZATION

a. Creates the Department of Economic Opportunity (DEO):

- Agency head, known as the "executive director," appointed by the Governor and confirmed by the Senate.
- Transfers the Office of Tourism, Trade and Economic Development (OTTED), portions of the Department of Community Affairs (DCA), and portions of the Agency for Workforce Innovation (AWI) workforce functions to the new agency, effective October 1, 2011.
- The Ready to Work program is transferred from the Department of Education (DOE) to the Department of Economic Opportunity.

b. Transfers the AWI Office of Early Learning to the Department of Education as a separate entity:

- Director of the office appointed by the Governor, and confirmed by the Senate.
- DOE may not impose requirements or standards on early learning programs beyond those authorized in law for voluntary prekindergarten (VPK).
- Auditor General to review programs and delivery systems (including early learning coalitions) by December 31, 2011.

c. Consolidates public-private economic development partnerships:

- Enterprise Florida, Inc., (EFI) President, known as the "Secretary of Commerce," is appointed by and serves at the pleasure of the Governor.
- EFI board remains largely as it is under current law, however new language requires certain private-sector representation (e.g., space, tourism, etc).
- Space Florida retains special district status under the direction of appointed EFI board members.
- VISIT Florida direct support organization is retained under contract with the EFI Board.
- Black Business Investment Board (BBIB) and Florida Sports Foundation are merged into EFI, and related divisions are created in EFI.
- Matching requirements for EFI and VISIT Florida (1-to-1 match) remain as required under current law.
- Workforce Florida, Inc., maintains independent status as currently provided in law.

d. Other transfers:

- Florida Communities Trust and Stan Mayfield Working Waterfronts are transferred from DCA to the Department of Environmental Protection.
- Florida Building Commission is transferred from DCA to the Department of Business and Professional Regulation.
- Division of Emergency Management is transferred from DCA to the Executive Office of the Governor.
- Florida Energy and Climate Commission within the Executive Office of the Governor is transferred to the Department of Agriculture and Consumer Services.

e. Repeals DCA, AWI, and OTTED.

2. PURPOSE AND FUNCTIONS OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY

a. Responsibilities of the department:

- Oversight and coordination of economic development, housing, growth management, community development programs, and unemployment compensation.
- Develop a single, statewide 5-year strategic plan to address the promotion of business formation, expansion, recruitment, and retention in order to create jobs for all regions of the state. The

plan must address economic development, marketing and infrastructure development for rural communities.

- Submit an annual report on the condition of the business climate and economic development in the state, with assistance from EFI and WFI.
- Manage the activities of the public-private partnerships.
- Establish annual performance standards for Enterprise Florida, Inc., Workforce Florida, Inc., VISIT Florida, and Space Florida and report annually on how these performance measures are being met.

b. Streamlined incentive process:

- Incentives for economic development projects must be approved or denied within 10 days of submitting an application to the department.
- The release of funds for the incentive or incentives awarded to the applicant depends upon the statutory requirements of the particular incentive program.
- Quick Action Closing Fund projects require recommendation to the Governor in 7 days. In addition, the Governor can approve projects under $2 million. Projects ranging from $2 million - $5 million require notification to the chairs and vice chairs of the Legislative Budget Commission (LBC). Projects totaling more than $5 million must be approved by the LBC.

c. Business plan required by September 1, 2011, in conjunction with EFI, must outline:

- Strategies to be used by department and EFI for business recruitment and expansion.
- Benchmarks related to: business recruitment, business expansion, number of jobs created or retained.
- Tools, financial and otherwise, needed to achieve benchmarks, and timeframes necessary to achieve standards.
- By Jan. 1, 2012, the department must make recommendations for any further reorganization and streamlining of economic development and workforce functions.

3. PURPOSE AND FUNCTIONS OF ENTERPRISE FLORIDA, INC.

a. Responsibilities of EFI:

- Must enter a performance-based contract with the Department of Economic Opportunity.
- Acts as primary economic agency for the state; chief negotiator for business recruitment and business expansion.
- Increase private investment in Florida.
- Advance international and domestic trade opportunities.
- Market the state as a pro-business location for new investment and as a tourist destination.
- Revitalize Florida's space and aerospace industries.
- Promote opportunities for minority-owned businesses.
- Assist and market professional and amateur sports teams and sporting events.
- Assist and promote economic opportunities in rural and urban communities.

b. Annual incentive report must include:

- Description of incentive programs.
- Amount of awards granted, by year, since inception.
- Economic benefits including actual amount of private capital invested, actual number of jobs created, actual wages paid for incentive agreements, annual average wage.
- The number of applications submitted, and the number of projects approved and denied by the department.
- Federal and local incentives provided.
- The number of projects that did not fulfill the terms of their agreements and consequently did not receive incentives.
- Trends related to usage of the various incentives, including the number of minority-owned businesses receiving incentives.

4. DEEPWATER HORIZON OIL SPILL

a. To address the negative economic impacts of the Deepwater Horizon oil spill:

- Defines the following counties as "disproportionally affected counties" and waives job, wage, and other requirements for businesses seeking economic development incentives in these counties: Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Walton, and Wakulla.
- Provides that during a state of emergency permits are tolled and an additional 6 months is added to existing permits.
- Creates the Commission on Oil Spill Response Coordination (expires Sept. 2012).
- Appropriates $10 million per year for three fiscal years to develop and implement an economic strategic plan in counties designated as disproportionally affected.
- Directs how funds received by the state for damages caused by the Deepwater Horizon oil spill may be directed.

5. STATE ECONOMIC ENHANCEMENT AND DEVELOPMENT (SEED) TRUST FUND (HB 7205 creates the SEED Trust Fund within the Department of Economic Opportunity)

a. This bill provides:

- Effective July 1, 2012, redirects a total of $75 million from documentary stamp tax revenues, currently dedicated to affordable housing trust funds, into the SEED Trust Fund.
- Effective July 1, 2012, begins redirecting from documentary stamp tax revenues currently dedicated to the State Transportation Trust Fund (STTF) into the SEED Trust Fund. In order to lessen the impacts to the Florida Department of Transportation (FDOT) Work Program, the bill phases-in the amounts to be redirected as follows: $50 million for Fiscal Year 2012-13; $65 million for Fiscal Year 2013-14; and $75 million for Fiscal Year 2014-15 and subsequent years.
- The above-mentioned funds are to be appropriated annually in the General Appropriations Act.
- The affordable housing trust funds are maintained as in current law.

6. FLORIDA ENERGY AND CLIMATE COMMISSION PROVISIONS

a. Provides for transfer of the powers, duties, and functions of the Florida Energy and Climate Commission within the Governor's Office to the Department of Agriculture and Consumer Services and abolishes the Commission.

b. Transfers the duties of petroleum allocation from the Commission to the Division of Emergency Management.

c. Transfers energy emergency contingency plans to the Division of Emergency Management.

d. Requires the Department of Management Services to coordinate the energy conservation programs of all state agencies.

e. Transfers administration of the Coastal Energy Impact Program to the Department of Environmental Protection.

Conference Committee Amendment (416468)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Type two transfers from the Agency for Workforce Innovation.—*

(1) All powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the following programs in the Agency for Workforce Innovation are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, as follows:

(a) The Office of Early Learning Services, including all related policies and procedures, is transferred to the Department of Education.

(b) The Office of Unemployment Compensation is transferred to the Department of Economic Opportunity.

(c) The Unemployment Appeals Commission is transferred to the Department of Economic Opportunity.

(d) The Office of Workforce Services is transferred to the Department of Economic Opportunity.

(2) The following trust funds are transferred:

(a) From the Agency for Workforce Innovation to the Department of Education, the Child Care and Development Block Grant Trust Fund.

(b) From the Agency for Workforce Innovation to the Department of Economic Opportunity:

1. The Administrative Trust Fund.

2. The Employment Security Administration Trust Fund.

3. The Special Employment Security Administration Trust Fund.

4. The Unemployment Compensation Benefit Trust Fund.

5. The Unemployment Compensation Clearing Trust Fund.

6. The Revolving Trust Fund.

7. The Welfare Transition Trust Fund.

8. The Displaced Homemaker Trust Fund.

(3) Any binding contract or interagency agreement existing before October 1, 2011, between the Agency for Workforce Innovation, or an entity or agent of the agency, and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement on the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.

(4) All powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Agency for Workforce Innovation which are not specifically transferred by this section are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Economic Opportunity.

Section 2. *Before December 31, 2011, the Auditor General shall conduct a financial and performance audit, as defined in s. 11.45, Florida Statutes, of the Office of Early Learning Services' programs and related delivery systems.*

Section 3. *Type two transfers from the Department of Community Affairs.—*

(1) All powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the following programs in the Department of Community Affairs are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, as follows:

(a) The Florida Housing Finance Corporation is transferred to the Department of Economic Opportunity.

(b) The Division of Housing and Community Development is transferred to the Department of Economic Opportunity.

(c) The Division of Community Planning is transferred to the Department of Economic Opportunity.

(d) The Division of Emergency Management is transferred to the Executive Office of the Governor.

(e) The Florida Building Commission is transferred to the Department of Business and Professional Regulation.

(f) The responsibilities under the Florida Communities Trust, part III of chapter 380, Florida Statutes, are transferred to the Department of Environmental Protection.

(g) The responsibilities under the Stan Mayfield Working Waterfronts program authorized in s. 380.5105, Florida Statutes, are transferred to the Department of Environmental Protection.

(2) The following trust funds are transferred:

(a) From the Department of Community Affairs to the Department of Economic Opportunity:

1. The State Housing Trust Fund.

2. The Community Services Block Grant Trust Fund.

3. The Local Government Housing Trust Fund.

4. The Florida Small Cities Community Development Block Grant Trust Fund.

5. The Federal Grants Trust Fund.

6. The Grants and Donations Trust Fund.

7. The Energy Consumption Trust Fund.

8. The Low-Income Home Energy Assistance Trust Fund.

(b) From the Department of Community Affairs to the Executive Office of the Governor:

1. The Emergency Management Preparedness and Assistance Trust Fund.

2. The Federal Emergency Management Programs Support Trust Fund.

3. The U.S. Contributions Trust Fund.

4. The Operating Trust Fund.

5. The Administrative Trust Fund.

(c) From the Department of Community Affairs to the Department of Environmental Protection:

1. The Florida Forever Program Trust Fund.

2. The Florida Communities Trust Fund.

(3) Any binding contract or interagency agreement existing before October 1, 2011, between the Department of Community Affairs or Division of Emergency Management, or an entity or agent of the department or division, and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement on the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.

(4) All powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Department of Community Affairs which are not specifically transferred by this section are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Economic Opportunity.

Section 4. *Type two transfers from Executive Office of the Governor.—*

(1) All powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Economic Opportunity.

(2) The following trust funds are transferred from the Executive Office of the Governor to the Department of Economic Opportunity:

(a) The Economic Development Trust Fund.

(b) The Economic Development Transportation Trust Fund.

(c) The Tourism Promotional Trust Fund.

(d) The Professional Sports Development Trust Fund.

(e) The Florida International Trade and Promotion Trust Fund.

(3) Any binding contract or interagency agreement existing before October 1, 2011, between the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor, or an entity or agent of the office, and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement on the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.

(4) All powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor which are not specifically transferred by this section are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Economic Opportunity.

Section 5. *All powers, duties, functions, records, pending issues, existing contracts, and unexpended balances of appropriations, allocations, and other funds relating to the Ready to Work program within the Department of Education are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Economic Opportunity.*

Section 6. *(1) It is the intent of the Legislature that the changes made by this act be accomplished with minimal disruption of services provided to the public and with minimal disruption to employees of any organization. To that end, the Legislature directs all applicable units of state government to contribute to the successful implementation of this act, and the Legislature believes that a transition period between the effective date of this act and October 1, 2011, is appropriate and warranted.*

(2) The Agency for Workforce Innovation, the Department of Community Affairs, the Department of Education, and the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor shall each coordinate the development and implementation of a transition plan that supports the implementation of this act. Any state agency identified by the Agency for Workforce Innovation, the Department of Community Affairs, the Department of Education or the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor shall cooperate fully in developing and implementing the plan and shall dedicate the financial and staff resources that are necessary to implement the plan.

(3)(a) The director of the Agency for Workforce Innovation, the Secretary of the Department of Community Affairs, the commissioner of the Department of Education, and the director of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor shall each designate a transition coordinator to serve as the primary representative on matters related to implementing this act and the transition plans required under this section.

(b) The Governor shall designate a transition coordinator to serve as the Governor's primary representative on matters related to implementing this act, implementation of the transition plans developed pursuant to this section, and coordinator of the transition activities of the Agency for Workforce Innovation, the Department of Community Affairs, the Department of Education, and the Office of Tourism, Trade, and Economic Development.

(4) The transition coordinators designated under subsection (3) shall submit a joint progress report by August 15, 2011, to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of this act and the transition plans, including, but not limited to, any adverse impact or negative consequences on programs and services, of meeting any deadline imposed by this act, and any difficulties experienced by the Agency for Workforce Innovation, the Department of Community Affairs, the Department of Education, or the Office of Tourism, Trade, and Economic Development in securing the full participation and cooperation of applicable state agencies. Each representative shall also coordinate the submission of any budget amendments, in accordance with chapter 216, Florida Statutes, which may be necessary to implement this act.

(5) Notwithstanding ss. 216.292 and 216.351, Florida Statutes, upon approval by the Legislative Budget Commission, the Executive Office of the Governor may transfer funds and positions between agencies to implement this act.

(6) Upon the recommendation and guidance of transition coordinators designated in subsection (3), the Governor shall submit in a timely manner to the applicable federal departments or agencies any necessary amendments or supplemental information concerning plans that the state is required to submit to the Federal Government in connection with any federal or state program. The Governor shall seek any waivers from the requirements of Federal law or rules which may be necessary to administer the provisions of this act.

(7) The transfer of any program, activity, duty, or function under this act includes the transfer of any records and unexpended balances of appropriations, allocations, or other funds related to such program, activity, duty, or function. Unless otherwise provided, the successor organization to any program, activity, duty, or function transferred under this act shall become the custodian of any property of the organization that was responsible for the program, activity, duty, or function immediately prior to the transfer.

Section 7. *(1) The nonprofit corporations established in ss. 288.1229 and 288.707, Florida Statutes, are merged into and transferred to Enterprise Florida, Inc.*

(2) The Florida Sports Foundation Incorporated and the Florida Black Business Investment Board, Inc., must enter into a plan to merge into Enterprise Florida, Inc. Such merger must be completed by December 31, 2011. The merger is subject to chapter 617, Florida Statutes, related to the merger of nonprofit corporations.

(3) The nonprofit corporation established in s. 288.1226, Florida Statutes, shall be the direct-support organization for Enterprise Florida, Inc. The Florida Tourism Industry Marketing Corporation and Enterprise Florida, Inc., must establish a plan to transfer the contractual relationship with the Florida Commission on Tourism to Enterprise Florida, Inc., by December 31, 2011.

(4) It is the intent of the Legislature that the changes made by this act be accomplished with minimal disruption of services provided to the public and with minimal disruption to employees of any organization. To that end, the Legislature directs that notwithstanding the changes made by this act, the Florida Sports Foundation Incorporated, and the Florida Black Business Investment Board, Inc., may continue with such powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts as provided in Florida Statutes 2010 until December 31, 2011. The Legislature believes that a transition period between the effective date of this act and December 31, 2011, is appropriate and warranted.

(5) The Governor shall designate a transition coordinator to serve as the Governor's primary representative on matters related to implementing this act for the merger of the Florida Sports Foundation Incorporated and the Florida Black Business Investment Board, Inc., into, Enterprise Florida, Inc., the transition of the direct-support activities of the Florida Tourism Industry Marketing Corporation for the benefit of Enterprise Florida, Inc., and the transition plans required under this section. The Governor's transition coordinator shall submit a progress report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of this act and the transition plans, including, but not limited to, any adverse impact or negative consequences on programs and services, of meeting any deadline imposed by this act, and any difficulties experienced by the entities. The transition coordinator shall also coordinate the submission of any budget amendments, pursuant to chapter 216, Florida Statutes, which may be necessary to implement this act.

(6) Any funds held in trust which were donated to or earned by the Florida Sports Foundation Incorporated and the Florida Black Business Investment Board, Inc., while previously organized as a corporation under chapter 617, Florida Statutes, shall be transferred to Enterprise Florida, Inc., to be used by the relevant division for the original purposes of the funds.

(7) Upon the recommendation and guidance of the Florida Sports Foundation Incorporated, the Florida Tourism Industry Marketing Corporation, the Florida Black Business Investment Board, Inc., or Space Florida, the Governor shall submit in a timely manner to the applicable Federal departments or agencies any necessary amendments or supplemental information concerning plans which the state or one of the entities is required to submit to the Federal Government in connection with any federal or state program. The Governor shall seek any waivers from the requirements of Federal law or rules which may be necessary to administer the provisions of this act.

(8) The transfer of any program, activity, duty, or function under this act includes the transfer of any records and unexpended balances of appropriations, allocations, or other funds related to such program, activity, duty, or function. Except as otherwise provided by law, Enterprise Florida, Inc., shall become the custodian of any property of the Florida Sports Foundation, Inc., and the Florida Black Business Investment Board, Inc., on the date specified in the plan of merger or December 31, 2011, whichever occurs first.

(9) The Department of Management Services may establish a lease agreement program under which Enterprise Florida, Inc., may hire any individual who was employed by the Florida Black Business Investment Board, Inc., under a previous lease agreement under s. 288.708(2), Florida Statutes 2010. Under such agreement, the employee shall retain his or her status as a state employee but shall work under the direct supervision of Enterprise Florida, Inc. Retention of state employee status shall include the right to participate in the Florida Retirement System and shall continue until the employee voluntarily or involuntarily terminates his or her status with Enterprise Florida, Inc. The Department of Management Services shall establish the terms and conditions of such lease agreements.

Section 8. *(1) By September 1, 2011, the Department of Economic Opportunity, or its predecessor agencies, in conjunction with Enterprise Florida, Inc., or any predecessor public-private partnerships, and Workforce Florida, Inc., must prepare and submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a business plan for the use of the economic development incentive funds administered by the department and Enterprise Florida, Inc., beginning October 1, 2011. Additionally, the plan should include any plans for attracting out-of-state industries to Florida, promoting the expansion of existing industries in this state, and encouraging the creation of businesses in this state by Florida residents. At a minimum, the business plan should include:*

(a) Strategies to be used by the department and Enterprise Florida, Inc., to recruit out-of-state companies, promote existing businesses to expand, and encourage the creation of new businesses;

(b) Benchmarks related to:

1. Out-of-state business recruitment and in-state business creation and expansion by the department and Enterprise Florida, Inc.;

2. The numbers of jobs created or retained through the efforts of the department and Enterprise Florida, Inc.; and

3. The number of new international trade clients and new international sales, including a projected amount of contracts for Florida-based goods or services;

(c) The minimum amount of annual financial resources the department and Enterprise Florida, Inc., project will be necessary to achieve the benchmarks;

(d) The tools, financial and otherwise, necessary to achieve the benchmarks; and

(e) Time-frames to achieve the benchmarks.

(2) By January 1, 2012, the Department of Economic Opportunity shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives with recommendations for further reorganization and streamlining of economic development and workforce functions that improve the effectiveness and operation of economic development and workforce programs.

Section 9. *Agency review; Department of Economic Opportunity.—*

(1) Not later than July 1, 2016, the Department of Economic Opportunity shall provide the Legislature with a report on the department and Enterprise Florida, Inc., which includes:

(a) The performance measures for each program and activity as defined in s. 216.011 and 3 years of data for each measure which provides actual results for the immediately preceding 2 years and projected results for the fiscal year that begins in the year that the agency report is scheduled to be submitted to the Legislature.

(b) An explanation of factors that have contributed to any failure to achieve the legislative standards.

(c) The promptness and effectiveness with which the agency disposes of complaints concerning persons affected by the agency.

(d) The extent to which the agency has encouraged participation by the public in making its rules and decisions as opposed to participation solely by those it regulates and the extent to which public participation has resulted in rules compatible with the objectives of the agency.

(e) The extent to which the agency has complied with applicable requirements of state law and applicable rules regarding purchasing goals and programs for small and minority-owned businesses.

(f) A statement of any statutory objectives intended for each program and activity, the problem or need that the program and activity were intended to address, and the extent to which these objectives have been achieved.

(g) An assessment of the extent to which the jurisdiction of the agency and its programs overlap or duplicate those of other agencies and the extent to which the programs can be consolidated with those of other agencies.

(h) An assessment of less restrictive or alternative methods of providing services for which the agency is responsible which would reduce costs or improve performance while adequately protecting the public.

(i) An assessment of the extent to which the agency has corrected deficiencies and implemented recommendations contained in reports of the Auditor General, the Office of Program Policy Analysis and Government Accountability, legislative interim studies, and federal audit entities.

(j) The process by which an agency actively measures quality and efficiency of services it provides to the public.

(k) The extent to which the agency complies with public records and public meetings requirements under chapters 119 and 286 and s. 24, Art. I of the State Constitution.

(l) The extent to which alternative program delivery options, such as privatization, outsourcing, or insourcing, have been considered to reduce costs or improve services to state residents.

(m) Recommendations to the Legislature for statutory, budgetary, or regulatory changes that would improve the quality and efficiency of services delivered to the public, reduce costs, or reduce duplication.

(n) The effect of federal intervention or loss of federal funds if the agency, program, or activity is abolished.

(o) A list of all advisory committees, including those established in statute and those established by managerial initiative; their purpose, activities, composition, and related expenses; the extent to which their purposes have been achieved; and the rationale for continuing or eliminating each advisory committee.

(p) Agency programs or functions that are performed without specific statutory authority.

(q) Other information requested by the Legislature.

(2) Information and data reported by the agency shall be validated by its agency head and inspector general before submission to the Legislature.

(3) The Office of Program Policy Analysis and Government Accountability shall review the department and Enterprise Florida, Inc. The review shall include an examination of the cost of each program, an evaluation of best practices and alternatives that would result in the administration of the department in a more efficient or effective manner, an examination of the viability of privatization or a different state agency performing the functions, and an evaluation of the cost and consequences of discontinuing the agency. The review shall be comprehensive in scope and shall consider the information provided by the department report in addition to information deemed necessary by the office and the appropriate legislative committees. The Office of Program Policy Analysis and Government Accountability shall include in the report recommendations for consideration by the Legislature and shall submit the report to the President of the Senate and the Speaker of the House of Representatives no later than December 31, 2016.

Section 10. *The Legislature recognizes that there is a need to conform the Florida Statutes to the policy decisions reflected in this act and that there is a need to resolve apparent conflicts between any other legislation that has been or may be enacted during the 2011 Regular Session of the Legislature and the transfer of duties made by this act. Therefore, in the interim between this act becoming law and the 2012 Regular Session of the Legislature or an earlier special session addressing this issue, the Division of Statutory Revision shall provide the relevant substantive committees of the Senate and the House of Representatives with assistance, upon request, to enable such committees to prepare draft legislation to conform the Florida Statutes and any legislation enacted during 2011 to the provisions of this act.*

Section 11. Section 14.2016, Florida Statutes, is created to read:

14.2016 Division of Emergency Management.—The Division of Emergency Management is established within the Executive Office of the Governor. The division shall be a separate budget entity, as provided in the General Appropriations Act and shall prepare and submit a budget request in accordance with chapter 216. The division shall be responsible for all professional, technical, and administrative support functions necessary to carry out its responsibilities under part I of chapter 252. The director of the division shall be appointed by and serve at the pleasure of the Governor, and shall be the head of the division for all purposes. The division shall administer programs to rapidly apply all available aid to communities stricken by an emergency as defined in s. 252.34 and, for this purpose, shall provide liaison with federal agencies and other public and private agencies.

Section 12. Paragraph (h) is added to subsection (3) of section 20.15, Florida Statutes, to read:

20.15 Department of Education.—There is created a Department of Education.

(3) DIVISIONS.—The following divisions of the Department of Education are established:

(h) The Office of Early Learning, which shall administer the school readiness system in accordance with s. 411.01 and the operational requirements of the Voluntary Prekindergarten Education Program in accordance with part V of chapter 1002. The office is a separate budget entity and is not subject to control, supervision, or direction by the Department of Education or the State Board of Education in any manner including, but not limited to, personnel, purchasing, transactions involving personal property, and budgetary matters. The office director shall be appointed by the Governor and confirmed by the Senate, shall serve at the pleasure of the Governor, and shall be the agency head of the office for all purposes. The office shall enter into a service agreement with the department for professional, technological, and administrative support services. The office shall be subject to review and oversight by the Chief Inspector General or his or her designee.

Section 13. Section 20.60, Florida Statutes, is created to read:

20.60 Department of Economic Opportunity; creation; powers and duties.—

(1) There is created the Department of Economic Opportunity.

(2) The head of the department is the executive director, who shall be appointed by the Governor, subject to confirmation by the Senate. The executive director shall serve at the pleasure of and report to the Governor.

(3) The following divisions of the Department of Economic Opportunity are established:

(a) The Division of Strategic Business Development.

(b) The Division of Community Development.

(c) The Division of Workforce Services.

(d) The Division of Finance and Administration.

(4) The purpose of the department is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to promote economic opportunities for all Floridians. To accomplish such purposes, the department shall:

(a) Facilitate the direct involvement of the Governor and the Lieutenant Governor in economic development and workforce development projects designed to create, expand, and retain businesses in this state, to recruit business from around the world, and to facilitate other job-creating efforts.

(b) Recruit new businesses to this state and promote the expansion of existing businesses by expediting permitting and location decisions, worker placement and training, and incentive awards.

(c) Promote viable, sustainable communities by providing technical assistance and guidance on growth and development issues, grants, and other assistance to local communities.

(d) Ensure that the state's goals and policies relating to economic development, workforce development, community planning and development, and affordable housing are fully integrated with appropriate implementation strategies.

(e) Manage the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; rural community development; commercialization of products, services, or ideas developed in public universities or other public institutions; and the development and promotion of professional and amateur sporting events.

(5) The divisions within the department have specific responsibilities to achieve the duties, responsibilities, and goals of the department. Specifically:

(a) The Division of Strategic Business Development shall:

1. Analyze and evaluate business prospects identified by the Governor, the executive director of the department, and Enterprise Florida, Inc.

2. Administer certain tax refund, tax credit, and grant programs created in law. Notwithstanding any other provision of law, the department may expend interest earned from the investment of program funds deposited in the Grants and Donations Trust Fund to contract for the administration of those programs, or portions of the programs, assigned to the department by law, by the appropriations process, or by the Governor. Such expenditures shall be subject to review under chapter 216.

3. Develop measurement protocols for the state incentive programs and for the contracted entities which will be used to determine their performance and competitive value to the state. Performance measures, benchmarks, and sanctions must be developed in consultation with the legislative appropriations committees and the appropriate substantive committees, and are subject to the review and approval process provided in s. 216.177. The approved performance measures, standards, and sanctions shall be included and made a part of the strategic plan for contracts entered into for delivery of programs authorized by this section.

4. Develop a 5-year statewide strategic plan. The strategic plan must include, but need not be limited to:

a. Strategies for the promotion of business formation, expansion, recruitment, and retention through aggressive marketing, international development, and export assistance, which lead to more and better jobs and higher wages for all geographic regions, disadvantaged communities, and populations of the state, including rural areas, minority businesses, and urban core areas.

b. The development of realistic policies and programs to further the economic diversity of the state, its regions, and their associated industrial clusters.

c. Specific provisions for the stimulation of economic development and job creation in rural areas and midsize cities and counties of the state, including strategies for rural marketing and the development of infrastructure in rural areas.

d. Provisions for the promotion of the successful long-term economic development of the state with increased emphasis in market research and information.

e. Plans for the generation of foreign investment in the state which create jobs paying above-average wages and which result in reverse investment in the state, including programs that establish viable overseas markets, assist in meeting the financing requirements of export-ready firms, broaden opportunities for international joint venture relationships, use the resources of academic and other institutions, coordinate trade assistance and facilitation services, and facilitate availability of and access to education and training programs that assure requisite skills and competencies necessary to compete successfully in the global marketplace.

f. The identification of business sectors that are of current or future importance to the state's economy and to the state's global business image, and development of specific strategies to promote the development of such sectors.

g. Strategies for talent development necessary in the state to encourage economic development growth, taking into account factors such as the state's talent supply chain, education and training opportunities, and available workforce.

5. Update the strategic plan every 5 years.

6. Involve Enterprise Florida, Inc.; Workforce Florida, Inc.; local governments; the general public; local and regional economic development organizations; other local, state, and federal economic, international, and workforce development entities; the business community; and educational institutions to assist with the strategic plan.

(b) The Division of Community Development shall:

1. Assist local governments and their communities in finding creative planning solutions to help them foster vibrant, healthy communities, while protecting the functions of important state resources and facilities.

2. Administer state and federal grant programs as provided by law to provide community development and project planning activities to maintain viable communities, revitalize existing communities, and expand economic development and employment opportunities, including:

a. The Community Services Block Grant Program.

b. The Community Development Block Grant Program in chapter 290.

c. The Low-Income Home Energy Assistance Program in chapter 409.

d. The Weatherization Assistance Program in chapter 409.

e. The Neighborhood Stabilization Program.

f. The local comprehensive planning process and the development of regional impact process.

g. The Front Porch Florida Initiative through the Office of Urban Opportunity, which is created within the division. The purpose of the office is to administer the Front Porch Florida initiative, a comprehensive, community-based urban core redevelopment program that enables urban core residents to craft solutions to the unique challenges of each designated community.

3. Assist in developing the 5-year statewide strategic plan required by this section.

(c) The Division of Workforce Services shall:

1. Prepare and submit a unified budget request for workforce in accordance with chapter 216 for, and in conjunction with, Workforce Florida, Inc., and its board.

2. Ensure that the state appropriately administers federal and state workforce funding by administering plans and policies of Workforce Florida, Inc., under contract with Workforce Florida, Inc. The operating budget and midyear amendments thereto must be part of such contract.

a. All program and fiscal instructions to regional workforce boards shall emanate from the Department of Economic Opportunity pursuant to plans and policies of Workforce Florida, Inc., which shall be responsible for all policy directions to the regional workforce boards.

b. Unless otherwise provided by agreement with Workforce Florida, Inc., administrative and personnel policies of the Department of Economic Opportunity shall apply.

3. Implement the state's unemployment compensation program. The Department of Economic Opportunity shall ensure that the state appropriately administers the unemployment compensation program pursuant to state and federal law.

4. Assist in developing the 5-year statewide strategic plan required by this section.

(6)(a) The Department of Economic Opportunity is the administrative agency designated for receipt of federal workforce development grants and other federal funds. The department shall administer the duties and responsibilities assigned by the Governor under each federal grant assigned to the department. The department shall expend each revenue source as provided by federal and state law and as provided in plans developed by and agreements with Workforce Florida, Inc. The department may serve as the contract administrator for contracts entered into by Workforce Florida, Inc., pursuant to s. 445.004(5), as directed by Workforce Florida, Inc.

(b) The Department of Economic Opportunity shall serve as the designated agency for purposes of each federal workforce development grant assigned to it for administration. The department shall carry out the duties assigned to it by the Governor, under the terms and conditions of each grant. The department shall have the level of authority and autonomy necessary to be the designated recipient of each federal grant assigned to it, and shall disburse such grants pursuant to the plans and policies of Workforce Florida, Inc. The executive director may, upon delegation from the Governor and pursuant to agreement with Workforce Florida, Inc., sign contracts, grants, and other instruments as necessary to execute functions assigned to the department. Notwithstanding other provision of law, the department shall administer other programs funded by federal or state appropriations, as determined by the Legislature in the General Appropriations Act or by law.

(7) The department may provide or contract for training for employees of administrative entities and case managers of any contracted providers to ensure they have the necessary competencies and skills to provide adequate administrative oversight and delivery of the full array of client services.

(8) The Unemployment Appeals Commission, authorized by s. 443.012, is not subject to control, supervision, or direction by the department in the performance of its powers and duties but shall receive any and all support and assistance from the department which is required for the performance of its duties.

(9) The executive director shall:

(a) Manage all activities and responsibilities of the department.

(b) Serve as the manager for the state with respect to contracts with Enterprise Florida, Inc., the Institute for the Commercialization of Public Research, and all applicable direct-support organizations. To accomplish the provisions of this section and applicable provisions of chapter 288, and notwithstanding the provisions of part I of chapter 287, the director shall enter into specific contracts with Enterprise Florida, Inc., the Institute for the Commercialization of Public Research, and other appropriate direct-support organizations. Such contracts may be for multiyear terms and shall include specific performance measures for each year. For purposes of this section, the Florida Tourism Industry Marketing Corporation is not an appropriate direct-support organization.

(10) The department, with assistance from Enterprise Florida, Inc., shall, by January 1 of each year, submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the condition of the business climate and economic development in the state. The report shall include the identification of problems and a prioritized list of recommendations.

(11) The department shall establish annual performance standards for Enterprise Florida, Inc., Workforce Florida, Inc., the Florida Tourism Industry Marketing Corporation, and Space Florida and report annually on how these performance measures are being met in the annual report required under subsection (10).

(12) The department shall have an official seal by which its records, orders, and proceedings are authenticated. The seal shall be judicially noticed.

(13) The department shall administer the role of state government under part I of chapter 421, relating to public housing, chapter 422, relating to housing cooperation law, and chapter 423, tax exemption of housing authorities. The department is the agency of state government responsible for the state's role in housing and urban development.

Section 14. Present subsection (3) is renumbered as subsection (4), and a new subsection (3) is added to section 14.32, Florida Statutes, to read:

14.32 Office of Chief Inspector General.—

(3) Related to public-private partnerships, the Chief Inspector General:

(a) Shall advise public-private partnerships, including Enterprise Florida, Inc., in their development, utilization, and improvement of internal control measures necessary to ensure fiscal accountability.

(b) May conduct, direct, and supervise audits relating to the programs and operations of public-private partnerships.

(c) Shall receive and investigate complaints of fraud, abuses, and deficiencies relating to programs and operations of public-private partnerships.

(d) May request and have access to any records, data, and other information in the possession of public-private partnerships which the Chief Inspector General deems necessary to carry out his or her responsibilities with respect to accountability.

(e) Shall monitor public-private partnerships for compliance with the terms and conditions of contracts with the department and report noncompliance to the Governor.

(f) Shall advise public-private partnerships in the development, utilization, and improvement of performance measures for the evaluation of their operations.

(g) Shall review and make recommendations for improvements in the actions taken by public-private partnerships to meet performance standards.

Section 15. Paragraph (c) of subsection (1), and subsections (9) and (10) of section 201.15, Florida Statutes, are amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are subject to the service charge imposed in s. 215.20(1). Prior to distribution under this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. Such costs and the service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. After distributions are made pursuant to subsection (1), all of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2010, secured by revenues distributed pursuant to subsection (1). All taxes remaining after deduction of costs and the service charge shall be distributed as follows:

(1) Sixty-three and thirty-one hundredths percent of the remaining taxes shall be used for the following purposes:

(c) After the required payments under paragraphs (a) and (b), the remainder shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of the lesser of 38.2 percent of the remainder or $541.75 million in each fiscal year. *Out of such funds, the first $50 million for the 2012-2013 fiscal year; $65 million for the 2013-2014 fiscal year; and $75 million for the 2014-2015 fiscal year and all subsequent years, shall be transferred to the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. The remainder is*~~,~~ to be used for the following specified purposes, notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, 5 percent of these funds. Effective July 1, 2014, the percentage allocated under this sub-subparagraph shall be increased to 10 percent;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b. Effective July 1, 2014, the first $60 million of the funds allocated pursuant to this sub-subparagraph shall be allocated annually to the Florida Rail Enterprise for the purposes established in s. 341.303(5).

2. The Grants and Donations Trust Fund in the Department of *Economic Opportunity* ~~Community Affairs~~ in the amount of the lesser of .23 percent of the remainder or $3.25 million in each fiscal year to fund technical assistance to local governments and school boards on the requirements and implementation of this act.

3. The Ecosystem Management and Restoration Trust Fund in the amount of the lesser of 2.12 percent of the remainder or $30 million in each fiscal year, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212.

4. General Inspection Trust Fund in the amount of the lesser of .02 percent of the remainder or $300,000 in each fiscal year to be used to

fund oyster management and restoration programs as provided in s. 379.362(3).

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

(9) *Seven and fifty-three hundredths* ~~The lesser of 7.53~~ percent of the remaining taxes ~~or $107 million~~ in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. *Out of such funds, beginning in the 2012-2013 fiscal year, the first $35 million shall be transferred annually, subject to any distribution required under subsection (15), to the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. The remainder shall be* ~~and~~ used as follows:

(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(10) *Eight and sixty-six hundredths* ~~The lesser of 8.66~~ percent of the remaining taxes ~~or $136 million~~ in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. *Out of such funds, beginning in the 2012-2013 fiscal year, the first $40 million shall be transferred annually, subject to any distribution required under subsection (15), to the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. The remainder shall be* ~~and~~ used as follows:

(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of *Economic Opportunity* ~~Community Affairs~~ and by the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

Section 16. Section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.—

~~(1) There is created~~ A Hurricane Loss Mitigation Program *is established in the Division of Emergency Management*.

(1) The Legislature shall annually appropriate $10 million of the moneys authorized for appropriation under s. 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the *division* ~~Department of Community Affairs~~ for the purposes set forth in this section. *Of the amount:*

~~(2)~~(a) Seven million dollars in funds ~~provided in subsection (1)~~ shall be used for programs to improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance; educating persons concerning the Florida Building Code cooperative programs with local governments and the Federal Government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.

(b) Three million dollars in funds ~~provided in subsection (1)~~ shall be used to retrofit existing facilities used as public hurricane shelters. *Each year* the *division shall* ~~department must~~ prioritize the use of these funds for projects included in *the annual report of* the ~~September 1, 2000, version of the~~ Shelter Retrofit Report prepared in accordance with s. 252.385(3)~~, and each annual report thereafter~~. The *division* ~~department~~ must give funding priority to projects in regional planning council regions that have shelter deficits and to projects that maximize *the* use of state funds.

(2)~~(3)~~(a) Forty percent of the total appropriation in paragraph *(1)(a)*~~(2)(a)~~ shall be used to inspect and improve tie-downs for mobile homes.

(b)1. ~~There is created~~ The Manufactured Housing and Mobile Home Mitigation and Enhancement Program *is established*. The program shall require the mitigation of damage to or the enhancement of homes for the areas of concern raised by the Department of Highway Safety and Motor Vehicles in the 2004-2005 Hurricane Reports on the effects of the 2004 and 2005 hurricanes on manufactured and mobile homes in this state. The mitigation or enhancement must include, but need not be limited to, problems associated with weakened trusses, studs, and other structural components caused by wood rot or termite damage; site-built additions; or tie-down systems and may also address any other issues deemed appropriate by Tallahassee Community College, the Federation of Manufactured Home Owners of Florida, Inc., the Florida Manufactured Housing Association, and the Department of Highway Safety and Motor Vehicles. The program shall include an education and outreach component to ensure that owners of manufactured and mobile homes are aware of the benefits of participation.

2. The program shall be a grant program that ensures that entire manufactured home communities and mobile home parks may be improved wherever practicable. The moneys appropriated for this program shall be distributed directly to Tallahassee Community College for the uses set forth under this subsection.

3. Upon evidence of completion of the program, the Citizens Property Insurance Corporation shall grant, on a pro rata basis, actuarially reasonable discounts, credits, or other rate differentials or appropriate reductions in deductibles for the properties of owners of manufactured homes or mobile homes on which fixtures or construction techniques that have been demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. The discount on the premium must be applied to subsequent renewal premium amounts. Premiums of the Citizens Property Insurance Corporation must reflect the location of the home and the fact that the home has been installed in compliance with building codes adopted after Hurricane Andrew. Rates resulting from the completion of the Manufactured Housing and Mobile Home Mitigation and Enhancement Program are not considered competitive rates for the purposes of s. 627.351(6)(d)1. and 2.

4. On or before January 1 of each year, Tallahassee Community College shall provide a report of activities under this subsection to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must set forth the number of homes that have taken advantage of the program, the types of enhancements and improvements made to the manufactured or mobile homes and attachments to such homes, and whether there has been an increase in availability of insurance products to owners of manufactured or mobile homes.

Tallahassee Community College shall develop the programs set forth in this subsection in consultation with the Federation of Manufactured Home Owners of Florida, Inc., the Florida Manufactured Housing Association, and the Department of Highway Safety and Motor Vehicles. The moneys appropriated for the programs set forth in this subsection shall be distributed directly to Tallahassee Community College to be used as set forth in this subsection.

(3)~~(4)~~ Of moneys provided to the *division* ~~Department of Community Affairs~~ in paragraph *(1)(a)*~~(2)(a)~~, 10 percent shall be allocated to the Florida International University center dedicated to hurricane research. The center shall develop a preliminary work plan approved by the advisory council set forth in subsection *(4)*~~(5)~~ to eliminate the state and local barriers to upgrading existing mobile homes and communities, research and develop a program for the recycling of existing older mobile homes, and support programs of research and development relating to hurricane loss reduction devices and techniques for site-built residences. The State University System also shall consult with the *division* ~~Department of Community Affairs~~ and assist the *division* ~~department~~ with the report required under subsection *(6)*~~(7)~~.

(4)~~(5)~~ Except for the programs set forth in subsection *(3)*~~(4)~~, the *division* ~~Department of Community Affairs~~ shall develop the programs set forth in this section in consultation with an advisory council consisting of a representative designated by the Chief Financial Officer, a representative designated by the Florida Home Builders Association, a representative designated by the Florida Insurance Council, a representative designated by the Federation of Manufactured Home Owners, a representative designated by the Florida Association of Counties, ~~and~~ a representative designated by the Florida Manufactured

Housing Association*, and a representative designated by the Florida Building Commission*.

(5)~~(6)~~ Moneys provided to the *division* ~~Department of Community Affairs~~ under this section are intended to supplement*, not supplant, the division's* other funding sources ~~of the Department of Community Affairs and may not supplant other funding sources of the Department of Community Affairs~~.

(6)~~(7)~~ On January 1st of each year, the *division* ~~Department of Community Affairs~~ shall provide a full report and accounting of activities under this section and an evaluation of such activities to the Speaker of the House of Representatives, the President of the Senate, and the Majority and Minority Leaders of the House of Representatives and the Senate. Upon completion of the report, the *division* ~~Department of Community Affairs~~ shall deliver the report to the Office of Insurance Regulation. The Office of Insurance Regulation shall review the report and shall make such recommendations available to the insurance industry as the Office of Insurance Regulation deems appropriate. These recommendations may be used by insurers for potential discounts or rebates pursuant to s. 627.0629. The Office of Insurance Regulation shall make *such* ~~the~~ recommendations within 1 year after receiving the report.

~~(8)(a) Notwithstanding any other provision of this section and for the 2010-2011 fiscal year only, the $3 million appropriation provided for in paragraph (2)(b) may be used for hurricane shelters as identified in the General Appropriations Act.~~

~~(b) This subsection expires June 30, 2011.~~

(7)~~(9)~~ This section is repealed June 30, *2021* ~~2011~~.

Section 17. Section 288.005, Florida Statutes, is created to read:

288.005 Definitions.—As used in this chapter, the term:

(1) "Economic benefits" means the direct, indirect, and induced gains in state revenues as a percentage of the state's investment. The state's investment includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives.

(2) "Department" means the Department of Economic Opportunity.

(3) "Executive director" means the executive director of the Department of Economic Opportunity, unless otherwise stated.

Section 18. Section 288.061, Florida Statutes, is amended to read:

288.061 Economic development incentive application process.—

(1) ~~Within 10 business days after~~ *Upon* receiving a submitted economic development incentive application, *the Division of Strategic Business Development of the Department of Economic Opportunity and designated staff of* Enterprise Florida, Inc., shall review the application *to ensure that the* ~~and inform the applicant business whether or not its~~ application is complete*, whether and what type of state and local permits may be necessary for the applicant's project, whether it is possible to waive such permits, and what state incentives and amounts of such incentives may be available to the applicant. The department shall recommend to the executive director to approve or disapprove an applicant business. If review of the application demonstrates that the application is incomplete, the executive director shall notify the applicant business within the first 5 business days after receiving the application*. ~~Within 10 business days after the application is deemed complete, Enterprise Florida, Inc., shall evaluate the application and recommend approval or disapproval of the application to the director of the Office of Tourism, Trade, and Economic Development. In recommending an applicant business for approval, Enterprise Florida, Inc., shall include in its evaluation a recommended grant award amount and a review of the applicant's ability to meet specific program criteria.~~

(2) Within *10 business* ~~10 calendar~~ days after *the department receives the submitted economic development incentive application, the executive director shall approve or disapprove the application and* ~~the Office of Tourism, Trade, and Economic Development receives the evaluation and recommendation from Enterprise Florida, Inc., the Office shall notify Enterprise Florida, Inc., whether or not the application is reviewable. Within 22 calendar days after the Office receives the recommendation from Enterprise Florida, Inc., the director of the Office shall review the application and~~ issue a letter of certification to the applicant *which* ~~that approves or disapproves an applicant business and~~ includes a justification of that decision, unless the business requests an extension of that time.

(a) The *contract or agreement with the applicant* ~~final order~~ shall specify the total amount of the award, the performance conditions that must be met to obtain the award, ~~and~~ the schedule for payment*, and sanctions that would apply for failure to meet performance conditions. The department may enter into one agreement or contract covering all of the state incentives that are being provided to the applicant. The contract must provide that release of funds is contingent upon sufficient appropriation of funds by the Legislature.*

(b) The release of funds for the incentive or incentives awarded to the applicant depends upon the statutory requirements of the particular incentive program.

(3) The department shall validate contractor performance. Such validation shall be reported in the annual incentive report required under s. 288.907.

Section 19. Section 288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.—

(1) The Economic Development Trust Fund is created within the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~. Moneys deposited into the fund must be used only to support the authorized activities and operations of the *department* ~~Office~~.

(2) There is created, within the Economic Development Trust Fund, the Economic Development Incentives Account. The Economic Development Incentives Account consists of moneys appropriated to the account for purposes of the tax incentives programs authorized under ss. 288.1045 and 288.106, and local financial support provided under ss. 288.1045 and 288.106. Moneys in the Economic Development Incentives Account shall be subject to the provisions of s. 216.301(1)(a).

(3)(a) The *department* ~~Office of Tourism, Trade, and Economic Development~~ may approve applications for certification pursuant to ss. 288.1045(3) and 288.106. However, the total state share of tax refund payments ~~scheduled in all active certifications for fiscal year 2001-2002 may not exceed $30 million. The total for each subsequent fiscal year~~ may not exceed $35 million.

(b) The total amount of tax refund claims approved for payment by the *department* ~~Office of Tourism, Trade, and Economic Development~~ based on actual project performance may not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. Claims for tax refunds under ss. 288.1045 and 288.106 shall be paid in the order the claims are approved by the *department* ~~Office of Tourism, Trade, and Economic Development~~. In the event the Legislature does not appropriate an amount sufficient to satisfy the tax refunds under ss. 288.1045 and 288.106 in a fiscal year, the *department* ~~Office of Tourism, Trade, and Economic Development~~ shall pay the tax refunds from the appropriation for the following fiscal year. By March 1 of each year, the *department* ~~Office of Tourism, Trade, and Economic Development~~ shall notify the legislative appropriations committees of the Senate and House of Representatives of any anticipated shortfall in the amount of funds needed to satisfy claims for tax refunds from the appropriation for the current fiscal year.

(c) *Pursuant to s. 288.907* ~~By December 31 of each year~~, Enterprise Florida, Inc., shall submit a complete and detailed *annual* report to the Governor, the President of the Senate, *and* the Speaker of the House of Representatives~~, and the director of the Office of Tourism, Trade, and Economic Development~~ of all applications received, recommendations made to the *department* ~~Office of Tourism, Trade, and Economic Development~~, final decisions issued, tax refund agreements executed, and tax refunds paid or other payments made under all programs funded out of the Economic Development Incentives Account, including analyses of benefits and costs, types of projects supported, and employment and investment created. *The department* ~~Enterprise Florida, Inc.,~~ shall also include a separate analysis of the impact of such tax refunds on state enterprise zones designated pursuant to s. 290.0065, rural communities, brownfield areas, and distressed urban communities. The report must

also discuss the efforts made by the *department* ~~Office of Tourism, Trade, and Economic Development~~ to amend tax refund agreements to require tax refund claims to be submitted by January 31 for the net new full-time equivalent jobs in this state as of December 31 of the preceding calendar year. The report must also list the name and tax refund amount for each business that has received a tax refund under s. 288.1045 or s. 288.106 during the preceding fiscal year. ~~The Office of Tourism, Trade, and Economic Development shall assist Enterprise Florida, Inc., in the collection of data related to business performance and incentive payments.~~

(d) Moneys in the Economic Development Incentives Account may be used only to pay tax refunds and *make* other payments authorized under s. 288.1045, s. 288.106, or s. 288.107.

(e) The *department* ~~Office of Tourism, Trade, and Economic Development~~ may adopt rules necessary to carry out the provisions of this subsection, including rules providing for the use of moneys in the Economic Development Incentives Account and for the administration of the Economic Development Incentives Account.

Section 20. Paragraph (b) of subsection (3), and subsections (1), (5), (7), and (8) of section 288.1081, Florida Statutes, are amended to read:

288.1081 Economic Gardening Business Loan Pilot Program.—

(1) There is created within the *department* ~~Office of Tourism, Trade, and Economic Development~~ the Economic Gardening Business Loan Pilot Program. The purpose of the pilot program is to stimulate investment in Florida's economy by providing loans to expanding businesses in the state. ~~As used in this section, the term "office" means the Office of Tourism, Trade, and Economic Development.~~

(3)

(b) A loan applicant must submit a written application to the loan administrator in the format prescribed by the loan administrator. The application must include:

1. The applicant's federal employer identification number, unemployment account number, and sales or other tax registration number.

2. The street address of the applicant's principal place of business in this state.

3. A description of the type of economic activity, product, or research and development undertaken by the applicant, including the six-digit North American Industry Classification System code for each type of economic activity conducted by the applicant.

4. The applicant's annual revenue, number of employees, number of full-time equivalent employees, and other information necessary to verify the applicant's eligibility for the pilot program under s. 288.1082(4)(a).

5. The projected investment in the business, if any, which the applicant proposes in conjunction with the loan.

6. The total investment in the business from all sources, if any, which the applicant proposes in conjunction with the loan.

7. The number of net new full-time equivalent jobs that, as a result of the loan, the applicant proposes to create in this state as of December 31 of each year and the average annual wage of the proposed jobs.

8. The total number of full-time equivalent employees the applicant currently employs in this state.

9. The date that the applicant anticipates it needs the loan.

10. A detailed explanation of why the loan is needed to assist the applicant in expanding jobs in the state.

11. A statement that all of the applicant's available corporate assets are pledged as collateral for the amount of the loan.

12. A statement that the applicant, upon receiving the loan, agrees not to seek additional long-term debt without prior approval of the loan administrator.

13. A statement that the loan is a joint obligation of the business and of each person who owns at least 20 percent of the business.

14. Any additional information requested by the *department* ~~office~~ or the loan administrator.

(5)(a) The *department* ~~Office~~ may designate one or more qualified entities to serve as loan administrators for the ~~pilot~~ program. A loan administrator must:

1. Be a Florida corporation not for profit incorporated under chapter 617 which has its principal place of business in the state.

2. Have 5 years of verifiable experience of lending to businesses in this state.

3. Submit an application to the *department* ~~Office~~ on forms prescribed by the *department* ~~Office~~. The application must include the loan administrator's business plan for its proposed lending activities under the pilot program, including, but not limited to, a description of its outreach efforts, underwriting, credit policies and procedures, credit decision processes, monitoring policies and procedures, and collection practices; the membership of its board of directors; and samples of its currently used loan documentation. The application must also include a detailed description and supporting documentation of the nature of the loan administrator's partnerships with local or regional economic and business development organizations.

(b) The *department* ~~Office~~, upon selecting a loan administrator, shall enter into a grant agreement with the administrator to issue the available loans to eligible applicants. The grant agreement must specify the aggregate amount of the loans authorized for award by the loan administrator. The term of the grant agreement must be at least 4 years, except that the *department* ~~Office~~ may terminate the agreement earlier if the loan administrator fails to meet minimum performance standards set by the *department* ~~office~~. The grant agreement may be amended by mutual consent of both parties.

(c) The *department* ~~Office~~ shall disburse from the Economic Development Trust Fund to the loan administrator the appropriations provided for the pilot program. Disbursements to the loan administrator must not exceed the aggregate amount of the loans authorized in the grant agreement. The *department* ~~Office~~ may not disburse more than 50 percent of the aggregate amount of the loans authorized in the grant agreement until the *department* ~~Office~~ verifies the borrowers' use of the loan proceeds and the loan administrator's successful credit decision-making policies.

(d) A loan administrator is entitled to receive a loan origination fee, payable at closing, of 1 percent of each loan issued by the loan administrator and a servicing fee of 0.625 percent per annum of the loan's outstanding principal balance, payable monthly. During the first 12 months of the loan, the servicing fee shall be paid from the disbursement from the Economic Development Trust Fund, and thereafter the loan administrator shall collect the servicing fee from the payments made by the borrower, charging the fee against repayments of principal.

(e) A loan administrator, after collecting the servicing fee in accordance with paragraph (d), shall remit the borrower's collected interest, principal payments, and charges for late payments to the *department* ~~office~~ on a quarterly basis. If the borrower defaults on the loan, the loan administrator shall initiate collection efforts to seek repayment of the loan. The loan administrator, upon collecting payments for a defaulted loan, shall remit the payments to the *department* ~~office~~ but, to the extent authorized in the grant agreement, may deduct the costs of the administrator's collection efforts. The *department* ~~office~~ shall deposit all funds received under this paragraph in the General Revenue Fund.

(f) A loan administrator shall submit quarterly reports to the *department* ~~Office~~ which include the information required in the grant agreement. A quarterly report must include, at a minimum, the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic activity undertaken by the borrowers.

(7) The *department* ~~Office~~ shall adopt rules under ss. 120.536(1) and 120.54 to administer this section. ~~To the extent necessary to expedite implementation of the pilot program, the Office may adopt initial emergency rules for the pilot program in accordance with s. 120.54(4).~~

(8) On June 30 and December 31 of each year, *the department* ~~beginning in 2009, the Office~~ shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes in detail the use of the loan funds. The report must include, at a minimum, the number of businesses receiving loans, the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, the locations and types of economic activity undertaken by the borrowers, the amounts of loan repayments made to date, and the default rate of borrowers.

Section 21. Paragraph (b) of subsection (5) and subsections (1), (2), (7), (8), and (9) of section 288.1082, Florida Statutes, are amended to read:

288.1082 Economic Gardening Technical Assistance Pilot Program.—

(1) There is created within the *department* ~~Office of Tourism, Trade, and Economic Development~~ the Economic Gardening Technical Assistance Pilot Program. The purpose of the pilot program is to stimulate investment in Florida's economy by providing technical assistance for expanding businesses in the state. ~~As used in this section, the term "Office" means the Office of Tourism, Trade, and Economic Development.~~

(2) The *department* ~~Office~~ shall contract with one or more entities to administer the pilot program under this section. The *department* ~~Office~~ shall award each contract in accordance with the competitive bidding requirements in s. 287.057 to an entity that demonstrates the ability to implement the pilot program on a statewide basis, has an outreach plan, and has the ability to provide counseling services, access to technology and information, marketing services and advice, business management support, and other similar services. In selecting these entities, the *department* ~~Office~~ also must consider whether the entities will qualify for matching funds to provide the technical assistance.

(5)

(b) The *department* ~~office~~ or the contracted entity administering the pilot program may prescribe in the agreement additional reporting requirements that are necessary to track the progress of the business and monitor the business's implementation of the assistance. The contracted entity shall report the information to the *department* ~~office~~ on a quarterly basis.

(7) The *department* ~~Office~~ shall review the progress of *the* ~~a~~ contracted entity administering the pilot program at least once each 6 months and shall determine whether the contracted entity is meeting its contractual obligations for administering the pilot program. The *department* ~~Office~~ may terminate and rebid a contract if the contracted entity does not meet its contractual obligations.

(8) On December 31 of each year, *the department* ~~beginning in 2009, the Office~~ shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes in detail the progress of the pilot program. The report must include, at a minimum, the number of businesses receiving assistance, the number of full-time equivalent jobs created as a result of the assistance, if any, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic activity undertaken by the businesses.

(9) The *department* ~~Office~~ may adopt rules under ss. 120.536(1) and 120.54 to administer this section.

Section 22. Section 288.901, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.901, F.S., for present text.)

288.901 Enterprise Florida, Inc.—

(1) CREATION.—

(a) There is created a nonprofit corporation, to be known as "Enterprise Florida, Inc.," which shall be registered, incorporated, organized, and operated in compliance with chapter 617, and which is not a unit or entity of state government.

(b) The Legislature determines it is in the public interest and reflects the state's public policy that Enterprise Florida, Inc., operate in the most open and accessible manner consistent with its public purposes. To this end, the Legislature specifically declares that Enterprise Florida, Inc., and its divisions, boards, and advisory councils, or similar entities created or managed by Enterprise Florida, Inc., are subject to the provisions of chapter 119, relating to public records and those provisions of chapter 286 relating to public meetings and records.

(c) The Legislature determines that it is in the public interest for the members of Enterprise Florida, Inc., board of directors to be subject to the requirements of ss. 112.3135, 112.3143, and 112.313, excluding s. 112.313(2), notwithstanding the fact that the board members are not public officers or employees. For purposes of those sections, the board members shall be considered to be public officers or employees. The exemption set forth in s. 112.313(12) for advisory boards applies to the members of Enterprise Florida, Inc., board of directors. Further, each member of the board of directors who is not otherwise required to file financial disclosures pursuant to s. 8, Art. II of the State Constitution or s. 112.3144, shall file disclosure of financial interests pursuant to s. 112.3145.

(2) PURPOSES.—Enterprise Florida, Inc., shall act as the economic-development organization for the state, utilizing private-sector and public-sector expertise in collaboration with the department to:

(a) Increase private investment in Florida;

(b) Advance international and domestic trade opportunities;

(c) Market the state both as a pro-business location for new investment and as an unparalleled tourist destination;

(d) Revitalize Florida's space and aerospace industries, and promote emerging complementary industries;

(e) Promote opportunities for minority-owned businesses;

(f) Assist and market professional and amateur sport teams and sporting events in Florida; and

(g) Assist, promote, and enhance economic opportunities in this state's rural and urban communities.

(3) PERFORMANCE.—Enterprise Florida, Inc., shall enter into a performance-based contract with the department, pursuant to s. 20.60, which includes annual measurements of the performance of Enterprise Florida, Inc.

(4) GOVERNANCE.—Enterprise Florida, Inc., shall be governed by a board of directors. The Governor shall serve as chairperson of the board. The board of directors shall biennially elect one of its members as vice chairperson.

(5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

(a) In addition to the Governor or the Governor's designee, the board of directors shall consist of the following appointed members:

1. The Commissioner of Education or the commissioner's designee.

2. The Chief Financial Officer or his or her designee.

3. The chairperson of the board of directors of Workforce Florida, Inc.

4. The Secretary of State or the secretary's designee.

5. Twelve members from the private sector, six of whom shall be appointed by the Governor, three of whom shall be appointed by the President of the Senate, and three of whom shall be appointed by the Speaker of the House of Representatives. All appointees are subject to Senate confirmation.

(b) In making their appointments, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall ensure that the composition of the board of directors reflects the diversity of Florida's business community and is representative of the economic development goals in subsection (2). The board must include at least one director for each of the following areas of expertise: international business, tourism marketing, the space or aerospace industry, managing or financing a minority-owned business, manufacturing, finance and accounting, and sports marketing.

(c) The Governor, the President of the Senate, and the Speaker of the House of Representatives also shall consider appointees who reflect Florida's racial, ethnic, and gender diversity. Efforts shall be taken to ensure participation from all geographic areas of the state, including representation from urban and rural communities.

(d) Appointed members shall be appointed to 4-year terms, except that initially, to provide for staggered terms, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint one member to serve a 2-year term and one member to serve a 3-year term, with the remaining initial appointees serving 4-year terms. All subsequent appointments shall be for 4-year terms.

(e) Initial appointments must be made by October 1, 2011, and be eligible for confirmation at the earliest available Senate session. Terms end on September 30.

(f) Any member is eligible for reappointment, except that a member may not serve more than two terms.

(g) A vacancy on the board of directors shall be filled for the remainder of the unexpired term. Vacancies on the board shall be filled by appointment by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, depending on who appointed the member whose vacancy is to be filled or whose term has expired.

(h) Appointed members may be removed by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, for cause. Absence from three consecutive meetings results in automatic removal.

(6) AT-LARGE MEMBERS OF THE BOARD OF DIRECTORS.—The board of directors may by resolution appoint at-large members to the board from the private sector, each of whom may serve a term of up to 3 years. At-large members shall have the powers and duties of other members of the board. An at-large member is eligible for reappointment but may not vote on his or her own reappointment. An at-large member shall be eligible to fill vacancies occurring among private-sector appointees under subsection (5). At-large members may annually provide contributions to Enterprise Florida, Inc., in an amount determined by the board of directors. The contributions must be used to defray the operating expenses of Enterprise Florida, Inc., and help meet the required private match to the state's annual appropriation.

(7) EX OFFICIO BOARD MEMBERS.—In addition to the members specified in subsections (5) and (6), the board of directors shall consist of the following ex officio members:

(a) A member of the Senate, who shall be appointed by the President of the Senate and serve at the pleasure of the President.

(b) A member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives and serve at the pleasure of the Speaker.

(8) MEETING.—The board of directors shall meet at least four times each year, upon the call of the chairperson, at the request of the vice chairperson, or at the request of a majority of the membership. A majority of the total number of current voting members shall constitute a quorum. The board of directors may take official action by a majority vote of the members present at any meeting at which a quorum is present.

(9) SERVICE.—Members of the board of directors shall serve without compensation, but members may be reimbursed for all reasonable, necessary, and actual expenses, as determined by the board of directors.

(10) PROHIBITION.—Enterprise Florida, Inc., may not endorse any candidate for any elected public office or contribute moneys to the campaign of any such candidate.

Section 23. Section 288.9015, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.9015, F.S., for present text.)

288.9015 Powers of Enterprise Florida, Inc.; board of directors.—

(1) Enterprise Florida, Inc., shall integrate its efforts in business recruitment and expansion, job creation, marketing the state for tourism and sports, and promoting economic opportunities for minority-owned businesses and promoting economic opportunities for rural and distressed urban communities with those of the department, to create an aggressive, agile, and collaborative effort to reinvigorate the state's economy.

(2) The board of directors of Enterprise Florida, Inc., may:

(a) Secure funding for its programs and activities, and for its boards from federal, state, local, and private sources and from fees charged for services and published materials.

(b) Solicit, receive, hold, invest, and administer any grant, payment, or gift of funds or property and make expenditures consistent with the powers granted to it.

(c) Make and enter into contracts and other instruments necessary or convenient for the exercise of its powers and functions. A contract executed by Enterprise Florida, Inc., with a person or organization under which such person or organization agrees to perform economic development services or similar business assistance services on behalf of Enterprise Florida, Inc., or the state must include provisions requiring a performance report on the contracted activities and must account for the proper use of funds provided under the contract, coordinate with other components of state and local economic development systems, and avoid duplication of existing state and local services and activities.

(d) Elect or appoint such officers, employees, and agents as required for its activities and for its divisions and pay such persons reasonable compensation.

(e) Carry forward any unexpended state appropriations into succeeding fiscal years.

(f) Create and dissolve advisory councils pursuant to s. 288.92, working groups, task forces, or similar organizations, as necessary to carry out its mission. Members of advisory councils, working groups, task forces, or similar organizations created by Enterprise Florida, Inc., shall serve without compensation, but may be reimbursed for reasonable, necessary, and actual expenses, as determined by the board of directors of Enterprise Florida, Inc.

(g) Establish an executive committee consisting of the chairperson or a designee, the vice chairperson, and as many additional members of the board of directors as the board deems appropriate, except that such committee must have a minimum of five members. The executive committee shall have such authority as the board of directors delegates to it, except that the board may not delegate the authority to hire or fire the president or the authority to establish or adjust the compensation paid to the president.

(h) Sue and be sued, and appear and defend in all actions and proceedings, in its corporate name to the same extent as a natural person.

(i) Adopt, use, and alter a common corporate seal for Enterprise Florida, Inc., and its divisions. Notwithstanding any provision of chapter 617 to the contrary, this seal is not required to contain the words "corporation not for profit."

(j) Adopt, amend, and repeal bylaws, not inconsistent with the powers granted to it or the articles of incorporation, for the administration of the activities of Enterprise Florida, Inc., and the exercise of its corporate powers.

(k) Acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses, royalties, and other rights or interests thereunder or therein.

(l) Use the state seal, notwithstanding the provisions of s. 15.03, when appropriate, for standard corporate identity applications. Use of the state

seal is not intended to replace use of a corporate seal as provided in this section.

(m) Procure insurance or require bond against any loss in connection with the property of Enterprise Florida, Inc., and its divisions, in such amounts and from such insurers as is necessary or desirable.

(3) The powers granted to Enterprise Florida, Inc., shall be liberally construed in order that Enterprise Florida, Inc., may pursue and succeed in its responsibilities under this part.

(4) Under no circumstances may the credit of the State of Florida be pledged on behalf of Enterprise Florida, Inc.

(5) In addition to any indemnification available under chapter 617, Enterprise Florida, Inc., may indemnify, and purchase and maintain insurance on behalf of, it directors, officers, and employees of Enterprise Florida, Inc., and its divisions against any personal liability or accountability by reason of actions taken while acting within the scope of their authority.

Section 24. Section 288.903, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.903, F.S., for present text.)

288.903 Duties of Enterprise Florida, Inc.—Enterprise Florida, Inc., shall have the following duties:

(1) Responsibly and prudently manage all public and private funds received, and ensure that the use of such funds is in accordance with all applicable laws, bylaws, or contractual requirements.

(2) Administer the entities or programs created pursuant to part IX of this chapter; ss. 288.9622-288.9624; ss. 288.95155 and 288.9519; and chapter 95-429, Laws of Florida, line 1680Y.

(3) Prepare an annual report pursuant to s. 288.906 and an annual incentives report pursuant to s. 288.907.

(4) Assist the department with the development of an annual and a long-range strategic business blueprint for economic development required in s. 20.60.

(5) In coordination with Workforce Florida, Inc., identify education and training programs that will ensure Florida businesses have access to a skilled and competent workforce necessary to compete successfully in the domestic and global marketplace.

Section 25. Section 288.904, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.904, F.S., for present text.)

288.904 Funding for Enterprise Florida, Inc.; performance and return on the public's investment.—

(1)(a) The Legislature may annually appropriate to Enterprise Florida, Inc., a sum of money for its operations, and separate line-item appropriations for each of the divisions listed in s. 288.92.

(b) The state's operating investment in Enterprise Florida, Inc., and its divisions is the budget contracted by the department to Enterprise Florida, Inc., less any funding that is directed by the Legislature to be subcontracted to a specific recipient entity.

(c) The board of directors of Enterprise Florida, Inc., shall adopt for each upcoming fiscal year an operating budget for the organization, including its divisions, which specifies the intended uses of the state's operating investment and a plan for securing private-sector support.

(2)(a) The Legislature finds that it is a priority to maximize private-sector support in operating Enterprise Florida, Inc., and its divisions, as an endorsement of its value and as an enhancement of its efforts. Thus, the state appropriations must be matched with private-sector support equal to at least 100 percent of the state operational funding.

(b) Private-sector support in operating Enterprise Florida, Inc., and its divisions includes:

1. Cash given directly to Enterprise Florida, Inc., for its operations, including contributions from at-large members of the board of directors;

2. Cash donations from organizations assisted by the divisions;

3. Cash jointly raised by Enterprise Florida, Inc., and a private local economic development organization, a group of such organizations, or a statewide private business organization that supports collaborative projects;

4. Cash generated by fees charged for products or services of Enterprise Florida, Inc., and its divisions by sponsorship of events, missions, programs, and publications; and

5. Copayments, stock, warrants, royalties, or other private resources dedicated to Enterprise Florida, Inc., or its divisions.

(3)(a) Specifically for the marketing and advertising activities of the Division of Tourism Marketing or as contracted through the Florida Tourism Industry Corporation, a one-to-one match is required of private to public contributions within 4 calendar years after the implementation date of the marketing plan pursuant to s. 288.923.

(b) For purposes of calculating the required one-to-one match, matching private funds shall be divided into four categories. Documentation for the components of the four private match categories shall be kept on file for inspection as determined necessary. The four private match categories are:

1. Direct cash contributions, which include, but are not limited to, cash derived from strategic alliances, contributions of stocks and bonds, and partnership contributions.

2. Fees for services, which include, but are not limited to, event participation, research, and brochure placement and transparencies.

3. Cooperative advertising, which is the value based on cost of contributed productions, air time, and print space.

4. In-kind contributions, which include, but are not limited to, the value of strategic alliance services contributed, the value of loaned employees, discounted service fees, items contributed for use in promotions, and radio or television air time or print space for promotions. The value of air time or print space shall be calculated by taking the actual time or space and multiplying by the nonnegotiated unit price for that specific time or space which is known as the media equivalency value. In order to avoid duplication in determining media equivalency value, only the value of the promotion itself shall be included; the value of the items contributed for the promotion may not be included.

(4) Enterprise Florida, Inc., shall fully comply with the performance measures, standards, and sanctions in its contract with the department, under s. 20.60. The department shall ensure, to the maximum extent possible, that the contract performance measures are consistent with performance measures that it is required to develop and track under performance-based program budgeting. The contract shall also include performance measures for the divisions.

(5) The Legislature intends to review the performance of Enterprise Florida, Inc., in achieving the performance goals stated in its annual contract with the department to determine whether the public is receiving a positive return on its investment in Enterprise Florida, Inc., and its divisions. It also is the intent of the Legislature that Enterprise Florida, Inc., coordinate its operations with local economic development organizations to maximize the state and local return on investment to create jobs for Floridians.

(6) As part of the annual report required under s. 288.906, Enterprise Florida, Inc., shall provide the Legislature with information quantifying the return on the public's investment each fiscal year. Enterprise Florida, Inc., in consultation with the Office of Economic and Demographic Research, shall hire an economic analysis firm to develop the methodology for establishing and reporting the return on the public's investment and in-kind contributions as described in this section. The Office of Economic and Demographic Research shall review and offer feedback on the methodology before it is implemented.

Section 26. Section 288.905, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.905, F.S., for present text.)

288.905 President and employees of Enterprise Florida, Inc.—

(1) The board of directors of Enterprise Florida, Inc., shall appoint a president, who shall serve at the pleasure of the Governor. The president shall also be known as the "secretary of commerce" and shall serve as the Governor's chief negotiator for business recruitment and business expansion.

(2) The president is the chief administrative and operational officer of the board of directors and of Enterprise Florida, Inc., and shall direct and supervise the administrative affairs of the board of directors and any divisions, councils, or boards. The board of directors may delegate to the president those powers and responsibilities it deems appropriate, including hiring and management of all staff, except for the appointment of a president.

(3) The board of directors shall establish and adjust the president's compensation.

(4) No employee of Enterprise Florida, Inc., may receive compensation for employment that exceeds the salary paid to the Governor, unless the board of directors and the employee have executed a contract that prescribes specific, measurable performance outcomes for the employee, the satisfaction of which provides the basis for the award of incentive payments that increase the employee's total compensation to a level above the salary paid to the Governor.

Section 27. Section 288.906, Florida Statutes, is amended to read:

288.906 Annual report of Enterprise Florida, Inc*., and its divisions*; audits.—

(1) Before ~~Prior to~~ December 1 of each year, Enterprise Florida, Inc., shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report including, but not limited to:

(a)~~(1)~~ A description of the operations and accomplishments of Enterprise Florida, Inc., and its *divisions,* boards*,* and advisory *councils* ~~committees~~ or similar *entities* ~~groups~~ created by Enterprise Florida, Inc., and an identification of any major trends, initiatives, or developments affecting the performance of any program or activity. *The individual annual reports prepared by each division shall be included as addenda.*

(b)~~(2)~~ An evaluation of progress *toward* ~~towards~~ achieving organizational goals and specific performance outcomes, both short-term and long-term, established pursuant to *this part or under the agreement with the department* ~~s. 288.905~~.

(c)~~(3)~~ Methods for implementing and funding the operations of Enterprise Florida, Inc., and its *divisions, including the private-sector support required under s. 288.904* ~~boards~~.

(d)~~(4)~~ A description of the operations and accomplishments of Enterprise Florida, Inc., and its *divisions* ~~boards~~ with respect to aggressively marketing Florida's rural communities and distressed urban communities as locations for potential new investment and job creation, aggressively assisting in the creation, retention, and expansion of existing businesses and job growth in these communities, and aggressively assisting these communities in the identification and development of new economic development opportunities.

(e)~~(5)~~ A description and evaluation of the operations and accomplishments of Enterprise Florida, Inc., and its *divisions* ~~boards~~ with respect to interaction with local and private economic development organizations, including *the* ~~an~~ identification of *each organization that is a primary partner and* any specific programs or activities which promoted the activities of such organizations and an identification of any specific programs or activities *that* ~~which~~ promoted a comprehensive and coordinated approach to economic development in this state.

(f)~~(6)~~ An assessment of job creation that directly benefits participants in the welfare transition program *or other programs designed to put long-term unemployed persons back to work*.

(g) The results of a customer-satisfaction survey of businesses served. The survey shall be conducted by an independent entity with expertise in survey research that is under contract with Enterprise Florida, Inc., to develop, analyze, and report the results.

(h)~~(7)~~ An annual compliance and financial audit of accounts and records by an independent certified public accountant at the end of its most recent fiscal year performed in accordance with rules adopted by the Auditor General.

(2) The detailed report required by this *section* ~~subsection~~ shall also include the information identified in *subsection (1)* ~~subsections (1)-(7)~~, if applicable, for *each division* ~~any board~~ established within ~~the corporate structure of~~ Enterprise Florida, Inc.

Section 28. Section 288.907, Florida Statutes, is created to read:

288.907 Annual incentives report.—

(1) In addition to the annual report required under s. 288.906, Enterprise Florida, Inc., by December 30 of each year, shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed incentives report quantifying the economic benefits for all of the economic development incentive programs marketed by Enterprise Florida, Inc.

(a) The annual incentives report must include for each incentive program:

1. A brief description of the incentive program.

2. The amount of awards granted, by year, since inception.

3. The economic benefits, as defined in s. 288.005, based on the actual amount of private capital invested, actual number of jobs created, and actual wages paid for incentive agreements completed during the previous 3 years.

4. The report shall also include the actual amount of private capital invested, actual number of jobs created, and actual wages paid for incentive agreements completed during the previous 3 years for each target industry sector.

(b) For projects completed during the previous state fiscal year, the report must include:

1. The number of economic development incentive applications received.

2. The number of recommendations made to the department by Enterprise Florida, Inc., including the number recommended for approval and the number recommended for denial.

3. The number of final decisions issued by the department for approval and for denial.

4. The projects for which a tax refund, tax credit, or cash grant agreement was executed, identifying:

a. The number of jobs committed to be created.

b. The amount of capital investments committed to be made.

c. The annual average wage committed to be paid.

d. The amount of state economic development incentives committed to the project from each incentive program under the project's terms of agreement with the Department of Economic Opportunity.

e. The amount and type of local matching funds committed to the project.

(c) For economic development projects that received tax refunds, tax credits, or cash grants under the terms of an agreement for incentives, the report must identify:

1. The number of jobs actually created.

2. The amount of capital investments actually made.

3. The annual average wage paid.

(d) For a project receiving economic development incentives approved by the department and receiving federal or local incentives, the report must include a description of the federal or local incentives, if available.

(e) The report must state the number of withdrawn or terminated projects that did not fulfill the terms of their agreements with the department and consequently are not receiving incentives.

(f) The report must include an analysis of the economic benefits, as defined in s. 288.005, of tax refunds, tax credits, or other payments made to projects locating or expanding in state enterprise zones, rural communities, brownfield areas, or distressed urban communities.

(g) The report must identify the target industry businesses and high-impact businesses.

(h) The report must describe the trends relating to business interest in, and usage of, the various incentives, and the number of minority-owned or woman-owned businesses receiving incentives.

(i) The report must identify incentive programs not utilized.

(2) The Division of Strategic Business Development within the department shall assist Enterprise Florida, Inc., in the preparation of the annual incentives report.

Section 29. Section 288.912, Florida Statutes, is created to read:

288.912 Inventory of communities seeking to recruit businesses.—By September 30 of each year, a county or municipality that has a population of at least 25,000 or its local economic development organization must submit to Enterprise Florida, Inc., a brief overview of the strengths, services, and economic development incentives that its community offers. The local government or its local economic development organization also must identify any industries that it is encouraging to locate or relocate to its area. A county or municipality having a population of 25,000 or fewer or its local economic development organization seeking to recruit businesses may submit information as required in this section and may participate in any activity or initiative resulting from the collection, analysis, and reporting of the information to Enterprise Florida, Inc., pursuant to this section.

Section 30. Section 288.92, Florida Statutes, is created to read:

288.92 Divisions of Enterprise Florida, Inc.—

(1) Enterprise Florida, Inc., may create and dissolve divisions as necessary to carry out its mission. Each division shall have distinct responsibilities and complementary missions. At a minimum, Enterprise Florida, Inc., shall have divisions related to the following areas:

(a) International Trade and Business Development;

(b) Business Retention and Recruitment;

(c) Tourism Marketing;

(d) Minority Business Development; and

(e) Sports Industry Development.

(2)(a) The officers and agents of the divisions shall be hired and their annual compensation established by the president of Enterprise Florida, Inc., as deemed appropriate by the board of directors, and may be eligible for performance bonuses pursuant to s. 288.905. This paragraph does not apply to any employees of the corporation established pursuant to s. 288.1226.

(b) The board of directors of Enterprise Florida, Inc., may organize the divisions and, to the greatest extent possible, minimize costs by requiring that the divisions share administrative staff.

(3) By October 15 each year, each division shall draft and submit an annual report which details the division's activities during the prior fiscal year and includes any recommendations for improving current statutes related to the division's related area.

Section 31. Section 288.923, Florida Statutes, is created to read:

288.923 Division of Tourism Marketing; definitions; responsibilities.—

(1) There is created within Enterprise Florida, Inc., the Division of Tourism Marketing.

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

(a) "Tourism marketing" means any effort exercised to attract domestic and international visitors from outside the state to destinations in this state and to stimulate Florida resident tourism to areas within the state.

(b) "Tourist" means any person who participates in trade or recreation activities outside the county of his or her permanent residence or who rents or leases transient living quarters or accommodations as described in s. 125.0104(3)(a).

(c) "County destination marketing organization" means a public or private agency that is funded by local option tourist development tax revenues under s. 125.0104, or local option convention development tax revenues under s. 212.0305, and is officially designated by a county commission to market and promote the area for tourism or convention business or, in any county that has not levied such taxes, a public or private agency that is officially designated by the county commission to market and promote the area for tourism or convention business.

(d) "Direct-support organization" means the Florida Tourism Industry Marketing Corporation.

(3) Enterprise Florida, Inc., shall contract with the Florida Tourism Industry Marketing Corporation, a direct-support organization established in s. 288.1226, to execute tourism promotion and marketing services, functions, and programs for the state, including, but not limited to, the activities prescribed by the 4-year marketing plan. The division shall assist to maintain and implement the contract.

(4) The division's responsibilities and duties include, but are not limited to:

(a) Maintaining and implementing the contract with the Florida Tourism Industry Marketing Corporation.

(b) Advising the department and Enterprise Florida, Inc., on development of domestic and international tourism marketing campaigns featuring Florida; and

(c) Developing a 4-year marketing plan.

1. At a minimum, the marketing plan shall discuss the following:

a. Continuation of overall tourism growth in this state;

b. Expansion to new or under-represented tourist markets;

c. Maintenance of traditional and loyal tourist markets;

d. Coordination of efforts with county destination marketing organizations, other local government marketing groups, privately owned attractions and destinations, and other private-sector partners to create a seamless, four-season advertising campaign for the state and its regions;

e. Development of innovative techniques or promotions to build repeat visitation by targeted segments of the tourist population;

f. Consideration of innovative sources of state funding for tourism marketing;

g. Promotion of nature-based tourism and heritage tourism.

h. Development of a component to address emergency response to natural and man-made disasters from a marketing standpoint.

2. The plan shall be annual in construction and ongoing in nature. Any annual revisions of the plan shall carry forward the concepts of the remaining 3-year portion of the plan and consider a continuum portion to preserve the 4-year time-frame of the plan. The plan also shall include recommendations for specific performance standards and measurable outcomes for the division and direct-support organization. The department, in consultation with the board of directors of Enterprise Florida, Inc., shall base the actual performance metrics on these recommendations.

3. The 4-year marketing plan shall be developed in collaboration with the Florida Tourism Industry Marketing Corporation. The plan shall be

annually reviewed and approved by the board of directors of Enterprise Florida, Inc.

(d) Drafting and submitting an annual report required by s. 288.92. The annual report shall set forth for the division and the direct-support organization:

1. Operations and accomplishments during the fiscal year, including the economic benefit of the state's investment and effectiveness of the marketing plan.

2. The 4-year marketing plan, including recommendations on methods for implementing and funding the plan.

3. The assets and liabilities of the direct-support organization at the end of its most recent fiscal year.

4. A copy of the annual financial and compliance audit conducted under s. 288.1226(6).

(5) Notwithstanding s. 288.92, the division shall be staffed by the Florida Tourism Industry Marketing Corporation. Such staff shall not be considered to be employees of the division and shall remain employees of the Florida Tourism Industry Marketing Corporation. Section 288.905 does not apply to the Florida Tourism Industry Marketing Corporation.

Section 32. Section 288.1226, Florida Statutes, is amended to read:

288.1226 Florida Tourism Industry Marketing Corporation; use of property; board of directors; duties; audit.—

(1) DEFINITIONS.—For the purposes of this section, the term "corporation" means the Florida Tourism Industry Marketing Corporation.

(2) ESTABLISHMENT.~~— The Florida Commission on Tourism shall establish, no later than July 31, 1996,~~ The Florida Tourism Industry Marketing Corporation *is* ~~as~~ a direct-support organization *of Enterprise Florida, Inc.*~~:~~

(a) *The Florida Tourism Industry Marketing Corporation* ~~Which~~ is a corporation not for profit, as defined in s. 501(c)(6) of the Internal Revenue Code of 1986, as amended, that is incorporated under the provisions of chapter 617 and approved by the Department of State.

(b) *The corporation* ~~Which~~ is organized and operated exclusively to request, receive, hold, invest, and administer property and to manage and make expenditures for the operation of the activities, services, functions, and programs of this state which relate to the statewide, national, and international promotion and marketing of tourism.

~~(c) Which the Florida Commission on Tourism and the Office of Tourism, Trade, and Economic Development, after review, have certified whether it is operating in a manner consistent with the policies and goals of the commission and its long-range marketing plan.~~

(d) *The corporation is* ~~Which shall~~ not ~~be considered~~ an agency for the purposes of chapters 120, 216, and 287; ss. 255.21, 255.25, and 255.254, relating to leasing of buildings; ss. 283.33 and 283.35, relating to bids for printing; s. 215.31; and parts I, II, and IV-VIII of chapter 112.

(e) *The corporation is* ~~Which shall be~~ subject to the provisions of chapter 119, relating to public meetings, and those provisions of chapter 286 relating to public meetings and records.

(3) USE OF PROPERTY.—*Enterprise Florida, Inc.* ~~The commission~~:

(a) Is authorized to permit the use of property and facilities of *Enterprise Florida, Inc.,* ~~the commission~~ by the corporation, subject to the provisions of this section.

(b) Shall prescribe conditions with which the corporation must comply in order to use property and facilities of *Enterprise Florida, Inc* ~~the commission~~. Such conditions shall provide for budget and audit review and for oversight by *Enterprise Florida, Inc* ~~the commission~~.

(c) *May* ~~Shall~~ not permit the use of property and facilities of *Enterprise Florida, Inc.,* ~~the commission~~ if the corporation does not provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, age, or religion.

(4) BOARD OF DIRECTORS.—The board of directors of the corporation shall be composed of 31 tourism-industry-related members, appointed by *Enterprise Florida, Inc., in conjunction with the department* ~~the Florida Commission on Tourism from its own membership~~. ~~the vice chair of the commission shall serve as chair of the corporation's board of directors.~~

(a) The board shall consist of 16 members, appointed in such a manner as to equitably represent all geographic areas of the state, with no fewer than two members from any of the following regions:

1. Region 1, composed of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.

2. Region 2, composed of Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee, Taylor, and Union Counties.

3. Region 3, composed of Brevard, Indian River, Lake, Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and Volusia Counties.

4. Region 4, composed of Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.

5. Region 5, composed of Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, and Lee Counties.

6. Region 6, composed of Broward, Martin, Miami-Dade, Monroe, and Palm Beach Counties.

(b) The 15 additional tourism-industry-related members, shall include 1 representatives from the statewide rental car industry, 7 representatives from tourist-related statewide associations, including those that represent hotels, campgrounds, county destination marketing organizations, museums, restaurants, retail, and attractions, 3 representatives from county destination marketing organizations, 1 representative from the cruise industry, 1 representative from an automobile and travel services membership organization that has at least 2.8 million members in Florida, 1 representative from the airline industry, and 1 representative from the space tourism industry, who will each serve for a term of 2 years.

(5) POWERS AND DUTIES.—The corporation, in the performance of its duties:

(a) May make and enter into contracts and assume such other functions as are necessary to carry out the provisions of the ~~Florida Commission on Tourism's~~ 4-year marketing plan *required by s. 288.923,* and the corporation's contract with *Enterprise Florida, Inc.,* ~~the commission~~ which are not inconsistent with this or any other provision of law.

(b) May develop a program to provide incentives and to attract and recognize those entities which make significant financial and promotional contributions towards the expanded tourism promotion activities of the corporation.

(c) ~~May commission and adopt, in cooperation with the commission, an official tourism logo to be used in all promotional materials directly produced by the corporation. The corporation~~ May establish a cooperative marketing program with other public and private entities which allows the use of *the VISIT Florida* ~~this~~ logo in tourism promotion campaigns which meet the standards of *Enterprise Florida, Inc.,* ~~the commission and the Office of Tourism, Trade, and Economic Development~~ for which the corporation may charge a reasonable fee.

(d) May sue and be sued and appear and defend in all actions and proceedings in its corporate name to the same extent as a natural person.

(e) May adopt, use, and alter a common corporate seal. However, such seal must always contain the words "corporation not for profit."

(f) Shall elect or appoint such officers and agents as its affairs shall require and allow them reasonable compensation.

(g) Shall hire and establish salaries and personnel and employee benefit programs for such permanent and temporary employees as are necessary to carry out the provisions of the ~~Florida Commission on Tourism's~~ 4-year marketing plan and the corporation's contract with *Enterprise Florida, Inc.,* ~~the commission~~ which are not inconsistent with this or any other provision of law.

(h) Shall provide staff support to *the Division of Tourism Promotion of Enterprise Florida, Inc* ~~the Florida Commission on Tourism~~. The president and chief executive officer of the Florida Tourism Industry Marketing Corporation shall serve without compensation as the ~~executive~~ director of the *division* ~~commission~~.

(i) May adopt, change, amend, and repeal bylaws, not inconsistent with law or its articles of incorporation, for the administration of the provisions of the ~~Florida Commission on Tourism's~~ 4-year marketing plan and the corporation's contract with *Enterprise Florida, Inc* ~~the commission~~.

(j) May conduct its affairs, carry on its operations, and have offices and exercise the powers granted by this act in any state, territory, district, or possession of the United States or any foreign country. Where feasible, appropriate, and recommended by the 4-year marketing plan developed by the *Division of Tourism Promotion of Enterprise Florida, Inc.* ~~Florida Commission on Tourism~~, the corporation may collocate the programs of foreign tourism offices in cooperation with any foreign office operated by any agency of this state.

(k) May appear on its own behalf before boards, commissions, departments, or other agencies of municipal, county, state, or federal government.

(l) May request or accept any grant, payment, or gift, of funds or property made by this state or by the United States or any department or agency thereof or by any individual, firm, corporation, municipality, county, or organization for any or all of the purposes of the ~~Florida Commission on Tourism's~~ 4-year marketing plan and the corporation's contract with *Enterprise Florida, Inc.,* ~~the commission~~ that are not inconsistent with this or any other provision of law. Such funds shall be deposited in a bank account established by the corporation's board of directors. The corporation may expend such funds in accordance with the terms and conditions of any such grant, payment, or gift, in the pursuit of its administration or in support of the programs it administers. The corporation shall separately account for the public funds and the private funds deposited into the corporation's bank account.

(m) Shall establish a plan for participation in the corporation which will provide additional funding for the administration and duties of the corporation.

(n) In the performance of its duties, may undertake, or contract for, marketing projects and advertising research projects.

(o) In addition to any indemnification available under chapter 617, the corporation may indemnify, and purchase and maintain insurance on behalf of, directors, officers, and employees of the corporation against any personal liability or accountability by reason of actions taken while acting within the scope of their authority.

(6) ANNUAL AUDIT.—The corporation shall provide for an annual financial audit in accordance with s. 215.981. The annual audit report shall be submitted to the Auditor General; the Office of Policy Analysis and Government Accountability; *Enterprise Florida, Inc.;* and *the department* ~~the Office of Tourism, Trade, and Economic Development~~ for review. The Office of Program Policy Analysis and Government Accountability; *Enterprise Florida, Inc.; the department* ~~the Office of Tourism, Trade, and Economic Development~~; and the Auditor General have the authority to require and receive from the corporation or from its independent auditor any detail or supplemental data relative to the operation of the corporation. The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall annually certify whether the corporation is operating in a manner and achieving the objectives that are consistent with the policies and goals of *Enterprise Florida, Inc.,* ~~the commission~~ and its long-range marketing plan. The identity of a donor or prospective donor to the corporation who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

(7) The corporation shall provide a quarterly report to *Enterprise Florida, Inc.,* ~~the commission~~ which shall:

(a) Measure the current vitality of the visitor industry of this state as compared to the vitality of such industry for the year to date and for comparable quarters of past years. Indicators of vitality shall be determined by *Enterprise Florida, Inc.,* ~~the commission~~ and shall include, but not be limited to, estimated visitor count and party size, length of stay, average expenditure per party, and visitor origin and destination.

(b) Provide detailed, unaudited financial statements of sources and uses of public and private funds.

(c) Measure progress towards annual goals and objectives set forth in the ~~commission's~~ 4-year marketing plan.

(d) Review all pertinent research findings.

(e) Provide other measures of accountability as requested by *Enterprise Florida, Inc* ~~the commission~~.

(8) The identity of any person who responds to a marketing project or advertising research project conducted by the corporation in the performance of its duties on behalf of *Enterprise Florida, Inc.* ~~the commission~~, or trade secrets as defined by s. 812.081 obtained pursuant to such activities, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 33. Subsection (4) of section 409.942, Florida Statutes, is amended to read:

409.942 Electronic benefit transfer program.—

~~(4) Workforce Florida, Inc., through the Agency for Workforce Innovation, shall establish an electronic benefit transfer program for the use and management of education, training, child care, transportation, and other program benefits under its direction. The workforce electronic benefit transfer program shall fulfill all federal and state requirements for Individual Training Accounts, Retention Incentive Training Accounts, Individual Development Accounts, and Individual Services Accounts. The workforce electronic benefit transfer program shall be designed to enable an individual who receives an electronic benefit transfer card under subsection (1) to use that card for purposes of benefits provided under the workforce development system as well. The Department of Children and Family Services shall assist Workforce Florida, Inc., in developing an electronic benefit transfer program for the workforce development system that is fully compatible with the department's electronic benefit transfer program. The agency shall reimburse the department for all costs incurred in providing such assistance and shall pay all costs for the development of the workforce electronic benefit transfer program.~~

Section 34. Subsections (4), (5), and (6) of section 411.0102, Florida Statutes, are amended to read:

411.0102 Child Care Executive Partnership Act; findings and intent; grant; limitation; rules.—

(4) The Child Care Executive Partnership, staffed by the *Office of Early Learning* ~~Agency for Workforce Innovation~~, shall consist of a representative of the Executive Office of the Governor and nine members of the corporate or child care community, appointed by the Governor.

(a) Members shall serve for a period of 4 years, except that the representative of the Executive Office of the Governor shall serve at the pleasure of the Governor.

(b) The Child Care Executive Partnership shall be chaired by a member chosen by a majority vote and shall meet at least quarterly and at other times upon the call of the chair. The Child Care Executive Partnership may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, only if the public is given proper notice of a telecommunications meeting and reasonable access to observe and, when appropriate, participate.

(c) Members shall serve without compensation, but may be reimbursed for per diem and travel expenses in accordance with s. 112.061.

(d) The Child Care Executive Partnership shall have all the powers and authority, not explicitly prohibited by statute, necessary to carry out and effectuate the purposes of this section, as well as the functions, duties, and responsibilities of the partnership, including, but not limited to, the following:

1. Assisting in the formulation and coordination of the state's child care policy.

2. Adopting an official seal.

3. Soliciting, accepting, receiving, investing, and expending funds from public or private sources.

4. Contracting with public or private entities as necessary.

5. Approving an annual budget.

6. Carrying forward any unexpended state appropriations into succeeding fiscal years.

7. Providing a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate, on or before December 1 of each year.

(5)(a) The Legislature shall annually determine the amount of state or federal low-income child care moneys which shall be used to create Child Care Executive Partnership Program child care purchasing pools in counties chosen by the Child Care Executive Partnership, provided that at least two of the counties have populations of no more than 300,000. The Legislature shall annually review the effectiveness of the child care purchasing pool program and reevaluate the percentage of additional state or federal funds, if any, *which* ~~that~~ can be used for the program's expansion.

(b) To ensure a seamless service delivery and ease of access for families, an early learning coalition or the *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall administer the child care purchasing pool funds.

(c) The *Office of Early Learning* ~~Agency for Workforce Innovation~~, in conjunction with the Child Care Executive Partnership, shall develop procedures for disbursement of funds through the child care purchasing pools. In order to be considered for funding, an early learning coalition or the *Office of Early Learning* ~~Agency for Workforce Innovation~~ must commit to:

1. Matching the state purchasing pool funds on a dollar-for-dollar basis; and

2. Expending only those public funds *that* ~~which~~ are matched by employers, local government, and other matching contributors who contribute to the purchasing pool. Parents shall also pay a fee, which may not be less than the amount identified in the early learning coalition's school readiness program sliding fee scale.

(d) Each early learning coalition shall establish a community child care task force for each child care purchasing pool. The task force must be composed of employers, parents, private child care providers, and one representative from the local children's services council, if one exists in the area of the purchasing pool. The early learning coalition is expected to recruit the task force members from existing child care councils, commissions, or task forces already operating in the area of a purchasing pool. A majority of the task force shall consist of employers.

(e) Each participating early learning coalition board shall develop a plan for the use of child care purchasing pool funds. The plan must show how many children will be served by the purchasing pool, how many will be new to receiving child care services, and how the early learning coalition intends to attract new employers and their employees to the program.

(6) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall adopt any rules necessary for the implementation and administration of this section.

Section 35. Paragraph (b) of subsection (5) of section 11.40, Florida Statutes, is amended to read:

11.40 Legislative Auditing Committee.—

(5) Following notification by the Auditor General, the Department of Financial Services, or the Division of Bond Finance of the State Board of Administration of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or s. 218.38, the Legislative Auditing Committee may schedule a hearing. If a hearing is scheduled, the committee shall determine if the entity should be subject to further state action. If the committee determines that the entity should be subject to further state action, the committee shall:

(b) In the case of a special district, notify the Department of *Economic Opportunity* ~~Community Affairs~~ that the special district has failed to comply with the law. Upon receipt of notification, the Department of *Economic Opportunity* ~~Community Affairs~~ shall proceed pursuant to the provisions specified in s. 189.421.

Section 36. Paragraph (c) of subsection (7) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

(c) The Auditor General shall provide annually a list of those special districts which are not in compliance with s. 218.39 to the Special District Information Program of the Department of *Economic Opportunity* ~~Community Affairs~~.

Section 37. Paragraph (b) of subsection (2) of section 14.20195, Florida Statutes, is amended to read:

14.20195 Suicide Prevention Coordinating Council; creation; membership; duties.—There is created within the Statewide Office for Suicide Prevention a Suicide Prevention Coordinating Council. The council shall develop strategies for preventing suicide.

(2) MEMBERSHIP.—The Suicide Prevention Coordinating Council shall consist of 28 voting members.

(b) The following state officials or their designees shall serve on the coordinating council:

1. The Secretary of Elderly Affairs.

2. The State Surgeon General.

3. The Commissioner of Education.

4. The Secretary of Health Care Administration.

5. The Secretary of Juvenile Justice.

6. The Secretary of Corrections.

7. The executive director of the Department of Law Enforcement.

8. The executive director of the Department of Veterans' Affairs.

9. The Secretary of Children and Family Services.

10. The *executive* director of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~.

Section 38. Section 15.182, Florida Statutes, is amended to read:

15.182 International travel by state-funded musical, cultural, or artistic organizations; notification to *the Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~.—

(1) If a musical, cultural, or artistic organization that receives state funding is traveling internationally for a presentation, performance, or other significant public viewing, including an organization associated with a college or university, such organization shall notify the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic~~

~~Development~~ of its intentions to travel, together with the date, time, and location of each appearance.

(2) The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~, in conjunction with Enterprise Florida, Inc., shall act as an intermediary between performing musical, cultural, and artistic organizations and Florida businesses to encourage and coordinate joint undertakings. Such coordination may include, but is not limited to, encouraging business and industry to sponsor cultural events, assistance with travel of such organizations, and coordinating travel schedules of cultural performance groups and international trade missions.

(3) An organization shall provide the notification to the Department of State required by this section at least 30 days *before* ~~prior to~~ the date the international travel is to commence or, when an intention to travel internationally is not formed at least 30 days in advance of the date the travel is to commence, as soon as feasible after forming such travel intention. The Department of State shall take an active role in informing such groups of the responsibility to notify the department of travel intentions.

Section 39. Paragraph (j) of subsection (1) of section 16.615, Florida Statutes, is amended to read:

16.615 Council on the Social Status of Black Men and Boys.—

(1) The Council on the Social Status of Black Men and Boys is established within the Department of Legal Affairs and shall consist of 19 members appointed as follows:

(j) The *executive* director of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or his or her designee.

Section 40. Paragraph (c) of subsection (3) of section 17.61, Florida Statutes, is amended to read:

17.61 Chief Financial Officer; powers and duties in the investment of certain funds.—

(3)

(c) Except as provided in this paragraph and except for moneys described in paragraph (d), the following agencies may not invest trust fund moneys as provided in this section, but shall retain such moneys in their respective trust funds for investment, with interest appropriated to the General Revenue Fund, pursuant to s. 17.57:

1. The Agency for Health Care Administration, except for the Tobacco Settlement Trust Fund.

2. The Agency for Persons with Disabilities, except for:

a. The Federal Grants Trust Fund.

b. The Tobacco Settlement Trust Fund.

3. The Department of Children and Family Services, except for:

a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.

b. The Social Services Block Grant Trust Fund.

c. The Tobacco Settlement Trust Fund.

d. The Working Capital Trust Fund.

~~4. The Department of Community Affairs, only for the Operating Trust Fund.~~

4.~~5.~~ The Department of Corrections.

5.~~6.~~ The Department of Elderly Affairs, except for:

a. The Federal Grants Trust Fund.

b. The Tobacco Settlement Trust Fund.

6.~~7.~~ The Department of Health, except for:

a. The Federal Grants Trust Fund.

b. The Grants and Donations Trust Fund.

c. The Maternal and Child Health Block Grant Trust Fund.

d. The Tobacco Settlement Trust Fund.

7.~~8.~~ The Department of Highway Safety and Motor Vehicles, only for the Security Deposits Trust Fund.

8.~~9.~~ The Department of Juvenile Justice.

9.~~10.~~ The Department of Law Enforcement.

10.~~11.~~ The Department of Legal Affairs.

11.~~12.~~ The Department of State, only for:

a. The Grants and Donations Trust Fund.

b. The Records Management Trust Fund.

12.~~13.~~ The *Department of Economic Opportunity* ~~Executive Office of the Governor~~, only for:

a. The Economic Development Transportation Trust Fund.

b. The Economic Development Trust Fund.

13.~~14.~~ The Florida Public Service Commission, only for the Florida Public Service Regulatory Trust Fund.

14.~~15.~~ The Justice Administrative Commission.

15.~~16.~~ The state courts system.

Section 41. Subsection (1) of section 20.181, Florida Statutes, is amended to read:

20.181 Federal Grants Trust Fund.—

(1) The Federal Grants Trust Fund is created within the Department of *Economic Opportunity* ~~Community Affairs~~.

Section 42. Paragraph (a) of subsection (8) and paragraph (a) of subsection (9) of section 39.001, Florida Statutes, are amended to read:

39.001 Purposes and intent; personnel standards and screening.—

(8) PLAN FOR COMPREHENSIVE APPROACH.—

(a) The office shall develop a state plan for the promotion of adoption, support of adoptive families, and prevention of abuse, abandonment, and neglect of children and shall submit the state plan to the Speaker of the House of Representatives, the President of the Senate, and the Governor no later than December 31, 2008. The Department of Children and Family Services, the Department of Corrections, the Department of Education, the Department of Health, the Department of Juvenile Justice, the Department of Law Enforcement, *and* the Agency for Persons with Disabilities~~, and the Agency for Workforce Innovation~~ shall participate and fully cooperate in the development of the state plan at both the state and local levels. Furthermore, appropriate local agencies and organizations shall be provided an opportunity to participate in the development of the state plan at the local level. Appropriate local groups and organizations shall include, but not be limited to, community mental health centers; guardian ad litem programs for children under the circuit court; the school boards of the local school districts; the Florida local advocacy councils; community-based care lead agencies; private or public organizations or programs with recognized expertise in working with child abuse prevention programs for children and families; private or public organizations or programs with recognized expertise in working with children who are sexually abused, physically abused, emotionally abused, abandoned, or neglected and with expertise in working with the families of such children; private or public programs or organizations with expertise in maternal and infant health care; multidisciplinary child protection teams; child day care centers; law enforcement agencies; and the circuit courts, when guardian ad litem programs are not available in the local area. The state plan to be provided to the Legislature

and the Governor shall include, as a minimum, the information required of the various groups in paragraph (b).

(9) FUNDING AND SUBSEQUENT PLANS.—

(a) All budget requests submitted by the office, the department, the Department of Health, the Department of Education, the Department of Juvenile Justice, the Department of Corrections, the Agency for Persons with Disabilities, ~~the Agency for Workforce Innovation,~~ or any other agency to the Legislature for funding of efforts for the promotion of adoption, support of adoptive families, and prevention of child abuse, abandonment, and neglect shall be based on the state plan developed pursuant to this section.

Section 43. Paragraph (a) of subsection (7) of section 45.031, Florida Statutes, is amended to read:

45.031 Judicial sales procedure.—In any sale of real or personal property under an order or judgment, the procedures provided in this section and ss. 45.0315-45.035 may be followed as an alternative to any other sale procedure if so ordered by the court.

(7) DISBURSEMENTS OF PROCEEDS.—

(a) On filing a certificate of title, the clerk shall disburse the proceeds of the sale in accordance with the order or final judgment and shall file a report of such disbursements and serve a copy of it on each party, and on the Department of Revenue if the department was named as a defendant in the action or if *the Department of Economic Opportunity or* the *former* Agency for Workforce Innovation ~~or the former Department of Labor and Employment Security~~ was named as a defendant while the Department of Revenue was providing unemployment tax collection services under contract with *the Department of Economic Opportunity or* the *former* Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316.

Section 44. Paragraph (a) of subsection (4) of section 69.041, Florida Statutes, is amended to read:

69.041 State named party; lien foreclosure, suit to quiet title.—

(4)(a) The Department of Revenue has the right to participate in the disbursement of funds remaining in the registry of the court after distribution pursuant to s. 45.031(7). The department shall participate in accordance with applicable procedures in any mortgage foreclosure action in which the department has a duly filed tax warrant, or interests under a lien arising from a judgment, order, or decree for support, as defined in s. 409.2554, or interest in an unemployment compensation tax lien under contract with the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316, against the subject property and with the same priority, regardless of whether a default against the department, *the Department of Economic Opportunity, or* the *former* Agency for Workforce Innovation, ~~or the former Department of Labor and Employment Security~~ has been entered for failure to file an answer or other responsive pleading.

Section 45. Paragraph (b) of subsection (4) of section 112.63, Florida Statutes, is amended to read:

112.63 Actuarial reports and statements of actuarial impact; review.—

(4) Upon receipt, pursuant to subsection (2), of an actuarial report, or upon receipt, pursuant to subsection (3), of a statement of actuarial impact, the Department of Management Services shall acknowledge such receipt, but shall only review and comment on each retirement system's or plan's actuarial valuations at least on a triennial basis. If the department finds that the actuarial valuation is not complete, accurate, or based on reasonable assumptions or otherwise materially fails to satisfy the requirements of this part, if the department requires additional material information necessary to complete its review of the actuarial valuation of a system or plan or material information necessary to satisfy the duties of the department pursuant to s. 112.665(1), or if the department does not receive the actuarial report or statement of actuarial impact, the department shall notify the administrator of the affected retirement system or plan and the affected governmental entity and request appropriate adjustment, the additional material information, or the required report or statement. The notification must inform the administrator of the affected retirement system or plan and the affected governmental entity of the consequences for failure to comply with the requirements of this subsection. If, after a reasonable period of time, a satisfactory adjustment is not made or the report, statement, or additional material information is not provided, the department may notify the Department of Revenue and the Department of Financial Services of such noncompliance, in which case the Department of Revenue and the Department of Financial Services shall withhold any funds not pledged for satisfaction of bond debt service which are payable to the affected governmental entity until the adjustment is made or the report, statement, or additional material information is provided to the department. The department shall specify the date such action is to begin, and notification by the department must be received by the Department of Revenue, the Department of Financial Services, and the affected governmental entity 30 days before the date the action begins.

(b) In the case of an affected special district, the Department of Management Services shall also notify the Department of *Economic Opportunity* ~~Community Affairs~~. Upon receipt of notification, the Department of *Economic Opportunity* ~~Community Affairs~~ shall proceed pursuant to the provisions of s. 189.421 with regard to the special district.

Section 46. Paragraph (e) of subsection (1) of section 112.665, Florida Statutes, is amended to read:

112.665 Duties of Department of Management Services.—

(1) The Department of Management Services shall:

(e) Issue, by January 1 annually, a report to the Special District Information Program of the Department of *Economic Opportunity* ~~Community Affairs~~ that includes the participation in and compliance of special districts with the local government retirement system provisions in s. 112.63 and the state-administered retirement system provisions as specified in part I of chapter 121; and

Section 47. Subsection (3) of section 112.3135, Florida Statutes, is amended to read:

112.3135 Restriction on employment of relatives.—

(3) An agency may prescribe regulations authorizing the temporary employment, in the event of an emergency as defined in s. 252.34~~(3)~~, of individuals whose employment would be otherwise prohibited by this section.

Section 48. Paragraph (d) of subsection (2) and paragraph (f) of subsection (5) of section 119.071, Florida Statutes, are amended to read:

119.071 General exemptions from inspection or copying of public records.—

(2) AGENCY INVESTIGATIONS.—

(d) Any information revealing surveillance techniques or procedures or personnel is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any comprehensive inventory of state and local law enforcement resources compiled pursuant to part I, chapter 23, and any comprehensive policies or plans compiled by a criminal justice agency pertaining to the mobilization, deployment, or tactical operations involved in responding to *an emergency* ~~emergencies~~, as defined in s. 252.34~~(3)~~, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and unavailable for inspection, except by personnel authorized by a state or local law enforcement agency, the office of the Governor, the Department of Legal Affairs, the Department of Law Enforcement, or *the Division of Emergency Management* ~~the Department of Community Affairs~~ as having an official need for access to the inventory or comprehensive policies or plans.

(5) OTHER PERSONAL INFORMATION.—

(f) Medical history records and information related to health or property insurance provided to the Department of *Economic Opportunity* ~~Community Affairs~~, the Florida Housing Finance Corporation, a county, a municipality, or a local housing finance agency by an applicant for or a participant in a federal, state, or local housing assistance program are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Governmental entities or their agents shall have access to

such confidential and exempt records and information for the purpose of auditing federal, state, or local housing programs or housing assistance programs. Such confidential and exempt records and information may be used in any administrative or judicial proceeding, provided such records are kept confidential and exempt unless otherwise ordered by a court.

Section 49. Paragraph (b) of subsection (3) of section 120.54, Florida Statutes, as amended by chapter 2010-279, Laws of Florida, is amended to read:

120.54 Rulemaking.—

(3) ADOPTION PROCEDURES.—

(b) Special matters to be considered in rule adoption.—

1. Statement of estimated regulatory costs.—*Before* ~~Prior to~~ the adoption, amendment, or repeal of any rule other than an emergency rule, an agency is encouraged to prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541. However, an agency must prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541, if:

a. The proposed rule will have an adverse impact on small business; or

b. The proposed rule is likely to directly or indirectly increase regulatory costs in excess of $200,000 in the aggregate in this state within 1 year after the implementation of the rule.

2. Small businesses, small counties, and small cities.—

a. Each agency, before the adoption, amendment, or repeal of a rule, shall consider the impact of the rule on small businesses as defined by s. 288.703 and the impact of the rule on small counties or small cities as defined by s. 120.52. Whenever practicable, an agency shall tier its rules to reduce disproportionate impacts on small businesses, small counties, or small cities to avoid regulating small businesses, small counties, or small cities that do not contribute significantly to the problem the rule is designed to address. An agency may define "small business" to include businesses employing more than 200 persons, may define "small county" to include those with populations of more than 75,000, and may define "small city" to include those with populations of more than 10,000, if it finds that such a definition is necessary to adapt a rule to the needs and problems of small businesses, small counties, or small cities. The agency shall consider each of the following methods for reducing the impact of the proposed rule on small businesses, small counties, and small cities, or any combination of these entities:

(I) Establishing less stringent compliance or reporting requirements in the rule.

(II) Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements.

(III) Consolidating or simplifying the rule's compliance or reporting requirements.

(IV) Establishing performance standards or best management practices to replace design or operational standards in the rule.

(V) Exempting small businesses, small counties, or small cities from any or all requirements of the rule.

b.(I) If the agency determines that the proposed action will affect small businesses as defined by the agency as provided in sub-subparagraph a., the agency shall send written notice of the rule to the Small Business Regulatory Advisory Council and the *Department of Economic Opportunity at least* ~~Office of Tourism, Trade, and Economic Development not less than~~ 28 days *before* ~~prior to~~ the intended action.

(II) Each agency shall adopt those regulatory alternatives offered by the Small Business Regulatory Advisory Council and provided to the agency no later than 21 days after the council's receipt of the written notice of the rule which it finds are feasible and consistent with the stated objectives of the proposed rule and which would reduce the impact on small businesses. When regulatory alternatives are offered by the Small Business Regulatory Advisory Council, the 90-day period for filing the rule in subparagraph (e)2. is extended for a period of 21 days.

(III) If an agency does not adopt all alternatives offered pursuant to this sub-subparagraph, it shall, *before* ~~prior to~~ rule adoption or amendment and pursuant to subparagraph (d)1., file a detailed written statement with the committee explaining the reasons for failure to adopt such alternatives. Within 3 working days *after* ~~of~~ the filing of such notice, the agency shall send a copy of such notice to the Small Business Regulatory Advisory Council. The Small Business Regulatory Advisory Council may make a request of the President of the Senate and the Speaker of the House of Representatives that the presiding officers direct the Office of Program Policy Analysis and Government Accountability to determine whether the rejected alternatives reduce the impact on small business while meeting the stated objectives of the proposed rule. Within 60 days after the date of the directive from the presiding officers, the Office of Program Policy Analysis and Government Accountability shall report to the Administrative Procedures Committee its findings as to whether an alternative reduces the impact on small business while meeting the stated objectives of the proposed rule. The Office of Program Policy Analysis and Government Accountability shall consider the proposed rule, the economic impact statement, the written statement of the agency, the proposed alternatives, and any comment submitted during the comment period on the proposed rule. The Office of Program Policy Analysis and Government Accountability shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Administrative Procedures Committee shall report such findings to the agency, and the agency shall respond in writing to the Administrative Procedures Committee if the Office of Program Policy Analysis and Government Accountability found that the alternative reduced the impact on small business while meeting the stated objectives of the proposed rule. If the agency will not adopt the alternative, it must also provide a detailed written statement to the committee as to why it will not adopt the alternative.

Section 50. Subsection (10) of section 120.80, Florida Statutes, is amended to read:

120.80 Exceptions and special requirements; agencies.—

(10) *DEPARTMENT OF ECONOMIC OPPORTUNITY* ~~AGENCY FOR WORKFORCE INNOVATION~~.—

(a) Notwithstanding s. 120.54, the rulemaking provisions of this chapter do not apply to unemployment appeals referees.

(b) Notwithstanding s. 120.54(5), the uniform rules of procedure do not apply to appeal proceedings conducted under chapter 443 by the Unemployment Appeals Commission, special deputies, or unemployment appeals referees.

(c) Notwithstanding s. 120.57(1)(a), hearings under chapter 443 may not be conducted by an administrative law judge assigned by the division, but instead shall be conducted by the Unemployment Appeals Commission in unemployment compensation appeals, unemployment appeals referees, and the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or its special deputies under s. 443.141.

Section 51. Subsections (4) and (5) of section 125.045, Florida Statutes, are amended to read:

125.045 County economic development powers.—

(4) A contract between the governing body of a county or other entity engaged in economic development activities on behalf of the county and an economic development agency must require the agency or entity receiving county funds to submit a report to the governing body of the county detailing how county funds were spent and detailing the results of the economic development agency's or entity's efforts on behalf of the county. By January 15, 2011, and annually thereafter, the county must file a copy of the report with the *Office of Economic and Demographic Research* ~~Legislative Committee on Intergovernmental Relations or its successor entity~~ and post a copy of the report on the county's website.

(5)(a) By January 15, 2011, and annually thereafter, each county shall report to the *Office of Economic and Demographic Research* ~~Legislative Committee on Intergovernmental Relations or its successor entity~~ the economic development incentives in excess of $25,000 given to any business during the county's previous fiscal year. The *Office of Economic and Demographic Research* ~~Legislative Committee on Inter-~~

~~governmental Relations or its successor entity~~ shall *compile the information from the counties into a report and* provide the report to the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~. Economic development incentives include:

1. Direct financial incentives of monetary assistance provided to a business from the county or through an organization authorized by the county. Such incentives include, but are not limited to, grants, loans, equity investments, loan insurance and guarantees, and training subsidies.

2. Indirect incentives in the form of grants and loans provided to businesses and community organizations that provide support to businesses or promote business investment or development.

3. Fee-based or tax-based incentives, including, but not limited to, credits, refunds, exemptions, and property tax abatement or assessment reductions.

4. Below-market rate leases or deeds for real property.

(b) A county shall report its economic development incentives in the format specified by the *Office of Economic and Demographic Research* ~~Legislative Committee on Intergovernmental Relations or its successor entity~~.

(c) The *Office of Economic and Demographic Research* ~~Legislative Committee on Intergovernmental Relations or its successor entity~~ shall compile the economic development incentives provided by each county in a manner that shows the total of each class of economic development incentives provided by each county and all counties.

Section 52. Subsection (11) of section 159.803, Florida Statutes, is amended to read:

159.803 Definitions.—As used in this part, the term:

(11) "Florida First Business project" means any project which is certified by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ as eligible to receive an allocation from the Florida First Business allocation pool established pursuant to s. 159.8083. The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ may certify those projects meeting the criteria set forth in s. 288.106(4)(b) or any project providing a substantial economic benefit to this state.

Section 53. Paragraph (a) of subsection (2) of section 159.8081, Florida Statutes, is amended to read:

159.8081 Manufacturing facility bond pool.—

(2)(a) The first 75 percent of this pool shall be available on a first come, first served basis, except that 15 percent of the state volume limitation allocated to this pool shall be available as provided in paragraph (b). *Before* ~~Prior to~~ issuing any written confirmations for the remaining 25 percent of this pool, the *executive* director shall forward all notices of intent to issue which are received by the division for manufacturing facility projects to the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~. The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development and the Department of Community Affairs~~ shall decide, after receipt of the notices of intent to issue, which notices will receive written confirmations. Such decision shall be communicated in writing by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ to the *executive* director within 10 days of receipt of such notices of intent to issue. The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development, in consultation with the Department of Community Affairs,~~ may develop rules to ensure that allocation of the remaining 25 percent is consistent with the state's economic development policy.

Section 54. Section 159.8083, Florida Statutes, is amended to read:

159.8083 Florida First Business allocation pool.—The Florida First Business allocation pool is hereby established. The Florida First Business allocation pool shall be available solely to provide written confirmation for private activity bonds to finance Florida First Business projects certified by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ as eligible to receive a written confirmation. Allocations from such pool shall be awarded statewide pursuant to procedures specified in s. 159.805, except that the provisions of s. 159.805(2), (3), and (6) do not apply. Florida First Business projects that are eligible for a carryforward *do* ~~shall~~ not lose their allocation pursuant to s. 159.809(3) on October 1, or pursuant to s. 159.809(4) on November 16, if they have applied for and have been granted a carryforward by the division pursuant to s. 159.81(1). In issuing written confirmations of allocations for Florida First Business projects, the division shall use the Florida First Business allocation pool. If allocation is not available from the Florida First Business allocation pool, the division shall issue written confirmations of allocations for Florida First Business projects pursuant to s. 159.806 or s. 159.807, in such order. For the purpose of determining priority within a regional allocation pool or the state allocation pool, notices of intent to issue bonds for Florida First Business projects to be issued from a regional allocation pool or the state allocation pool shall be considered to have been received by the division at the time it is determined by the division that the Florida First Business allocation pool is unavailable to issue confirmation for such Florida First Business project. If the total amount requested in notices of intent to issue private activity bonds for Florida First Business projects exceeds the total amount of the Florida First Business allocation pool, the director shall forward all timely notices of intent to issue, which are received by the division for such projects, to the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ which shall render a decision as to which notices of intent to issue are to receive written confirmations. The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~, in consultation with the division, shall develop rules to ensure that the allocation provided in such pool is available solely to provide written confirmations for private activity bonds to finance Florida First Business projects and that such projects are feasible and financially solvent.

Section 55. Subsection (3) of section 159.809, Florida Statutes, is amended to read:

159.809 Recapture of unused amounts.—

(3) On October 1 of each year, any portion of the allocation made to the Florida First Business allocation pool pursuant to s. 159.804(5)*,* ~~or~~ subsection (1)*,* or subsection (2), which is eligible for carryforward pursuant to s. 146(f) of the Code but which has not been certified for carryforward by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~, shall be returned to the Florida First Business allocation pool.

Section 56. Subsection (4) of section 161.142, Florida Statutes, is amended to read:

161.142 Declaration of public policy relating to improved navigation inlets.—The Legislature recognizes the need for maintaining navigation inlets to promote commercial and recreational uses of our coastal waters and their resources. The Legislature further recognizes that inlets interrupt or alter the natural drift of beach-quality sand resources, which often results in these sand resources being deposited in nearshore areas or in the inlet channel, or in the inland waterway adjacent to the inlet, instead of providing natural nourishment to the adjacent eroding beaches. Accordingly, the Legislature finds it is in the public interest to replicate the natural drift of sand which is interrupted or altered by inlets to be replaced and for each level of government to undertake all reasonable efforts to maximize inlet sand bypassing to ensure that beach-quality sand is placed on adjacent eroding beaches. Such activities cannot make up for the historical sand deficits caused by inlets but shall be designed to balance the sediment budget of the inlet and adjacent beaches and extend the life of proximate beach-restoration projects so that periodic nourishment is needed less frequently. Therefore, in furtherance of this declaration of public policy and the Legislature's intent to redirect and recommit the state's comprehensive beach management efforts to address the beach erosion caused by inlets, the department shall ensure that:

(4) The provisions of subsections (1) and (2) shall not be a requirement imposed upon ports listed in s. 403.021(9)(b); however, such ports must demonstrate reasonable effort to place beach-quality sand from construction and maintenance dredging and port-development projects on adjacent eroding beaches in accordance with port master plans approved by the Department of *Economic Opportunity* ~~Community Affairs~~, and permits approved and issued by the department, to ensure com-

pliance with this section. Ports may sponsor or cosponsor inlet management projects that are fully eligible for state cost sharing.

Section 57. Subsection (10) of section 161.54, Florida Statutes, is amended to read:

161.54 Definitions.—In construing ss. 161.52-161.58:

(10) "State land planning agency" means the Department of *Economic Opportunity* ~~Community Affairs~~.

Section 58. Subsection (1) of section 175.021, Florida Statutes, is amended to read:

175.021 Legislative declaration.—

(1) It is hereby declared by the Legislature that firefighters~~, as hereinafter defined,~~ perform state and municipal functions; that it is their duty to extinguish fires, to protect life, and to protect property at their own risk and peril; that it is their duty to prevent conflagration and to continuously instruct school personnel, public officials, and private citizens in the prevention of fires and firesafety; that they protect both life and property from local emergencies as defined in s. 252.34~~(3)~~; and that their activities are vital to the public safety. It is further declared that firefighters employed by special fire control districts serve under the same circumstances and perform the same duties as firefighters employed by municipalities and should therefore be entitled to the benefits available under this chapter. Therefore, the Legislature declares that it is a proper and legitimate state purpose to provide a uniform retirement system for the benefit of firefighters ~~as hereinafter defined~~ and intends, in implementing the provisions of s. 14, Art. X of the State Constitution as they relate to municipal and special district firefighters' pension trust fund systems and plans, that such retirement systems or plans be managed, administered, operated, and funded in such manner as to maximize the protection of the firefighters' pension trust funds. Pursuant to s. 18, Art. VII of the State Constitution, the Legislature hereby determines and declares that ~~the provisions of~~ this act fulfill an important state interest.

Section 59. Subsection (20) of section 163.3164, Florida Statutes, is amended to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.—As used in this act:

(20) "State land planning agency" means the Department of *Economic Opportunity* ~~Community Affairs~~.

Section 60. Paragraphs (d) and (e) of subsection (9) of section 166.021, Florida Statutes, are amended to read:

166.021 Powers.—

(9)

(d) A contract between the governing body of a municipality or other entity engaged in economic development activities on behalf of the municipality and an economic development agency must require the agency or entity receiving municipal funds to submit a report to the governing body of the municipality detailing how the municipal funds are spent and detailing the results of the economic development agency's or entity's efforts on behalf of the municipality. By January 15, 2011, and annually thereafter, the municipality shall file a copy of the report with the *Office of Economic and Demographic Research* ~~Legislative Committee on Intergovernmental Relations or its successor entity~~ and post a copy of the report on the municipality's website.

(e)1. By January 15, 2011, and annually *thereafter* ~~thereafter~~, each municipality having annual revenues or expenditures greater than $250,000 shall report to the *Office of Economic Demographic Research* ~~Legislative Committee on Intergovernmental Relations or its successor entity~~ the economic development incentives in excess of $25,000 given to any business during the municipality's previous fiscal year. The *Office of Economic and Demographic Research* ~~Legislative Committee on Intergovernmental Relations or its successor entity~~ shall *compile the information from the municipalities into a report and* provide the report to the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~. Economic development incentives include:

a. Direct financial incentives of monetary assistance provided to a business from the municipality or through an organization authorized by the municipality. Such incentives include, but are not limited to, grants, loans, equity investments, loan insurance and guarantees, and training subsidies.

b. Indirect incentives in the form of grants and loans provided to businesses and community organizations that provide support to businesses or promote business investment or development.

c. Fee-based or tax-based incentives, including, but not limited to, credits, refunds, exemptions, and property tax abatement or assessment reductions.

d. Below-market rate leases or deeds for real property.

2. A municipality shall report its economic development incentives in the format specified by the *Office of Economic and Demographic Research* ~~Legislative Committee on Intergovernmental Relations or its successor entity~~.

3. The *Office of Economic and Demographic Research* ~~Legislative Committee on Intergovernmental Relations or its successor entity~~ shall compile the economic development incentives provided by each municipality in a manner that shows the total of each class of economic development incentives provided by each municipality and all municipalities.

Section 61. Subsection (1) of section 171.204, Florida Statutes, is amended to read:

171.204 Prerequisites to annexation under this part.—The interlocal service boundary agreement may describe the character of land that may be annexed under this part and may provide that the restrictions on the character of land that may be annexed pursuant to part I are not restrictions on land that may be annexed pursuant to this part. As determined in the interlocal service boundary agreement, any character of land may be annexed, including, but not limited to, an annexation of land not contiguous to the boundaries of the annexing municipality, an annexation that creates an enclave, or an annexation where the annexed area is not reasonably compact; however, such area must be "urban in character" as defined in s. 171.031(8). The interlocal service boundary agreement may not allow for annexation of land within a municipality that is not a party to the agreement or of land that is within another county. Before annexation of land that is not contiguous to the boundaries of the annexing municipality, an annexation that creates an enclave, or an annexation of land that is not currently served by water or sewer utilities, one of the following options must be followed:

(1) The municipality shall transmit a comprehensive plan amendment that proposes specific amendments relating to the property anticipated for annexation to the Department of *Economic Opportunity* ~~Community Affairs~~ for review under chapter 163. After considering the department's review, the municipality may approve the annexation and comprehensive plan amendment concurrently. The local government must adopt the annexation and the comprehensive plan amendment as separate and distinct actions but may take such actions at a single public hearing; or

Section 62. Paragraph (c) of subsection (4) of section 186.504, Florida Statutes, is amended to read:

186.504 Regional planning councils; creation; membership.—

(4) In addition to voting members appointed pursuant to paragraph (2)(c), the Governor shall appoint the following ex officio nonvoting members to each regional planning council:

(c) A representative nominated by *the Department of Economic Opportunity* ~~Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development~~.

The Governor may also appoint ex officio nonvoting members representing appropriate metropolitan planning organizations and regional water supply authorities.

Section 63. Subsection (11) of section 186.505, Florida Statutes, is amended to read:

186.505 Regional planning councils; powers and duties.—Any regional planning council created hereunder shall have the following powers:

(11) To cooperate, in the exercise of its planning functions, with federal and state agencies in planning for emergency management *as defined in* ~~under~~ s. 252.34~~(4)~~.

Section 64. Subsection (4) of section 189.403, Florida Statutes, is amended to read:

189.403 Definitions.—As used in this chapter, the term:

(4) "Department" means the Department of *Economic Opportunity* ~~Community Affairs~~.

Section 65. Section 189.412, Florida Statutes, is amended to read:

189.412 Special District Information Program; duties and responsibilities.—The Special District Information Program of the department of *Economic Opportunity* ~~Community Affairs~~ is created and has the following special duties:

(1) The collection and maintenance of special district noncompliance status reports from the Department of Management Services, the Department of Financial Services, the Division of Bond Finance of the State Board of Administration, and the Auditor General for the reporting required in ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance reports must list those special districts that did not comply with the statutory reporting requirements.

(2) The maintenance of a master list of independent and dependent special districts which shall be available on the department's website.

(3) The publishing and updating of a "Florida Special District Handbook" that contains, at a minimum:

(a) A section that specifies definitions of special districts and status distinctions in the statutes.

(b) A section or sections that specify current statutory provisions for special district creation, implementation, modification, dissolution, and operating procedures.

(c) A section that summarizes the reporting requirements applicable to all types of special districts as provided in ss. 189.417 and 189.418.

(4) When feasible, securing and maintaining access to special district information collected by all state agencies in existing or newly created state computer systems.

(5) The facilitation of coordination and communication among state agencies regarding special district information.

(6) The conduct of studies relevant to special districts.

(7) The provision of assistance related to and appropriate in the performance of requirements specified in this chapter, including assisting with an annual conference sponsored by the Florida Association of Special Districts or its successor.

(8) Providing assistance to local general-purpose governments and certain state agencies in collecting delinquent reports or information, helping special districts comply with reporting requirements, declaring special districts inactive when appropriate, and, when directed by the Legislative Auditing Committee, initiating enforcement provisions as provided in ss. 189.4044, 189.419, and 189.421.

Section 66. Section 189.413, Florida Statutes, is amended to read:

189.413 Special districts; oversight of state funds use.—Any state agency administering funding programs for which special districts are eligible shall be responsible for oversight of the use of such funds by special districts. The oversight responsibilities shall include, but not be limited to:

(1) Reporting the existence of the program to the Special District Information Program of the department ~~of Community Affairs~~.

(2) Submitting annually a list of special districts participating in a state funding program to the Special District Information Program of the department ~~of Community Affairs~~. This list must indicate the special districts, if any, that are not in compliance with state funding program requirements.

Section 67. Section 189.425, Florida Statutes, is amended to read:

189.425 Rulemaking authority.—The department ~~of Community Affairs~~ may adopt rules to implement the provisions of this chapter.

Section 68. Section 189.427, Florida Statutes, is amended to read:

189.427 Fee schedule; *Grants and Donations* ~~Operating~~ Trust Fund.—The Department of *Economic Opportunity* ~~Community Affairs~~, by rule, shall establish a schedule of fees to pay one-half of the costs incurred by the department in administering this act, except that the fee may not exceed $175 per district per year. The fees collected under this section shall be deposited in the *Grants and Donations* ~~Operating~~ Trust Fund, which shall be administered by the Department of *Economic Opportunity* ~~Community Affairs~~. Any fee rule must consider factors such as the dependent and independent status of the district and district revenues for the most recent fiscal year as reported to the Department of Financial Services. The department may assess fines of not more than $25, with an aggregate total not to exceed $50, as penalties against special districts that fail to remit required fees to the department. It is the intent of the Legislature that general revenue funds will be made available to the department to pay one-half of the cost of administering this act.

Section 69. Subsection (1) of section 189.4035, Florida Statutes, is amended to read:

189.4035 Preparation of official list of special districts.—

(1) The Department of *Economic Opportunity* ~~Community Affairs~~ shall compile the official list of special districts. The official list of special districts shall include all special districts in this state and shall indicate the independent or dependent status of each district. All special districts in the list shall be sorted by county. The definitions in s. 189.403 shall be the criteria for determination of the independent or dependent status of each special district on the official list. The status of community development districts shall be independent on the official list of special districts.

Section 70. Subsection (2) of section 190.009, Florida Statutes, is amended to read:

190.009 Disclosure of public financing.—

(2) The Department of *Economic Opportunity* ~~Community Affairs~~ shall keep a current list of districts and their disclosures pursuant to this act and shall make such studies and reports and take such actions as it deems necessary.

Section 71. Section 190.047, Florida Statutes, is amended to read:

190.047 Incorporation or annexation of district.—

(1) Upon attaining the population standards for incorporation contained in s. 165.061 and as determined by the Department of *Economic Opportunity* ~~Community Affairs~~, any district wholly contained within the unincorporated area of a county that also meets the other requirements for incorporation contained in s. 165.061 shall hold a referendum at a general election on the question of whether to incorporate. However, any district contiguous to the boundary of a municipality may be annexed to such municipality pursuant to the provisions of chapter 171.

(2) The Department of *Economic Opportunity* ~~Community Affairs~~ shall annually monitor the status of the district for purposes of carrying out the provisions of this section.

Section 72. Subsection (1) of section 191.009, Florida Statutes, is amended to read:

191.009 Taxes; non-ad valorem assessments; impact fees and user charges.—

(1) AD VALOREM TAXES.—An elected board may levy and assess ad valorem taxes on all taxable property in the district to construct, operate, and maintain district facilities and services, to pay the principal of, and interest on, general obligation bonds of the district, and to provide for any sinking or other funds established in connection with such bonds. An ad valorem tax levied by the board for operating purposes, exclusive of debt service on bonds, may not exceed 3.75 mills unless a higher amount has been previously authorized by law, subject to a referendum as required by the State Constitution and this act. The ballot question on such referendum shall state the currently authorized millage rate and the year of its approval by referendum. The levy of ad valorem taxes pursuant to this section must be approved by referendum called by the board when the proposed levy of ad valorem taxes exceeds the amount authorized by prior special act, general law of local application, or county ordinance approved by referendum. Nothing in this act shall require a referendum on the levy of ad valorem taxes in an amount previously authorized by special act, general law of local application, or county ordinance approved by referendum. Such tax shall be assessed, levied, and collected in the same manner as county taxes. The levy of ad valorem taxes approved by referendum shall be reported within 60 days after the vote to the Department of *Economic Opportunity* ~~Community Affairs~~.

Section 73. Section 191.015, Florida Statutes, is amended to read:

191.015 Codification.—Each fire control district existing on the effective date of this section, by December 1, 2004, shall submit to the Legislature a draft codified charter, at its expense, so that its special acts may be codified into a single act for reenactment by the Legislature, if there is more than one special act for the district. The Legislature may adopt a schedule for individual district codification. Any codified act relating to a district, which act is submitted to the Legislature for reenactment, shall provide for the repeal of all prior special acts of the Legislature relating to the district. The codified act shall be filed with the Department of *Economic Opportunity* ~~Community Affairs~~ pursuant to s. 189.418(2).

Section 74. Paragraph (a) of subsection (1) of section 202.37, Florida Statutes, is amended to read:

202.37 Special rules for administration of local communications services tax.—

(1)(a) Except as otherwise provided in this section, all statutory provisions and administrative rules applicable to the communications services tax imposed by s. 202.12 apply to any local communications services tax imposed under s. 202.19, and the department shall administer, collect, and enforce all taxes imposed under s. 202.19, including interest and penalties attributable thereto, in accordance with the same procedures used in the administration, collection, and enforcement of the communications services tax imposed by s. 202.12. Audits performed by the department shall include a determination of the dealer's compliance with the jurisdictional situsing of its customers' service addresses and a determination of whether the rate collected for the local tax pursuant to ss. 202.19 and 202.20 is correct. The person or entity designated by a local government pursuant to *s. 213.053(8)* ~~s. 213.053(8)(v)~~ may provide evidence to the department demonstrating a specific person's failure to fully or correctly report taxable communications services sales within the jurisdiction. The department may request additional information from the designee to assist in any review. The department shall inform the designee of what action, if any, the department intends to take regarding the person.

Section 75. Paragraphs (g), (h), (j), and (p) of subsection (5) and paragraph (b) of subsection (15) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(g) *Building materials used in the rehabilitation of real property located in an enterprise zone.*—

1. Building materials used in the rehabilitation of real property located in an enterprise zone are exempt from the tax imposed by this chapter upon an affirmative showing to the satisfaction of the department that the items have been used for the rehabilitation of real property located in an enterprise zone. Except as provided in subparagraph 2., this exemption inures to the owner, lessee, or lessor at the time the real property is rehabilitated, but only through a refund of previously paid taxes. To receive a refund pursuant to this paragraph, the owner, lessee, or lessor of the rehabilitated real property must file an application under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable. A single application for a refund may be submitted for multiple, contiguous parcels that were part of a single parcel that was divided as part of the rehabilitation of the property. All other requirements of this paragraph apply to each parcel on an individual basis. The application must include:

a. The name and address of the person claiming the refund.

b. An address and assessment roll parcel number of the rehabilitated real property for which a refund of previously paid taxes is being sought.

c. A description of the improvements made to accomplish the rehabilitation of the real property.

d. A copy of a valid building permit issued by the county or municipal building department for the rehabilitation of the real property.

e. A sworn statement, under penalty of perjury, from the general contractor licensed in this state with whom the applicant contracted to make the improvements necessary to rehabilitate the real property, which lists the building materials used to rehabilitate the real property, the actual cost of the building materials, and the amount of sales tax paid in this state on the building materials. If a general contractor was not used, the applicant, not a general contractor, shall make the sworn statement required by this sub-subparagraph. Copies of the invoices that evidence the purchase of the building materials used in the rehabilitation and the payment of sales tax on the building materials must be attached to the sworn statement provided by the general contractor or by the applicant. Unless the actual cost of building materials used in the rehabilitation of real property and the payment of sales taxes is documented by a general contractor or by the applicant in this manner, the cost of the building materials is deemed to be an amount equal to 40 percent of the increase in assessed value for ad valorem tax purposes.

f. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the rehabilitated real property is located.

g. A certification by the local building code inspector that the improvements necessary to rehabilitate the real property are substantially completed.

h. A statement of whether the business is a small business as defined by s. 288.703~~(1)~~.

i. If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

2. This exemption inures to a municipality, county, other governmental unit or agency, or nonprofit community-based organization through a refund of previously paid taxes if the building materials used in the rehabilitation are paid for from the funds of a community development block grant, State Housing Initiatives Partnership Program, or similar grant or loan program. To receive a refund, a municipality, county, other governmental unit or agency, or nonprofit community-based organization must file an application that includes the same information required in subparagraph 1. In addition, the application must include a sworn statement signed by the chief executive officer of the municipality, county, other governmental unit or agency, or nonprofit community-based organization seeking a refund which states that the building materials for which a refund is sought were funded by a community development block grant, State Housing Initiatives Partnership Program, or similar grant or loan program.

3. Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the

application to determine if it contains all the information required by subparagraph 1. or subparagraph 2. and meets the criteria set out in this paragraph. The governing body or agency shall certify all applications that contain the required information and are eligible to receive a refund. If applicable, the governing body or agency shall also certify if 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees. The certification must be in writing, and a copy of the certification shall be transmitted to the executive director of the department. The applicant is responsible for forwarding a certified application to the department within the time specified in subparagraph 4.

4. An application for a refund must be submitted to the department within 6 months after the rehabilitation of the property is deemed to be substantially completed by the local building code inspector or by November 1 after the rehabilitated property is first subject to assessment.

5. Only one exemption through a refund of previously paid taxes for the rehabilitation of real property is permitted for any single parcel of property unless there is a change in ownership, a new lessor, or a new lessee of the real property. A refund may not be granted unless the amount to be refunded exceeds $500. A refund may not exceed the lesser of 97 percent of the Florida sales or use tax paid on the cost of the building materials used in the rehabilitation of the real property as determined pursuant to sub-subparagraph 1.e. or $5,000, or, if at least 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the amount of refund may not exceed the lesser of 97 percent of the sales tax paid on the cost of the building materials or $10,000. A refund shall be made within 30 days after formal approval by the department of the application for the refund.

6. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

7. The department shall deduct an amount equal to 10 percent of each refund granted under this paragraph from the amount transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for the county area in which the rehabilitated real property is located and shall transfer that amount to the General Revenue Fund.

8. For the purposes of the exemption provided in this paragraph, the term:

a. "Building materials" means tangible personal property that becomes a component part of improvements to real property.

b. "Real property" has the same meaning as provided in s. 192.001(12), except that the term does not include a condominium parcel or condominium property as defined in s. 718.103.

c. "Rehabilitation of real property" means the reconstruction, renovation, restoration, rehabilitation, construction, or expansion of improvements to real property.

d. "Substantially completed" has the same meaning as provided in s. 192.042(1).

9. This paragraph expires on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

(h) *Business property used in an enterprise zone.*—

1. Business property purchased for use by businesses located in an enterprise zone which is subsequently used in an enterprise zone shall be exempt from the tax imposed by this chapter. This exemption inures to the business only through a refund of previously paid taxes. A refund shall be authorized upon an affirmative showing by the taxpayer to the satisfaction of the department that the requirements of this paragraph have been met.

2. To receive a refund, the business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, an application which includes:

a. The name and address of the business claiming the refund.

b. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the business is located.

c. A specific description of the property for which a refund is sought, including its serial number or other permanent identification number.

d. The location of the property.

e. The sales invoice or other proof of purchase of the property, showing the amount of sales tax paid, the date of purchase, and the name and address of the sales tax dealer from whom the property was purchased.

f. Whether the business is a small business as defined by s. 288.703~~(1)~~.

g. If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

3. Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the application to determine if it contains all the information required pursuant to subparagraph 2. and meets the criteria set out in this paragraph. The governing body or agency shall certify all applications that contain the information required pursuant to subparagraph 2. and meet the criteria set out in this paragraph as eligible to receive a refund. If applicable, the governing body or agency shall also certify if 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees. The certification shall be in writing, and a copy of the certification shall be transmitted to the executive director of the Department of Revenue. The business shall be responsible for forwarding a certified application to the department within the time specified in subparagraph 4.

4. An application for a refund pursuant to this paragraph must be submitted to the department within 6 months after the tax is due on the business property that is purchased.

5. The amount refunded on purchases of business property under this paragraph shall be the lesser of 97 percent of the sales tax paid on such business property or $5,000, or, if no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the amount refunded on purchases of business property under this paragraph shall be the lesser of 97 percent of the sales tax paid on such business property or $10,000. A refund approved pursuant to this paragraph shall be made within 30 days *after* ~~of~~ formal approval by the department of the application for the refund. *A* ~~No~~ refund *may not* ~~shall~~ be granted under this paragraph unless the amount to be refunded exceeds $100 in sales tax paid on purchases made within a 60-day time period.

6. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

7. If the department determines that the business property is used outside an enterprise zone within 3 years from the date of purchase, the amount of taxes refunded to the business purchasing such business property shall immediately be due and payable to the department by the business, together with the appropriate interest and penalty, computed from the date of purchase, in the manner provided by this chapter. Notwithstanding this subparagraph, business property used exclusively in:

a. Licensed commercial fishing vessels,

b. Fishing guide boats, or

c. Ecotourism guide boats

that leave and return to a fixed location within an area designated under s. 379.2353*, Florida Statutes 2010,* are eligible for the exemption provided under this paragraph if all requirements of this paragraph are met. Such vessels and boats must be owned by a business that is eligible

to receive the exemption provided under this paragraph. This exemption does not apply to the purchase of a vessel or boat.

8. The department shall deduct an amount equal to 10 percent of each refund granted under ~~the provisions of~~ this paragraph from the amount transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for the county area in which the business property is located and shall transfer that amount to the General Revenue Fund.

9. For the purposes of this exemption, "business property" means new or used property defined as "recovery property" in s. 168(c) of the Internal Revenue Code of 1954, as amended, except:

a. Property classified as 3-year property under s. 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

b. Industrial machinery and equipment as defined in sub-subparagraph (b)6.a. and eligible for exemption under paragraph (b);

c. Building materials as defined in sub-subparagraph (g)8.a.; and

d. Business property having a sales price of under $5,000 per unit.

10. This paragraph expires on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

(j) *Machinery and equipment used in semiconductor, defense, or space technology production.*—

1.a. Industrial machinery and equipment used in semiconductor technology facilities certified under subparagraph 5. to manufacture, process, compound, or produce semiconductor technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter. For purposes of this paragraph, industrial machinery and equipment includes molds, dies, machine tooling, other appurtenances or accessories to machinery and equipment, testing equipment, test beds, computers, and software, whether purchased or self-fabricated, and, if self-fabricated, includes materials and labor for design, fabrication, and assembly.

b. Industrial machinery and equipment used in defense or space technology facilities certified under subparagraph 5. to design, manufacture, assemble, process, compound, or produce defense technology products or space technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter.

2. Building materials purchased for use in manufacturing or expanding clean rooms in semiconductor-manufacturing facilities are exempt from the tax imposed by this chapter.

3. In addition to meeting the criteria mandated by subparagraph 1. or subparagraph 2., a business must be certified by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ in order to qualify for exemption under this paragraph.

4. For items purchased tax-exempt pursuant to this paragraph, possession of a written certification from the purchaser, certifying the purchaser's entitlement to the exemption, relieves the seller of the responsibility of collecting the tax on the sale of such items, and the department shall look solely to the purchaser for recovery of the tax if it determines that the purchaser was not entitled to the exemption.

5.a. To be eligible to receive the exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall initially apply to Enterprise Florida, Inc. The original certification is valid for a period of 2 years. In lieu of submitting a new application, the original certification may be renewed biennially by submitting to the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ a statement, certified under oath, that there has *not* been *a* ~~no~~ material change in the conditions or circumstances entitling the business entity to the original certification. The initial application and the certification renewal statement shall be developed by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc~~.

b. *The Division of Strategic Business Development of the Department of Economic Opportunity* ~~Enterprise Florida, Inc.,~~ shall review each submitted initial application and determine whether or not the application is complete within 5 working days. Once complete, *the division* ~~Enterprise Florida, Inc.,~~ shall, within 10 working days, evaluate the application and recommend approval or disapproval to the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~.

c. Upon receipt of the initial application and recommendation from *the division* ~~Enterprise Florida, Inc.,~~ or upon receipt of a certification renewal statement, the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall certify within 5 working days those applicants who are found to meet the requirements of this section and notify the applicant~~, Enterprise Florida, Inc., and the department~~ of the original certification or certification renewal. If the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ finds that the applicant does not meet the requirements, it shall notify the applicant and Enterprise Florida, Inc., within 10 working days that the application for certification has been denied and the reasons for denial. The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ has final approval authority for certification under this section.

d. The initial application and certification renewal statement must indicate, for program evaluation purposes only, the average number of full-time equivalent employees at the facility over the preceding calendar year, the average wage and benefits paid to those employees over the preceding calendar year, the total investment made in real and tangible personal property over the preceding calendar year, and the total value of tax-exempt purchases and taxes exempted during the previous year. The department shall assist the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ in evaluating and verifying information provided in the application for exemption.

e. The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ may use the information reported on the initial application and certification renewal statement for evaluation purposes only.

6. A business certified to receive this exemption may elect to designate one or more state universities or community colleges as recipients of up to 100 percent of the amount of the exemption. To receive these funds, the institution must agree to match the funds with equivalent cash, programs, services, or other in-kind support on a one-to-one basis for research and development projects requested by the certified business. The rights to any patents, royalties, or real or intellectual property must be vested in the business unless otherwise agreed to by the business and the university or community college.

7. As used in this paragraph, the term:

a. "Semiconductor technology products" means raw semiconductor wafers or semiconductor thin films that are transformed into semiconductor memory or logic wafers, including wafers containing mixed memory and logic circuits; related assembly and test operations; active-matrix flat panel displays; semiconductor chips; semiconductor lasers; optoelectronic elements; and related semiconductor technology products as determined by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~.

b. "Clean rooms" means manufacturing facilities enclosed in a manner that meets the clean manufacturing requirements necessary for high-technology semiconductor-manufacturing environments.

c. "Defense technology products" means products that have a military application, including, but not limited to, weapons, weapons systems, guidance systems, surveillance systems, communications or information systems, munitions, aircraft, vessels, or boats, or components thereof, which are intended for military use and manufactured in performance of a contract with the United States Department of Defense or the military branch of a recognized foreign government or a subcontract thereunder which relates to matters of national defense.

d. "Space technology products" means products that are specifically designed or manufactured for application in space activities, including, but not limited to, space launch vehicles, space flight vehicles, missiles, satellites or research payloads, avionics, and associated control systems and processing systems and components of any of the foregoing. The term does not include products that are designed or manufactured for

general commercial aviation or other uses even though those products may also serve an incidental use in space applications.

(p) *Community contribution tax credit for donations.*—

1. Authorization.—Persons who are registered with the department under s. 212.18 to collect or remit sales or use tax and who make donations to eligible sponsors are eligible for tax credits against their state sales and use tax liabilities as provided in this paragraph:

a. The credit shall be computed as 50 percent of the person's approved annual community contribution.

b. The credit shall be granted as a refund against state sales and use taxes reported on returns and remitted in the 12 months preceding the date of application to the department for the credit as required in sub-subparagraph 3.c. If the annual credit is not fully used through such refund because of insufficient tax payments during the applicable 12-month period, the unused amount may be included in an application for a refund made pursuant to sub-subparagraph 3.c. in subsequent years against the total tax payments made for such year. Carryover credits may be applied for a 3-year period without regard to any time limitation that would otherwise apply under s. 215.26.

c. A person may not receive more than $200,000 in annual tax credits for all approved community contributions made in any one year.

d. All proposals for the granting of the tax credit require the prior approval of the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~.

e. The total amount of tax credits which may be granted for all programs approved under this paragraph, s. 220.183, and s. 624.5105 is $10.5 million annually for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) and $3.5 million annually for all other projects.

f. A person who is eligible to receive the credit provided for in this paragraph, s. 220.183, or s. 624.5105 may receive the credit only under the one section of the person's choice.

2. Eligibility requirements.—

a. A community contribution by a person must be in the following form:

(I) Cash or other liquid assets;

(II) Real property;

(III) Goods or inventory; or

(IV) Other physical resources as identified by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~.

b. All community contributions must be reserved exclusively for use in a project. As used in this sub-subparagraph, the term "project" means any activity undertaken by an eligible sponsor which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income or very-low-income households as defined in s. 420.9071(19) and (28); designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in rural communities with enterprise zones, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to any project approved between January 1, 1996, and December 31, 1999, and located in an enterprise zone designated pursuant to s. 290.0065. This paragraph does not preclude projects that propose to construct or rehabilitate housing for low-income or very-low-income households on scattered sites. With respect to housing, contributions may be used to pay the following eligible low-income and very-low-income housing-related activities:

(I) Project development impact and management fees for low-income or very-low-income housing projects;

(II) Down payment and closing costs for eligible persons, as defined in s. 420.9071(19) and (28);

(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to low-income or very-low-income projects; and

(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments when satisfaction of the lien is a necessary precedent to the transfer of the property to an eligible person, as defined in s. 420.9071(19) and (28), for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

c. The project must be undertaken by an "eligible sponsor," which includes:

(I) A community action program;

(II) A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

(III) A neighborhood housing services corporation;

(IV) A local housing authority created under chapter 421;

(V) A community redevelopment agency created under s. 163.356;

(VI) The Florida Industrial Development Corporation;

(VII) A historic preservation district agency or organization;

(VIII) A regional workforce board;

(IX) A direct-support organization as provided in s. 1009.983;

(X) An enterprise zone development agency created under s. 290.0056;

(XI) A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;

(XII) Units of local government;

(XIII) Units of state government; or

(XIV) Any other agency that the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ designates by rule.

In no event may a contributing person have a financial interest in the eligible sponsor.

d. The project must be located in an area designated an enterprise zone or a Front Porch Florida Community ~~pursuant to s. 20.18(6)~~, unless the project increases access to high-speed broadband capability for rural communities with enterprise zones but is physically located outside the designated rural zone boundaries. Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) is exempt from the area requirement of this sub-subparagraph.

e.(I) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-

income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the *Department of Economic Opportunity* ~~office~~ shall grant the tax credits for those applications as follows:

(A) If tax credit applications submitted for approved projects of an eligible sponsor do not exceed $200,000 in total, the credits shall be granted in full if the tax credit applications are approved.

(B) If tax credit applications submitted for approved projects of an eligible sponsor exceed $200,000 in total, the amount of tax credits granted pursuant to sub-sub-sub-subparagraph (A) shall be subtracted from the amount of available tax credits, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

(II) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the *Department of Economic Opportunity* ~~office~~ shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the *Department of Economic Opportunity* ~~office~~ shall grant the tax credits for those applications on a pro rata basis.

3. Application requirements.—

a. Any eligible sponsor seeking to participate in this program must submit a proposal to the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ which sets forth the name of the sponsor, a description of the project, and the area in which the project is located, together with such supporting information as is prescribed by rule. The proposal must also contain a resolution from the local governmental unit in which the project is located certifying that the project is consistent with local plans and regulations.

b. Any person seeking to participate in this program must submit an application for tax credit to the *Department of Economic Opportunity* ~~office~~ which sets forth the name of the sponsor, a description of the project, and the type, value, and purpose of the contribution. The sponsor shall verify the terms of the application and indicate its receipt of the contribution, which verification must be in writing and accompany the application for tax credit. The person must submit a separate tax credit application to the *Department of Economic Opportunity* ~~office~~ for each individual contribution that it makes to each individual project.

c. Any person who has received notification from the *Department of Economic Opportunity* ~~office~~ that a tax credit has been approved must apply to the department to receive the refund. Application must be made on the form prescribed for claiming refunds of sales and use taxes and be accompanied by a copy of the notification. A person may submit only one application for refund to the department within any 12-month period.

4. Administration.—

a. The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to administer this paragraph, including rules for the approval or disapproval of proposals by a person.

b. The decision of the *Department of Economic Opportunity* ~~office~~ must be in writing, and, if approved, the notification shall state the maximum credit allowable to the person. Upon approval, the *Department of Economic Opportunity* ~~office~~ shall transmit a copy of the decision to the Department of Revenue.

c. The *Department of Economic Opportunity* ~~office~~ shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are used in accordance with this paragraph; however, each project must be reviewed at least once every 2 years.

d. The *Department of Economic Opportunity* ~~office~~ shall, in consultation with ~~the Department of Community Affairs and~~ the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

5. Expiration.—This paragraph expires June 30, 2015; however, any accrued credit carryover that is unused on that date may be used until the expiration of the 3-year carryover period for such credit.

(15) ELECTRICAL ENERGY USED IN AN ENTERPRISE ZONE.—

(b) To receive this exemption, a business must file an application, with the enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, on a form provided by the department for the purposes of this subsection and s. 166.231(8). The application shall be made under oath and shall include:

1. The name and location of the business.

2. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the business is located.

3. The date on which electrical service is to be first initiated to the business.

4. The name and mailing address of the entity from which electrical energy is to be purchased.

5. The date of the application.

6. The name of the city in which the business is located.

7. If applicable, the name and address of each permanent employee of the business including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

8. Whether the business is a small business as defined by s. 288.703~~(1)~~.

Section 76. Paragraph (b) of subsection (2) of section 212.096, Florida Statutes, is amended to read:

212.096 Sales, rental, storage, use tax; enterprise zone jobs credit against sales tax.—

(2)

(b) The credit shall be computed as 20 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, unless the business is located within a rural enterprise zone pursuant to s. 290.004~~(6)~~, in which case the credit shall be 30 percent of the actual monthly wages paid. If no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the credit shall be computed as 30 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, unless the business is located within a rural enterprise zone, in which case the credit shall be 45 percent of the actual monthly wages paid. If the new employee hired when a new job is created is a participant in the welfare transition program, the following credit shall be a percent of the actual monthly wages paid: 40 percent for $4 above the hourly federal minimum wage rate; 41 percent for $5 above the hourly federal minimum wage rate; 42 percent for $6 above the hourly federal minimum wage rate; 43 percent for $7 above the hourly federal minimum wage rate; and 44 percent for $8 above the hourly federal minimum wage rate. For purposes of this paragraph, monthly wages shall be computed as one-twelfth of the expected annual wages paid to such employee. The amount paid as wages to a new employee is the compensation paid to such employee that is subject to unemployment tax. The credit shall be allowed for up to 24 consecutive months, beginning with the first tax return due pursuant to s. 212.11 after approval by the department.

Section 77. Paragraphs (a) and (e) of subsection (1) and subsections (4), (6), (7), (10), (11), and (16) of section 212.097, Florida Statutes, are amended to read:

212.097 Urban High-Crime Area Job Tax Credit Program.—

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

(a) "Eligible business" means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01-SIC 09 (agriculture, forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 781 (motion picture production and allied services); SIC 7992 (public golf courses); and SIC 7996 (amusement parks). A call center or similar customer service operation that services a multistate market or international market is also an eligible business. In addition, the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ may, as part of its final budget request submitted pursuant to s. 216.023, recommend additions to or deletions from the list of standard industrial classifications used to determine an eligible business, and the Legislature may implement such recommendations. Excluded from eligible receipts are receipts from retail sales, except such receipts for SIC 52-SIC 57 and SIC 59 (retail) hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term "predominantly" means that more than 50 percent of the business's gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified high-crime area and the tier ranking of that area must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

(e) "Qualified high-crime area" means an area selected by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ in the following manner: every third year, the *Department of Economic Opportunity* ~~Office~~ shall rank and tier those areas nominated under subsection (7), according to the following prioritized criteria:

1. Highest arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, vandalism, and civil disturbances;

2. Highest reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism;

3. Highest percentage of reported index crimes that are violent in nature;

4. Highest overall index crime volume for the area; and

5. Highest overall index crime rate for the geographic area.

Tier-one areas are ranked 1 through 5 and represent the highest crime areas according to this ranking. Tier-two areas are ranked 6 through 10 according to this ranking. Tier-three areas are ranked 11 through 15. Notwithstanding this definition, "qualified high-crime area" also means an area that has been designated as a federal Empowerment Zone pursuant to the Taxpayer Relief Act of 1997. Such a designated area is ranked in tier three until the areas are reevaluated by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~.

(4) For any new eligible business receiving a credit pursuant to subsection (2), an additional $500 credit shall be provided for any qualified employee who is a welfare transition program participant. For any existing eligible business receiving a credit pursuant to subsection (3), an additional $500 credit shall be provided for any qualified employee who is a welfare transition program participant. Such employee must be employed on the application date and have been employed less than 1 year. This credit shall be in addition to other credits pursuant to this section regardless of the tier-level of the high-crime area. Appropriate documentation concerning the eligibility of an employee for this credit must be submitted as determined by the Department *of Revenue*.

(6) Any county or municipality, or a county and one or more municipalities together, may apply to the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ for the designation of an area as a high-crime area after the adoption by the governing body or bodies of a resolution that:

(a) Finds that a high-crime area exists in such county or municipality, or in both the county and one or more municipalities, which chronically exhibits extreme and unacceptable levels of poverty, unemployment, physical deterioration, and economic disinvestment;

(b) Determines that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such a high-crime area is necessary in the interest of the health, safety, and welfare of the residents of such county or municipality, or such county and one or more municipalities; and

(c) Determines that the revitalization of such a high-crime area can occur if the public sector or private sector can be induced to invest its own resources in productive enterprises that build or rebuild the economic viability of the area.

(7) The governing body of the entity nominating the area shall provide to the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ the following:

(a) The overall index crime rate for the geographic area;

(b) The overall index crime volume for the area;

(c) The percentage of reported index crimes that are violent in nature;

(d) The reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism; and

(e) The arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, disorderly conduct, vandalism, and other public-order offenses.

(10)(a) In order to claim this credit, an eligible business must file under oath with the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ a statement that includes the name and address of the eligible business and any other information that is required to process the application.

(b) Applications shall be reviewed and certified pursuant to s. 288.061.

(c) The maximum credit amount that may be approved during any calendar year is $5 million, of which $1 million shall be exclusively reserved for tier-one areas. The Department of Revenue, in conjunction with the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~, shall notify the governing bodies in areas designated as urban high-crime areas when the $5 million maximum amount has been reached. Applications must be considered for approval in the order in which they are received without regard to whether the credit is for a new or existing business. This limitation applies to the value of the credit as contained in approved applications. Approved credits may be taken in the time and manner allowed pursuant to this section.

(11) If the application is insufficient to support the credit authorized in this section, the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall deny the credit and notify the business of that fact. The business may reapply for this credit within 3 months after such notification.

(16) The Department *of Revenue* shall adopt rules governing the manner and form of applications for credit and may establish guidelines concerning the requisites for an affirmative showing of qualification for the credit under this section.

Section 78. Paragraphs (a) and (c) of subsection (1) and subsections (6) and (7), of section 212.098, Florida Statutes, are amended to read:

212.098 Rural Job Tax Credit Program.—

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

(a) "Eligible business" means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01-SIC 09 (agriculture, forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 781 (motion picture production and allied services); SIC 7992 (public golf courses); SIC 7996 (amusement parks); and a targeted industry eligible for the qualified target industry business tax refund under s. 288.106. A call center or similar customer service operation that services a multistate market or an international market is also an eligible business. In addition, the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ may, as part of its final budget request submitted pursuant to s. 216.023, recommend additions to or deletions from the list of standard industrial classifications used to determine an eligible business, and the Legislature may implement such recommendations. Excluded from eligible receipts are receipts from retail sales, except such receipts for hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term "predominantly" means that more than 50 percent of the business's gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified county and the tier ranking of that county must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

(c) "Qualified area" means any area that is contained within a rural area of critical economic concern designated under s. 288.0656, a county that has a population of fewer than 75,000 persons, or a county that has a population of 125,000 or less and is contiguous to a county that has a population of less than 75,000, selected in the following manner: every third year, the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall rank and tier the state's counties according to the following four factors:

1. Highest unemployment rate for the most recent 36-month period.

2. Lowest per capita income for the most recent 36-month period.

3. Highest percentage of residents whose incomes are below the poverty level, based upon the most recent data available.

4. Average weekly manufacturing wage, based upon the most recent data available.

(6)(a) In order to claim this credit, an eligible business must file under oath with the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ a statement that includes the name and address of the eligible business, the starting salary or hourly wages paid to the new employee, and any other information that the Department of Revenue requires.

(b) *Pursuant to the incentive review process under s. 288.061, the Department of Economic Opportunity* ~~Within 30 working days after receipt of an application for credit, the Office of Tourism, Trade, and Economic Development~~ shall review the application to determine whether it contains all the information required by this subsection and meets the criteria set out in this section. Subject to the provisions of paragraph (c), the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall approve all applications that contain the information required by this subsection and meet the criteria set out in this section as eligible to receive a credit.

(c) The maximum credit amount that may be approved during any calendar year is $5 million. The Department of Revenue, in conjunction with the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~, shall notify the governing bodies in areas designated as qualified counties when the $5 million maximum amount has been reached. Applications must be considered for approval in the order in which they are received without regard to whether the credit is for a new or existing business. This limitation applies to the value of the credit as contained in approved applications. Approved credits may be taken in the time and manner allowed pursuant to this section.

(d) A business may not receive more than $500,000 of tax credits under this section during any one calendar year.

(7) If the application is insufficient to support the credit authorized in this section, the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall deny the credit and notify the business of that fact. The business may reapply for this credit within 3 months after such notification.

Section 79. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.814 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less $5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.095 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., 2.0440 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3409 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their ob-

ligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall distribute $166,667 monthly pursuant to s. 288.1162 to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to $41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than $416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided for in s. 288.1162(5) or s. 288.11621(3).

c. Beginning 30 days after notice by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of $999,996 shall be made, after certification and before July 1, 2000.

7. All other proceeds must remain in the General Revenue Fund.

Section 80. Subsection (4), paragraph (a) of subsection (7), paragraphs (k) through (cc) of subsection (8), and subsections (19), (20), and (21) of section 213.053, Florida Statutes, as amended by chapter 2010-280, Laws of Florida, are amended, to read:

213.053 Confidentiality and information sharing.—

(4) The department, while providing unemployment tax collection services under contract with the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316, may release unemployment tax rate information to the agent of an employer, which agent provides payroll services for more than *100* ~~500~~ employers, pursuant to the terms of a memorandum of understanding. The memorandum of understanding must state that the agent affirms, subject to the criminal penalties contained in ss. 443.171 and 443.1715, that the agent will retain the confidentiality of the information, that the agent has in effect a power of attorney from the employer which permits the agent to obtain unemployment tax rate information, and that the agent shall provide the department with a copy of the employer's power of attorney upon request.

(7)(a) Any information received by the Department of Revenue in connection with the administration of taxes, including, but not limited to, information contained in returns, reports, accounts, or declarations filed by persons subject to tax, shall be made available to the following in performance of their official duties:

1. The Auditor General or his or her authorized agent;

2. The director of the Office of Program Policy Analysis and Government Accountability or his or her authorized agent;

3. The Chief Financial Officer or his or her authorized agent;

4. The Director of the Office of Insurance Regulation of the Financial Services Commission or his or her authorized agent;

5. A property appraiser or tax collector or their authorized agents pursuant to s. 195.084(1); ~~or~~

6. Designated employees of the Department of Education solely for determination of each school district's price level index pursuant to s. 1011.62(2)*; and*~~.~~

7. The executive director of the Department of Economic Opportunity or his or her authorized agent.

(8) Notwithstanding any other provision of this section, the department may provide:

~~(k)1. Payment information relative to chapters 199, 201, 202, 212, 220, 221, and 624 to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, in the administration of the tax refund program for qualified defense contractors and space flight business contractors authorized by s. 288.1045 and the tax refund program for qualified target industry businesses authorized by s. 288.106.~~

~~2. Information relative to tax credits taken by a business under s. 220.191 and exemptions or tax refunds received by a business under s. 212.08(5)(j) to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, in the administration and evaluation of the capital investment tax credit program authorized in s. 220.191 and the semiconductor, defense, and space tax exemption program authorized in s. 212.08(5)(j).~~

~~3. Information relative to tax credits taken by a taxpayer pursuant to the tax credit programs created in ss. 193.017; 212.08(5)(g),(h),(n),(o) and (p); 212.08(15); 212.096; 212.097; 212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185; 220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99; 290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352; 550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, for use in the administration or evaluation of such programs.~~

(k)~~(l)~~ Information relative to chapter 212 and the Bill of Lading Program to the Office of Agriculture Law Enforcement of the Department of Agriculture and Consumer Services in the conduct of its official duties.

(l)~~(m)~~ Information relative to chapter 198 to the Agency for Health Care Administration in the conduct of its official business relating to ss. 409.901-409.9101.

(m)~~(n)~~ Information contained in returns, reports, accounts, or declarations to the Board of Accountancy in connection with a disciplinary proceeding conducted pursuant to chapter 473 when related to a certified public accountant participating in the certified audits project, or to the court in connection with a civil proceeding brought by the department relating to a claim for recovery of taxes due to negligence on the part of a certified public accountant participating in the certified audits project. In any judicial proceeding brought by the department, upon motion for protective order, the court shall limit disclosure of tax information when necessary to effectuate the purposes of this section.

(n)~~(o)~~ Information relative to ss. 376.70 and 376.75 to the Department of Environmental Protection in the conduct of its official business and to the facility owner, facility operator, and real property owners as defined in s. 376.301.

(o)~~(p)~~ Information relative to ss. 220.1845 and 376.30781 to the Department of Environmental Protection in the conduct of its official business.

(p)~~(q)~~ Names, addresses, and sales tax registration information to the Division of Consumer Services of the Department of Agriculture and Consumer Services in the conduct of its official duties.

(q)~~(r)~~ Information relative to the returns required by ss. 175.111 and 185.09 to the Department of Management Services in the conduct of its official duties. The Department of Management Services is, in turn, authorized to disclose payment information to a governmental agency or the agency's agent for purposes related to budget preparation, auditing, revenue or financial administration, or administration of chapters 175 and 185.

(r)~~(s)~~ Names, addresses, and federal employer identification numbers, or similar identifiers, to the Department of Highway Safety and Motor Vehicles for use in the conduct of its official duties.

~~(t) Information relative to the tax exemptions under ss. 212.031, 212.06, and 212.08 for those persons qualified under s. 288.1258 to the Office of Film and Entertainment. The Department of Revenue shall provide the Office of Film and Entertainment with information in the aggregate.~~

(s)~~(u)~~ Information relative to ss. 211.0251, 212.1831, 220.1875, 561.1211, 624.51055, and 1002.395 to the Department of Education and the Division of Alcoholic Beverages and Tobacco in the conduct of official business.

(t)~~(v)~~ Information relative to chapter 202 to each local government that imposes a tax pursuant to s. 202.19 in the conduct of its official duties as specified in chapter 202. Information provided under this paragraph may include, but is not limited to, any reports required pursuant to s. 202.231, audit files, notices of intent to audit, tax returns, and other confidential tax information in the department's possession relating to chapter 202. A person or an entity designated by the local government in writing to the department as requiring access to confidential taxpayer information shall have reasonable access to information provided pursuant to this paragraph. Such person or entity may disclose such information to other persons or entities with direct responsibility for budget preparation, auditing, revenue or financial administration, or legal counsel. Such information shall only be used for purposes related to budget preparation, auditing, and revenue and financial administration. Any confidential and exempt information furnished to a local government, or to any person or entity designated by the local government as authorized by this paragraph may not be further disclosed by the recipient except as provided by this paragraph.

~~(w) Tax registration information to the Agency for Workforce Innovation for use in the conduct of its official duties, which information may not be redisclosed by the Agency for Workforce Innovation.~~

(u)~~(x)~~ Rental car surcharge revenues authorized by s. 212.0606, reported according to the county to which the surcharge was attributed to the Department of Transportation.

(v)~~(y)~~ Information relative to ss. 212.08(7)(ccc) and 220.192 to the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ for use in the conduct of its official business.

(w)~~(z)~~ Taxpayer names and identification numbers for the purposes of information-sharing agreements with financial institutions pursuant to s. 213.0532.

(x)~~(aa)~~ Information relative to chapter 212 to the Department of Environmental Protection in the conduct of its official duties in the administration of s. 253.03(7)(b) and (11).

~~(bb) Information relative to tax credits taken under s. 288.1254 to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development.~~

(y)~~(cc)~~ Information relative to ss. 253.03(8) and 253.0325 to the Department of Environmental Protection in the conduct of its official business.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

~~(19) The department may disclose information relative to tax credits taken by a taxpayer pursuant to s. 288.9916 to the Office of Tourism, Trade, and Economic Development or its employees or agents. Such employees must be identified in writing by the office to the department. All information disclosed under this subsection is subject to the same requirements of confidentiality and the same penalties for violation of the requirements as the department.~~

(19)~~(20)~~(a) The department may publish a list of taxpayers against whom the department has filed a warrant, notice of lien, or judgment lien certificate. The list may include the name and address of each taxpayer; the amounts and types of delinquent taxes, fees, or surcharges, penalties, or interest; and the employer identification number or other taxpayer identification number.

(b) The department shall update the list at least monthly to reflect payments for resolution of deficiencies and to otherwise add or remove taxpayers from the list.

(c) The department may adopt rules to administer this subsection.

(20)~~(21)~~ The department may disclose information relating to taxpayers against whom the department has filed a warrant, notice of lien, or judgment lien certificate. Such information includes the name and address of the taxpayer, the actions taken, the amounts and types of liabilities, and the amount of any collections made.

Section 81. Subsection (1) of section 215.5588, Florida Statutes, is amended to read:

215.5588 Florida Disaster Recovery Program.—

(1) The Department of *Economic Opportunity* ~~Community Affairs~~ shall implement the 2006 Disaster Recovery Program from funds provided through the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, for the purpose of assisting local governments in satisfying disaster recovery needs in the areas of low-income housing and infrastructure, with a primary focus on the hardening of single-family and multifamily housing units, not only to ensure that affordable housing can withstand the effects of hurricane-force winds, but also to mitigate the increasing costs of insurance, which may ultimately render existing affordable homes unaffordable or uninsurable. This section does not create an entitlement for local governments or property owners or obligate the state in any way to fund disaster recovery needs.

Section 82. Paragraph (b) of subsection (8) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

(b) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall provide information on needs and waiting lists for school readiness programs, and information on the needs for the Voluntary Prekindergarten Education Program, as requested by the Early Learning Programs Estimating Conference or individual conference principals in a timely manner.

Section 83. Paragraph (a) of subsection (6) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(6) The Chief Financial Officer shall transfer from any available funds of an agency or the judicial branch the following amounts and shall report all such transfers and the reasons therefor to the legislative appropriations committees and the Executive Office of the Governor:

(a) The amount due to the Unemployment Compensation Trust Fund which is more than 90 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund. The amount transferred shall be that certified by the state agency providing unemployment tax collection services under contract with the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316.

Section 84. Subsection (1) of section 216.231, Florida Statutes, is amended to read:

216.231 Release of certain classified appropriations.—

(1)(a) Any appropriation to the Executive Office of the Governor which is classified as *an* "emergency," as defined in s. 252.34~~(3)~~, may be released only with the approval of the Governor. The state agency, or the judicial branch, desiring the use of the emergency appropriation shall submit to the Executive Office of the Governor application ~~therefor~~ in

writing setting forth the facts from which the alleged need arises. The Executive Office of the Governor shall, at a public hearing, review such application promptly and approve or disapprove the applications as the circumstances may warrant. All actions of the Executive Office of the Governor shall be reported to the legislative appropriations committees, and the committees may advise the Executive Office of the Governor relative to the release of such funds.

(b) The release of appropriated funds classified as "emergency" shall be approved only *if* ~~when~~ an act or circumstance caused by an act of God, civil disturbance, natural disaster, or other circumstance of an emergency nature threatens, endangers, or damages the property, safety, health, or welfare of the state or its *residents* ~~citizens~~, which condition has not been provided for in appropriation acts of the Legislature. Funds allocated for this purpose may be used to pay overtime pay to personnel of agencies called upon to perform extra duty because of any civil disturbance or other emergency as defined in s. 252.34~~(3)~~ and to provide the required state match for federal grants under the federal Disaster Relief Act.

Section 85. Subsection (2) of section 218.32, Florida Statutes, is amended to read:

218.32 Annual financial reports; local governmental entities.—

(2) The department shall annually by December 1 file a verified report with the Governor, the Legislature, the Auditor General, and the Special District Information Program of the Department of *Economic Opportunity* ~~Community Affairs~~ showing the revenues, both locally derived and derived from intergovernmental transfers, and the expenditures of each local governmental entity, regional planning council, local government finance commission, and municipal power corporation that is required to submit an annual financial report. The report must include, but is not limited to:

(a) The total revenues and expenditures of each local governmental entity that is a component unit included in the annual financial report of the reporting entity.

(b) The amount of outstanding long-term debt by each local governmental entity. For purposes of this paragraph, the term "long-term debt" means any agreement or series of agreements to pay money, which, at inception, contemplate terms of payment exceeding 1 year in duration.

Section 86. Paragraph (g) of subsection (1) of section 218.37, Florida Statutes, is amended to read:

218.37 Powers and duties of Division of Bond Finance; advisory council.—

(1) The Division of Bond Finance of the State Board of Administration, with respect to both general obligation bonds and revenue bonds, shall:

(g) By January 1 each year, provide the Special District Information Program of the Department of *Economic Opportunity* ~~Community Affairs~~ with a list of special districts that are not in compliance with the requirements in s. 218.38.

Section 87. Paragraph (a) of subsection (3) of section 218.64, Florida Statutes, is amended to read:

218.64 Local government half-cent sales tax; uses; limitations.—

(3) Subject to ordinances enacted by the majority of the members of the county governing authority and by the majority of the members of the governing authorities of municipalities representing at least 50 percent of the municipal population of such county, counties may use up to $2 million annually of the local government half-cent sales tax allocated to that county for funding for any of the following applicants:

(a) A certified applicant as a facility for a new or retained professional sports franchise under s. 288.1162 or a certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. It is the Legislature's intent that the provisions of s. 288.1162, including, but not limited to, the evaluation process by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ except for the limitation on the number of certified applicants or facilities as provided in that section and the restrictions set forth in s. 288.1162(8), shall apply to an applicant's facility to be funded by local government as provided in this subsection.

Section 88. Paragraph (ff) of subsection (1) of section 220.03, Florida Statutes, is amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(ff) "Job" means a full-time position, as consistent with terms used by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation resulting directly from business operations in this state. The term may not include a temporary construction job involved with the construction of facilities or any job that has previously been included in any application for tax credits under s. 212.096. The term also includes employment of an employee leased from an employee leasing company licensed under chapter 468 if the employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.

Section 89. Paragraph (a) of subsection (1) and paragraph (g) of subsection (2) of section 220.181, Florida Statutes, are amended to read:

220.181 Enterprise zone jobs credit.—

(1)(a) There shall be allowed a credit against the tax imposed by this chapter to any business located in an enterprise zone which demonstrates to the department that, on the date of application, the total number of full-time jobs is greater than the total was 12 months *before* ~~prior to~~ that date. The credit shall be computed as 20 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, as defined under s. 220.03(1)(ee), unless the business is located in a rural enterprise zone, pursuant to s. 290.004~~(6)~~, in which case the credit shall be 30 percent of the actual monthly wages paid. If no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the credit shall be computed as 30 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, unless the business is located in a rural enterprise zone, in which case the credit shall be 45 percent of the actual monthly wages paid, for a period of up to 24 consecutive months. If the new employee hired when a new job is created is a participant in the welfare transition program, the following credit shall be a percent of the actual monthly wages paid: 40 percent for $4 above the hourly federal minimum wage rate; 41 percent for $5 above the hourly federal minimum wage rate; 42 percent for $6 above the hourly federal minimum wage rate; 43 percent for $7 above the hourly federal minimum wage rate; and 44 percent for $8 above the hourly federal minimum wage rate.

(2) When filing for an enterprise zone jobs credit, a business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, a statement which includes:

(g) Whether the business is a small business as defined by s. 288.703~~(1)~~.

Section 90. Subsection (13) of section 220.182, Florida Statutes, is amended to read:

220.182 Enterprise zone property tax credit.—

(13) When filing for an enterprise zone property tax credit, a business shall indicate whether the business is a small business as defined by s. 288.703~~(1)~~.

Section 91. Paragraph (d) of subsection (1), paragraphs (b), (c), and (d) of subsection (2), and subsections (3), and (4) of section 220.183, Florida Statutes, are amended to read:

220.183 Community contribution tax credit.—

(1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

(d) All proposals for the granting of the tax credit shall require the prior approval of the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~.

(2) ELIGIBILITY REQUIREMENTS.—

(b)1. All community contributions must be reserved exclusively for use in projects as defined in s. 220.03(1)(t).

2. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the office shall grant the tax credits for those applications as follows:

a. If tax credit applications submitted for approved projects of an eligible sponsor do not exceed $200,000 in total, the credit shall be granted in full if the tax credit applications are approved.

b. If tax credit applications submitted for approved projects of an eligible sponsor exceed $200,000 in total, the amount of tax credits granted under sub-subparagraph a. shall be subtracted from the amount of available tax credits, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

3. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the office shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the office shall grant the tax credits for those applications on a pro rata basis.

(c) The project must be undertaken by an "eligible sponsor," defined here as:

1. A community action program;

2. A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

3. A neighborhood housing services corporation;

4. A local housing authority, created pursuant to chapter 421;

5. A community redevelopment agency, created pursuant to s. 163.356;

6. The Florida Industrial Development Corporation;

7. An historic preservation district agency or organization;

8. A regional workforce board;

9. A direct-support organization as provided in s. 1009.983;

10. An enterprise zone development agency created pursuant to s. 290.0056;

11. A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;

12. Units of local government;

13. Units of state government; or

14. Such other agency as the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ may, from time to time, designate by rule.

In no event shall a contributing business firm have a financial interest in the eligible sponsor.

(d) The project shall be located in an area designated as an enterprise zone or a Front Porch Florida Community ~~pursuant to s. 20.18(6)~~. Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) is exempt from the area requirement of this paragraph. This section does not preclude projects that propose to construct or rehabilitate housing for low-income or very-low-income households on scattered sites. Any project designed to provide increased access to high-speed broadband capabilities which includes coverage of a rural enterprise zone may locate the project's infrastructure in any area of a rural county.

(3) APPLICATION REQUIREMENTS.—

(a) Any eligible sponsor wishing to participate in this program must submit a proposal to the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ which sets forth the sponsor, the project, the area in which the project is located, and such supporting information as may be prescribed by rule. The proposal shall also contain a resolution from the local governmental unit in which it is located certifying that the project is consistent with local plans and regulations.

(b) Any business wishing to participate in this program must submit an application for tax credit to the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~, which application sets forth the sponsor; the project; and the type, value, and purpose of the contribution. The sponsor shall verify the terms of the application and indicate its receipt of the contribution, which verification must be in writing and accompany the application for tax credit.

(c) The business firm must submit a separate application for tax credit for each individual contribution that it makes to each individual project.

(4) ADMINISTRATION.—

(a) The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section, including rules for the approval or disapproval of proposals by business firms.

(b) The decision of the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall be in writing, and, if approved, the notification must state the maximum credit allowable to the business firm. A copy of the decision shall be transmitted to the executive director of the Department of Revenue, who shall apply such credit to the tax liability of the business firm.

(c) The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are utilized in accordance with this section; however, each project shall be reviewed no less often than once every 2 years.

(d) The Department of Revenue has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

(e) The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall, in consultation with ~~the Department of Community Affairs,~~ the Florida Housing Finance Corporation~~,~~ and the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

Section 92. Section 220.1895, Florida Statutes, is amended to read:

220.1895 Rural Job Tax Credit and Urban High-Crime Area Job Tax Credit.—There shall be allowed a credit against the tax imposed by this chapter amounts approved by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ pursuant to the Rural Job Tax Credit Program in s. 212.098 and the Urban High-Crime Area Job Tax Credit Program in s. 212.097. A corporation that uses its credit against the tax imposed by this chapter may not take the credit against the tax imposed by chapter 212. If any credit granted under this section is not fully used in the first year for which it becomes available, the unused amount may be carried forward for a period not to exceed 5 years. The carryover may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02(8).

Section 93. Section 220.1896, Florida Statutes, is amended to read:

220.1896 Jobs for the Unemployed Tax Credit Program.—

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

(a) "Eligible business" means any target industry business as defined in s. 288.106(2) which is subject to the tax imposed by this chapter. The eligible business does not have to be certified to receive the Qualified Target Industry Tax Refund Incentive under s. 288.106 in order to receive the tax credit available under this section.

~~(b) "Office" means the Office of Tourism, Trade, and Economic Development.~~

(b)~~(c)~~ "Qualified employee" means a person:

1. Who was unemployed at least 30 days immediately *before* ~~prior to~~ being hired by an eligible business.

2. Who was hired by an eligible business on or after July 1, 2010, and had not previously been employed by the eligible business or its parent or an affiliated corporation.

3. Who performed duties connected to the operations of the eligible business on a regular, full-time basis for an average of at least 36 hours per week and for at least 12 months before an eligible business is awarded a tax credit.

4. Whose employment by the eligible business has not formed the basis for any other claim to a credit pursuant to this section.

(2) A certified business shall receive a $1,000 tax credit for each qualified employee, pursuant to limitation in subsection (5).

(3)(a) In order to become a certified business, an eligible business must file under oath with the *Department of Economic Opportunity* ~~office~~ an application that includes:

1. The name, address and NAICS identifying code of the eligible business.

2. Relevant employment information.

3. A sworn affidavit, signed by each employee, attesting to his or her previous unemployment for whom the eligible business is seeking credits under this section.

4. Verification that the wages paid by the eligible business to each of its qualified employees exceeds the wage eligibility levels for Medicaid and other public assistance programs.

5. Any other information necessary to process the application.

(b) The *Department of Economic Opportunity* ~~office~~ shall process applications to certify a business in the order in which the applications are received, without regard as to whether the applicant is a new or an existing business. The *Department of Economic Opportunity* ~~office~~ shall review and approve or deny an application within 10 days after receiving a completed application. The *Department of Economic Opportunity* ~~office~~ shall notify the applicant in writing as to the *department's* ~~office's~~ decision.

(c)1. The *Department of Economic Opportunity* ~~office~~ shall submit a copy of the letter of certification to the Department *of Revenue* within 10 days after the *Department of Economic Opportunity* ~~office~~ issues the letter of certification to the applicant.

2. If the application of an eligible business is not sufficient to certify the applicant business, the *Department of Economic Opportunity* ~~office~~ must deny the application and issue a notice of denial to the applicant.

3. If the application of an eligible business does not contain sufficient documentation of the number of qualified employees, the *Department of Economic Opportunity* ~~office~~ shall approve the application with respect to the employees for whom the *Department of Economic Opportunity* ~~office~~ determines are qualified employees. The *Department of Economic Opportunity* ~~office~~ must deny the application with respect to persons for whom the *Department of Economic Opportunity* ~~office~~ determines are not qualified employees or for whom insufficient documentation has been provided. A business may not submit a revised application for certification or for the determination of a person as a qualified employee more than 3 months after the issuance of a notice of denial with respect to the business or a particular person as a qualified employee.

(4) The applicant for a tax credit under this section has the responsibility to affirmatively demonstrate to the satisfaction of the *Department of Economic Opportunity* ~~office~~ and the Department *of Revenue* that the applicant and the persons claimed as qualified employees meet the requirements of this section.

(5) The total amount of tax credits under this section which may be approved by the *Department of Economic Opportunity* ~~office~~ for all applicants is $10 million, with $5 million available to be awarded in the 2011-2012 fiscal year and $5 million available to be awarded in the 2012-2013 fiscal year.

(6) A tax credit amount that is granted under this section which is not fully used in the first year for which it becomes available may be carried forward to the subsequent taxable year. The carryover credit may be used in the subsequent year if the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02(8).

(7) A person who fraudulently claims a credit under this section is liable for repayment of the credit plus a mandatory penalty of 100 percent of the credit. Such person also commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) The *Department of Economic Opportunity* ~~office~~ may adopt rules governing the manner and form of applications for the tax credit. The *Department of Economic Opportunity* ~~office~~ may establish guidelines for making an affirmative showing of qualification for the tax credit under this section.

(9) The Department *of Revenue* may adopt rules to administer this section, including rules relating to the creation of forms to claim a tax credit and examination and audit procedures required to administer this section.

(10) This section expires June 30, 2012. However, a taxpayer that is awarded a tax credit in the second year of the program may carry forward any unused credit amount to the subsequent tax reporting period. Rules adopted by the Department *of Revenue* to administer this section shall remain valid as long as a taxpayer may use a credit against its corporate income tax liability.

Section 94. Subsection (1) of section 220.1899, Florida Statutes, is amended to read:

220.1899 Entertainment industry tax credit.—

(1) There shall be a credit allowed against the tax imposed by this chapter in the amounts awarded by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ under the entertainment industry financial incentive program in s. 288.1254.

Section 95. Paragraphs (e), (f), (g), and (h) of subsection (1), paragraph (a) of subsection (3), and subsections (5) and (6) of section 220.191, Florida Statutes, are amended to read:

220.191 Capital investment tax credit.—

(1) DEFINITIONS.—For purposes of this section:

(e) "Jobs" means full-time equivalent positions, as that term is consistent with terms used by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ and the United States Department of Labor for purposes of unemployment tax administration and employment estimation, resulting directly from a project in this state. The term does not include temporary construction jobs involved in the construction of the project facility.

~~(f) "Office" means the Office of Tourism, Trade, and Economic Development.~~

(f)~~(g)~~ "Qualifying business" means a business which establishes a qualifying project in this state and which is certified by the *Department of Economic Opportunity* ~~office~~ to receive tax credits pursuant to this section.

(g)~~(h)~~ "Qualifying project" means *a facility in this state meeting one or more of the following criteria*:

1. A new or expanding facility in this state which creates at least 100 new jobs in this state and is in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the *Department of Economic Opportunity* ~~office~~ pursuant to s. 288.108(6), including, but not limited to, aviation, aerospace, automotive, and silicon technology industries. *However, between July 1, 2011, and June 30, 2014, the requirement that a facility be in a high-impact sector is waived for any otherwise eligible business from another state which locates all or a portion of its business to a Disproportionally Affected County. For purposes of this section, the term "Disproportionally Affected County" means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.*~~;~~

2. A new or expanded facility in this state which is engaged in a target industry designated pursuant to the procedure specified in *s. 288.106(2)* ~~s. 288.106(2)(t)~~ and which is induced by this credit to create or retain at least 1,000 jobs in this state, provided that at least 100 of those jobs are new, pay an annual average wage of at least 130 percent of the average private sector wage in the area as defined in s. 288.106(2), and make a cumulative capital investment of at least $100 million ~~after July 1, 2005~~. Jobs may be considered retained only if there is significant evidence that the loss of jobs is imminent. Notwithstanding subsection (2), annual credits against the tax imposed by this chapter *may* ~~shall~~ not exceed 50 percent of the increased annual corporate income tax liability or the premium tax liability generated by or arising out of a project qualifying under this subparagraph. A facility that qualifies under this subparagraph for an annual credit against the tax imposed by this chapter may take the tax credit for a period not to exceed 5 years.~~; or~~

3. A new or expanded headquarters facility in this state which locates in an enterprise zone and brownfield area and is induced by this credit to create at least 1,500 jobs which on average pay at least 200 percent of the statewide average annual private sector wage, as published by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation or its successor~~, and which new or expanded headquarters facility makes a cumulative capital investment in this state of at least $250 million.

(3)(a) Notwithstanding subsection (2), an annual credit against the tax imposed by this chapter shall be granted to a qualifying business which establishes a qualifying project pursuant to subparagraph (1)*(g)*~~(h)~~3., in an amount equal to the lesser of $15 million or 5 percent of the eligible capital costs made in connection with a qualifying project, for a period not to exceed 20 years beginning with the commencement of operations of the project. The tax credit shall be granted against the corporate income tax liability of the qualifying business and as further provided in paragraph (c). The total tax credit provided pursuant to this subsection shall be equal to no more than 100 percent of the eligible capital costs of the qualifying project.

(5) Applications shall be reviewed and certified pursuant to s. 288.061. The *Department of Economic Opportunity* ~~office~~, upon a recommendation by Enterprise Florida, Inc., shall first certify a business as eligible to receive tax credits pursuant to this section prior to the commencement of operations of a qualifying project, and such certification shall be transmitted to the Department of Revenue. Upon receipt of the certification, the Department of Revenue shall enter into a written agreement with the qualifying business specifying, at a minimum, the method by which income generated by or arising out of the qualifying project will be determined.

(6) The *Department of Economic Opportunity* ~~office~~, in consultation with Enterprise Florida, Inc., is authorized to develop the necessary guidelines and application materials for the certification process described in subsection (5).

Section 96. Subsection (2) of section 222.15, Florida Statutes, is amended to read:

222.15 Wages or unemployment compensation payments due deceased employee may be paid spouse or certain relatives.—

(2) It is also lawful for the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, in case of death of any unemployed individual, to pay to those persons referred to in subsection (1) any unemployment compensation payments that may be due to the individual at the time of his or her death.

Section 97. Subsections (3) and (4) of section 250.06, Florida Statutes, are amended to read:

250.06 Commander in chief.—

(3) The Governor may, in order to preserve the public peace, execute the laws of the state, suppress insurrection, repel invasion, respond to an emergency as defined in s. 252.34~~(3)~~ or imminent danger thereof, or, in case of the calling of all or any portion of the militia of *this state* ~~Florida~~ into the services of the United States, may increase the Florida National Guard and organize it in accordance with rules and regulations governing the Armed Forces of the United States. Such organization and increase may be pursuant to or in advance of any call made by the President of the United States. If the Florida National Guard is activated into service of the United States, another organization may not be designated as the Florida National Guard.

(4) The Governor may, in order to preserve the public peace, execute the laws of the state, enhance domestic security, respond to terrorist threats or attacks, respond to an emergency as defined in s. 252.34~~(3)~~ or imminent danger thereof, or respond to any need for emergency aid to civil authorities as specified in s. 250.28, order into state active duty all or any part of the militia which he or she deems proper.

Section 98. Subsection (2) of section 252.34, Florida Statutes, is amended to read:

252.34 Definitions.—As used in *this part* ~~ss. 252.31-252.60~~, the term:

(2) "Division" means the Division of Emergency Management *within the Executive Office of the Governor* ~~of the Department of Community Affairs~~, or the successor to that division.

Section 99. Paragraphs (j), (s), and (t) of subsection (2) of section 252.35, Florida Statutes, are amended to read:

252.35 Emergency management powers; Division of Emergency Management.—

(2) The division is responsible for carrying out the provisions of ss. 252.31-252.90. In performing its duties ~~under ss. 252.31-252.90~~, the division shall:

(j) *In cooperation with* ~~The Division of Emergency Management and~~ the Department of Education, ~~shall~~ coordinate with the Agency for Persons with Disabilities to provide an educational outreach program on disaster preparedness and readiness to individuals who have limited

English skills and identify persons who are in need of assistance but are not defined under special-needs criteria.

(s) ~~By January 1, 2007, the Division of Emergency Management shall~~ Complete an inventory of portable generators owned by the state and local governments which are capable of operating during a major disaster. The inventory must identify, at a minimum, the location of each generator, the number of generators stored at each specific location, the agency to which each generator belongs, the primary use of the generator by the owner agency, and the names, addresses, and telephone numbers of persons having the authority to loan the stored generators as authorized by the division ~~of Emergency Management~~ during a declared emergency.

(t) ~~The division shall~~ Maintain an inventory list of generators owned by the state and local governments. In addition, the division may keep a list of private entities, along with appropriate contact information, which offer generators for sale or lease. The list of private entities shall be available to the public for inspection in written and electronic formats.

Section 100. Subsection (2) of section 252.355, Florida Statutes, is amended to read:

252.355 Registry of persons with special needs; notice.—

(2) The *division* ~~Department of Community Affairs~~ shall be the designated lead agency responsible for community education and outreach to the public, including special needs clients, regarding registration and special needs shelters and general information regarding shelter stays.

Section 101. Section 252.371, Florida Statutes, is amended to read:

252.371 Emergency Management, Preparedness, and Assistance Trust Fund.—There is created the Emergency Management, Preparedness, and Assistance Trust Fund to be administered by the *division* ~~Department of Community Affairs~~.

Section 102. Subsections (1) and (2) of section 252.373, Florida Statutes, are amended to read:

252.373 Allocation of funds; rules.—

(1) Funds appropriated from the Emergency Management, Preparedness, and Assistance Trust Fund shall be allocated by the *division* ~~Department of Community Affairs~~ for the following purposes:

(a) To implement and administer state and local emergency management programs, including administration, training, and operations.

(b) For grants and loans to state or regional agencies, local governments, and private organizations to implement projects that will further state and local emergency management objectives. These projects must include, but need not be limited to, projects that will promote public education on disaster preparedness and recovery issues, enhance coordination of relief efforts of statewide private sector organizations, and improve the training and operations capabilities of agencies assigned lead or support responsibilities in the state comprehensive emergency management plan, including the State Fire Marshal's Office for coordinating the Florida fire services. The division shall establish criteria and procedures for competitive allocation of these funds by rule. No more than 5 percent of any award made pursuant to this subparagraph may be used for administrative expenses. This competitive criteria must give priority consideration to hurricane evacuation shelter retrofit projects.

(c) To meet any matching requirements imposed as a condition of receiving federal disaster relief assistance.

(2) The *division* ~~department~~ shall allocate funds from the Emergency Management, Preparedness, and Assistance Trust Fund to local emergency management agencies and programs pursuant to criteria specified in rule. Such rules shall include, but are not limited to:

(a) Requiring that, at a minimum, a local emergency management agency either:

1. Have a program director who works at least 40 hours a week in that capacity; or

2. If the county has fewer than 75,000 population or is party to an interjurisdictional emergency management agreement entered into pursuant to s. 252.38(3)(b), that is recognized by the Governor by executive order or rule, have an emergency management coordinator who works at least 20 hours a week in that capacity.

(b) Specifying a formula that establishes a base grant allocation and weighted factors for funds to be allocated over the base grant amount.

(c) Specifying match requirements.

(d) Preferential funding to provide incentives to counties and municipalities to participate in mutual aid agreements.

Section 103. Subsection (5) of section 252.55, Florida Statutes, is amended to read:

252.55 Civil Air Patrol, Florida Wing.—

(5) The wing commander of the Florida Wing of the Civil Air Patrol shall biennially furnish the *division* ~~Bureau of Emergency Management~~ a 2-year projection of the goals and objectives of the Civil Air Patrol which shall be reported in the division's biennial report submitted pursuant to s. 252.35.

Section 104. Subsection (4) of section 252.60, Florida Statutes, is amended to read:

252.60 Radiological emergency preparedness.—

(4) POWERS AND DUTIES.—In implementing the requirements of this section, the *director of the division* ~~secretary of the department~~, or the *director's* ~~secretary's~~ designated representative, shall:

(a) Negotiate and enter into such additional contracts and arrangements among the division, appropriate counties, and each operator to provide for the level of funding and the respective roles of each in the development, preparation, testing, and implementation of the plans.

(b) Evaluate and determine the adequacy of the plans based upon consultations with the United States Nuclear Regulatory Commission and other agencies, as appropriate, and upon the results of such tests as may be conducted.

(c) Limited to such funding as is available based upon the requirements of subsection (5), require the participation of appropriate counties and operators in the development, preparation, testing, or implementation of the plans as needed.

(d) Determine the reasonableness and adequacy of the provisions, terms, and conditions of the plans and, in the event the appropriate counties and the operators cannot agree, resolve such differences and require compliance by the appropriate counties and the operators with the plans. In resolving such differences, the *director* ~~secretary~~ shall consider:

1. The requirements and parameters placed on the operators by federal law and agencies;

2. The reasonableness and adequacy of the funding for appropriate counties from any sources of funds other than local revenue sources; and

3. The reasonableness and appropriateness of the costs to the appropriate counties likely to be incurred in complying with provisions, terms, and conditions of the plans.

(e) Receive, expend, and disburse such funds as are made available by each licensee pursuant to this section.

(f) Limited to such funding as is available based upon the requirements of subsection (5), coordinate all activities undertaken pursuant to this section or required of appropriate counties and operators by any federal or state agency.

Section 105. Section 252.61, Florida Statutes, is amended to read:

252.61 List of persons for contact relating to release of toxic substances into atmosphere.—The *Division of Emergency Management* ~~De-~~

~~partment of Community Affairs~~ shall maintain a list of contact persons ~~after the survey pursuant to s. 403.771 is completed~~.

Section 106. Section 252.82, Florida Statutes, is amended to read:

252.82 Definitions.—As used in this part:

(1) "Commission" means the State Hazardous Materials Emergency Response Commission created pursuant to s. 301 of EPCRA.

(2) "Committee" means any local emergency planning committee established in the state pursuant to s. 301 of EPCRA.

(3) *"Division" means the Division of Emergency Management within the Executive Office of the Governor* ~~"Department" means the Department of Community Affairs~~.

(4) "Facility" means facility as defined in s. 329 of EPCRA. Vehicles placarded according to title 49 Code of Federal Regulations *are* ~~shall~~ not ~~be~~ considered a facility except for purposes of s. 304 of EPCRA.

(5) "Hazardous material" means any hazardous chemical, toxic chemical, or extremely hazardous substance, as defined in s. 329 of EPCRA.

(6) "EPCRA" means the Emergency Planning and Community Right-to-Know Act of 1986, title III of the Superfund Amendments and Reauthorization Act of 1986, ~~Pub. L. No. 99-499,~~ ss. 300-329, 42 U.S.C. ss. 11001 et seq.; and federal regulations adopted thereunder.

(7) "Trust fund" means the Operating Trust Fund of the *division* ~~Department of Community Affairs~~.

Section 107. Section 252.83, Florida Statutes, is amended to read:

252.83 Powers and duties of the *division* ~~department~~.—

(1) The *division* ~~department~~ shall have the authority:

(a) To coordinate its activities under this part with its other emergency management responsibilities, including its responsibilities under part I of this chapter, and activities and with the related activities of other agencies, keeping separate accounts for all activities supported or partially supported from the Operating Trust Fund.

(b) To make rules, with the advice and consent of the commission, to implement this part.

(2) The *division* ~~department~~ shall provide administrative support, including staff, facilities, materials, and services, to the commission and shall provide funding to the committees to enable the commission and the committees to perform their functions under EPCRA and this part.

(3) The *division* ~~department~~ and the commission, to the extent possible, shall use the emergency planning capabilities of local governments to reduce duplication and paperwork to achieve the intent of this part. It is the intent of the Legislature that this part be implemented in the most cost-efficient manner possible, with the least possible financial impact on local government and the community.

Section 108. Subsections (1), (3), (4), and (5) of section 252.85, Florida Statutes, are amended to read:

252.85 Fees.—

(1) Any owner or operator of a facility required under s. 302 or s. 312 of EPCRA, or by s. 252.87, to submit a notification or an annual inventory form to the commission shall be required to pay an annual registration fee. The fee for any company, including all facilities under common ownership or control, shall not be less than $25 nor more than $2,000. The *division* ~~department~~ shall establish a reduced fee, of not less than $25 nor more than $500, applicable to any owner or operator regulated under part I of chapter 368, chapter 527, or s. 376.303, which does not have present any extremely hazardous substance, as defined by EPCRA, in excess of a threshold planning quantity, as established by EPCRA. The *division* ~~department~~ shall establish a reduced fee of not less than $25 nor more than $1,000, applicable to any owner or operator of a facility with a Standard Industrial Classification Code of 01, 02, or 07, which is eligible for the "routine agricultural use" exemption provided in ss. 311 and 312 of EPCRA. The fee under this subsection shall be based on the number of employees employed within the state at facilities under the common ownership or control of such owner or operator, which number shall be determined, to the extent possible, in accordance with data supplied by the Department of *Economic Opportunity or its tax collection service provider* ~~Labor and Employment Security~~. In order to avoid the duplicative reporting of seasonal and temporary agricultural employees, fees applicable to owners or operators of agricultural facilities, which are eligible for the "routine agricultural use" reporting exemption provided in ss. 311 and 312 of EPCRA, shall be based on employee data which most closely reflects such owner or operator's permanent nonseasonal workforce. The *division* ~~department~~ shall establish by rule the date by which the fee is to be paid, as well as a formula or method of determining the applicable fee under this subsection without regard to the number of facilities under common ownership or control. The *division* ~~department~~ may require owners or operators of multiple facilities to demonstrate common ownership or control for purposes of this subsection.

(3) Any owner or operator of a facility that is required to submit a report or filing under s. 313 of EPCRA shall pay an annual reporting fee not to exceed $150 for those s. 313 EPCRA listed substances in effect on January 1, 2005. The *division* ~~department~~ shall establish by rule the date by which the fee is to be paid, as well as a formula or method of determining the applicable fee under this subsection.

(4)(a) The *division* ~~department~~ may assess a late fee for the failure to submit a report or filing that substantially complies with the requirements of EPCRA or s. 252.87 by the specified date or for failure to pay any fee, including any late fee, required by this section. This late fee shall be in addition to the fee otherwise imposed pursuant to this section. If the *division* ~~department~~ elects to impose a late fee, it shall provide the owner or operator with a written notice that identifies the specific requirements which have not been met and advises of its intent to assess a late fee.

(b) The *division* ~~department~~ may impose a late fee, subject to the limitations set forth below:

1. If the report, filing, or fee is submitted within 30 days after the receipt of the *division's* ~~department's~~ notice, no late fee may be assessed.

2. If the report, filing, or fee is not submitted within 30 days after the receipt of the *division's* ~~department's~~ notice, the *division* ~~department~~ may impose a late fee in an amount equal to the amount of the annual registration fee, filing fee, or s. 313 fee due, not to exceed $2,000.

3. If the report, filing, or fee is not submitted within 90 days after the receipt of the *division's* ~~department's~~ notice, the *division* ~~department~~ may issue a second notice. If the report, filing, or fee is not submitted within 30 days after receipt of the *division's* ~~department's~~ second notice, the *division* ~~department~~ may assess a second late fee in an amount equal to twice the amount of the annual registration fee, filing fee, or s. 313 fee due, not to exceed $4,000.

4. The *division* ~~department~~ may consider, but is not limited to considering, the following factors in assessing late fees: good faith attempt to comply; history of noncompliance; ability to pay or continue in business; threat to health and safety posed by noncompliance; and degree of culpability.

(5) The *division* ~~department~~ shall establish by rule the dates by which the fee is to be paid, as well as a formula or method of determining the facility registration fee and late fee.

Section 109. Subsections (1) and (3) of section 252.86, Florida Statutes, are amended to read:

252.86 Penalties and remedies.—

(1) The owner or operator of a facility, an employer, or any other person submitting written information pursuant to EPCRA or this part to the commission, a committee, or a fire department shall be liable for a civil penalty of $5,000 for each item of information in the submission that is false, if such person knew or should have known the information was false or if such person submitted the information with reckless disregard of its truth or falsity. The *division* ~~department~~ may institute a civil action in a court of competent jurisdiction to impose and recover a

civil penalty for the amount indicated in this subsection. However, the court may receive evidence in mitigation.

(3) Any provision of s. 325 or s. 326 of EPCRA which creates a federal cause of action shall create a corresponding cause of action under state law, with jurisdiction in the circuit courts. Any provision of s. 325 or s. 326 of EPCRA which imposes or authorizes the imposition of a civil penalty by the Administrator of the Environmental Protection Agency, or which creates a liability to the United States, shall impose or authorize the imposition of such a penalty by the *division* ~~department~~ or create such a liability to and for the benefit of the state, to be paid into the Operating Trust Fund. Venue shall be proper in the county where the violation occurred or where the defendant has its principal place of business.

Section 110. Subsections (4) and (7) of section 252.87, Florida Statutes, are amended to read:

252.87 Supplemental state reporting requirements.—

(4) Each employer that owns or operates a facility in this state at which hazardous materials are present in quantities at or above the thresholds established under ss. 311(b) and 312(b) of EPCRA shall comply with the reporting requirements of ss. 311 and 312 of EPCRA. Such employer shall also be responsible for notifying the *division* ~~department~~, the local emergency planning committee, and the local fire department in writing within 30 days if there is a discontinuance or abandonment of the employer's business activities that could affect any stored hazardous materials.

(7) The *division* ~~department~~ shall avoid duplicative reporting requirements by *using* ~~utilizing~~ the reporting requirements of other state agencies that regulate hazardous materials to the extent feasible and shall request the information authorized under EPCRA. With the advice and consent of the State Emergency Response Commission for Hazardous Materials, the *division* ~~department~~ may require by rule that the maximum daily amount entry on the chemical inventory report required under s. 312 of EPCRA provide for reporting in estimated actual amounts. The *division* ~~department~~ may also require by rule an entry for the Federal Employer Identification Number on this report. To the extent feasible, the *division* ~~department~~ shall encourage and accept required information in a form initiated through electronic data interchange and shall describe by rule the format, manner of execution, and method of electronic transmission necessary for using such form. To the extent feasible, the Department of Financial Services, the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Public Service Commission, the Department of Revenue, ~~the Department of Labor and Employment Security,~~ and other state agencies which regulate hazardous materials shall coordinate with the *division* ~~department~~ in order to avoid duplicative requirements contained in each agency's respective reporting or registration forms. The other state agencies that inspect facilities storing hazardous materials and suppliers and distributors of covered substances shall assist the *division* ~~department~~ in informing the facility owner or operator of the requirements of this part. The *division* ~~department~~ shall provide the other state agencies with the necessary information and materials to inform the owners and operators of the requirements of this part to ensure that the budgets of these agencies are not adversely affected.

Section 111. Subsection (4) of section 252.88, Florida Statutes, is amended to read:

252.88 Public records.—

(4) The *division* ~~department~~, the commission, and the committees shall furnish copies of public records submitted under EPCRA or this part, and may charge a fee of $1 per page per person per year for over 25 pages of materials copied.

Section 112. Subsections (3), (8), (9), and (19) of section 252.936, Florida Statutes, are amended to read:

252.936 Definitions.—As used in this part, the term:

(3) "Audit" means a review of information at*,* ~~a stationary source subject to s. 112(r)(7),~~ or submitted by*,* a stationary source subject to s. 112(r)(7), to determine whether that stationary source is in compliance with ~~the requirements of~~ this part and rules adopted to *administer* ~~implement~~ this part. Audits must include a review of the adequacy of the stationary source's Risk Management Plan, may consist of reviews of information submitted to the *division* ~~department~~ or the United States Environmental Protection Agency to determine whether the plan is complete or whether revisions to the plan are needed, and the reviews may be conducted at the stationary source to confirm that information onsite is consistent with reported information.

(8) *"Division" means the Division of Emergency Management in the Executive Office of the Governor* ~~"Department" means the Department of Community Affairs~~.

(9) "Inspection" means a review of information at a stationary source subject to s. 112(r)(7), including documentation and operating practices and access to the source and to any area where an accidental release could occur, to determine whether the stationary source is in compliance with ~~the requirements of~~ this part or rules adopted to *administer* ~~implement~~ this part.

(19) "Trust fund" means the Operating Trust Fund *of the division* ~~established in the department's Division of Emergency Management~~.

Section 113. Section 252.937, Florida Statutes, is amended to read:

252.937 *Division* ~~Department~~ powers and duties.—

(1) The *division* ~~department~~ has the power and duty to:

(a)1. Seek delegation from the United States Environmental Protection Agency to implement the Accidental Release Prevention Program under s. 112(r)(7) of the Clean Air Act and the federal implementing regulations for specified sources subject to s. 112(r)(7) of the Clean Air Act. Implementation for all other sources subject to s. 112(r)(7) of the Clean Air Act *shall* ~~will~~ be performed by the United States Environmental Protection Agency; and

2. Ensure the timely submission of Risk Management Plans and any subsequent revisions of Risk Management Plans.

(b) Adopt, modify, and repeal rules, with the advice and consent of the commission, necessary to obtain delegation from the United States Environmental Protection Agency and to administer the s. 112(r)(7) Accidental Release Prevention Program in this state for the specified stationary sources with no expansion or addition of the regulatory program.

(c) Make and execute contracts and other agreements necessary or convenient to the *administration* ~~implementation~~ of this part.

(d) Coordinate its activities under this part with its other emergency management responsibilities, including its responsibilities and activities under parts I, II, and III of this chapter and with the related activities of other state and local agencies, keeping separate accounts for all activities conducted under this part which are supported or partially supported from the trust fund.

(e) Establish, with the advice and consent of the commission, a technical assistance and outreach program ~~on or before January 31, 1999,~~ to assist owners and operators of specified stationary sources subject to s. 112(r)(7) in complying with the reporting and fee requirements of this part. This program is designed to facilitate and ensure timely submission of proper certifications or compliance schedules and timely submission and registration of Risk Management Plans and revised registrations and Risk Management Plans *if* ~~when~~ required for these sources.

(f) Make a quarterly report to the State Emergency Response Commission on income and expenses for the state's Accidental Release Prevention Program under this part.

(2) To ensure that this program is self-supporting, the *division* ~~department~~ shall provide administrative support, including staff, facilities, materials, and services to implement this part for specified stationary sources subject to s. 252.939 and ~~shall~~ provide necessary funding to local emergency planning committees and county emergency management agencies for work performed to implement this part. Each state agency with regulatory, inspection, or technical assistance programs for specified stationary sources subject to this part shall enter into a memorandum of understanding with the *division* ~~department~~ which specifically

outlines how each agency's staff, facilities, materials, and services will be *used* ~~utilized~~ to support implementation. ~~At a minimum, these agencies and programs include: the Department of Environmental Protection's Division of Air Resources Management and Division of Water Resource Management, and the Department of Labor and Employment Security's Division of Safety.~~ It is the Legislature's intent to implement this part as efficiently and economically as possible, using existing expertise and resources, if available and appropriate.

(3) To prevent the duplication of investigative efforts and resources, the *division* ~~department~~, on behalf of the commission, shall coordinate with any federal agencies or agents thereof, including the federal Chemical Safety and Hazard Investigation Board, or its successor, which are performing accidental release investigations for specified stationary sources, and may coordinate with any agencies of the state which are performing accidental release investigations. This accidental release investigation coordination is not intended to limit or take the place of any individual agency accidental release investigation under separate authority.

(4) To promote efficient administration of this program and specified stationary sources, ~~the~~ only *the division* ~~agency which~~ may seek delegation from the United States Environmental Protection Agency for this program ~~is the Florida Department of Community Affairs~~. Further, the *division may* ~~Florida Department of Community Affairs shall~~ not delegate this program to any local environmental agency.

Section 114. Section 252.943, Florida Statutes, is amended to read:

252.943 Public records.—

(1) The *division* ~~Department of Community Affairs~~ shall protect records, reports, or information or particular parts thereof, other than release or emissions data, contained in a risk management plan from public disclosure pursuant to ss. 112(r) and 114(c) of the federal Clean Air Act and authorities cited therein, based upon a showing satisfactory to the Administrator of the United States Environmental Protection Agency, by any owner or operator of a stationary source subject to the Accidental Release Prevention Program, that public release of such records, reports, or information would divulge methods or processes entitled to protection as trade secrets as provided for in 40 C.F.R. part 2, subpart B. Such records, reports, or information held by the *division* ~~department~~ are confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution, unless a final determination has been made by the Administrator of the Environmental Protection Agency that such records, reports, or information are not entitled to trade secret protection, or pursuant to an order of court.

(2) The *division* ~~department~~ shall protect records, reports, or information or particular parts thereof, other than release or emissions data, obtained from an investigation, inspection, or audit from public disclosure pursuant to ss. 112(r) and 114(c) of the federal Clean Air Act and authorities cited therein, based upon a showing satisfactory to the Administrator of the United States Environmental Protection Agency, by any owner or operator of a stationary source subject to the Accidental Release Prevention Program, that public release of such records, reports, or information would divulge methods or processes entitled to protection as trade secrets as provided for in 40 C.F.R. part 2, subpart B. Such records, reports, or information held by the *division* ~~department~~ are confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution, unless a final determination has been made by the Administrator of the Environmental Protection Agency that such records, reports, or information are not entitled to trade secret protection, or pursuant to *a court* ~~an~~ order ~~of court~~.

Section 115. Section 252.946, Florida Statutes, is amended to read:

252.946 Public records.—With regard to information submitted to the United States Environmental Protection Agency under this part or s. 112(r)(7), the *division* ~~Department of Community Affairs~~, the State Hazardous Materials Emergency Response Commission, and any local emergency planning committee may assist persons in electronically accessing such information held by the United States Environmental Protection Agency in its centralized database. If requested, the *division* ~~department~~, the commission, or a committee may furnish copies of such United States Environmental Protection Agency records.

Section 116. Subsections (3) and (4) of section 255.042, Florida Statutes, are amended to read:

255.042 Shelter in public buildings.—

(3) The *Division of Emergency Management* ~~Department of Community Affairs~~ shall, in those cases in which the architect-engineer firm does not possess the specialized training required for the inclusion of fallout protection in building design and upon request from the architect-engineer concerned or the responsible state or local agency, provide, at no cost to the architect-engineer or agency, professional development service to increase fallout protection through shelter slanting and cost-reduction techniques.

(4) Nothing in this *section establishes* ~~act shall be construed as establishing~~ a mandatory requirement for the incorporation of fallout shelter in the construction of, modification of, or addition to the public buildings concerned. It is mandatory, however, that the incorporation of such protection be given every consideration through acceptable shelter slanting and cost-reduction techniques. The responsible state or local official shall determine whether cost, or other related factors, precludes or makes impracticable the incorporation of fallout shelter in public buildings. Further, the *Division of Emergency Management* ~~Department of Community Affairs~~ may waive the requirement for consideration of shelter in those cases where presently available shelter spaces equal or exceed the requirements of the area concerned.

Section 117. Paragraph (b) of subsection (1) of section 255.099, Florida Statutes, is amended to read:

255.099 Preference to state residents.—

(1) Each contract for construction that is funded by state funds must contain a provision requiring the contractor to give preference to the employment of state residents in the performance of the work on the project if state residents have substantially equal qualifications to those of nonresidents. A contract for construction funded by local funds may contain such a provision.

(b) A contractor required to employ state residents must contact the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ to post the contractor's employment needs in the state's job bank system.

Section 118. Subsection (4) of section 258.004, Florida Statutes, is amended to read:

258.004 Duties of division.—

(4) The Division of Recreation and Parks shall provide consultation assistance to ~~the Department of Community Affairs and to~~ local governing units as to the protection, organization, and administration of local recreation systems and the planning and design of local recreation areas and facilities.

Section 119. Paragraph (b) of subsection (1) of section 259.035, Florida Statutes, is amended to read:

259.035 Acquisition and Restoration Council.—

(1) There is created the Acquisition and Restoration Council.

(b) The *four* ~~five~~ remaining appointees shall be composed of the Secretary of Environmental Protection, the director of the Division of Forestry of the Department of Agriculture and Consumer Services, the executive director of the Fish and Wildlife Conservation Commission, *and* the director of the Division of Historical Resources of the Department of State, ~~and the secretary of the Department of Community Affairs,~~ or their respective designees.

Section 120. Paragraphs (c) and (j) of subsection (3) of section 259.105, Florida Statutes, are amended to read:

259.105 The Florida Forever Act.—

(3) Less the costs of issuing and the costs of funding reserve accounts and other costs associated with bonds, the proceeds of cash payments or bonds issued pursuant to this section shall be deposited into the Florida Forever Trust Fund created by s. 259.1051. The proceeds shall be dis-

tributed by the Department of Environmental Protection in the following manner:

(c) Twenty-one percent to the Department of *Environmental Protection* ~~Community Affairs~~ for use by the Florida Communities Trust for the purposes of part III of chapter 380, as described and limited by this subsection, and grants to local governments or nonprofit environmental organizations that are tax-exempt under s. 501(c)(3) of the United States Internal Revenue Code for the acquisition of community-based projects, urban open spaces, parks, and greenways to implement local government comprehensive plans. From funds available to the trust and used for land acquisition, 75 percent shall be matched by local governments on a dollar-for-dollar basis. The Legislature intends that the Florida Communities Trust emphasize funding projects in low-income or otherwise disadvantaged communities and projects that provide areas for direct water access and water-dependent facilities that are open to the public and offer public access by vessels to waters of the state, including boat ramps and associated parking and other support facilities. At least 30 percent of the total allocation provided to the trust shall be used in Standard Metropolitan Statistical Areas, but one-half of that amount shall be used in localities in which the project site is located in built-up commercial, industrial, or mixed-use areas and functions to intersperse open spaces within congested urban core areas. From funds allocated to the trust, no less than 5 percent shall be used to acquire lands for recreational trail systems, provided that in the event these funds are not needed for such projects, they will be available for other trust projects. Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for acquisitions funded through the Florida Communities Trust. Any lands purchased by nonprofit organizations using funds allocated under this paragraph must provide for such lands to remain permanently in public use through a reversion of title to local or state government, conservation easement, or other appropriate mechanism. Projects funded with funds allocated to the Trust shall be selected in a competitive process measured against criteria adopted in rule by the Trust.

(j) Two and five-tenths percent to the Department of *Environmental Protection* ~~Community Affairs~~ for the acquisition of land and capital project expenditures necessary to implement the Stan Mayfield Working Waterfronts Program within the Florida communities trust pursuant to s. 380.5105.

Section 121. Paragraph (d) of subsection (1) of section 260.0142, Florida Statutes, is amended to read:

260.0142 Florida Greenways and Trails Council; composition; powers and duties.—

(1) There is created within the department the Florida Greenways and Trails Council which shall advise the department in the execution of the department's powers and duties under this chapter. The council shall be composed of *20* ~~21~~ members, consisting of:

(d) The *9* ~~10~~ remaining members shall include:

1. The Secretary of Environmental Protection or a designee.

2. The executive director of the Fish and Wildlife Conservation Commission or a designee.

~~3. The Secretary of Community Affairs or a designee.~~

3.~~4.~~ The Secretary of Transportation or a designee.

4.~~5.~~ The Director of the Division of Forestry of the Department of Agriculture and Consumer Services or a designee.

5.~~6.~~ The director of the Division of Historical Resources of the Department of State or a designee.

6.~~7.~~ A representative of the water management districts. Membership on the council shall rotate among the five districts. The districts shall determine the order of rotation.

7.~~8.~~ A representative of a federal land management agency. The Secretary of Environmental Protection shall identify the appropriate federal agency and request designation of a representative from the agency to serve on the council.

8.~~9.~~ A representative of the regional planning councils to be appointed by the Secretary of Environmental Protection ~~in consultation with the Secretary of Community Affairs~~. Membership on the council shall rotate among the seven regional planning councils. The regional planning councils shall determine the order of rotation.

9.~~10.~~ A representative of local governments to be appointed by the Secretary of Environmental Protection ~~in consultation with the Secretary of Community Affairs~~. Membership shall alternate between a county representative and a municipal representative.

Section 122. Paragraph (b) of subsection (4) of section 267.0625, Florida Statutes, is amended to read:

267.0625 Abrogation of offensive and derogatory geographic place names.—

(4) The division shall:

(b) Notify the Department of Transportation, the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~, the Department of Management Services, and any other entity that compiles information for or develops maps or markers for the state of the name change so that it may be reflected on subsequent editions of any maps, informational literature, or markers produced by those entities.

Section 123. Section 272.11, Florida Statutes, is amended to read:

272.11 Capitol information center.—*Enterprise Florida, Inc.,* ~~The Florida Commission on Tourism~~ shall establish, maintain, and operate a Capitol information center somewhere within the area of the Capitol Center and employ personnel or enter into contracts to maintain same.

Section 124. Paragraph (a) of subsection (4) of section 282.34, Florida Statutes, is amended to read:

282.34 Statewide e-mail service.—A state e-mail system that includes the delivery and support of e-mail, messaging, and calendaring capabilities is established as an enterprise information technology service as defined in s. 282.0041. The service shall be designed to meet the needs of all executive branch agencies. The primary goals of the service are to minimize the state investment required to establish, operate, and support the statewide service; reduce the cost of current e-mail operations and the number of duplicative e-mail systems; and eliminate the need for each state agency to maintain its own e-mail staff.

(4) All agencies must be completely migrated to the statewide e-mail service as soon as financially and operationally feasible, but no later than June 30, 2015.

(a) The following statewide e-mail service implementation schedule is established for state agencies:

1. Phase 1.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2012: the Agency for Enterprise Information Technology; ~~the Department of Community Affairs, including the Division of Emergency Management;~~ the Department of Corrections; the Department of Health; the Department of Highway Safety and Motor Vehicles; the Department of Management Services, including the Division of Administrative Hearings, the Division of Retirement, the Commission on Human Relations, and the Public Employees Relations Commission; the Southwood Shared Resource Center; and the Department of Revenue.

2. Phase 2.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2013: the Department of Business and Professional Regulation; the Department of Education, including the Board of Governors; the Department of Environmental Protection; the Department of Juvenile Justice; the Department of the Lottery; the Department of State; the Department of Law Enforcement; the Department of Veterans' Affairs; the Judicial Administration Commission; the Public Service Commission; and the Statewide Guardian Ad Litem Office.

3. Phase 3.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2014: the Agency for Health Care Administration; ~~the Agency for Workforce Innovation;~~ the Department of Financial Services, including the Office of Financial Regulation and the Office of Insurance Regulation; the Department of Agriculture and Consumer Services; the Executive Office of the Governor, *including the Division of Emergency Management*; the Department of Transportation; the Fish and Wildlife Conservation Commission; the Agency for Persons With Disabilities; the Northwood Shared Resource Center; and the State Board of Administration.

4. Phase 4.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2015: the Department of Children and Family Services; the Department of Citrus; the Department of Elderly Affairs; *the Department of Economic Opportunity;* and the Department of Legal Affairs.

Section 125. Paragraphs (a) and (d) of subsection (1) and subsection (4) of section 282.709, Florida Statutes, are amended to read:

282.709 State agency law enforcement radio system and interoperability network.—

(1) The department may acquire and administer a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through mutual aid channels.

(a) The department shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management ~~of the Department of Community Affairs~~, establish policies, procedures, and standards to be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system.

(d) The department shall exercise its powers and duties under this part to plan, manage, and administer the mutual aid channels in the statewide radio communication system.

1. In implementing such powers and duties, the department shall consult and act in conjunction with the Department of Law Enforcement and the Division of Emergency Management ~~of the Department of Community Affairs~~, and shall manage and administer the mutual aid channels in a manner that reasonably addresses the needs and concerns of the involved law enforcement agencies and emergency response agencies and entities.

2. The department may make the mutual aid channels available to federal agencies, state agencies, and agencies of the political subdivisions of the state for the purpose of public safety and domestic security.

(4) The department may create and administer an interoperability network to enable interoperability between various radio communications technologies and to serve federal agencies, state agencies, and agencies of political subdivisions of the state for the purpose of public safety and domestic security.

(a) The department shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management ~~of the Department of Community Affairs~~, exercise its powers and duties pursuant to this chapter to plan, manage, and administer the interoperability network. The office may:

1. Enter into mutual aid agreements among federal agencies, state agencies, and political subdivisions of the state for the use of the interoperability network.

2. Establish the cost of maintenance and operation of the interoperability network and charge subscribing federal and local law enforcement agencies for access and use of the network. The department may not charge state law enforcement agencies identified in paragraph (2)(a) to use the network.

3. In consultation with the Department of Law Enforcement and the Division of Emergency Management ~~of the Department of Community Affairs~~, amend and enhance the statewide radio communications system as necessary to implement the interoperability network.

(b) The department, in consultation with the Joint Task Force on State Agency Law Enforcement Communications, and in conjunction with the Department of Law Enforcement and the Division of Emergency Management ~~of the Department of Community Affairs~~, shall establish policies, procedures, and standards to incorporate into a comprehensive management plan for the use and operation of the interoperability network.

Section 126. Subsection (2) of section 287.0931, Florida Statutes, is amended to read:

287.0931 Minority business enterprises; participation in bond underwriting.—

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

Section 127. Paragraph (e) of subsection (2) of section 287.0943, Florida Statutes, is amended to read:

287.0943 Certification of minority business enterprises.—

(2)

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

1. Link ownership by a minority person~~,~~ as defined in s. 288.703~~(3)~~, or as dictated by the legal obligations of a certifying organization, to day-to-day control and financial risk by the qualifying minority owner, and to demonstrated expertise or licensure of a minority owner in any trade or profession that the minority business enterprise will offer to the state when certified. Businesses must comply with all state licensing requirements *before* ~~prior to~~ becoming certified as a minority business enterprise.

2. If present ownership was obtained by transfer, require the minority person on whom eligibility is based to have owned at least 51 percent of the applicant firm for a minimum of 2 years, when any previous majority ownership interest in the firm was by a nonminority who is or was a relative, former employer, or current employer of the minority person on whom eligibility is based. This requirement *does* ~~shall~~ not apply to minority persons who are otherwise eligible who take a 51-percent-or-greater interest in a firm that requires professional licensure to operate and who will be the qualifying licenseholder for the firm when certified. A transfer made within a related immediate family group from a nonminority person to a minority person in order to establish ownership by a minority person shall be deemed to have been made solely for purposes of satisfying certification criteria and shall render such ownership invalid for purposes of qualifying for such certification if the combined total net asset value of all members of such family group exceeds $1 million. For purposes of this subparagraph, the term "related immediate family group" means one or more children under 16 years of age and a parent of such children or the spouse of such parent residing in the same house or living unit.

3. Require that prospective certified minority business enterprises be currently performing or seeking to perform a useful business function. A "useful business function" is defined as a business function which results in the provision of materials, supplies, equipment, or services to customers. Acting as a conduit to transfer funds to a nonminority business does not constitute a useful business function unless it is done so in a normal industry practice. As used in this section, the term "acting as a conduit" means, in part, not acting as a regular dealer by making sales of material, goods, or supplies from items bought, kept in stock, and regularly sold to the public in the usual course of business. Brokers, manufacturer's representatives, sales representatives, and nonstocking distributors are considered as conduits that do not perform a useful business function, unless normal industry practice dictates.

Section 128. Paragraph (n) of subsection (4) of section 287.09451, Florida Statutes, is amended to read:

287.09451 Office of Supplier Diversity; powers, duties, and functions.—

(4) The Office of Supplier Diversity shall have the following powers, duties, and functions:

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

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

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

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

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

2. For the purposes of commodities contracts for the purchase of equipment to be used in the construction and maintenance of state transportation facilities involving the Department of Transportation, *the terms* "minority business enterprise" *and* ~~has the same meaning as provided in s. 288.703.~~ "minority person" *have* ~~has~~ the same *meanings* ~~meaning~~ as *provided* in s. 288.703~~(3)~~. In order to ensure that the goals established under this paragraph for contracting with certified minority business enterprises are met, the department, with the assistance of the Office of Supplier Diversity, shall make recommendations to the Legislature on revisions to the goals, based on an updated statistical analysis, at least once every 5 years. Such recommendations shall be based on statistical data indicating the availability of and disparity in the use of minority businesses contracting with the state. The results of the first updated disparity study must be presented to the Legislature no later than December 1, 1996.

3. In determining the base amounts for assessing compliance with this paragraph, the Office of Supplier Diversity may develop, by rule, guidelines for all agencies to use in establishing such base amounts. These rules must include, but are not limited to, guidelines for calculation of base amounts, a deadline for the agencies to submit base amounts, a deadline for approval of the base amounts by the Office of Supplier Diversity, and procedures for adjusting the base amounts as a result of budget reductions made pursuant to s. 216.221.

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

a. Size and complexity of the project.

b. The concentration of transactions with minority business enterprises for the commodity or contractual services in question in prior agency contracting.

c. The specificity and definition of work allocated to participating minority business enterprises.

d. The capacity of participating minority business enterprises to complete the tasks identified in the project.

e. The available pool of minority business enterprises as prime contractors, either alone or as partners in an approved joint venture that serves as the prime contractor.

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

Section 129. Subsections (1) and (5) of section 287.0947, Florida Statutes, are amended to read:

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

(1) ~~On or after October 1, 1996,~~ The Secretary of *Management Services* ~~the Department of Labor and Employment Security~~ may create the Florida Advisory Council on Small and Minority Business Development with the purpose of advising and assisting the secretary in carrying out the secretary's duties with respect to minority businesses and economic and business development. It is the intent of the Legislature that the membership of such council include practitioners, laypersons, financiers, and others with business development experience who can provide invaluable insight and expertise for this state in the diversification of its markets and networking of business opportunities. The council shall initially consist of 19 persons, each of whom is or has been actively engaged in small and minority business development, either in private industry, in governmental service, or as a scholar of recognized achievement in the study of such matters. Initially, the council shall consist of members representing all regions of the state and shall include at least one member from each group identified within the definition of "minority person" in s. 288.703(3), considering also gender and nationality subgroups, and shall consist of the following:

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

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

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

(d) Two representatives from the banking and insurance industry.

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

(f) *A member from the board of directors of Enterprise Florida, Inc* ~~The chairperson of the Florida Black Business Investment Board or the chairperson's designee~~.

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

(5) The powers and duties of the council include, but are not limited to: researching and reviewing the role of small and minority businesses in the state's economy; reviewing issues and emerging topics relating to small and minority business economic development; studying the ability of financial markets and institutions to meet small business credit needs and determining the impact of government demands on credit for small businesses; assessing the implementation of s. *187.201(21)* ~~187.201(22)~~, requiring a state economic development comprehensive plan, as it relates to small and minority businesses; assessing the reasonableness and effectiveness of efforts by any state agency or by all state agencies collectively to assist minority business enterprises; and advising the Governor, the secretary, and the Legislature on matters relating to small and minority business development which are of importance to the international strategic planning and activities of this state.

Section 130. Section 288.012, Florida Statutes, is amended to read:

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

(1) The *department* ~~Office of Tourism, Trade, and Economic Development~~ is authorized to:

(a) Establish and operate offices in *other* ~~foreign~~ countries for the purpose of promoting ~~the~~ trade and economic development *opportunities* of the state, and promoting the gathering of trade data information and research on trade opportunities in specific countries.

(b) Enter into agreements with governmental and private sector entities to establish and operate offices in *other* ~~foreign~~ countries *which contain* ~~containing~~ provisions *that* ~~which~~ may ~~be in~~ conflict with *the* general laws of the state pertaining to the purchase of office space, employment of personnel, and contracts for services. When agreements pursuant to this section are made which set compensation in *another country's* ~~foreign~~ currency, such agreements shall be subject to the requirements of s. 215.425, but the purchase of *another country's* ~~foreign~~ currency by the *department* ~~Office of Tourism, Trade, and Economic Development~~ to meet such obligations shall be subject only to s. 216.311.

(2) Each *international* ~~foreign~~ office shall have in place an operational plan approved by the participating boards or other governing authority, a copy of which shall be provided to the *department* ~~Office of Tourism, Trade, and Economic Development~~. These operating plans shall be reviewed and updated each fiscal year and shall include, at a minimum, the following:

(a) Specific policies and procedures encompassing the entire scope of the operation and management of each office.

(b) A comprehensive, commercial strategic plan identifying marketing opportunities and industry sector priorities for the ~~foreign~~ country ~~or area~~ in which *an international* ~~a foreign~~ office is located.

(c) Provisions for access to information for Florida businesses *related to* ~~through the Florida Trade Data Center. Each foreign office shall obtain and forward~~ trade leads and inquiries ~~to the center on a regular basis~~.

(d) Identification of new and emerging market opportunities for Florida businesses. ~~Each foreign office shall provide the Florida Trade Data Center with a compilation of foreign buyers and importers in industry sector priority areas on an annual basis. In return, the Florida Trade Data Center shall make available to each foreign office, and to Enterprise Florida, Inc., the Florida Commission on Tourism, the Florida Ports Council, the Department of State, the Department of Citrus, and the Department of Agriculture and Consumer Services, trade industry, commodity, and opportunity information.~~ This information shall be provided ~~to such offices and entities~~ either free of charge or on a fee basis with fees set only to recover the costs of providing the information.

(e) Provision of access for Florida businesses to ~~the services of the Florida Trade Data Center,~~ international trade assistance services provided by state and local entities, seaport and airport information, and other services identified by the *department* ~~Office of Tourism, Trade, and Economic Development~~.

(f) Qualitative and quantitative performance measures for each office, including, but not limited to, the number of businesses assisted, the number of trade leads and inquiries generated, the number of *international* ~~foreign~~ buyers and importers contacted, and the amount and type of marketing conducted.

(3) By October 1 of each year, each *international* ~~foreign~~ office shall submit to the *department* ~~Office of Tourism, Trade, and Economic Development~~ a complete and detailed report on its activities and accomplishments during the preceding fiscal year. In a format provided by Enterprise Florida, Inc., the report must set forth information on:

(a) The number of Florida companies assisted.

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

(c) The number of trade leads generated.

(d) The number of investment projects announced.

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

(f) The number of representation agreements.

(g) The number of company consultations.

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

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

(j) Marketing activities conducted.

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

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

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

(4) The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~, in connection with the establishment, operation, and management of any of its offices located in *another* ~~a foreign~~ country, is exempt from the provisions of ss. 255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.0056 and 282.702-282.7101 relating to communications, and from all statutory provisions relating to state employment.

(a) The *department* ~~Office of Tourism, Trade, and Economic Development~~ may exercise such exemptions only upon prior approval of the Governor.

(b) If approval for an exemption under this section is granted as an integral part of a plan of operation for a specified *international* ~~foreign~~ office, such action shall constitute continuing authority for the *department* ~~Office of Tourism, Trade, and Economic Development~~ to exercise the exemption, but only in the context and upon the terms originally granted. Any modification of the approved plan of operation with respect to an exemption contained therein must be resubmitted to the Governor for his or her approval. An approval granted to exercise an exemption in any other context shall be restricted to the specific instance for which the exemption is to be exercised.

(c) As used in this subsection, the term "plan of operation" means the plan developed pursuant to subsection (2).

(d) Upon final action by the Governor with respect to a request to exercise the exemption authorized in this subsection, the *department* ~~Office of Tourism, Trade, and Economic Development~~ shall report such action, along with the original request and any modifications thereto, to the President of the Senate and the Speaker of the House of Representatives within 30 days.

(5) Where feasible and appropriate, *international* ~~and subject to s. 288.1224(9), foreign~~ offices established and operated under this section may provide one-stop access to the economic development, trade, and tourism information, services, and programs of the state. Where feasible and appropriate, ~~and subject to s. 288.1224(9),~~ such offices may also be collocated with other *international* ~~foreign~~ offices of the state.

(6) The *department* ~~Office of Tourism, Trade, and Economic Development~~ is authorized to make and to enter into contracts with Enterprise Florida, Inc., ~~and the Florida Commission on Tourism~~ to carry out the provisions of this section. The authority, duties, and exemptions provided in this section apply to Enterprise Florida, Inc., ~~and the Florida Commission on Tourism~~ to the same degree and subject to the same conditions as applied to the *department* ~~Office of Tourism, Trade, and Economic Development~~. To the greatest extent possible, such contracts shall include provisions for cooperative agreements or strategic alliances between *private businesses and* state ~~entities~~, *international,* ~~foreign entities,~~ *and* local *governmental* entities~~, and private businesses~~ to operate *international* ~~foreign~~ offices.

(7) The Governor may designate a state protocol officer. The state protocol officer shall be housed within the Executive Office of the Governor. In consultation with the Governor and other governmental officials, the state protocol officer shall develop, maintain, publish, and distribute the state protocol manual.

Section 131. Subsections (1) and (3) of section 288.017, Florida Statutes, are amended to read:

288.017 Cooperative advertising matching grants program.—

(1) *Enterprise Florida, Inc.,* ~~The Florida Commission on Tourism~~ is authorized to establish a cooperative advertising matching grants program and, pursuant thereto, to make expenditures and enter into contracts with local governments and nonprofit corporations for the purpose of publicizing the tourism advantages of the state. The *department* ~~Office of Tourism, Trade, and Economic Development~~, based on recommendations from *Enterprise Florida, Inc.* ~~the Florida Commission on Tourism~~, shall have final approval of grants awarded through this program. *Enterprise Florida, Inc.,* ~~The commission~~ may contract with its direct-support organization to administer the program.

(3) *Enterprise Florida, Inc.,* ~~The Florida Commission on Tourism~~ shall conduct an annual competitive selection process for the award of grants under the program. In determining its recommendations for the grant awards, the commission shall consider the demonstrated need of the applicant for advertising assistance, the feasibility and projected benefit of the applicant's proposal, the amount of nonstate funds that will be leveraged, and such other criteria as the commission deems appropriate. In evaluating grant applications, the *department* ~~Office~~ shall consider recommendations from *Enterprise Florida, Inc.* ~~the Florida Commission on Tourism.~~ The *department* ~~Office~~, however, has final approval authority for any grant under this section.

Section 132. Section 288.018, Florida Statutes, is amended to read:

288.018 Regional Rural Development Grants Program.—

(1) The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall establish a matching grant program to provide funding to regionally based economic development organizations representing rural counties and communities for the purpose of building the professional capacity of their organizations. Such matching grants may also be used by an economic development organization to provide technical assistance to businesses within the rural counties and communities that it serves. The *department* ~~Office of Tourism, Trade, and Economic Development~~ is authorized to approve, on an annual basis, grants to such regionally based economic development organizations. The maximum amount an organization may receive in any year will be $35,000, or $100,000 in a rural area of critical economic concern recommended by the Rural Economic Development Initiative and designated by the Governor, and must be matched each year by an equivalent amount of nonstate resources.

(2) In approving the participants, the *department* ~~Office of Tourism, Trade, and Economic Development~~ shall consider the demonstrated need of the applicant for assistance and require the following:

(a) Documentation of official commitments of support from each of the units of local government represented by the regional organization.

(b) Demonstration that each unit of local government has made a financial or in-kind commitment to the regional organization.

(c) Demonstration that the private sector has made financial or in-kind commitments to the regional organization.

(d) Demonstration that the organization is in existence and actively involved in economic development activities serving the region.

(e) Demonstration of the manner in which the organization is or will coordinate its efforts with those of other local and state organizations.

(3) The *department* ~~Office of Tourism, Trade, and Economic Development~~ may also contract for the development of an enterprise zone web portal or websites for each enterprise zone which will be used to market the program for job creation in disadvantaged urban and rural enterprise zones. Each enterprise zone web page should include downloadable links to state forms and information, as well as local message boards that help businesses and residents receive information concerning zone boundaries, job openings, zone programs, and neighborhood improvement activities.

(4) The *department* ~~Office of Tourism, Trade, and Economic Development~~ may expend up to $750,000 each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund for the purposes outlined in this section. The *department* ~~Office of Tourism, Trade, and Economic Development~~ may contract with Enterprise Florida, Inc., for the administration of the purposes specified in this section. Funds released to Enterprise Florida, Inc., for this purpose shall be released quarterly and shall be calculated based on the applications in process.

Section 133. Subsection (4) of section 288.019, Florida Statutes, is amended to read:

288.019 Rural considerations in grant review and evaluation processes.—Notwithstanding any other law, and to the fullest extent possible, the member agencies and organizations of the Rural Economic Development Initiative (REDI) as defined in s. 288.0656(6)(a) shall review all grant and loan application evaluation criteria to ensure the fullest access for rural counties as defined in s. 288.0656(2) to resources available throughout the state.

(4) For existing programs, the modified evaluation criteria and scoring procedure must be delivered to the *department* ~~Office of Tourism, Trade, and Economic Development~~ for distribution to the REDI agencies and organizations. The REDI agencies and organizations shall review and make comments. Future rules, programs, evaluation criteria, and scoring processes must be brought before a REDI meeting for review, discussion, and recommendation to allow rural counties fuller access to the state's resources.

Section 134. Subsection (1) of section 288.021, Florida Statutes, is amended to read:

288.021 Economic development liaison.—

(1) The heads of the Department of Transportation, the Department of Environmental Protection and an additional member appointed by the secretary of the department, ~~the Department of Labor and Employment Security,~~ the Department of Education, ~~the Department of Community Affairs,~~ the Department of Management Services, the Department of Revenue, the Fish and Wildlife Conservation Commission, each water management district, and each Department of Transportation District office shall designate a high-level staff member from within such agency to serve as the economic development liaison for the agency. This person shall report to the agency head and have general knowledge both of the

state's permitting and other regulatory functions and of the state's economic goals, policies, and programs. This person shall also be the primary point of contact for the agency with the *department* ~~Office of Tourism, Trade, and Economic Development~~ on issues and projects important to the economic development of Florida, including its rural areas, to expedite project review, to ensure a prompt, effective response to problems arising with regard to permitting and regulatory functions, and to work closely with the other economic development liaisons to resolve interagency conflicts.

Section 135. Section 288.0251, Florida Statutes, is amended to read:

288.0251 International development outreach activities in Latin America and Caribbean Basin.—The *department* ~~Office of Tourism, Trade, and Economic Development~~ may contract for the implementation of Florida's international volunteer corps to provide short-term training and technical assistance activities in Latin America and the Caribbean Basin. The entity contracted under this section must require that such activities be conducted by qualified volunteers who are citizens of the state. The contracting agency must have a statewide focus and experience in coordinating international volunteer programs.

Section 136. Subsection (1) of section 288.035, Florida Statutes, is amended to read:

288.035 Economic development activities.—

(1) The Florida Public Service Commission may authorize public utilities to recover reasonable economic development expenses. For purposes of this section, recoverable "economic development expenses" are those expenses described in subsection (2) which are consistent with criteria to be established by rules adopted by the department ~~of Commerce as of June 30, 1996, or as those criteria are later modified by the Office of Tourism, Trade, and Economic Development~~.

Section 137. Section 288.037, Florida Statutes, is amended to read:

288.037 Department of State; agreement with county tax collector.—In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the Department of State may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the *Department of State's* ~~department's~~ agent to accept applications for licenses or other similar registrations and applications for renewals of licenses or other similar registrations. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the Department *of State*.

Section 138. Subsection (3) of section 288.041, Florida Statutes, is amended to read:

288.041 Solar energy industry; legislative findings and policy; promotional activities.—

(3) By January 15 of each year, the Department of Environmental Protection shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the impact of the solar energy industry on the economy of this state and shall make any recommendations on initiatives to further promote the solar energy industry as the Department *of Environmental Protection* deems appropriate.

Section 139. Subsections (9) and (10) of section 288.047, Florida Statutes, are amended to read:

288.047 Quick-response training for economic development.—

(9) Notwithstanding any other provision of law, eligible matching contributions received under the Quick-Response Training Program under this section may be counted toward the private sector support of Enterprise Florida, Inc., under *s. 288.904* ~~s. 288.90151(5)(d)~~.

(10) Workforce Florida, Inc., and Enterprise Florida, Inc., shall ensure maximum coordination and cooperation in administering this section, in such a manner that any division of responsibility between the two organizations which relates to marketing or administering the Quick-Response Training Program is not apparent to a business that inquires about or applies for funding under this section. ~~The organizations shall provide such~~ A business *shall be provided* with a single point of contact for information and assistance.

Section 140. Section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(1) The *Department of Economic Opportunity may* ~~Office of Tourism, Trade, and Economic Development is authorized to~~ make~~,~~ and ~~based on a recommendation from Enterprise Florida, Inc., to~~ approve~~,~~ expenditures and enter into contracts for direct costs of transportation projects with the appropriate governmental body. *Each application shall be reviewed and certified pursuant to s. 288.061.* The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall provide the Department of Transportation, *and* the Department of Environmental Protection~~, and the Department of Community Affairs~~ with an opportunity to formally review and comment on recommended transportation projects, although the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ has final approval authority for any project under this section.

(2) Any contract with a governmental body for construction of any transportation project executed by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall:

(a) Specify and identify the transportation project to be constructed for a new or expanding business and the number of full-time permanent jobs that will result from the project.

(b) Require that the appropriate governmental body award the construction of the particular transportation project to the lowest and best bidder in accordance with applicable state and federal statutes or regulations unless the project can be constructed with existing local government employees within the contract period specified by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~.

(c) Require that the appropriate governmental body provide the *department* ~~Office of Tourism, Trade, and Economic Development~~ with quarterly progress reports. Each quarterly progress report shall contain a narrative description of the work completed according to the project schedule, a description of any change orders executed by the appropriate governmental body, a budget summary detailing planned expenditures versus actual expenditures, and identification of minority business enterprises used as contractors and subcontractors. Records of all progress payments made for work in connection with such transportation projects, and any change orders executed by the appropriate governmental body and payments made pursuant to such orders, shall be maintained by that governmental body in accordance with accepted governmental accounting principles and practices and shall be subject to financial audit as required by law. In addition, the appropriate governmental body, upon completion and acceptance of the transportation project, shall make certification to the *department* ~~Office of Tourism, Trade, and Economic Development~~ that the project has been completed in compliance with the terms and conditions of the contractual agreements between the *department* ~~Office of Tourism, Trade, and Economic Development~~ and the appropriate governmental body and meets minimum construction standards established in accordance with s. 336.045.

(d) Specify that the *department* ~~Office of Tourism, Trade, and Economic Development~~ shall transfer funds upon receipt of a request for funds from the local government, on no more than a quarterly basis, consistent with project needs. A contract totaling less than $200,000 is exempt from this transfer requirement. The *department may* ~~Office of Tourism, Trade, and Economic Development shall~~ not transfer any funds unless construction has begun on the facility of the business on whose behalf the award was made. Local governments shall expend funds in a timely manner.

(e) Require that program funds be used only on those transportation projects that have been properly reviewed and approved in accordance with the criteria set forth in this section.

(f) Require that the governing board of the appropriate local governmental body agree by resolution to accept future maintenance and other attendant costs occurring after completion of the transportation project if the project is construction on a county or municipal system.

(3) With respect to any contract executed pursuant to this section, the term "transportation project" means a transportation facility as defined in s. 334.03(31) which is necessary in the judgment of the *department* ~~Office of Tourism, Trade, and Economic Development~~ to facilitate the economic development and growth of the state. ~~Except for applications received prior to July 1, 1996,~~ Such transportation projects shall be approved only as a consideration to attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state, or to allow for the construction or expansion of a state or federal correctional facility in a county with a population of 75,000 or less that creates new employment opportunities or expands or retains employment in the county. The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases specified in the contract, necessary for new, or improvement to existing, transportation facilities. Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the *department* ~~Office of Tourism, Trade, and Economic Development~~ determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs. Subject to appropriation for projects under this section, any appropriation greater than $10 million shall be allocated to each of the districts of the Department of Transportation to ensure equitable geographical distribution. Such allocated funds that remain uncommitted by the third quarter of the fiscal year shall be reallocated among the districts based on pending project requests.

(4) The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ may adopt criteria by which transportation projects are to be reviewed and certified in accordance with s. 288.061. In approving transportation projects for funding, the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall consider factors including, but not limited to, the cost per job created or retained considering the amount of transportation funds requested; the average hourly rate of wages for jobs created; the reliance on the program as an inducement for the project's location decision; the amount of capital investment to be made by the business; the demonstrated local commitment; the location of the project in an enterprise zone designated pursuant to s. 290.0055; the location of the project in a spaceport territory as defined in s. 331.304; the unemployment rate of the surrounding area; the poverty rate of the community; and the adoption of an economic element as part of its local comprehensive plan in accordance with s. 163.3177(7)(j). The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ may contact any agency it deems appropriate for additional input regarding the approval of projects.

(5) *A* ~~No~~ project *is not eligible for funding unless it* ~~that~~ has ~~not~~ been specified and identified by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ in accordance with subsection (4) *before* ~~prior to~~ the initiation of construction ~~shall be eligible for funding~~.

(6) The Department of Transportation shall review the proposed projects to ensure proper coordination with transportation projects included in the adopted work program and may be the contracting agency when the project is on the State Highway System. In addition, upon request by the appropriate governmental body, the Department *of Environmental Protection* may advise and assist it or plan and construct other such transportation projects for it.

(7) For the purpose of this section, Space Florida may serve as the local government or as the contracting agency for transportation projects within spaceport territory as defined by s. 331.304.

(8) Each local government receiving funds under this section shall submit to the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ a financial audit of the local entity conducted by an independent certified public accountant. The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall develop procedures to ensure that audits are received and reviewed in a timely manner and that deficiencies or questioned costs noted in the audit are resolved.

(9) The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall monitor on site each grant recipient, including, but not limited to, the construction of the business facility, to ensure compliance with contractual requirements.

(10) In addition to the other provisions of this section, projects that the Legislature deems necessary to facilitate the economic development and growth of the state may be designated and funded in the General Appropriations Act. Such transportation projects create new employment opportunities, expand transportation infrastructure, improve mobility, or increase transportation innovation. The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall enter into contracts with, and make expenditures to, the appropriate entities for the costs of transportation projects designated in the General Appropriations Act.

Section 141. Subsections (1), (2), and (3) of section 288.065, Florida Statutes, are amended to read:

288.065 Rural Community Development Revolving Loan Fund.—

(1) The Rural Community Development Revolving Loan Fund Program is established *within the department* ~~in the Office of Tourism, Trade, and Economic Development~~ to facilitate the use of existing federal, state, and local financial resources by providing local governments with financial assistance to further promote the economic viability of rural communities. These funds may be used to finance initiatives directed toward maintaining or developing the economic base of rural communities, especially initiatives addressing employment opportunities for residents of these communities.

(2)*(a)* The program shall provide for long-term loans, loan guarantees, and loan loss reserves to units of local governments, or economic development organizations substantially underwritten by a unit of local government, within counties with populations of 75,000 or fewer, or within any county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer, based on the most recent official population estimate as determined under s. 186.901, including those residing in incorporated areas and those residing in unincorporated areas of the county, or to units of local government, or economic development organizations substantially underwritten by a unit of local government, within a rural area of critical economic concern.

(b) Requests for loans shall be made by application to the *department* ~~Office of Tourism, Trade, and Economic Development~~. Loans shall be made pursuant to agreements specifying the terms and conditions agreed to between the applicant and the *department* ~~Office of Tourism, Trade, and Economic Development~~. The loans shall be the legal obligations of the applicant.

(c) All repayments of principal and interest shall be returned to the loan fund and made available for loans to other applicants. However, in a rural area of critical economic concern designated by the Governor, and upon approval by the *department* ~~Office of Tourism, Trade, and Economic Development~~, repayments of principal and interest may be retained by the applicant if such repayments are dedicated and matched to fund regionally based economic development organizations representing the rural area of critical economic concern.

(3) The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall manage the fund, establishing loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall have final approval authority for any loan under this section.

Section 142. Subsections (1), (2), (3), and (4) of section 288.0655, Florida Statutes, are amended to read:

288.0655 Rural Infrastructure Fund.—

(1) There is created within the *department* ~~Office of Tourism, Trade, and Economic Development~~ the Rural Infrastructure Fund to facilitate the planning, preparing, and financing of infrastructure projects in rural communities which will encourage job creation, capital investment, and the strengthening and diversification of rural economies by promoting tourism, trade, and economic development.

(2)(a) Funds appropriated by the Legislature shall be distributed by the *department* ~~Office~~ through grant programs that maximize the use of federal, local, and private resources, including, but not limited to, those available under the Small Cities Community Development Block Grant Program.

(b) To facilitate access of rural communities and rural areas of critical economic concern as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the United States Department of Agriculture and the United States Department of Commerce, and state programs, including those offered by Rural Economic Development Initiative agencies, and to facilitate local government or private infrastructure funding efforts, the *department* ~~Office~~ may award grants for up to 30 percent of the total infrastructure project cost. If an application for funding is for a catalyst site, as defined in s. 288.0656, the *department* ~~Office~~ may award grants for up to 40 percent of the total infrastructure project cost. Eligible projects must be related to specific job-creation or job-retention opportunities. Eligible projects may also include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities. Eligible uses of funds shall include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure. Authorized infrastructure may include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; broadband facilities; roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly or privately owned self-powered nature-based tourism facilities, publicly owned telecommunications facilities, and broadband facilities, and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facility, which owns a gas or electric distribution system or a water or wastewater system in this state where:

1. A contribution-in-aid of construction is required to serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and

2. Such utilities as defined herein are willing and able to provide such service.

(c) To facilitate timely response and induce the location or expansion of specific job creating opportunities, the *department* ~~Office~~ may award grants for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities. Authorized grants shall be up to $50,000 for an employment project with a business committed to create at least 100 jobs*;* ~~,~~ up to $150,000 for an employment project with a business committed to create at least 300 jobs*;* ~~,~~ and up to $300,000 for a project in a rural area of critical economic concern. Grants awarded under this paragraph may be used in conjunction with grants awarded under paragraph (b), provided that the total amount of both grants does not exceed 30 percent of the total project cost. In evaluating applications under this paragraph, the *department* ~~Office~~ shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(d) *The department* ~~By September 1, 1999, the Office~~ shall *participate in* ~~pursue execution of~~ a memorandum of agreement with the United States Department of Agriculture under which state funds available through the Rural Infrastructure Fund may be advanced, in excess of the prescribed state share, for a project that has received from the *United States* Department *of Agriculture* a preliminary determination of eligibility for federal financial support. State funds in excess of the prescribed state share which are advanced pursuant to this paragraph and the memorandum of agreement shall be reimbursed when funds are awarded under an application for federal funding.

(e) To enable local governments to access the resources available pursuant to s. 403.973(18), the *department* ~~Office~~ may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph shall not exceed $75,000 each, except in the case of a project in a rural area of critical economic concern, in which case the grant shall not exceed $300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of critical economic concern must be matched at a level of 33 percent with local funds. If an application for funding is for a catalyst site, as defined in s. 288.0656, the requirement for local match may be waived pursuant to the process in s. 288.06561. In evaluating applications under this paragraph, the *department* ~~office~~ shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(3) The *department* ~~office~~, in consultation with Enterprise Florida, Inc., *the Florida Tourism Industry Marketing Corporation* ~~VISIT Florida~~, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate, shall review and certify applications pursuant to s. 288.061. The review shall include an evaluation of the economic benefit of the projects and their long-term viability. The *department* ~~office~~ shall have final approval for any grant under this section.

(4) By September 1, *2012* ~~1999~~, the *department* ~~office~~ shall, in consultation with the organizations listed in subsection (3), and other organizations, *reevaluate existing* ~~develop~~ guidelines and criteria governing submission of applications for funding, review and evaluation of such applications, and approval of funding under this section. The *department* ~~office~~ shall consider factors including, but not limited to, the project's potential for enhanced job creation or increased capital investment, the demonstration *and level* of local public and private commitment, *whether* the *project is located* ~~location of the project~~ in an enterprise zone, ~~the location of the project~~ in a community development corporation service area, *or in an urban high-crime area as* ~~the location of the project in a county~~ designated under s. 212.097, the unemployment rate of the *county in which the project would be located* ~~surrounding area~~, and the poverty rate of the community.

Section 143. Paragraph (b) of subsection (1), paragraphs (b) and (e) of subsection (2), paragraph (a) of subsection (6), and paragraphs (b) and (c) of subsection (7) of section 288.0656, Florida Statutes, are amended to read:

288.0656 Rural Economic Development Initiative.—

(1)(b) The Rural Economic Development Initiative, known as "REDI," is created within the *department* ~~Office of Tourism, Trade, and Economic Development~~, and the participation of state and regional agencies in this initiative is authorized.

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

(b) "Catalyst site" means a parcel or parcels of land within a rural area of critical economic concern that has been prioritized as a geographic site for economic development through partnerships with state, regional, and local organizations. The site must be reviewed by REDI and approved by the *department* ~~Office of Tourism, Trade, and Economic Development~~ for the purposes of locating a catalyst project.

(e) "Rural community" means:

1. A county with a population of 75,000 or fewer.

2. A county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer.

3. A municipality within a county described in subparagraph 1. or subparagraph 2.

4. An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified in paragraph (c) and verified by the *department* ~~Office of Tourism, Trade, and Economic Development~~.

For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

(6)(a) By August 1 of each year, the head of each of the following agencies and organizations shall designate a deputy secretary or higher-level staff person from within the agency or organization to serve as the REDI representative for the agency or organization:

~~1. The Department of Community Affairs.~~

1.~~2.~~ The Department of Transportation.

2.~~3.~~ The Department of Environmental Protection.

3.~~4.~~ The Department of Agriculture and Consumer Services.

4.~~5.~~ The Department of State.

5.~~6.~~ The Department of Health.

6.~~7.~~ The Department of Children and Family Services.

7.~~8.~~ The Department of Corrections.

~~9. The Agency for Workforce Innovation.~~

8.~~10.~~ The Department of Education.

9.~~11.~~ The Department of Juvenile Justice.

10.~~12.~~ The Fish and Wildlife Conservation Commission.

11.~~13.~~ Each water management district.

12.~~14.~~ Enterprise Florida, Inc.

13.~~15.~~ Workforce Florida, Inc.

14.~~16.~~ ~~The Florida Commission on Tourism or~~ VISIT Florida.

15.~~17.~~ The Florida Regional Planning Council Association.

16.~~18.~~ The Agency for Health Care Administration.

17.~~19.~~ The Institute of Food and Agricultural Sciences (IFAS).

An alternate for each designee shall also be chosen, and the names of the designees and alternates shall be sent to the *executive* director of the *department* ~~Office of Tourism, Trade, and Economic Development~~.

(7)

(b) Designation as a rural area of critical economic concern under this subsection shall be contingent upon the execution of a memorandum of agreement among the *department* ~~Office of Tourism, Trade, and Economic Development~~; the governing body of the county; and the governing bodies of any municipalities to be included within a rural area of critical economic concern. Such agreement shall specify the terms and conditions of the designation, including, but not limited to, the duties and responsibilities of the county and any participating municipalities to take actions designed to facilitate the retention and expansion of existing businesses in the area, as well as the recruitment of new businesses to the area.

(c) Each rural area of critical economic concern may designate catalyst projects, provided that each catalyst project is specifically recommended by REDI, identified as a catalyst project by Enterprise Florida, Inc., and confirmed as a catalyst project by the *department* ~~Office of Tourism, Trade, and Economic Development~~. All state agencies and departments shall use all available tools and resources to the extent permissible by law to promote the creation and development of each catalyst project and the development of catalyst sites.

Section 144. Subsections (2) and (3) of section 288.06561, Florida Statutes, are amended to read:

288.06561 Reduction or waiver of financial match requirements.—Notwithstanding any other law, the member agencies and organizations of the Rural Economic Development Initiative (REDI), as defined in s. 288.0656(6)(a), shall review the financial match requirements for projects in rural areas as defined in s. 288.0656(2).

(2) Agencies and organizations shall ensure that all proposals are submitted to the *department* ~~Office of Tourism, Trade, and Economic Development~~ for review by the REDI agencies.

(3) These proposals shall be delivered to the *department* ~~Office of Tourism, Trade, and Economic Development~~ for distribution to the REDI agencies and organizations. A meeting of REDI agencies and organizations must be called within 30 days after receipt of such proposals for REDI comment and recommendations on each proposal.

Section 145. Subsections (2) and (4) of section 288.0657, Florida Statutes, are amended to read:

288.0657 Florida rural economic development strategy grants.—

(2) The *department* ~~Office of Tourism, Trade, and Economic Development~~ may accept and administer moneys appropriated to the *department* ~~office~~ for providing grants to assist rural communities to develop and implement strategic economic development plans.

(4) *The department* ~~Enterprise Florida, Inc., and VISIT Florida,~~ shall establish criteria for reviewing grant applications. These criteria shall include, but are not limited to, the degree of participation and commitment by the local community and the application's consistency with local comprehensive plans or the application's proposal to ensure such consistency. The *department* ~~International Trade and Economic Development Board of Enterprise Florida, Inc., and VISIT Florida,~~ shall review each application for a grant ~~and shall submit annually to the Office for approval a list of all applications that are recommended by the board and VISIT Florida, arranged in order of priority~~. The *department* ~~office~~ may approve grants only to the extent that funds are appropriated for such grants by the Legislature.

Section 146. Section 288.0658, Florida Statutes, is amended to read:

288.0658 Nature-based recreation; promotion and other assistance by Fish and Wildlife Conservation Commission.—The Florida Fish and Wildlife Conservation Commission is directed to assist *Enterprise Florida, Inc.* ~~the Florida Commission on Tourism~~; the Florida Tourism Industry Marketing Corporation, doing business as VISIT Florida; convention and visitor bureaus; tourist development councils; economic development organizations; and local governments through the provision of marketing advice, technical expertise, promotional support, and product development related to nature-based recreation and sustainable use of natural resources. In carrying out this responsibility, the Florida Fish and Wildlife Conservation Commission shall focus its efforts on fostering nature-based recreation in rural communities and regions encompassing rural communities. As used in this section, the term "nature-based recreation" means leisure activities related to the state's lands, waters, and fish and wildlife resources, including, but not limited to, wildlife viewing, fishing, hiking, canoeing, kayaking, camping, hunting, backpacking, and nature photography.

Section 147. Section 288.0659, Florida Statutes, is amended to read:

288.0659 Local Government Distressed Area Matching Grant Program.—

(1) The Local Government Distressed Area Matching Grant Program is created within the *department* ~~Office of Tourism, Trade, and Economic Development~~. The purpose of the program is to stimulate investment in the state's economy by providing grants to match demonstrated business assistance by local governments to attract and retain businesses in this state.

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

(a) "Local government" means a county or municipality.

~~(b) "Office" means the Office of Tourism, Trade, and Economic Development.~~

(b)~~(c)~~ "Qualified business assistance" means economic incentives provided by a local government for the purpose of attracting or retaining a specific business, including, but not limited to, suspensions, waivers, or reductions of impact fees or permit fees; direct incentive payments; expenditures for onsite or offsite improvements directly benefiting a specific business; or construction or renovation of buildings for a specific business.

(3) The *department* ~~Office~~ may accept and administer moneys appropriated *by the Legislature* ~~to the Office~~ for providing grants to match expenditures by local governments to attract or retain businesses in this state.

(4) A local government may apply for grants to match qualified business assistance made by the local government for the purpose of attracting or retaining a specific business. A local government may apply for no more than one grant per targeted business. A local government may only have one application pending with the *department* ~~Office~~. Additional applications may be filed after a previous application has been approved or denied.

(5) To qualify for a grant, the business being targeted by a local government must create at least 15 full-time jobs, must be new to this state, must be expanding its operations in this state, or would otherwise leave the state absent state and local assistance, and the local government applying for the grant must expedite its permitting processes for the target business by accelerating the normal review and approval timelines. In addition to these requirements, the *department* ~~office~~ shall review the grant requests using the following evaluation criteria, with priority given in descending order:

(a) The presence and degree of pervasive poverty, unemployment, and general distress as determined pursuant to s. 290.0058 in the area where the business will locate, with priority given to locations with greater degrees of poverty, unemployment, and general distress.

(b) The extent of reliance on the local government expenditure as an inducement for the business's location decision, with priority given to higher levels of local government expenditure.

(c) The number of new full-time jobs created, with priority given to higher numbers of jobs created.

(d) The average hourly wage for jobs created, with priority given to higher average wages.

(e) The amount of capital investment to be made by the business, with priority given to higher amounts of capital investment.

(6) In evaluating grant requests, the *department* ~~Office~~ shall take into consideration the need for grant assistance as it relates to the local government's general fund balance as well as local incentive programs that are already in existence.

(7) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the *department* ~~Office~~ determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs. Funds made available pursuant to this section may not be used by the receiving local government to supplant matching commitments required of the local government pursuant to other state or federal incentive programs.

(8) Within 30 days after the *department* ~~Office~~ receives an application for a grant, the *department* ~~Office~~ shall approve a preliminary grant allocation or disapprove the application. The preliminary grant allocation shall be based on estimates of qualified business assistance submitted by the local government and shall equal 50 percent of the amount of the estimated qualified business assistance or $50,000, whichever is less. The preliminary grant allocation shall be executed by contract with the local government. The contract shall set forth the terms and conditions, including the timeframes within which the final grant award will be disbursed. The final grant award may not exceed the preliminary grant allocation. The *department* ~~Office~~ may approve preliminary grant allocations only to the extent that funds are appropriated for such grants by the Legislature.

(a) Preliminary grant allocations that are revoked or voluntarily surrendered shall be immediately available for reallocation.

(b) Recipients of preliminary grant allocations shall promptly report to the *department* ~~Office~~ the date on which the local government's permitting and approval process is completed and the date on which all qualified business assistance is completed.

(9) The *department* ~~Office~~ shall make a final grant award to a local government within 30 days after receiving information from the local government sufficient to demonstrate actual qualified business assistance. An awarded grant amount shall equal 50 percent of the amount of the qualified business assistance or $50,000, whichever is less, and may not exceed the preliminary grant allocation. The amount by which a preliminary grant allocation exceeds a final grant award shall be immediately available for reallocation.

(10) Up to 2 percent of the funds appropriated annually by the Legislature for the program may be used by the *department* ~~Office~~ for direct administrative costs associated with implementing this section.

Section 148. Paragraph (a) of subsection (1) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

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

(a) "Economic development agency" means:

1. The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~;

2. Any industrial development authority created in accordance with part III of chapter 159 or by special law;

3. Space Florida created in part II of chapter 331;

4. The public economic development agency of a county or municipality or, if the county or municipality does not have a public economic development agency, the county or municipal officers or employees assigned the duty to promote the general business interests or industrial interests of that county or municipality or the responsibilities related thereto;

5. Any research and development authority created in accordance with part V of chapter 159; or

6. Any private agency, person, partnership, corporation, or business entity when authorized by the state, a municipality, or a county to promote the general business interests or industrial interests of the state or that municipality or county.

Section 149. Paragraphs (c), (h), (p), and (r) of subsection (1), paragraphs (a), (d), (e), (f), (h) of subsection (2), subsections (3) and (4), paragraphs (a), (d), (e), and (g) of subsection (5), paragraphs (a), (b), and (c) of subsection (6), and subsections (7) and (8) of section 288.1045, Florida Statutes, are amended, and present paragraphs (i) through (u) of subsection (1) are redesignated as paragraphs (h) through (s), respectively, to read:

288.1045 Qualified defense contractor and space flight business tax refund program.—

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

(c) "Business unit" means an employing unit, as defined in s. 443.036, that is registered with the *department* ~~Agency for Workforce Innovation~~ for unemployment compensation purposes or means a subcategory or division of an employing unit that is accepted by the *department* ~~Agency for Workforce Innovation~~ as a reporting unit.

~~(h) "Director" means the director of the Office of Tourism, Trade, and Economic Development.~~

~~(p) "Office" means the Office of Tourism, Trade, and Economic Development.~~

(p)~~(r)~~ "Qualified applicant" means an applicant that has been approved by the *department* ~~director~~ to be eligible for tax refunds pursuant to this section.

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the Economic Development Trust Fund, a refund to a qualified applicant for the amount of eligible taxes certified by the *department* ~~director~~ which were paid by such qualified

applicant. The total amount of refunds for all fiscal years for each qualified applicant shall be determined pursuant to subsection (3). The annual amount of a refund to a qualified applicant shall be determined pursuant to subsection (5).

(d) Contingent upon an annual appropriation by the Legislature, the *department* ~~director~~ may approve not more in tax refunds than the amount appropriated to the Economic Development Trust Fund for tax refunds, for a fiscal year pursuant to subsection (5) and s. 288.095.

(e) For the first 6 months of each fiscal year, the *department* ~~director~~ shall set aside 30 percent of the amount appropriated for refunds pursuant to this section by the Legislature to provide tax refunds only to qualified applicants who employ 500 or fewer full-time employees in this state. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide tax refunds for any qualified applicants pursuant to this section.

(f) After entering into a tax refund agreement pursuant to subsection (4), a qualified applicant may:

1. Receive refunds from the account for corporate income taxes due and paid pursuant to chapter 220 by that business beginning with the first taxable year of the business which begins after entering into the agreement.

2. Receive refunds from the account for the following taxes due and paid by that business after entering into the agreement:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212.

b. Intangible personal property taxes paid pursuant to chapter 199.

c. Emergency excise taxes paid pursuant to chapter 221.

d. Excise taxes paid on documents pursuant to chapter 201.

e. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on June 1, 1996.

f. State communications services taxes administered under chapter 202. This provision does not apply to the gross receipts tax imposed under chapter 203 and administered under chapter 202 or the local communications services tax authorized under s. 202.19.

However, a qualified applicant may not receive a tax refund pursuant to this section for any amount of credit, refund, or exemption granted such contractor for any of such taxes. If a refund for such taxes is provided by the *department* ~~Office~~, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified applicant other than that provided in this section, the qualified applicant shall reimburse the Economic Development Trust Fund for the amount of such credit, refund, or exemption. A qualified applicant must notify and tender payment to the office within 20 days after receiving a credit, refund, or exemption, other than that provided in this section. ~~The addition of communications services taxes administered under chapter 202 is remedial in nature and retroactive to October 1, 2001. The Office may make supplemental tax refund payments to allow for tax refunds for communications services taxes paid by an eligible qualified defense contractor after October 1, 2001.~~

(h) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the *department* ~~Office of Tourism, Trade, and Economic Development~~ determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.

(3) APPLICATION PROCESS; REQUIREMENTS; AGENCY DETERMINATION.—

(a) To apply for certification as a qualified applicant pursuant to this section, an applicant must file an application with the *department* ~~Office~~ which satisfies the requirements of paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or paragraphs (e) and (j). An applicant may not apply for certification pursuant to this section after a proposal has been submitted for a new Department of Defense contract, after the applicant has made the decision to consolidate an existing Department of Defense contract in this state for which such applicant is seeking certification, after a proposal has been submitted for a new space flight business contract in this state, after the applicant has made the decision to consolidate an existing space flight business contract in this state for which such applicant is seeking certification, or after the applicant has made the decision to convert defense production jobs to nondefense production jobs for which such applicant is seeking certification.

(b) Applications for certification based on the consolidation of a Department of Defense contract or a new Department of Defense contract must be submitted to the *department* ~~Office~~ as prescribed by the *department* ~~Office~~ and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract to be consolidated, the new Department of Defense contract number, or the "RFP" number of a proposed Department of Defense contract.

4. The date the contract was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

5. The commencement date for project operations under the contract in this state.

6. The number of net new full-time equivalent Florida jobs included in the project as of December 31 of each year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The number of full-time equivalent jobs in this state to be retained by the project.

10. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

11. A resolution adopted by the governing board of the county or municipality in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

12. Any additional information requested by the *department* ~~Office~~.

(c) Applications for certification based on the conversion of defense production jobs to nondefense production jobs must be submitted to the *department* ~~Office~~ as prescribed by the *department* ~~Office~~ and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract under which the defense production jobs will be converted to nondefense production jobs.

4. The date the contract was executed, and the date the contract is due to expire or is expected to expire, or was canceled.

5. The commencement date for the nondefense production operations in this state.

6. The number of net new full-time equivalent Florida jobs included in the nondefense production project as of December 31 of each year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The number of full-time equivalent jobs in this state to be retained by the project.

10. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

11. A resolution adopted by the governing board of the county or municipality in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

12. Any additional information requested by the *department* ~~Office~~.

(d) Applications for certification based on a contract for reuse of a defense-related facility must be submitted to the *department* ~~Office~~ as prescribed by the *department* ~~office~~ and must include, but are not limited to, the following information:

1. The applicant's Florida sales tax registration number and a signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The business entity holding a valid Department of Defense contract or branch of the Armed Forces of the United States that previously occupied the facility, and the date such entity last occupied the facility.

4. A copy of the contract to reuse the facility, or such alternative proof as may be prescribed by the *department* ~~office~~ that the applicant is seeking to contract for the reuse of such facility.

5. The date the contract to reuse the facility was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

6. The commencement date for project operations under the contract in this state.

7. The number of net new full-time equivalent Florida jobs included in the project as of December 31 of each year and the average wage of such jobs.

8. The total number of full-time equivalent employees employed by the applicant in this state.

9. The number of full-time equivalent jobs in this state to be retained by the project.

10. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

11. A resolution adopted by the governing board of the county or municipality in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. *Before* ~~Prior to~~ the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

12. Any additional information requested by the *department* ~~Office~~.

(e) To qualify for review by the *department* ~~Office~~, the application of an applicant must, at a minimum, establish the following to the satisfaction of the *department* ~~office~~:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (b)6., subparagraph (c)6., or subparagraph (j)6., must pay an estimated annual average wage equaling at least 115 percent of the average wage in the area where the project is to be located.

2. The consolidation of a Department of Defense contract must result in a net increase of at least 25 percent in the number of jobs at the applicant's facilities in this state or the addition of at least 80 jobs at the applicant's facilities in this state.

3. The conversion of defense production jobs to nondefense production jobs must result in net increases in nondefense employment at the applicant's facilities in this state.

4. The Department of Defense contract or the space flight business contract cannot allow the business to include the costs of relocation or retooling in its base as allowable costs under a cost-plus, or similar, contract.

5. A business unit of the applicant must have derived not less than 60 percent of its gross receipts in this state from Department of Defense contracts or space flight business contracts over the applicant's last fiscal year, and must have derived not less than an average of 60 percent of its gross receipts in this state from Department of Defense contracts or space flight business contracts over the 5 years preceding the date an application is submitted pursuant to this section. This subparagraph does not apply to any application for certification based on a contract for reuse of a defense-related facility.

6. The reuse of a defense-related facility must result in the creation of at least 100 jobs at such facility.

7. A new space flight business contract or the consolidation of a space flight business contract must result in net increases in space flight business employment at the applicant's facilities in this state.

(f) Each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or paragraphs (e) and (j) must be submitted to the *department* ~~office~~ for a determination of eligibility. The *department* ~~Office~~ shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan *prepared by the department* ~~adopted by Enterprise Florida, Inc.~~, taking into account the extent to which the project contributes to the state's high-technology base, and the long-term impact of the project and the applicant on the state's economy.

2. The economic benefit of the jobs created or retained by the project in this state, taking into account the cost and average wage of each job created or retained, and the potential risk to existing jobs.

3. The amount of capital investment to be made by the applicant in this state.

4. The local commitment and support for the project and applicant.

5. The impact of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The dependence of the local community on the defense industry or space flight business.

7. The impact of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will occur in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

8. The length of the project, or the expected long-term commitment to this state resulting from the project.

(g) Applications shall be reviewed and certified pursuant to s. 288.061. If appropriate, the *department* ~~director~~ shall enter into a written agreement with the qualified applicant pursuant to subsection (4).

(h) The *department* ~~director~~ may not certify any applicant as a qualified applicant when the value of tax refunds to be included in that letter of certification exceeds the available amount of authority to certify new businesses as determined in s. 288.095(3). A letter of certification that approves an application must specify the maximum amount of a tax refund that is to be available to the contractor for each fiscal year and the total amount of tax refunds for all fiscal years.

(i) This section does not create a presumption that an applicant should receive any tax refunds under this section.

(j) Applications for certification based upon a new space flight business contract or the consolidation of a space flight business contract must be submitted to the *department* ~~office~~ as prescribed by the *department* ~~office~~ and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a signature of an officer of the applicant.

2. The permanent location of the space flight business facility in this state where the project is or will be located.

3. The new space flight business contract number, the space flight business contract numbers of the contract to be consolidated, or the request-for-proposal number of a proposed space flight business contract.

4. The date the contract was executed and the date the contract is due to expire, is expected to expire, or was canceled.

5. The commencement date for project operations under the contract in this state.

6. The number of net new full-time equivalent Florida jobs included in the project as of December 31 of each year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from space flight business contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The number of full-time equivalent jobs in this state to be retained by the project.

10. A brief statement concerning the applicant's need for tax refunds and the proposed uses of such refunds by the applicant.

11. A resolution adopted by the governing board of the county or municipality in which the project will be located which recommends the applicant be approved as a qualified applicant and indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

12. Any additional information requested by the *department* ~~office~~.

(4) QUALIFIED APPLICANT TAX REFUND AGREEMENT.—

(a) A qualified applicant shall enter into a written agreement with the *department* ~~Office~~ containing, but not limited to, the following:

1. The total number of full-time equivalent jobs in this state that are or will be dedicated to the qualified applicant's project, the average wage of such jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state.

2. The maximum amount of a refund that the qualified applicant is eligible to receive for each fiscal year, based on the job creation or retention and maintenance schedule specified in subparagraph 1.

3. An agreement with the *department* ~~Office~~ allowing the *department* ~~Office~~ to review and verify the financial and personnel records of the qualified applicant to ascertain whether the qualified applicant is complying with the requirements of this section.

4. The date by which, in each fiscal year, the qualified applicant may file a claim pursuant to subsection (5) to be considered to receive a tax refund in the following fiscal year.

5. That local financial support shall be annually available and will be paid to the Economic Development Trust Fund.

(b) Compliance with the terms and conditions of the agreement is a condition precedent for receipt of tax refunds each year. The failure to comply with the terms and conditions of the agreement shall result in the loss of eligibility for receipt of all tax refunds previously authorized pursuant to this section, and the revocation of the certification as a qualified applicant by the *department* ~~director~~, unless the qualified applicant is eligible to receive and elects to accept a prorated refund under paragraph (5)(g) or the *department* ~~Office~~ grants the qualified applicant an economic-stimulus exemption.

1. A qualified applicant may submit, in writing, a request to the *department* ~~Office~~ for an economic-stimulus exemption. The request must provide quantitative evidence demonstrating how negative economic conditions in the qualified applicant's industry, the effects of the impact of a named hurricane or tropical storm, or specific acts of terrorism affecting the qualified applicant have prevented the qualified applicant from complying with the terms and conditions of its tax refund agreement.

2. Upon receipt of a request under subparagraph 1., the *department* ~~director~~ shall have 45 days to notify the requesting qualified applicant, in writing, if its exemption has been granted or denied. In determining if an exemption should be granted, the *department* ~~director~~ shall consider the extent to which negative economic conditions in the requesting qualified applicant's industry, the effects of the impact of a named hurricane or tropical storm, or specific acts of terrorism affecting the qualified applicant have prevented the qualified applicant from complying with the terms and conditions of its tax refund agreement.

3. As a condition for receiving a prorated refund under paragraph (5)(g) or an economic-stimulus exemption under this paragraph, a qualified applicant must agree to renegotiate its tax refund agreement with the *department* ~~Office~~ to, at a minimum, ensure that the terms of the agreement comply with current law and *the* ~~Office~~ procedures *of the department* governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic-stimulus exemption, the *department* ~~Office~~ shall renegotiate the tax refund agreement with the qualified applicant as required by this subparagraph. When amending the agreement of a qualified applicant receiving an economic-stimulus exemption, the *department* ~~Office~~ may extend the duration of the agreement for a period not to exceed 2 years.

~~4. A qualified applicant may submit a request for an economic-stimulus exemption to the Office in lieu of any tax refund claim scheduled to be submitted after January 1, 2005, but before July 1, 2006.~~

4.~~5.~~ A qualified applicant that receives an economic-stimulus exemption may not receive a tax refund for the period covered by the exemption.

(c) The agreement shall be signed by the *executive* director and the authorized officer of the qualified applicant.

(d) The agreement must contain the following legend, clearly printed on its face in bold type of not less than 10 points:

"This agreement is neither a general obligation of the State of Florida, nor is it backed by the full faith and credit of the State of Florida. Payment of tax refunds are conditioned on and subject to specific annual appropriations by the Florida Legislature of funds sufficient to pay amounts authorized in s. 288.1045, Florida Statutes."

(5) ANNUAL CLAIM FOR REFUND.—

(a) To be eligible to claim any scheduled tax refund, qualified applicants who have entered into a written agreement with the *department* ~~Office~~ pursuant to subsection (4) and who have entered into a valid new Department of Defense contract, entered into a valid new space flight business contract, commenced the consolidation of a space flight business contract, commenced the consolidation of a Department of Defense contract, commenced the conversion of defense production jobs to nondefense production jobs, or entered into a valid contract for reuse of a defense-related facility must apply by January 31 of each fiscal year to the *department* ~~Office~~ for tax refunds scheduled to be paid from the appropriation for the fiscal year that begins on July 1 following the January 31 claims-submission date. The *department* ~~Office~~ may, upon written request, grant a 30-day extension of the filing date. The application must include a notarized signature of an officer of the applicant.

(d) The *department* ~~director~~, with assistance from ~~the Office,~~ the Department of Revenue~~, and the Agency for Workforce Innovation~~, shall, by June 30 following the scheduled date for submitting the tax refund claim, specify by written order the approval or disapproval of the tax refund claim and, if approved, the amount of the tax refund that is authorized to be paid to the qualified applicant for the annual tax refund. The *department* ~~Office~~ may grant an extension of this date upon the request of the qualified applicant for the purpose of filing additional information in support of the claim.

(e) The total amount of tax refunds approved by the *department* ~~director~~ under this section in any fiscal year may not exceed the amount authorized under s. 288.095(3).

(g) A prorated tax refund, less a 5 percent penalty, shall be approved for a qualified applicant provided all other applicable requirements have been satisfied and the applicant proves to the satisfaction of the *department* ~~director~~ that it has achieved at least 80 percent of its projected employment and that the average wage paid by the qualified applicant is at least 90 percent of the average wage specified in the tax refund agreement, but in no case less than 115 percent of the average private sector wage in the area available at the time of certification. The prorated tax refund shall be calculated by multiplying the tax refund amount for which the qualified applicant would have been eligible, if all applicable requirements had been satisfied, by the percentage of the average employment specified in the tax refund agreement which was achieved, and by the percentage of the average wages specified in the tax refund agreement which was achieved.

(6) ADMINISTRATION.—

(a) The *department* ~~Office~~ may adopt rules pursuant to chapter 120 for the administration of this section.

(b) The *department* ~~Office~~ may verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes with the appropriate agency or authority including the Department of Revenue, the *department* ~~Agency for Workforce Innovation~~, or any local government or authority.

(c) To facilitate the process of monitoring and auditing applications made under this program, the *department* ~~Office~~ may provide a list of qualified applicants to the Department of Revenue~~, to the Agency for Workforce Innovation,~~ or to any local government or authority. The *department* ~~Office~~ may request the assistance of said entities with respect to monitoring jobs, wages, and the payment of the taxes listed in subsection (2).

~~(7) Notwithstanding paragraphs (4)(a) and (5)(c), the Office may approve a waiver of the local financial support requirement for a business located in any of the following counties in which businesses received emergency loans administered by the Office in response to the named hurricanes of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler, Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee, Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk, Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A waiver may be granted only if the Office determines that the local financial support cannot be provided or that doing so would effect a demonstrable hardship on the unit of local government providing the local financial support. If the Office grants a waiver of the local financial support requirement, the state shall pay 100 percent of the refund due to an eligible business. The waiver shall apply for tax refund applications made for fiscal years 2004-2005, 2005-2006, and 2006-2007.~~

(7)~~(8)~~ EXPIRATION.—An applicant may not be certified as qualified under this section after June 30, 2014. A tax refund agreement existing on that date shall continue in effect in accordance with its terms.

Section 150. Paragraphs (d), (f), (n), (p), (r), and (t) of subsection (2), paragraphs (a), (b), (e), and (f) of subsection (3), subsection (4), paragraphs (a), (b), and (c) of subsection (5), paragraphs (a), (c), (f), and (g) of subsection (6), and subsection (7) are amended, present paragraphs (g) through (u) of subsection (2) are redesignated as paragraphs (f) through (n), respectively, and subsection (8) is created in section 288.106, Florida Statutes, to read:

288.106 Tax refund program for qualified target industry businesses.—

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

(d) "Business" means an employing unit, as defined in s. 443.036, that is registered for unemployment compensation purposes with the state agency providing unemployment tax collection services under ~~contract with the Agency for Workforce Innovation through~~ an interagency agreement pursuant to s. 443.1316, or a subcategory or division of an employing unit that is accepted by the state agency providing unemployment tax collection services as a reporting unit.

~~(f) "Director" means the Director of the Office of Tourism, Trade, and Economic Development~~.

~~(n) "Office" means the Office of Tourism, Trade, and Economic Development.~~

(n)~~(p)~~ "Qualified target industry business" means a target industry business approved by the *department* ~~Office~~ to be eligible for tax refunds under this section.

~~(q) "Return on investment" means the gain in state revenues as a percentage of the state's investment. The state's investment includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives.~~

(o)~~(r)~~ "Rural city" means a city having a population of 10,000 or fewer, or a city having a population of greater than 10,000 but fewer than 20,000 that has been determined by the *department* ~~Office~~ to have economic characteristics such as, but not limited to, a significant percentage of residents on public assistance, a significant percentage of residents with income below the poverty level, or a significant percentage of the city's employment base in agriculture-related industries.

(q)~~(t)~~ "Target industry business" means a corporate headquarters business or any business that is engaged in one of the target industries identified pursuant to the following criteria developed by the *department* ~~Office~~ in consultation with Enterprise Florida, Inc.:

1. Future growth.—Industry forecasts should indicate strong expectation for future growth in both employment and output, according to

the most recent available data. Special consideration should be given to businesses that export goods to, or provide services in, international markets and businesses that replace domestic and international imports of goods or services.

2. Stability.—The industry should not be subject to periodic layoffs, whether due to seasonality or sensitivity to volatile economic variables such as weather. The industry should also be relatively resistant to recession, so that the demand for products of this industry is not typically subject to decline during an economic downturn.

3. High wage.—The industry should pay relatively high wages compared to statewide or area averages.

4. Market and resource independent.—The location of industry businesses should not be dependent on Florida markets or resources as indicated by industry analysis, except for businesses in the renewable energy industry.

5. Industrial base diversification and strengthening.—The industry should contribute toward expanding or diversifying the state's or area's economic base, as indicated by analysis of employment and output shares compared to national and regional trends. Special consideration should be given to industries that strengthen regional economies by adding value to basic products or building regional industrial clusters as indicated by industry analysis. Special consideration should also be given to the development of strong industrial clusters that include defense and homeland security businesses.

6. *Positive* economic *impact* ~~benefits~~.—The industry is expected to have strong positive *economic* impacts on or benefits to the state or regional economies.

The term does not include any business engaged in retail industry activities; any electrical utility company; any phosphate or other solid minerals severance, mining, or processing operation; any oil or gas exploration or production operation; or any business subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation. Any business within NAICS code 5611 or 5614, office administrative services and business support services, respectively, may be considered a target industry business only after the local governing body and Enterprise Florida, Inc., make a determination that the community where the business may locate has conditions affecting the fiscal and economic viability of the local community or area, including but not limited to, factors such as low per capita income, high unemployment, high underemployment, and a lack of year-round stable employment opportunities, and such conditions may be improved by the location of such a business to the community. By January 1 of every 3rd year, beginning January 1, 2011, the *department* ~~Office~~, in consultation with Enterprise Florida, Inc., economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists, shall review and, as appropriate, revise the list of such target industries and submit the list to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(3) TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the account, a refund to a qualified target industry business for the amount of eligible taxes certified by the *department* ~~Office~~ that were paid by the business. The total amount of refunds for all fiscal years for each qualified target industry business must be determined pursuant to subsection (4). The annual amount of a refund to a qualified target industry business must be determined pursuant to subsection (6).

(b)1. Upon approval by the *department* ~~Office~~, a qualified target industry business shall be allowed tax refund payments equal to $3,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1., or equal to $6,000 multiplied by the number of jobs if the project is located in a rural community or an enterprise zone.

2. A qualified target industry business shall be allowed additional tax refund payments equal to $1,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. if such jobs pay an annual average wage of at least 150 percent of the average private sector wage in the area, or equal to $2,000 multiplied by the number of jobs if such jobs pay an annual average wage of at least 200 percent of the average private sector wage in the area.

3. A qualified target industry business shall be allowed tax refund payments in addition to the other payments authorized in this paragraph equal to $1,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. if the local financial support is equal to that of the state's incentive award under subparagraph 1.

4. In addition to the other tax refund payments authorized in this paragraph, a qualified target industry business shall be allowed a tax refund payment equal to $2,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. if the business:

a. Falls within one of the high-impact sectors designated under s. 288.108; or

b. Increases exports of its goods through a seaport or airport in the state by at least 10 percent in value or tonnage in each of the years that the business receives a tax refund under this section. For purposes of this sub-subparagraph, seaports in the state are limited to the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Pensacola, Fernandina, and Key West.

(e) However, a qualified target industry business may not receive a refund under this section for any amount of credit, refund, or exemption previously granted to that business for any of the taxes listed in paragraph (d). If a refund for such taxes is provided by the *department* ~~office~~, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified target industry business other than as provided in this section, the business shall reimburse the account for the amount of that credit, refund, or exemption. A qualified target industry business shall notify and tender payment to the *department* ~~office~~ within 20 days after receiving any credit, refund, or exemption other than one provided in this section.

(f) Refunds made available under this section may not be expended in connection with the relocation of a business from one community to another community in the state unless the *department* ~~Office~~ determines that, without such relocation, the business will move outside the state or determines that the business has a compelling economic rationale for relocation and that the relocation will create additional jobs.

(4) APPLICATION AND APPROVAL PROCESS.—

(a) To apply for certification as a qualified target industry business under this section, the business must file an application with the *department* ~~Office~~ before the business decides to locate in this state or before the business decides to expand its existing operations in this state. The application must include, but need not be limited to, the following information:

1. The applicant's federal employer identification number and, if applicable, state sales tax registration number.

2. The proposed permanent location of the applicant's facility in this state at which the project is to be located.

3. A description of the type of business activity or product covered by the project, including a minimum of a five-digit NAICS code for all activities included in the project. As used in this paragraph, "NAICS" means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President, and updated periodically.

4. The proposed number of net new full-time equivalent Florida jobs at the qualified target industry business as of December 31 of each year included in the project and the average wage of those jobs. If more than one type of business activity or product is included in the project, the number of jobs and average wage for those jobs must be separately stated for each type of business activity or product.

5. The total number of full-time equivalent employees employed by the applicant in this state, if applicable.

6. The anticipated commencement date of the project.

7. A brief statement explaining the role that the estimated tax refunds to be requested will play in the decision of the applicant to locate or expand in this state.

8. An estimate of the proportion of the sales resulting from the project that will be made outside this state.

9. An estimate of the proportion of the cost of the machinery and equipment, and any other resources necessary in the development of its product or service, to be used by the business in its Florida operations which will be purchased outside this state.

10. A resolution adopted by the governing board of the county or municipality in which the project will be located, which resolution recommends that the project be approved as a qualified target industry business and specifies that the commitments of local financial support necessary for the target industry business exist. Before the passage of such resolution, the *department* ~~office~~ may also accept an official letter from an authorized local economic development agency that endorses the proposed target industry project and pledges that sources of local financial support for such project exist. For the purposes of making pledges of local financial support under this subparagraph, the authorized local economic development agency shall be officially designated by the passage of a one-time resolution by the local governing board.

11. Any additional information requested by the *department* ~~Office~~.

(b) To qualify for review by the *department* ~~Office~~, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the *department* ~~office~~:

1.a. The jobs proposed to be created under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average private sector wage in the area where the business is to be located or the statewide private sector average wage. The governing board of the *local governmental entity providing the local financial support of the jurisdiction* ~~county~~ where the qualified target industry business is to be located shall notify the *department* ~~Office~~ and Enterprise Florida, Inc., which calculation of the average private sector wage in the area must be used as the basis for the business's wage commitment. In determining the average annual wage, the *department* ~~Office~~ shall include only new proposed jobs, and wages for existing jobs shall be excluded from this calculation.

b. The *department* ~~Office~~ may waive the average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. The *department* ~~Office~~ may waive the wage requirement for a project located in a brownfield area designated under s. 376.80, in a rural city, in a rural community, in an enterprise zone, or for a manufacturing project at any location in the state if the jobs proposed to be created pay an estimated annual average wage equaling at least 100 percent of the average private sector wage in the area where the business is to be located, only if the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a recommendation, it must be transmitted in writing, and the specific justification for the waiver recommendation must be explained. If the *department* ~~Office~~ elects to waive the wage requirement, the waiver must be stated in writing, and the reasons for granting the waiver must be explained.

2. The target industry business's project must result in the creation of at least 10 jobs at the project and, in the case of an expansion of an existing business, must result in a net increase in employment of at least 10 percent at the business. At the request of the local governing body recommending the project and Enterprise Florida, Inc., the *department* ~~Office~~ may waive this requirement for a business in a rural community or enterprise zone if the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a request, the request must be transmitted in writing, and the specific justification for the request must be explained. If the *department* ~~Office~~ elects to grant the request, the grant must be stated in writing, and the reason for granting the request must be explained.

3. The business activity or product for the applicant's project must be within an industry identified by the *department* ~~Office~~ as a target industry business that contributes to the economic growth of the state and the area in which the business is located, that produces a higher standard of living for residents of this state in the new global economy, or that can be shown to make an equivalent contribution to the area's and state's economic progress.

(c) Each application meeting the requirements of paragraph (b) must be submitted to the *department* ~~Office~~ for determination of eligibility. The *department* ~~Office~~ shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state's economy, consistent with the state strategic economic development plan *prepared by the department* ~~adopted by Enterprise Florida, Inc~~.

2. The *economic benefits* ~~return on investment~~ of the proposed award of tax refunds under this section and the *economic benefits of* ~~return on investment for~~ state incentives proposed for the project. *The term "economic benefits" has the same meaning as in s. 288.005.* The Office of Economic and Demographic Research shall review and evaluate the methodology and model used to calculate the *economic benefits* ~~return on investment~~ and *shall* report its findings by September 1 of every 3rd year, ~~beginning September 1, 2010,~~ to the President of the Senate and the Speaker of the House of Representatives.

3. The amount of capital investment to be made by the applicant in this state.

4. The local financial commitment and support for the project.

5. The effect of the project on the unemployment rate in the county where the project will be located.

6. The effect of the award on the viability of the project and the probability that the project would be undertaken in this state if such tax refunds are granted to the applicant.

7. The expected long-term commitment of the applicant to economic growth and employment in this state resulting from the project.

8. A review of the business's past activities in this state or other states, including whether such business has been subjected to criminal or civil fines and penalties. This subparagraph does not require the disclosure of confidential information.

(d) Applications shall be reviewed and certified pursuant to s. 288.061. The *department* ~~Office~~ shall include in its review projections of the tax refunds the business would be eligible to receive in each fiscal year based on the creation and maintenance of the net new Florida jobs specified in subparagraph (a)4. as of December 31 of the preceding state fiscal year. If appropriate, the *department* ~~Office~~ shall enter into a written agreement with the qualified target industry business pursuant to subsection (5).

(e) The *department* ~~Office~~ may not certify any target industry business as a qualified target industry business if the value of tax refunds to be included in that letter of certification exceeds the available amount of authority to certify new businesses as determined in s. 288.095(3). However, if the commitments of local financial support represent less than 20 percent of the eligible tax refund payments, or to otherwise preserve the viability and fiscal integrity of the program, the *department* ~~office~~ may certify a qualified target industry business to receive tax refund payments of less than the allowable amounts specified in paragraph (3)(b). A letter of certification that approves an application must specify the maximum amount of tax refund that will be available to the qualified industry business in each fiscal year and the total amount of tax refunds that will be available to the business for all fiscal years.

(f) This section does not create a presumption that an applicant will receive any tax refunds under this section. However, the *department* ~~Office~~ may issue nonbinding opinion letters, upon the request of prospective applicants, as to the applicants' eligibility and the potential amount of refunds.

(5) TAX REFUND AGREEMENT.—

(a) Each qualified target industry business must enter into a written agreement with the *department* ~~Office~~ that specifies, at a minimum:

1. The total number of full-time equivalent jobs in this state that will be dedicated to the project, the average wage of those jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state.

2. The maximum amount of tax refunds that the qualified target industry business is eligible to receive on the project and the maximum amount of a tax refund that the qualified target industry business is eligible to receive for each fiscal year, based on the job creation and maintenance schedule specified in subparagraph 1.

3. That the *department* ~~Office~~ may review and verify the financial and personnel records of the qualified target industry business to ascertain whether that business is in compliance with this section.

4. The date by which, in each fiscal year, the qualified target industry business may file a claim under subsection (6) to be considered to receive a tax refund in the following fiscal year.

5. That local financial support will be annually available and will be paid to the account. The *department* ~~Office~~ may not enter into a written agreement with a qualified target industry business if the local financial support resolution is not passed by the local governing body within 90 days after the *department* ~~Office~~ has issued the letter of certification under subsection (4).

6. That the *department* ~~Office~~ may conduct a review of the business to evaluate whether the business is continuing to contribute to the area's or state's economy.

7. That in the event the business does not complete the agreement, the business will provide the *department* ~~Office~~ with the reasons the business was unable to complete the agreement.

(b) Compliance with the terms and conditions of the agreement is a condition precedent for the receipt of a tax refund each year. The failure to comply with the terms and conditions of the tax refund agreement results in the loss of eligibility for receipt of all tax refunds previously authorized under this section and the revocation by the *department* ~~Office~~ of the certification of the business entity as a qualified target industry business, unless the business is eligible to receive and elects to accept a prorated refund under paragraph (6)(e) or the *department* ~~Office~~ grants the business an economic recovery extension.

1. A qualified target industry business may submit a request to the *department* ~~Office~~ for an economic recovery extension. The request must provide quantitative evidence demonstrating how negative economic conditions in the business's industry, the effects of a named hurricane or tropical storm, or specific acts of terrorism affecting the qualified target industry business have prevented the business from complying with the terms and conditions of its tax refund agreement.

2. Upon receipt of a request under subparagraph 1., the *department* ~~Office~~ has 45 days to notify the requesting business, in writing, whether its extension has been granted or denied. In determining whether an extension should be granted, the *department* ~~Office~~ shall consider the extent to which negative economic conditions in the requesting business's industry have occurred in the state or the effects of a named hurricane or tropical storm or specific acts of terrorism affecting the qualified target industry business have prevented the business from complying with the terms and conditions of its tax refund agreement. The *department* ~~Office~~ shall consider current employment statistics for this state by industry, including whether the business's industry had substantial job loss during the prior year, when determining whether an extension shall be granted.

3. As a condition for receiving a prorated refund under paragraph (6)(e) or an economic recovery extension under this paragraph, a qualified target industry business must agree to renegotiate its tax refund agreement with the *department* ~~Office~~ to, at a minimum, ensure that the terms of the agreement comply with current law and *the department's* ~~office~~ procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic recovery extension, the *department* ~~Office~~ shall renegotiate the tax refund agreement with the business as required by this subparagraph. When amending the agreement of a business receiving an economic recovery extension, the *department* ~~Office~~ may extend the duration of the agreement for a period not to exceed 2 years.

4. A qualified target industry business may submit a request for an economic recovery extension to the *department* ~~Office~~ in lieu of any tax refund claim scheduled to be submitted after January 1, 2009, but before July 1, 2012.

5. A qualified target industry business that receives an economic recovery extension may not receive a tax refund for the period covered by the extension.

(c) The agreement must be signed by the *executive* director and by an authorized officer of the qualified target industry business within 120 days after the issuance of the letter of certification under subsection (4), but not before passage and receipt of the resolution of local financial support. The *department* ~~Office~~ may grant an extension of this period at the written request of the qualified target industry business.

(6) ANNUAL CLAIM FOR REFUND.—

(a) To be eligible to claim any scheduled tax refund, a qualified target industry business that has entered into a tax refund agreement with the *department* ~~Office~~ under subsection (5) must apply by January 31 of each fiscal year to the *department* ~~office~~ for the tax refund scheduled to be paid from the appropriation for the fiscal year that begins on July 1 following the January 31 claims-submission date. The *department* ~~Office~~ may, upon written request, grant a 30-day extension of the filing date.

(c) The *department* ~~Office~~ may waive the requirement for proof of taxes paid in future years for a qualified target industry business that provides the office with proof that, in a single year, the business has paid an amount of state taxes from the categories in paragraph (3)(d) that is at least equal to the total amount of tax refunds that the business may receive through successful completion of its tax refund agreement.

(f) The *department* ~~Office~~, with such assistance as may be required from the Department of Revenue ~~or the Agency for Workforce Innovation~~, shall, by June 30 following the scheduled date for submission of the tax refund claim, specify by written order the approval or disapproval of the tax refund claim and, if approved, the amount of the tax refund that is authorized to be paid to the qualified target industry business for the annual tax refund. The *department* ~~Office~~ may grant an extension of this date on the request of the qualified target industry business for the purpose of filing additional information in support of the claim.

(g) The total amount of tax refund claims approved by the *department* ~~Office~~ under this section in any fiscal year must not exceed the amount authorized under s. 288.095(3).

(7) ADMINISTRATION.—

(a) The *department* ~~Office~~ may verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue~~, the Agency for Workforce Innovation,~~ or any local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this section, the *department* ~~Office~~ may provide a list of qualified target industry businesses to the Department of Revenue~~, the Agency for Workforce Innovation,~~ or to any local government or authority. The *department* ~~Office~~ may request the assistance of those entities with respect to monitoring jobs, wages, and the payment of the taxes listed in subsection (3).

(c) Funds specifically appropriated for tax refunds for qualified target industry businesses under this section may not be used by the *department* ~~Office~~ for any purpose other than the payment of tax refunds authorized by this section.

(d) Beginning with tax refund agreements signed after July 1, 2010, the *department* ~~Office~~ shall attempt to ascertain the causes for any business's failure to complete its agreement and shall report its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall be submitted by December 1 of each year beginning in 2011.

(8) SPECIAL INCENTIVES.—If the department determines it is in the best interest of the public for reasons of facilitating economic development, growth, or new employment opportunities within a Disproportionally Affected County, the department may, between July 1, 2011, and June 30, 2014, waive any or all wage or local financial support eligibility requirements and allow a qualified target industry business from another state which relocates all or a portion of its business to a Disproportionally Affected County to receive a tax refund payment of up to $6,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. over the term of the agreement. Prior to granting such waiver, the executive director of the department shall file with the Governor a written statement of the conditions and circumstances constituting the reason for the waiver. Such business shall be eligible for the additional tax refund payments specified in subparagraph (3)(b)4. if it meets the criteria. As used in this section, the term "Disproportionally Affected County" means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.

Section 151. Paragraphs (d), (e), (f), (g) and (h) of subsection (1), subsection (2), paragraphs (a), (b), (f), (g), (h), and (i) of subsection (4), and subsection (5) of section 288.107, Florida Statutes, are amended to read:

288.107 Brownfield redevelopment bonus refunds.—

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

~~(d) "Director" means the director of the Office of Tourism, Trade, and Economic Development.~~

(d)~~(e)~~ "Eligible business" means:

1. A qualified target industry business as defined in s. 288.106(2); or

2. A business that can demonstrate a fixed capital investment of at least $2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas, or at least $500,000 in brownfield areas that do not require site cleanup, and that provides benefits to its employees.

(e)~~(f)~~ "Jobs" means full-time equivalent positions, including, but not limited to, positions obtained from a temporary employment agency or employee leasing company or through a union agreement or coemployment under a professional employer organization agreement, that result directly from a project in this state. The term does not include temporary construction jobs involved with the construction of facilities for the project and which are not associated with the implementation of the site rehabilitation as provided in s. 376.80.

~~(g) "Office" means The Office of Tourism, Trade, and Economic Development.~~

(f)~~(h)~~ "Project" means the creation of a new business or the expansion of an existing business as defined in s. 288.106.

(2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds shall be approved by the *department* ~~Office~~ as specified in the final order and allowed from the account as follows:

(a) A bonus refund of $2,500 shall be allowed to any qualified target industry business as defined in s. 288.106 for each new Florida job created in a brownfield area that is claimed on the qualified target industry business's annual refund claim authorized in s. 288.106(6).

(b) A bonus refund of up to $2,500 shall be allowed to any other eligible business as defined in *subparagraph (1)(d)2.* ~~subparagraph (1)(c) 2.~~ for each new Florida job created in a brownfield area that is claimed under an annual claim procedure similar to the annual refund claim authorized in s. 288.106(6). The amount of the refund shall be equal to 20 percent of the average annual wage for the jobs created.

(4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

(a) To be eligible to receive a bonus refund for new Florida jobs created in a brownfield area, a business must have been certified as a qualified target industry business under s. 288.106 or eligible business as defined in *paragraph (1)(d)* ~~paragraph (1)(c)~~ and must have indicated on the qualified target industry business tax refund application form submitted in accordance with s. 288.106(4) or other similar agreement for other eligible business as defined in *paragraph (1)(d)* ~~paragraph (1)(c)~~ that the project for which the application is submitted is or will be located in a brownfield area and that the business is applying for certification as a qualified brownfield business under this section, and must have signed a qualified target industry business tax refund agreement with the *department* ~~Office~~ that indicates that the business has been certified as a qualified target industry business located in a brownfield area and specifies the schedule of brownfield redevelopment bonus refunds that the business may be eligible to receive in each fiscal year.

(b) To be considered to receive an eligible brownfield redevelopment bonus refund payment, the business meeting the requirements of paragraph (a) must submit a claim once each fiscal year on a claim form approved by the *department* ~~Office~~ which indicates the location of the brownfield, the address of the business facility's brownfield location, the name of the brownfield in which it is located, the number of jobs created, and the average wage of the jobs created by the business within the brownfield as defined in s. 288.106 or other eligible business as defined in *paragraph (1)(d)* ~~paragraph (1)(c)~~ and the administrative rules and policies for that section.

(f) Applications shall be reviewed and certified pursuant to s. 288.061. The *department* ~~Office~~ shall review all applications submitted under s. 288.106 or other similar application forms for other eligible businesses as defined in *paragraph (1)(d)* ~~paragraph (1)(c)~~ which indicate that the proposed project will be located in a brownfield and determine, with the assistance of the Department of Environmental Protection, that the project location is within a brownfield as provided in this act.

(g) The *department* ~~Office~~ shall approve all claims for a brownfield redevelopment bonus refund payment that are found to meet the requirements of paragraphs (b) and (d).

(h) The *department* ~~director~~, with such assistance as may be required from ~~the Office and~~ the Department of Environmental Protection, shall specify by written final order the amount of the brownfield redevelopment bonus refund that is authorized for the qualified target industry business for the fiscal year within 30 days after the date that the claim for the annual tax refund is received by the *department* ~~office~~.

(i) The total amount of the bonus refunds approved by the *department* ~~director~~ under this section in any fiscal year must not exceed the total amount appropriated to the Economic Development Incentives Account for this purpose for the fiscal year. In the event that the Legislature does not appropriate an amount sufficient to satisfy projections by the *department* ~~Office~~ for brownfield redevelopment bonus refunds under this section in a fiscal year, the *department* ~~Office~~ shall, not later than July 15 of such year, determine the proportion of each brownfield redevelopment bonus refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of brownfield redevelopment bonus refund claims for the fiscal year. The amount of each claim for a brownfield redevelopment bonus tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for brownfield redevelopment tax refunds, the *department* ~~Office~~ shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(5) ADMINISTRATION.—

(a) The *department* ~~Office~~ may verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, ~~the Agency for Workforce Innovation,~~ or any local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this program, the *department* ~~Office~~ may provide a list of qualified target industry businesses to the Department of Revenue, ~~to the Agency for Workforce Innovation,~~ to the Department of Environmental Protection, or to any local government authority. The *department* ~~office~~ may request the assistance of those entities with respect to monitoring the payment of the taxes listed in s. 288.106(3).

Section 152. Subsection (2), paragraphs (b), (d), and (e) of subsection (3), subsection (4), paragraphs (a) and (c) of subsection (5), and subsections (6) and (7) of section 288.108, Florida Statutes, are amended to read:

288.108 High-impact business.—

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

(c)~~(a)~~ "Eligible high-impact business" means a business in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the *department* ~~Office of Tourism, Trade, and Economic Development~~ as provided in subsection (5), which is making a cumulative investment in the state of at least $50 million and creating at least 50 new full-time equivalent jobs in the state or a research and development facility making a cumulative investment of at least $25 million and creating at least 25 new full-time equivalent jobs. Such investment and employment must be achieved in a period not to exceed 3 years after the date the business is certified as a qualified high-impact business.

(f)~~(b)~~ "Qualified high-impact business" means a business in one of the high-impact sectors that has been certified by the *department* ~~office~~ as a qualified high-impact business to receive a high-impact sector performance grant.

~~(c) "Office" means the Office of Tourism, Trade, and Economic Development.~~

~~(d) "Director" means the director of the Office of Tourism, Trade, and Economic Development.~~

(b)~~(e)~~ "Cumulative investment" means the total investment in buildings and equipment made by a qualified high-impact business since the beginning of construction of such facility.

(d)~~(f)~~ "Fiscal year" means the fiscal year of the state.

(e)~~(g)~~ "Jobs" means full-time equivalent positions, including, but not limited to, positions obtained from a temporary employment agency or employee leasing company or through a union agreement or coemployment under a professional employer organization agreement, that result directly from a project in this state. The term does not include temporary construction jobs involved in the construction of the project facility.

(a)~~(h)~~ "Commencement of operations" means that the qualified high-impact business has begun to actively operate the principal function for which the facility was constructed as determined by the *department* ~~office~~ and specified in the qualified high-impact business agreement.

(g)~~(i)~~ "Research and development" means basic and applied research in science or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not mean market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities or technical services.

(3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE AMOUNTS.—

(b) The *department* ~~Office~~ may~~, in consultation with Enterprise Florida, Inc.,~~ negotiate qualified high-impact business performance grant awards for any single qualified high-impact business. In negotiating such awards, the *department* ~~Office~~ shall consider the following guidelines in conjunction with other relevant applicant impact and cost information and analysis as required in subsection (5).

1. A qualified high-impact business making a cumulative investment of $50 million and creating 50 jobs may be eligible for a total qualified high-impact business performance grant of $500,000 to $1 million.

2. A qualified high-impact business making a cumulative investment of $100 million and creating 100 jobs may be eligible for a total qualified high-impact business performance grant of $1 million to $2 million.

3. A qualified high-impact business making a cumulative investment of $800 million and creating 800 jobs may be eligible for a qualified high-impact business performance grant of $10 million to $12 million.

4. A qualified high-impact business engaged in research and development making a cumulative investment of $25 million and creating 25 jobs may be eligible for a total qualified high-impact business performance grant of $700,000 to $1 million.

5. A qualified high-impact business engaged in research and development making a cumulative investment of $75 million, and creating 75 jobs may be eligible for a total qualified high-impact business performance grant of $2 million to $3 million.

6. A qualified high-impact business engaged in research and development making a cumulative investment of $150 million, and creating 150 jobs may be eligible for a qualified high-impact business performance grant of $3.5 million to $4.5 million.

(d) The balance of the performance grant award shall be paid to the qualified high-impact business upon the business's certification that full operations have commenced and that the full investment and employment goals specified in the qualified high-impact business agreement have been met and verified by the *department* ~~Office of Tourism, Trade, and Economic Development~~. The verification must occur not later than 60 days after the qualified high-impact business has provided the certification specified in this paragraph.

(e) The *department* ~~office~~ may, upon a showing of reasonable cause for delay and significant progress toward the achievement of the investment and employment goals specified in the qualified high-impact business agreement, extend the date for commencement of operations, not to exceed an additional 2 years beyond the limit specified in paragraph (2)(a), but in no case may any high-impact sector performance grant payment be made to the business until the scheduled goals have been achieved.

(4) ~~OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT~~ AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS PERFORMANCE GRANTS.—

(a) The total amount of active performance grants scheduled for payment by the *department* ~~office~~ in any single fiscal year may not exceed the lesser of $30 million or the amount appropriated by the Legislature for that fiscal year for qualified high-impact business performance grants. If the scheduled grant payments are not made in the year for which they were scheduled in the qualified high-impact business agreement and are rescheduled as authorized in paragraph (3)(e), they are, for purposes of this paragraph, deemed to have been paid in the year in which they were originally scheduled in the qualified high-impact business agreement.

(b) If the Legislature does not appropriate an amount sufficient to satisfy the qualified high-impact business performance grant payments scheduled for any fiscal year, the *department* ~~Office~~ shall, not later than July 15 of that year, determine the proportion of each grant payment which may be paid by dividing the amount appropriated for qualified high-impact business performance grant payments for the fiscal year by the total performance grant payments scheduled in all performance grant agreements for the fiscal year. The amount of each grant scheduled for payment in that fiscal year must be multiplied by the resulting quotient. All businesses affected by this calculation must be notified by August 1 of each fiscal year. If, after the payment of all the refund claims, funds remain in the appropriation for payment of qualified high-impact business performance grants, the *department* ~~Office~~ shall recalculate the proportion for each performance grant payment and adjust the amount of each claim accordingly.

(5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

(a) *The department shall review an application pursuant to s. 288.061 which is received from* any eligible business, as defined in subsection (2), ~~shall apply to Enterprise Florida, Inc.,~~ for consideration as a qualified high-impact business before the business has made a decision to locate or expand a facility in this state. The *business must provide* ~~application, developed by the Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc., must include, but is not limited to,~~ the following information:

1. A complete description of the type of facility, business operations, and product or service associated with the project.

2. The number of full-time equivalent jobs that will be created by the project and the average annual wage of those jobs.

3. The cumulative amount of investment to be dedicated to this project within 3 years.

4. A statement concerning any special impacts the facility is expected to stimulate in the sector, the state, or regional economy and in state universities and community colleges.

5. A statement concerning the role the grant will play in the decision of the applicant business to locate or expand in this state.

6. Any additional information requested by *the department* ~~Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development~~.

(c) The *department* ~~director~~ and the qualified high-impact business shall enter into a performance grant agreement setting forth the conditions for payment of the qualified high-impact business performance grant. The agreement shall include the total amount of the qualified high-impact business facility performance grant award, the performance conditions that must be met to obtain the award, including the employment, average salary, investment, the methodology for determining if the conditions have been met, and the schedule of performance grant payments.

(6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

(a) Enterprise Florida, Inc., shall, by January 1, of every third year, beginning January 1, 2011, initiate the process of reviewing and, if appropriate, selecting a new high-impact sector for designation or recommending the deactivation of a designated high-impact sector. The process of reviewing designated high-impact sectors or recommending the deactivation of a designated high-impact sector shall be in consultation with the *department* ~~office~~, economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists.

(b) The *department* ~~Office~~ has authority, ~~only~~ after recommendation from Enterprise Florida, Inc., to designate a high-impact sector or to deauthorize a designated high-impact sector.

(c) To begin the process of selecting and designating a new high-impact sector, Enterprise Florida, Inc., shall undertake a thorough study of the proposed sector. This study must consider the definition of the sector, including the types of facilities which characterize the sector that might qualify for a high-impact performance grant and whether a powerful incentive like the high-impact performance grant is needed to induce major facilities in the sector to locate or grow in this state; the benefits that major facilities in the sector have or could have on the state's economy and the relative significance of those benefits; the needs of the sector and major sector facilities, including natural, public, and human resources and benefits and costs with regard to these resources; the sector's current and future markets; the current fiscal and potential fiscal impacts of the sector, to both the state and its communities; any geographic opportunities or limitations with regard to the sector, including areas of the state most likely to benefit from the sector and areas unlikely to benefit from the sector; the state's advantages or disadvantages with regard to the sector; and the long-term expectations for the industry on a global level and in the state. If Enterprise Florida, Inc., finds favorable conditions for the designation of the sector as a high-impact sector, it shall include in the study recommendations for a complete and comprehensive sector strategy, including appropriate marketing and workforce strategies for the entire sector and any recommendations that Enterprise Florida, Inc., may have for statutory or policy changes needed to improve the state's business climate and to attract and grow Florida businesses, particularly small businesses, in the proposed sector. The study shall reflect the finding of the sector-business network specified in paragraph (d).

(d) In conjunction with the study required in paragraph (c), Enterprise Florida, Inc., shall develop and consult with a network of sector businesses. While this network may include non-Florida businesses, it must include any businesses currently within the state. If the number of Florida businesses in the sector is large, a representative cross-section of Florida sector businesses may form the core of this network.

(e) The study and its findings and recommendations and the recommendations gathered from the sector-business network must be discussed and considered during *at least one* ~~the~~ meeting *per calendar year of leaders in business, government, education, workforce development, and economic development called by the Governor to address the business climate in the state, develop a common vision for the economic future of the state, and identify economic development efforts to fulfill that vision* ~~required in s. 14.2015(2)(c)~~.

(f) If after consideration of the completed study required in paragraph (c) and the input derived from consultation with the sector-business network in paragraph (d) and the ~~quarterly~~ meeting as required in paragraph (e), the board of directors of Enterprise Florida, Inc., finds that the sector will have exceptionally large and widespread benefits to the state and its citizens, relative to any public costs; that the sector is characterized by the types of facilities that require exceptionally large investments and provide employment opportunities to a relatively large number of workers in high-quality, high-income jobs that might qualify for a high-impact performance grant; and that given the competition for such businesses it may be necessary for the state to be able to offer a large inducement, such as a high-impact performance grant, to attract such a business to the state or to encourage businesses to continue to grow in the state, the board of directors of Enterprise Florida, Inc., may recommend that the *department* ~~office~~ consider the designation of the sector as a high-impact business sector.

(g) Upon receiving a recommendation from the board of directors of Enterprise Florida, Inc., together with the study required in paragraph (c) and a summary of the findings and recommendations of the sector-business network required in paragraph (d), including a list of all meetings of the sector network and participants in those meetings and the findings and recommendations from the ~~quarterly~~ meeting as required in paragraph (e), the *department* ~~Office~~ shall after a thorough evaluation of the study and accompanying materials report its findings and either concur in the recommendation of Enterprise Florida, Inc., and designate the sector as a high-impact business sector or notify Enterprise Florida, Inc., that it does not concur and deny the board's request for designation or return the recommendation and study to Enterprise Florida, Inc., for further evaluation. In any case, the *department's* ~~director's~~ decision must be in writing and justify the reasons for the decision.

(h) If the *department* ~~Office~~ designates the sector as a high-impact sector, it shall, within 30 days, notify the Governor, the President of the Senate, and the Speaker of the House of Representatives of its decision and provide a complete report on its decision, including copies of the material provided by Enterprise Florida, Inc., and the *department's* ~~Office of Tourism, Trade, and Economic Development's~~ evaluation and comment on any statutory or policy changes recommended by Enterprise Florida, Inc.

(i) For the purposes of this subsection, a high-impact sector consists of the silicon technology sector that Enterprise Florida, Inc., has found to be focused around the type of high-impact businesses for which the incentive created in this subsection is required and will create the kinds of sector and economy wide benefits that justify the use of state resources to encourage these investments and require substantial inducements to compete with the incentive packages offered by other states and nations.

(7) RULEMAKING.—The *department* ~~Office~~ may adopt rules necessary to carry out the provisions of this section.

Section 153. Subsections (1), (2), (4), (5), (6), and (9) of section 288.1083, Florida Statutes, are amended to read:

288.1083 Manufacturing and Spaceport Investment Incentive Program.—

(1) The Manufacturing and Spaceport Investment Incentive Program is created within the *department* ~~office of Tourism, Trade, and Economic Development~~. The purpose of the program is to encourage capital investment and job creation in manufacturing and spaceport activities in this state.

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

(a) "Base year purchases" means the total cost of eligible equipment purchased and placed into service in this state by an eligible entity in its tax year that began in 2008.

~~(b) "Department" means the Department of Revenue.~~

(b)~~(c)~~ "Eligible entity" means an entity that manufactures, processes, compounds, or produces items for sale of tangible personal property or engages in spaceport activities. The term also includes an entity that engages in phosphate or other solid minerals severance, mining, or processing operations. The term does not include electric utility companies, communications companies, oil or gas exploration or production operations, publishing firms that do not export at least 50 percent of their finished product out of the state, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm that does not manufacture, process, compound, or produce for sale items of tangible personal property or that does not use such machinery and equipment in spaceport activities.

(c)~~(d)~~ "Eligible equipment" means tangible personal property or other property that has a depreciable life of 3 years or more and that is used as an integral part in the manufacturing, processing, compounding, or production of tangible personal property for sale or is exclusively used in spaceport activities, and that is located and placed into service in this state. A building and its structural components are not eligible equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment are replaced. Heating and air-conditioning systems are not eligible equipment unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serve, to an insubstantial degree, nonproduction activities. The term includes parts and accessories only to the extent that the exemption of such parts and accessories is consistent with ~~the provisions of~~ this paragraph.

(d)~~(e)~~ "Eligible equipment purchases" means the cost of eligible equipment purchased and placed into service in this state in a given state fiscal year by an eligible entity in excess of the entity's base year purchases.

~~(f) "Office" means The Office of Tourism, Trade, and Economic Development.~~

(e)~~(g)~~ "Refund" means a payment to an eligible entity for the amount of state sales and use tax actually paid on eligible equipment purchases.

(4) To receive a refund, a business entity must first apply to the *department* ~~office~~ for a tax refund allocation. The entity shall provide such information in the application as reasonably required by the *department* ~~office~~. Further, the business entity shall provide such information as is required by the *department* ~~office~~ to establish the cost incurred and actual sales and use tax paid to purchase eligible equipment located and placed into service in this state during its taxable year that began in 2008.

(a) Within 30 days after the *department* ~~office~~ receives an application for a refund, the *department* ~~office~~ shall approve or disapprove the application.

(b) Refund allocations made during the 2010-2011 fiscal year shall be awarded in the same order in which applications are received. Eligible entities may apply to the *department* ~~office~~ beginning July 1, 2010, for refunds attributable to eligible equipment purchases made during the 2010-2011 fiscal year. For the 2010-2011 fiscal year, the *department* ~~office~~ shall allocate the maximum amount of $50,000 per entity until the entire $19 million available for refund in state fiscal year 2010-2011 has been allocated. If the total amount available for allocation during the 2010-2011 fiscal year is allocated, the *department* ~~office~~ shall continue taking applications. Each applicant shall be informed of its place in the queue and whether the applicant received an allocation of the eligible funds.

(c) Refund allocations made during the 2011-2012 fiscal year shall first be given to any applicants remaining in the queue from the prior fiscal year. The *department* ~~office~~ shall allocate the maximum amount of $50,000 per entity, first to those applicants that remained in the queue from 2010-2011 for eligible purchases in 2010-2011, then to applicants for 2011-2012 in the order applications are received for eligible purchases in 2011-2012. The *department* ~~office~~ shall allocate the maximum amount of $50,000 per entity until the entire $24 million available to be allocated for refund in the 2011-2012 fiscal year is allocated. If the total amount available for refund in 2011-2012 has been allocated, the *department* ~~office~~ shall continue to accept applications from eligible entities in the 2011-2012 fiscal year for refunds attributable to eligible equipment purchases made during the 2011-2012 fiscal year. Refund allocations made during the 2011-2012 fiscal year shall be awarded in the same order in which applications are received. Upon submitting an application, each applicant shall be informed of its place in the queue and whether the applicant has received an allocation of the eligible funds.

(5) Upon completion of eligible equipment purchases, a business entity that received a refund allocation from the *department* ~~office~~ must apply to the *department* ~~office~~ for certification of a refund. For eligible equipment purchases made during the 2010-2011 fiscal year, the application for certification must be made no later than September 1, 2011. For eligible equipment purchases made during the 2011-2012 fiscal year, the application for certification must be made no later than September 1, 2012. The application shall provide such documentation as is reasonably required by the *department* ~~office~~ to calculate the refund amount, including documentation necessary to confirm the cost of eligible equipment purchases supporting the claim of the sales and use tax paid thereon. Further, the business entity shall provide such documentation as required by the *department* ~~office~~ to establish the entity's base year purchases. If, upon reviewing the application, the *department* ~~office~~ determines that eligible equipment purchases did not occur, that the amount of tax claimed to have been paid or remitted on the eligible equipment purchases is not supported by the documentation provided, or that the information provided to the *department* ~~office~~ was otherwise inaccurate, the amount of the refund allocation not substantiated shall not be certified. Otherwise, the *department* ~~office~~ shall determine and certify the amount of the refund to the eligible entity and to the department within 30 days after the *department* ~~office~~ receives the application for certification.

(6) Upon certification of a refund for an eligible entity, the entity shall apply to the Department *of Revenue* within 30 days for payment of the certified amount as a refund on a form prescribed by the Department *of Revenue*. The Department *of Revenue* may request documentation in support of the application and adopt emergency rules to administer the refund application process.

(9) The *department* ~~office~~ shall adopt emergency rules governing applications for, issuance of, and procedures for allocation and certification and may establish guidelines as to the requisites for demonstrating base year purchases and eligible equipment purchases.

Section 154. Subsections (2) and (3) of section 288.1088, Florida Statutes, are amended to read:

288.1088 Quick Action Closing Fund.—

(2) There is created within the *department* ~~Office of Tourism, Trade, and Economic Development~~ the Quick Action Closing Fund. Projects eligible for receipt of funds from the Quick Action Closing Fund shall:

(a) Be in an industry as referenced in s. 288.106.

(b) Have a positive *economic benefit* ~~payback~~ ratio of at least 5 to 1.

(c) Be an inducement to the project's location or expansion in the state.

(d) Pay an average annual wage of at least 125 percent of the areawide or statewide private sector average wage.

(e) Be supported by the local community in which the project is to be located.

(3)(a) *The department and* Enterprise Florida, Inc., shall *jointly* review applications pursuant to s. 288.061 and determine the eligibility of each project consistent with the criteria in subsection (2). *Waiver of* ~~Enterprise Florida, Inc., in consultation with the Office of Tourism,~~

~~Trade, and Economic Development, may waive~~ these criteria *may be considered under the following criteria*:

1. Based on extraordinary circumstances;

2. In order to mitigate the impact of the conclusion of the space shuttle program; or

3. In rural areas of critical economic concern if the project would significantly benefit the local or regional economy.

(b) *The department* ~~Enterprise Florida, Inc.,~~ shall evaluate individual proposals for high-impact business facilities ~~and forward recommendations regarding the use of moneys in the fund for such facilities to the director of the Office of Tourism, Trade, and Economic Development~~. Such evaluation ~~and recommendation~~ must include, but need not be limited to:

1. A description of the type of facility or infrastructure, its operations, and the associated product or service associated with the facility.

2. The number of full-time-equivalent jobs that will be created by the facility and the total estimated average annual wages of those jobs or, in the case of privately developed rural infrastructure, the types of business activities and jobs stimulated by the investment.

3. The cumulative amount of investment to be dedicated to the facility within a specified period.

4. A statement of any special impacts the facility is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

5. A statement of the role the incentive is expected to play in the decision of the applicant business to locate or expand in this state or for the private investor to provide critical rural infrastructure.

6. A report evaluating the quality and value of the company submitting a proposal. The report must include:

a. A financial analysis of the company, including an evaluation of the company's short-term liquidity ratio as measured by its assets to liability, the company's profitability ratio, and the company's long-term solvency as measured by its debt-to-equity ratio;

b. The historical market performance of the company;

c. A review of any independent evaluations of the company;

d. A review of the latest audit of the company's financial statement and the related auditor's management letter; and

e. A review of any other types of audits that are related to the internal and management controls of the company.

(c)*1.* Within *7 business* ~~22 calendar~~ days after *evaluating a project, the department* ~~receiving the evaluation and recommendation from Enterprise Florida, Inc., the director of the Office of Tourism, Trade, and Economic Development~~ shall recommend to the Governor approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund. In recommending a project, the *department* ~~director~~ shall include proposed performance conditions that the project must meet to obtain incentive funds.

2. The Governor may approve projects without consulting the Legislature for projects requiring less than $2 million in funding.

3. For projects requiring funding in the amount of $2 million to $5 million, the Governor shall provide *a written* ~~the~~ *description and* evaluation of *a project* ~~projects~~ recommended for approval to the *chair and vice chair of the Legislative Budget Commission at least 10 days prior to* ~~President of the Senate and the Speaker of the House of Representatives and consult with the President of the Senate and the Speaker of the House of Representatives before~~ giving final approval for a project. ~~At least 14 days before releasing funds for a project, the Executive Office of the Governor shall recommend approval of the project and the release of funds by delivering notice of such action pursuant to the legislative consultation and review requirements set forth in s. 216.177.~~ The recommendation must include proposed performance conditions that the project must meet in order to obtain funds.

4. If the chair or vice chair of the Legislative Budget Commission or the President of the Senate or the Speaker of the House of Representatives timely advises the Executive Office of the Governor, in writing, that such action or proposed action exceeds the delegated authority of the Executive Office of the Governor or is contrary to legislative policy or intent, the Executive Office of the Governor shall void the release of funds and instruct the *department* ~~Office of Tourism, Trade, and Economic Development~~ to immediately change such action or proposed action until the Legislative Budget Commission or the Legislature addresses the issue. Notwithstanding such requirement, any project exceeding *$5 million* ~~$2,000,000~~ must be approved by the Legislative Budget Commission prior to the funds being released.

(d) Upon the approval of the Governor, the *department* ~~director of the Office of Tourism, Trade, and Economic Development~~ and the business shall enter into a contract that sets forth the conditions for payment of moneys from the fund. The contract must include the total amount of funds awarded; the performance conditions that must be met to obtain the award, including, but not limited to, net new employment in the state, average salary, and total capital investment; demonstrate a baseline of current service and a measure of enhanced capability; the methodology for validating performance; the schedule of payments from the fund; and sanctions for failure to meet performance conditions. The contract must provide that payment of moneys from the fund is contingent upon sufficient appropriation of funds by the Legislature.

(e) Enterprise Florida, Inc., shall validate contractor performance. Such validation shall be reported within 6 months after completion of the contract to the Governor, President of the Senate, and the Speaker of the House of Representatives.

Section 155. Subsection (1), paragraphs (b), (d), (e), (f), and (o) of subsection (2), and subsections (3) through (9), (11), and (12) of section 288.1089, Florida Statutes, are amended, and present paragraphs (g) through (n) and (p) through (s) of subsection (2) are redesignated as paragraphs (e) through (o), respectively, to read:

288.1089 Innovation Incentive Program.—

(1) The Innovation Incentive Program is created within the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ to ensure that sufficient resources are available to allow the state to respond expeditiously to extraordinary economic opportunities and to compete effectively for high-value research and development, innovation business, and alternative and renewal energy projects.

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

(b) "Average private sector wage" means the statewide average wage in the private sector or the average of all private sector wages in the county or in the standard metropolitan area in which the project is located as determined by the *department* ~~Agency for Workforce Innovation~~.

~~(d) "Commission" means the Florida Energy and Climate Commission.~~

~~(f) "Director" means the director of the Office of Tourism, Trade, and Economic Development.~~

~~(o) "Office" means the Office of Tourism, Trade, and Economic Development.~~

(3) To be eligible for consideration for an innovation incentive award, an innovation business, a research and development entity, or an alternative and renewable energy company must submit a written application to *the department* ~~Enterprise Florida, Inc.,~~ before making a decision to locate new operations in this state or expand an existing operation in this state. The application must include, but not be limited to:

(a) The applicant's federal employer identification number, unemployment account number, and state sales tax registration number. If such numbers are not available at the time of application, they must be submitted to the *department* ~~office~~ in writing *before* ~~prior to~~ the disbursement of any payments under this section.

(b) The location in this state at which the project is located or is to be located.

(c) A description of the type of business activity, product, or research and development undertaken by the applicant, including six-digit North American Industry Classification System codes for all activities included in the project.

(d) The applicant's projected investment in the project.

(e) The total investment, from all sources, in the project.

(f) The number of net new full-time equivalent jobs in this state the applicant anticipates having created as of December 31 of each year in the project and the average annual wage of such jobs.

(g) The total number of full-time equivalent employees currently employed by the applicant in this state, if applicable.

(h) The anticipated commencement date of the project.

(i) A detailed explanation of why the innovation incentive is needed to induce the applicant to expand or locate in the state and whether an award would cause the applicant to locate or expand in this state.

(j) If applicable, an estimate of the proportion of the revenues resulting from the project that will be generated outside this state.

(4) To qualify for review by the *department* ~~office~~, the applicant must, at a minimum, establish the following to the satisfaction of *the department* ~~Enterprise Florida, Inc., and the office~~:

(a) The jobs created by the project must pay an estimated annual average wage equaling at least 130 percent of the average private sector wage. The *department* ~~office~~ may waive this average wage requirement at the request of Enterprise Florida, Inc., for a project located in a rural area, a brownfield area, or an enterprise zone, when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. A recommendation for waiver by Enterprise Florida, Inc., must include a specific justification for the waiver and be transmitted to the *department* ~~office~~ in writing. If the *department* ~~director~~ elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.

(b) A research and development project must:

1. Serve as a catalyst for an emerging or evolving technology cluster.

2. Demonstrate a plan for significant higher education collaboration.

3. Provide the state, at a minimum, a break-even return on investment within a 20-year period.

4. Be provided with a one-to-one match from the local community. The match requirement may be reduced or waived in rural areas of critical economic concern or reduced in rural areas, brownfield areas, and enterprise zones.

(c) An innovation business project in this state, other than a research and development project, must:

1.a. Result in the creation of at least 1,000 direct, new jobs at the business; or

b. Result in the creation of at least 500 direct, new jobs if the project is located in a rural area, a brownfield area, or an enterprise zone.

2. Have an activity or product that is within an industry that is designated as a target industry business under s. 288.106 or a designated sector under s. 288.108.

3.a. Have a cumulative investment of at least $500 million within a 5-year period; or

b. Have a cumulative investment that exceeds $250 million within a 10-year period if the project is located in a rural area, brownfield area, or an enterprise zone.

4. Be provided with a one-to-one match from the local community. The match requirement may be reduced or waived in rural areas of critical economic concern or reduced in rural areas, brownfield areas, and enterprise zones.

(d) For an alternative and renewable energy project in this state, the project must:

1. Demonstrate a plan for significant collaboration with an institution of higher education;

2. Provide the state, at a minimum, a break-even return on investment within a 20-year period;

3. Include matching funds provided by the applicant or other available sources. The match requirement may be reduced or waived in rural areas of critical economic concern or reduced in rural areas, brownfield areas, and enterprise zones;

4. Be located in this state; and

5. Provide at least 35 direct, new jobs that pay an estimated annual average wage that equals at least 130 percent of the average private sector wage.

(5) *The department* ~~Enterprise Florida, Inc.,~~ shall *review* ~~evaluate~~ proposals *pursuant to s. 288.061* for all three categories of innovation incentive awards ~~and transmit recommendations for awards to the office~~. Before making *a recommendation to the executive director, the department* ~~its recommendations on alternative and renewable energy projects, Enterprise Florida, Inc.,~~ shall solicit comments and recommendations from the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~. For each project, the evaluation and recommendation to the *department* ~~office~~ must include, but need not be limited to:

(a) A description of the project, its required facilities, and the associated product, service, or research and development associated with the project.

(b) The percentage of match provided for the project.

(c) The number of full-time equivalent jobs that will be created by the project, the total estimated average annual wages of such jobs, and the types of business activities and jobs likely to be stimulated by the project.

(d) The cumulative investment to be dedicated to the project within 5 years and the total investment expected in the project if more than 5 years.

(e) The projected economic and fiscal impacts on the local and state economies relative to investment.

(f) A statement of any special impacts the project is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

(g) A statement of any anticipated or proposed relationships with state universities.

(h) A statement of the role the incentive is expected to play in the decision of the applicant to locate or expand in this state.

(i) A recommendation and explanation of the amount of the award needed to cause the applicant to expand or locate in this state.

(j) A discussion of the efforts and commitments made by the local community in which the project is to be located to induce the applicant's location or expansion, taking into consideration local resources and abilities.

(k) A recommendation for specific performance criteria the applicant would be expected to achieve in order to receive payments from the fund and penalties or sanctions for failure to meet or maintain performance conditions.

(l) Additional evaluative criteria for a research and development facility project, including:

1. A description of the extent to which the project has the potential to serve as catalyst for an emerging or evolving cluster.

2. A description of the extent to which the project has or could have a long-term collaborative research and development relationship with one or more universities or community colleges in this state.

3. A description of the existing or projected impact of the project on established clusters or targeted industry sectors.

4. A description of the project's contribution to the diversity and resiliency of the innovation economy of this state.

5. A description of the project's impact on special needs communities, including, but not limited to, rural areas, distressed urban areas, and enterprise zones.

(m) Additional evaluative criteria for alternative and renewable energy proposals, including:

1. The availability of matching funds or other in-kind contributions applied to the total project from an applicant. The *Department of Agriculture and Consumer Services* ~~commission~~ shall give greater preference to projects that provide such matching funds or other in-kind contributions.

2. The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

3. The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

4. The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

5. The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

6. The degree to which a project demonstrates efficient use of energy and material resources.

7. The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.

8. The ability to administer a complete project.

9. Project duration and timeline for expenditures.

10. The geographic area in which the project is to be conducted in relation to other projects.

11. The degree of public visibility and interaction.

(6) ~~In consultation with Enterprise Florida, Inc.,~~ The *department* ~~office~~ may negotiate the proposed amount of an award for any applicant meeting the requirements of this section. In negotiating such award, the *department* ~~office~~ shall consider the amount of the incentive needed to cause the applicant to locate or expand in this state in conjunction with other relevant applicant impact and cost information and analysis as described in this section. Particular emphasis shall be given to the potential for the project to stimulate additional private investment and high-quality employment opportunities in the area.

(7) Upon receipt of the evaluation and recommendation from ~~Enterprise Florida, Inc.,~~ the *department,* ~~director shall recommend to~~ the Governor *shall approve or deny* ~~the approval or disapproval of~~ an award. In recommending approval of an award, the *department* ~~director~~ shall include proposed performance conditions that the applicant must meet in order to obtain incentive funds and any other conditions that must be met before the receipt of any incentive funds. The Governor shall consult with the President of the Senate and the Speaker of the House of Representatives before giving approval for an award. Upon review and approval of an award by the Legislative Budget Commission, the Executive Office of the Governor shall release the funds.

(8)(a) After the conditions set forth in subsection (7) have been met, the *department* ~~director~~ shall issue a letter certifying the applicant as qualified for an award. The *department* ~~office~~ and the award recipient shall enter into an agreement that sets forth the conditions for payment of the incentive funds. The agreement must include, at a minimum:

1. The total amount of funds awarded.

2. The performance conditions that must be met in order to obtain the award or portions of the award, including, but not limited to, net new employment in the state, average wage, and total cumulative investment.

3. Demonstration of a baseline of current service and a measure of enhanced capability.

4. The methodology for validating performance.

5. The schedule of payments.

6. Sanctions for failure to meet performance conditions, including any clawback provisions.

(b) Additionally, agreements signed on or after July 1, 2009, must include the following provisions:

1. Notwithstanding subsection (4), a requirement that the jobs created by the recipient of the incentive funds pay an annual average wage at least equal to the relevant industry's annual average wage or at least 130 percent of the average private sector wage, whichever is greater.

2. A reinvestment requirement. Each recipient of an award shall reinvest up to 15 percent of net royalty revenues, including revenues from spin-off companies and the revenues from the sale of stock it receives from the licensing or transfer of inventions, methods, processes, and other patentable discoveries conceived or reduced to practice using its facilities in Florida or its Florida-based employees, in whole or in part, and to which the recipient of the grant becomes entitled during the 20 years following the effective date of its agreement with the *department* ~~office~~. Each recipient of an award also shall reinvest up to 15 percent of the gross revenues it receives from naming opportunities associated with any facility it builds in this state. Reinvestment payments shall commence no later than 6 months after the recipient of the grant has received the final disbursement under the contract and shall continue until the maximum reinvestment, as specified in the contract, has been paid. Reinvestment payments shall be remitted to the *department* ~~office~~ for deposit in the Biomedical Research Trust Fund for companies specializing in biomedicine or life sciences, or in the Economic Development Trust Fund for companies specializing in fields other than biomedicine or the life sciences. If these trust funds no longer exist at the time of the reinvestment, the state's share of reinvestment shall be deposited in their successor trust funds as determined by law. Each recipient of an award shall annually submit a schedule of the shares of stock held by it as payment of the royalty required by this paragraph and report on any trades or activity concerning such stock. Each recipient's reinvestment obligations survive the expiration or termination of its agreement with the state.

3. Requirements for the establishment of internship programs or other learning opportunities for educators and secondary, postsecondary, graduate, and doctoral students.

4. A requirement that the recipient submit quarterly reports and annual reports related to activities and performance to the *department* ~~office~~, according to standardized reporting periods.

5. A requirement for an annual accounting to the *department* ~~Office~~ of the expenditure of funds disbursed under this section.

6. A process for amending the agreement.

(9) *The department* ~~Enterprise Florida, Inc.,~~ shall *validate* ~~assist the Office in validating~~ the performance of an innovation business, a research and development facility, or an alternative and renewable energy business that has received an award. At the conclusion of the innovation incentive award agreement, or its earlier termination, *the department* ~~Enterprise Florida, Inc.,~~ shall, within 90 days, submit a report to the Governor, the President of the Senate, and the Speaker of the House of

Representatives detailing whether the recipient of the innovation incentive grant achieved its specified outcomes.

(11)(a) *The department* ~~Beginning January 5, 2010, and every year thereafter, the office~~ shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives*, as part of the annual report,* a report summarizing the activities and accomplishments of the recipients of grants from the Innovation Incentive Program during the previous 12 months and an evaluation ~~by the office~~ of whether the recipients are catalysts for additional direct and indirect economic development in Florida.

(b) Beginning March 1, 2010, and every third year thereafter, the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General's Office, shall release a report evaluating the Innovation Incentive Program's progress toward creating clusters of high-wage, high-skilled, complementary industries that serve as catalysts for economic growth specifically in the regions in which they are located, and generally for the state as a whole. Such report should include critical analyses of quarterly and annual reports, annual audits, and other documents prepared by the Innovation Incentive Program awardees; relevant economic development reports prepared by the *department* ~~office~~, Enterprise Florida, Inc., and local or regional economic development organizations; interviews with the parties involved; and any other relevant data. Such report should also include legislative recommendations, if necessary, on how to improve the Innovation Incentive Program so that the program reaches its anticipated potential as a catalyst for direct and indirect economic development in this state.

(12) The *department* ~~office~~ may seek the assistance of the Office of Program Policy Analysis and Government Accountability, the Legislature's Office of Economic and Demographic Research, and other entities for the purpose of developing performance measures or techniques to quantify the synergistic economic development impacts that awardees of grants are having within their communities.

Section 156. Paragraph (b) of subsection (4) of section 288.109, Florida Statutes, is amended to read:

288.109 One-Stop Permitting System.—

(4) The One-Stop Permitting System must initially provide access to the following state agencies, water management districts and counties, with other agencies and counties that agree to participate:

(b) The Department of *Economic Opportunity* ~~Community Affairs~~.

Section 157. Section 288.1095, Florida Statutes, is amended to read:

288.1095 Information concerning the One-Stop Permitting System.—The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall develop literature that explains the One-Stop Permitting System and identifies those counties that have been designated as Quick Permitting Counties. The literature must be updated at least once each year. To the maximum extent feasible, state agencies and Enterprise Florida, Inc., shall distribute such literature and inform the public of the One-Stop Permitting System and the Quick Permitting Counties. In addition, Enterprise Florida, Inc., shall provide this information to prospective, new, expanding, and relocating businesses seeking to conduct business in this state, municipalities, counties, economic-development organizations, and chambers of commerce.

Section 158. Subsections (1) and (2), paragraphs (d) and (e) of subsection (4), paragraph (a) of subsection (6), and subsection (8) of section 288.1162, Florida Statutes, are amended to read:

288.1162 Professional sports franchises; duties.—

(1) The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall serve as the state agency for screening applicants for state funding under s. 212.20 and for certifying an applicant as a facility for a new or retained professional sports franchise.

(2) The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall develop rules for the receipt and processing of applications for funding under s. 212.20.

(4) Before certifying an applicant as a facility for a new or retained professional sports franchise, the *department* ~~Office of Tourism, Trade, and Economic Development~~ must determine that:

(d) The applicant has projections, verified by the *department* ~~Office of Tourism, Trade, and Economic Development~~, which demonstrate that the new or retained professional sports franchise will attract a paid attendance of more than 300,000 annually.

(e) The applicant has an independent analysis or study, verified by the *department* ~~Office of Tourism, Trade, and Economic Development~~, which demonstrates that the amount of the revenues generated by the taxes imposed under chapter 212 with respect to the use and operation of the professional sports franchise facility will equal or exceed $2 million annually.

(6)(a) The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall notify the Department of Revenue of any facility certified as a facility for a new or retained professional sports franchise. The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall certify no more than eight facilities as facilities for a new professional sports franchise or as facilities for a retained professional sports franchise, including in the total any facilities certified by the former Department of Commerce before July 1, 1996. The *department* ~~office~~ may make no more than one certification for any facility.

(8) An applicant is not qualified for certification under this section if the franchise formed the basis for a previous certification, unless the previous certification was withdrawn by the facility or invalidated by the *department* ~~Office of Tourism, Trade, and Economic Development~~ or the former Department of Commerce before any funds were distributed under s. 212.20. This subsection does not disqualify an applicant if the previous certification occurred between May 23, 1993, and May 25, 1993; however, any funds to be distributed under s. 212.20 for the second certification shall be offset by the amount distributed to the previous certified facility. Distribution of funds for the second certification shall not be made until all amounts payable for the first certification are distributed.

Section 159. Paragraph (f) of subsection (1), and subsections (2), (4), (5), (6), (7), and (8) of section 288.11621, Florida Statutes, are amended to read:

288.11621 Spring training baseball franchises.—

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

~~(f) "Office" means The Office of Tourism, Trade, and Economic Development.~~

(2) CERTIFICATION PROCESS.—

(a) Before certifying an applicant to receive state funding for a facility for a spring training franchise, the *department* ~~Office~~ must verify that:

1. The applicant is responsible for the acquisition, construction, management, or operation of the facility for a spring training franchise or holds title to the property on which the facility for a spring training franchise is located.

2. The applicant has a certified copy of a signed agreement with a spring training franchise for the use of the facility for a term of at least 20 years. The agreement also must require the franchise to reimburse the state for state funds expended by an applicant under this section if the franchise relocates before the agreement expires. The agreement may be contingent on an award of funds under this section and other conditions precedent.

3. The applicant has made a financial commitment to provide 50 percent or more of the funds required by an agreement for the acquisition, construction, or renovation of the facility for a spring training franchise. The commitment may be contingent upon an award of funds under this section and other conditions precedent.

4. The applicant demonstrates that the facility for a spring training franchise will attract a paid attendance of at least 50,000 annually to the spring training games.

5. The facility for a spring training franchise is located in a county that levies a tourist development tax under s. 125.0104.

(b) The *department* ~~office~~ shall competitively evaluate applications for state funding of a facility for a spring training franchise. The total number of certifications may not exceed 10 at any time. The evaluation criteria must include, with priority given in descending order to, the following items:

1. The anticipated effect on the economy of the local community where the spring training facility is to be built, including projections on paid attendance, local and state tax collections generated by spring training games, and direct and indirect job creation resulting from the spring training activities. Priority shall be given to applicants who can demonstrate the largest projected economic impact.

2. The amount of the local matching funds committed to a facility relative to the amount of state funding sought, with priority given to applicants that commit the largest amount of local matching funds relative to the amount of state funding sought.

3. The potential for the facility to serve multiple uses.

4. The intended use of the funds by the applicant, with priority given to the funds being used to acquire a facility, construct a new facility, or renovate an existing facility.

5. The length of time that a spring training franchise has been under an agreement to conduct spring training activities within an applicant's geographic location or jurisdiction, with priority given to applicants having agreements with the same franchise for the longest period of time.

6. The length of time that an applicant's facility has been used by one or more spring training franchises, with priority given to applicants whose facilities have been in continuous use as facilities for spring training the longest.

7. The term remaining on a lease between an applicant and a spring training franchise for a facility, with priority given to applicants having the shortest lease terms remaining.

8. The length of time that a spring training franchise agrees to use an applicant's facility if an application is granted under this section, with priority given to applicants having agreements for the longest future use.

9. The net increase of total active recreation space owned by the applicant after an acquisition of land for the facility, with priority given to applicants having the largest percentage increase of total active recreation space that will be available for public use.

10. The location of the facility in a brownfield, an enterprise zone, a community redevelopment area, or other area of targeted development or revitalization included in an urban infill redevelopment plan, with priority given to applicants having facilities located in these areas.

(c) Each applicant certified on or after July 1, 2010, shall enter into an agreement with the *department* ~~office~~ that:

1. Specifies the amount of the state incentive funding to be distributed.

2. States the criteria that the certified applicant must meet in order to remain certified.

3. States that the certified applicant is subject to decertification if the certified applicant fails to comply with this section or the agreement.

4. States that the *department* ~~office~~ may recover state incentive funds if the certified applicant is decertified.

5. Specifies information that the certified applicant must report to the *department* ~~office~~.

6. Includes any provision deemed prudent by the *department* ~~office~~.

(4) ANNUAL REPORTS.—On or before September 1 of each year, a certified applicant shall submit to the *department* ~~office~~ a report that includes, but is not limited to:

(a) A copy of its most recent annual audit.

(b) A detailed report on all local and state funds expended to date on the project being financed under this section.

(c) A copy of the contract between the certified local governmental entity and the spring training team.

(d) A cost-benefit analysis of the team's impact on the community.

(e) Evidence that the certified applicant continues to meet the criteria in effect when the applicant was certified.

(5) DECERTIFICATION.—

(a) The *department* ~~office~~ shall decertify a certified applicant upon the request of the certified applicant.

(b) The *department* ~~office~~ shall decertify a certified applicant if the certified applicant does not:

1. Have a valid agreement with a spring training franchise; or

2. Satisfy its commitment to provide local matching funds to the facility.

However, decertification proceedings against a local government certified before July 1, 2010, shall be delayed until 12 months after the expiration of the local government's existing agreement with a spring training franchise, and without a new agreement being signed, if the certified local government can demonstrate to the *department* ~~office~~ that it is in active negotiations with a major league spring training franchise, other than the franchise that was the basis for the original certification.

(c) A certified applicant has 60 days after it receives a notice of intent to decertify from the *department* ~~office~~ to petition ~~the office's director~~ for review of the decertification. Within 45 days after receipt of the request for review, the *department* ~~director~~ must notify a certified applicant of the outcome of the review.

(d) The *department* ~~office~~ shall notify the Department of Revenue that a certified applicant is decertified within 10 days after the order of decertification becomes final. The Department of Revenue shall immediately stop the payment of any funds under this section that were not encumbered by the certified applicant under subparagraph (3)(a)2.

(e) The *department* ~~office~~ shall order a decertified applicant to repay all of the unencumbered state funds that the local government received under this section and any interest that accrued on those funds. The repayment must be made within 60 days after the decertification order becomes final. These funds shall be deposited into the General Revenue Fund.

(f) A local government as defined in s. 218.369 may not be decertified *by the department* if it has paid or pledged for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto, bonds issued for the acquisition, construction, reconstruction, or renovation of the facility for which the local government was certified, or for the reimbursement of such costs or the refinancing of bonds issued for the acquisition, construction, reconstruction, or renovation of the facility for which the local government was certified, or for the reimbursement of such costs or the refinancing of bonds issued for such purpose. This subsection does not preclude or restrict the ability of a certified local government to refinance, refund, or defease such bonds.

(6) ADDITIONAL CERTIFICATIONS.—If the *department* ~~office~~ decertifies a unit of local government, the *department* ~~office~~ may accept applications for an additional certification. A unit of local government may not be certified for more than one spring training franchise at any time.

(7) STRATEGIC PLANNING.—

(a) The *department* ~~office~~ shall request assistance from *Enterprise Florida, Inc.,* ~~the Florida Sports Foundation~~ and the Florida Grapefruit League Association to develop a comprehensive strategic plan to:

1. Finance spring training facilities.

2. Monitor and oversee the use of state funds awarded to applicants.

3. Identify the financial impact that spring training has on the state and ways in which to maintain or improve that impact.

4. Identify opportunities to develop public-private partnerships to engage in marketing activities and advertise spring training baseball.

5. Identify efforts made by other states to maintain or develop partnerships with baseball spring training teams.

6. Develop recommendations for the Legislature to sustain or improve this state's spring training tradition.

(b) The *department* ~~office~~ shall submit a copy of the strategic plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2010.

(8) RULEMAKING.—The *department* ~~office~~ shall adopt rules to implement the certification, decertification, and decertification review processes required by this section.

Section 160. Subsections (1), (2), and (4) of section 288.1168, Florida Statutes, are amended to read:

288.1168 Professional golf hall of fame facility.—

(1) The department ~~of Commerce~~ shall serve as the state agency for screening applicants for state funding pursuant to s. 212.20 and for certifying one applicant as the professional golf hall of fame facility in the state.

(2) *Before* ~~Prior to~~ certifying the professional golf hall of fame facility, the department ~~of Commerce~~ must determine that:

(a) The professional golf hall of fame facility is the only professional golf hall of fame in the United States recognized by the PGA Tour, Inc.

(b) The applicant is a unit of local government as defined in s. 218.369 or a private sector group that has contracted to construct or operate the professional golf hall of fame facility on land owned by a unit of local government.

(c) The municipality in which the professional golf hall of fame facility is located, or the county if the facility is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

(d) There are existing projections that the professional golf hall of fame facility will attract a paid attendance of more than 300,000 annually.

(e) There is an independent analysis or study, using methodology approved by the department, which demonstrates that the amount of the revenues generated by the taxes imposed under chapter 212 with respect to the use and operation of the professional golf hall of fame facility will equal or exceed $2 million annually.

(f) The applicant has submitted an agreement to provide $2 million annually in national and international media promotion of the professional golf hall of fame facility, Florida, and Florida tourism, through the PGA Tour, Inc., or its affiliates, at the then-current commercial rate, during the period of time that the facility receives funds pursuant to s. 212.20. The *department* ~~Office of Tourism, Trade, and Economic Development~~ and the PGA Tour, Inc., or its affiliates, must agree annually on a reasonable percentage of advertising specifically allocated for generic Florida advertising. The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall have final approval of all generic advertising. Failure on the part of the PGA Tour, Inc., or its affiliates to annually provide the advertising as provided in this paragraph or subsection (6) shall result in the termination of funding as provided in s. 212.20.

(g) Documentation exists that demonstrates that the applicant has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred or related to the improvement and development of the facility.

(h) The application is signed by an official senior executive of the applicant and is notarized according to Florida law providing for penalties for falsification.

(4) Upon determining that an applicant is or is not certifiable, the *department* ~~Secretary of Commerce~~ shall notify the applicant of his or her status by means of an official letter. If certifiable, the *department* ~~secretary~~ shall notify the executive director of the Department of Revenue and the applicant of such certification by means of an official letter granting certification. From the date of such certification, the applicant shall have 5 years to open the professional golf hall of fame facility to the public and notify the *department* ~~Office of Tourism, Trade, and Economic Development~~ of such opening. The Department of Revenue shall not begin distributing funds until 30 days following notice by the *department* ~~Office of Tourism, Trade, and Economic Development~~ that the professional golf hall of fame facility is open to the public.

Section 161. Subsections (1), (4), and (6) of section 288.1169, Florida Statutes, are amended to read:

288.1169 International Game Fish Association World Center facility.—

(1) The department ~~of Commerce~~ shall serve as the state agency approving applicants for funding pursuant to s. 212.20 and for certifying the applicant as the International Game Fish Association World Center facility. For purposes of this section, "facility" means the International Game Fish Association World Center, and "project" means the International Game Fish Association World Center and new colocated improvements by private sector concerns who have made cash or in-kind contributions to the facility of $1 million or more.

(4) Upon determining that an applicant is or is not certifiable, the department ~~of Commerce~~ shall notify the applicant of its status by means of an official letter. If certifiable, the department ~~of Commerce~~ shall notify the executive director of the Department of Revenue and the applicant of such certification by means of an official letter granting certification. From the date of such certification, the applicant shall have 5 years to open the facility to the public and notify the department ~~of Commerce~~ of such opening. The Department of Revenue shall not begin distributing funds until 30 days following notice by the department ~~of Commerce~~ that the facility is open to the public.

(6) The department ~~of Commerce~~ must recertify every 10 years that the facility is open, that the International Game Fish Association World Center continues to be the only international administrative headquarters, fishing museum, and Hall of Fame in the United States recognized by the International Game Fish Association, and that the project is meeting the minimum projections for attendance or sales tax revenues as required at the time of original certification. If the facility is not recertified during this 10-year review as meeting the minimum projections, then funding shall be abated until certification criteria are met. If the project fails to generate $1 million of annual revenues pursuant to paragraph (2)(e), the distribution of revenues pursuant to s. 212.20(6)(d)6.d. shall be reduced to an amount equal to $83,333 multiplied by a fraction, the numerator of which is the actual revenues generated and the denominator of which is $1 million. Such reduction remains in effect until revenues generated by the project in a 12-month period equal or exceed $1 million.

Section 162. Paragraph (d) of subsection (1), and subsections (2) and (3) of section 288.1171, Florida Statutes, are amended, and present paragraphs (e) through (g) of subsection (1) are redesignated as paragraphs (d) through (f), respectively, to read:

288.1171 Motorsports entertainment complex; definitions; certification; duties.—

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

~~(d) "Office" means The Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor.~~

(2) The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall serve as the state agency for screening applicants for local option funding under s. 218.64(3) and for certifying an applicant as a motorsports entertainment complex. The *department* ~~Office~~ shall develop and adopt rules for the receipt and processing of applications for funding under s. 218.64(3). The *department* ~~Office~~ shall make a determination regarding any application filed by an applicant not later than 120 days after the application is filed.

(3) Before certifying an applicant as a motorsports entertainment complex, the *department* ~~Office~~ must determine that:

(a) A unit of local government holds title to the land on which the motorsports entertainment complex is located or holds title to the motorsports entertainment complex.

(b) The municipality in which the motorsports entertainment complex is located, or the county if the motorsports entertainment complex is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

Section 163. Subsections (2), (4), (5), and (8) of section 288.1175, Florida Statutes, are amended to read:

288.1175 Agriculture education and promotion facility.—

(2) The Department *of Agriculture and Consumer Services* shall *adopt* ~~develop~~ rules pursuant to ss. 120.536(1) and 120.54 for the receipt and processing of applications for funding of projects pursuant to this section.

(4) The Department *of Agriculture and Consumer Services* shall certify a facility as an agriculture education and promotion facility if the Department *of Agriculture and Consumer Services* determines that:

(a) The applicant is a unit of local government as defined in s. 218.369, or a fair association as defined in s. 616.001(9), which is responsible for the planning, design, permitting, construction, renovation, management, and operation of the agriculture education and promotion facility or holds title to the property on which such facility is to be developed and located.

(b) The applicant has projections, verified by the Department *of Agriculture and Consumer Services*, which demonstrate that the agriculture education and promotion facility will serve more than 25,000 visitors annually.

(c) The municipality in which the facility is located, or the county if the facility is located in an unincorporated area, has certified by resolution after a public hearing that the proposed agriculture education and promotion facility serves a public purpose.

(d) The applicant has demonstrated that it has provided, is capable of providing, or has financial or other commitments to provide more than 40 percent of the costs incurred or related to the planning, design, permitting, construction, or renovation of the facility. The applicant may include the value of the land and any improvements thereon in determining its contribution to the development of the facility.

(5) The Department *of Agriculture and Consumer Services* shall competitively evaluate applications for funding of an agriculture education and promotion facility. If the number of applicants exceeds three, the Department *of Agriculture and Consumer Services* shall rank the applications based upon criteria developed by the Department *of Agriculture and Consumer Services*, with priority given in descending order to the following items:

(a) The intended use of the funds by the applicant, with priority given to the construction of a new facility.

(b) The amount of local match, with priority given to the largest percentage of local match proposed.

(c) The location of the facility in a brownfield site as defined in s. 376.79(3), a rural enterprise zone as defined in s. 290.004~~(6)~~, an agriculturally depressed area as defined in s. 570.242(1), ~~a redevelopment area established pursuant to s. 373.461(5)(g),~~ or a county that has lost its agricultural land to environmental restoration projects.

(d) The net increase, as a result of the facility, of total available exhibition, arena, or civic center space within the jurisdictional limits of the local government in which the facility is to be located, with priority given to the largest percentage increase of total exhibition, arena, or civic center space.

(e) The historic record of the applicant in promoting agriculture and educating the public about agriculture, including, without limitation, awards, premiums, scholarships, auctions, and other such activities.

(f) The highest projection on paid attendance attracted by the agriculture education and promotion facility and the proposed economic impact on the local community.

(g) The location of the facility with respect to an Institute of Food and Agricultural Sciences (IFAS) facility, with priority given to facilities closer in proximity to an IFAS facility.

(8) Applications must be submitted by October 1 of each year. The Department *of Agriculture and Consumer Services* may not recommend funding for less than the requested amount to any applicant certified as an agriculture education and promotion facility; however, funding of certified applicants shall be subject to the amount provided by the Legislature in the General Appropriations Act for this program.

Section 164. Section 288.122, Florida Statutes, is amended to read:

288.122 Tourism Promotional Trust Fund.—There is created within the *department* ~~Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor~~ the Tourism Promotional Trust Fund. Moneys deposited in the Tourism Promotional Trust Fund shall only be used to support the authorized activities and operations ~~of the Florida Commission on Tourism,~~ and *the* ~~to support~~ tourism promotion and marketing activities, services, functions, and programs administered by *Enterprise Florida, Inc.,* ~~the Florida Commission on Tourism~~ through a contract with the ~~commission's~~ direct-support organization created under s. 288.1226.

Section 165. Section 288.12265, Florida Statutes, is amended to read:

288.12265 Welcome centers.—

(1) Responsibility for the welcome centers is assigned to *Enterprise Florida, Inc.,* ~~the Florida Commission on Tourism~~ which shall contract with the *Florida Tourism Industry Marketing Corporation* ~~commission's direct-support organization~~ to employ all welcome center staff.

(2) *Enterprise Florida, Inc.,* ~~The Florida Commission on Tourism, through its direct-support organization,~~ shall administer and operate the welcome centers. Pursuant to a contract with the Department of Transportation, *Enterprise Florida, Inc.,* ~~the commission~~ shall be responsible for routine repair, replacement, or improvement and the day-to-day management of interior areas occupied by the welcome centers. All other repairs, replacements, or improvements to the welcome centers shall be the responsibility of the Department of Transportation.

Section 166. Section 288.124, Florida Statutes, is amended to read:

288.124 Convention grants program.—*Enterprise Florida, Inc.,* ~~The Commission on Tourism~~ is authorized to establish a convention grants program and, pursuant *to that program* ~~thereto~~, to recommend to the *department* ~~Office of Tourism, Trade, and Economic Development~~ expenditures and contracts with local governments and nonprofit corporations or organizations for the purpose of attracting national conferences and conventions to Florida. Preference shall be given to local governments and nonprofit corporations or organizations seeking to attract minority conventions to Florida. Minority conventions are events that primarily involve minority persons, as defined in s. 288.703, who are residents or nonresidents of the state. *Enterprise Florida, Inc.,* ~~The commission~~ shall establish guidelines governing the award of grants and the administration of this program. The *department* ~~Office of Tourism, Trade, and Economic Development~~ has final approval authority for any grants under this section. The total annual allocation of funds for this program shall not exceed $40,000.

Section 167. Subsection (1) of section 288.1251, Florida Statutes, is amended to read:

288.1251 Promotion and development of entertainment industry; Office of Film and Entertainment; creation; purpose; powers and duties.—

(1) CREATION.—

(a) There is hereby created within the *department* ~~Office of Tourism, Trade, and Economic Development~~ the Office of Film and Entertainment for the purpose of developing, marketing, promoting, and providing services to the state's entertainment industry.

(b) The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall conduct a national search for a qualified person to fill the position of Commissioner of Film and Entertainment when the position is vacant. The executive director of the *department* ~~Office of Tourism, Trade, and Economic Development~~ has the responsibility to hire the *film* commissioner. Qualifications for the *film* commissioner include, but are not limited to, the following:

1. A working knowledge of the equipment, personnel, financial, and day-to-day production operations of the industries to be served by the Office of Film and Entertainment;

2. Marketing and promotion experience related to the film and entertainment industries to be served;

3. Experience working with a variety of individuals representing large and small entertainment-related businesses, industry associations, local community entertainment industry liaisons, and labor organizations; and

4. Experience working with a variety of state and local governmental agencies.

Section 168. Subsections (1) and (2), and paragraphs (d), (f), (g), and (h) of subsection (5) of section 288.1252, Florida Statutes, are amended to read:

288.1252 Florida Film and Entertainment Advisory Council; creation; purpose; membership; powers and duties.—

(1) CREATION.—There is ~~hereby~~ created within the *department* ~~Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor~~, for administrative purposes only, the Florida Film and Entertainment Advisory Council.

(2) PURPOSE.—The purpose of the council *is* ~~shall be~~ to serve as an advisory body to the *department* ~~Office of Tourism, Trade, and Economic Development~~ and to the Office of Film and Entertainment to provide these offices with industry insight and expertise related to developing, marketing, promoting, and providing service to the state's entertainment industry.

(5) POWERS AND DUTIES.—The Florida Film and Entertainment Advisory Council shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the power to:

(d) Consider and study the needs of the entertainment industry for the purpose of advising the *film* commissioner and the *department* ~~Office of Tourism, Trade, and Economic Development~~.

(f) Consider all matters submitted to it by the *film* commissioner and the *department* ~~Office of Tourism, Trade, and Economic Development~~.

(g) Advise and consult with the *film* commissioner and the *department* ~~Office of Tourism, Trade, and Economic Development~~, at their request or upon its own initiative, regarding the promulgation, administration, and enforcement of all laws and rules relating to the entertainment industry.

(h) Suggest policies and practices for the conduct of business by the Office of Film and Entertainment or by the *department* ~~Office of Tourism, Trade, and Economic Development~~ that will improve internal operations affecting the entertainment industry and will enhance the economic development initiatives of the state for the industry.

Section 169. Subsections (1), (2), (3), and (4) of section 288.1253, Florida Statutes, are amended to read:

288.1253 Travel and entertainment expenses.—

(1) As used in this section, the term "travel expenses" means the actual, necessary, and reasonable costs of transportation, meals, lodging, and incidental expenses normally incurred by an employee of the Office of Film and Entertainment, which costs are defined and prescribed by rules adopted by the *department* ~~Office of Tourism, Trade, and Economic Development~~, subject to approval by the Chief Financial Officer.

(2) Notwithstanding the provisions of s. 112.061, the *department* ~~Office of Tourism, Trade, and Economic Development~~ shall adopt rules by which it may make expenditures by reimbursement to: the Governor, the Lieutenant Governor, security staff of the Governor or Lieutenant Governor, the Commissioner of Film and Entertainment, or staff of the Office of Film and Entertainment for travel expenses or entertainment expenses incurred by such individuals solely and exclusively in connection with the performance of the statutory duties of the Office of Film and Entertainment. The rules are subject to approval by the Chief Financial Officer before adoption. The rules shall require the submission of paid receipts, or other proof of expenditure prescribed by the Chief Financial Officer, with any claim for reimbursement.

(3) The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall prepare an annual report of the expenditures of the Office of Film and Entertainment and provide such report to the Legislature no later than December 30 of each year for the expenditures of the previous fiscal year. The report shall consist of a summary of all travel, entertainment, and incidental expenses incurred within the United States and all travel, entertainment, and incidental expenses incurred outside the United States, as well as a summary of all successful projects that developed from such travel.

(4) The Office of Film and Entertainment and its employees and representatives, when authorized, may accept and use complimentary travel, accommodations, meeting space, meals, equipment, transportation, and any other goods or services necessary for or beneficial to the performance of the office's duties and purposes, so long as such acceptance or use is not in conflict with part III of chapter 112. The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall, by rule, develop internal controls to ensure that such goods or services accepted or used pursuant to this subsection are limited to those that will assist solely and exclusively in the furtherance of the office's goals and are in compliance with part III of chapter 112.

Section 170. Paragraph (a) of subsection (1), paragraphs (d) and (f) of subsection (3), paragraphs (c) and (d) of subsection (4), paragraph (a) of subsection (5), and paragraph (b) of subsection (9) of section 288.1254, Florida Statutes, are amended to read:

288.1254 Entertainment industry financial incentive program.—

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

(a) "Certified production" means a qualified production that has tax credits allocated to it by the *department* ~~Office of Tourism, Trade, and Economic Development~~ based on the production's estimated qualified expenditures, up to the production's maximum certified amount of tax credits, by the *department* ~~Office of Tourism, Trade, and Economic Development~~. The term does not include a production if its first day of principal photography or project start date in this state occurs before the production is certified by the *department* ~~Office of Tourism, Trade, and Economic Development~~, unless the production spans more than 1 fiscal year, was a certified production on its first day of principal photography or project start date in this state, and submits an application for continuing the same production for the subsequent fiscal year.

(3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

(d) *Certification.*—The Office of Film and Entertainment shall review the application within 15 business days after receipt. Upon its determination that the application contains all the information required by this subsection and meets the criteria set out in this section, the Office of Film and Entertainment shall qualify the applicant and recommend to the *department* ~~Office of Tourism, Trade, and Economic Development~~ that the applicant be certified for the maximum tax credit award amount. Within 5 business days after receipt of the recommendation, the *department* ~~Office of Tourism, Trade, and Economic Development~~ shall reject the recommendation or certify the maximum

recommended tax credit award, if any, to the applicant and to the executive director of the Department of Revenue.

(f) *Verification of actual qualified expenditures.*—

1. The Office of Film and Entertainment shall develop a process to verify the actual qualified expenditures of a certified production. The process must require:

a. A certified production to submit, in a timely manner after production ends in this state and after making all of its qualified expenditures in this state, data substantiating each qualified expenditure, including documentation on the net expenditure on equipment and other tangible personal property by the qualified production, to an independent certified public accountant licensed in this state;

b. Such accountant to conduct a compliance audit, at the certified production's expense, to substantiate each qualified expenditure and submit the results as a report, along with the required substantiating data, to the Office of Film and Entertainment; and

c. The Office of Film and Entertainment to review the accountant's submittal and report to the *department* ~~Office of Tourism, Trade, and Economic Development~~ the final verified amount of actual qualified expenditures made by the certified production.

2. The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall determine and approve the final tax credit award amount to each certified applicant based on the final verified amount of actual qualified expenditures and shall notify the executive director of the Department of Revenue in writing that the certified production has met the requirements of the incentive program and of the final amount of the tax credit award. The final tax credit award amount may not exceed the maximum tax credit award amount certified under paragraph (d).

(4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES; ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS; PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND ACQUISITIONS.—

(c) *Withdrawal of tax credit eligibility.*—A qualified or certified production must continue on a reasonable schedule, which includes beginning principal photography or the production project in this state no more than 45 calendar days before or after the principal photography or project start date provided in the production's program application. The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall withdraw the eligibility of a qualified or certified production that does not continue on a reasonable schedule.

(d) *Election and distribution of tax credits.*—

1. A certified production company receiving a tax credit award under this section shall, at the time the credit is awarded by the *department* ~~Office of Tourism, Trade, and Economic Development~~ after production is completed and all requirements to receive a credit award have been met, make an irrevocable election to apply the credit against taxes due under chapter 220, against state taxes collected or accrued under chapter 212, or against a stated combination of the two taxes. The election is binding upon any distributee, successor, transferee, or purchaser. The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall notify the Department of Revenue of any election made pursuant to this paragraph.

2. A qualified production company is eligible for tax credits against its sales and use tax liabilities and corporate income tax liabilities as provided in this section. However, tax credits awarded under this section may not be claimed against sales and use tax liabilities or corporate income tax liabilities for any tax period beginning before July 1, 2011, regardless of when the credits are applied for or awarded.

(5) TRANSFER OF TAX CREDITS.—

(a) *Authorization.*—Upon application to the Office of Film and Entertainment and approval by the *department* ~~Office of Tourism, Trade, and Economic Development~~, a certified production company, or a partner or member that has received a distribution under paragraph (4)(g), may elect to transfer, in whole or in part, any unused credit amount granted under this section. An election to transfer any unused tax credit amount under chapter 212 or chapter 220 must be made no later than 5 years after the date the credit is awarded, after which period the credit expires and may not be used. The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall notify the Department of Revenue of the election and transfer.

(9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX CREDITS; FRAUDULENT CLAIMS.—

(b) *Revocation of tax credits.*—The *department* ~~Office of Tourism, Trade, and Economic Development~~ may revoke or modify any written decision qualifying, certifying, or otherwise granting eligibility for tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive tax credits under this section. The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the applicant must notify the Department of Revenue of any change in its tax credit claimed.

Section 171. Section 288.7015, Florida Statutes, is amended to read:

288.7015 Appointment of rules ombudsman; duties.—The Governor shall appoint a rules ombudsman, as defined in s. 288.703, in the Executive Office of the Governor, for considering the impact of agency rules on the state's citizens and businesses. In carrying out duties as provided by law, the ombudsman shall consult with Enterprise Florida, Inc., at which point the *department* ~~office~~ may recommend to improve the regulatory environment of this state. The duties of the rules ombudsman are to:

(1) Carry out the responsibility provided in s. 120.54(2), with respect to small businesses.

(2) Review state agency rules that adversely or disproportionately impact businesses, particularly those relating to small and minority businesses.

(3) Make recommendations on any existing or proposed rules to alleviate unnecessary or disproportionate adverse effects to businesses.

(4) Each state agency shall cooperate fully with the rules ombudsman in identifying such rules. Further, each agency shall take the necessary steps to waive, modify, or otherwise minimize such adverse effects of any such rules. However, nothing in this section authorizes any state agency to waive, modify, provide exceptions to, or otherwise alter any rule that is:

(a) Expressly required to implement or enforce any statutory provision or the express legislative intent thereof;

(b) Designed to protect persons against discrimination on the basis of race, color, national origin, religion, sex, age, handicap, or marital status; or

(c) Likely to prevent a significant risk or danger to the public health, the public safety, or the environment of the state.

(5) The modification or waiver of any such rule pursuant to this section must be accomplished in accordance with the provisions of chapter 120.

Section 172. Section 288.703, Florida Statutes, is amended to read:

288.703 Definitions.—As used in *ss. 288.702-288.706, the term* ~~this act, the following words and terms shall have the following meanings unless the content shall indicate another meaning or intent~~:

(6)~~(1)~~ "Small business" means an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than $5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As applicable to sole proprietorships, the $5 million net worth requirement shall include both personal and business investments.

(3)~~(2)~~ "Minority business enterprise" means any small business concern as defined in subsection *(6)*~~(1)~~ which is organized to engage in commercial transactions, which is domiciled in Florida, and which is at

least 51-percent-owned by minority persons who are members of an insular group that is of a particular racial, ethnic, or gender makeup or national origin, which has been subjected historically to disparate treatment due to identification in and with that group resulting in an underrepresentation of commercial enterprises under the group's control, and whose management and daily operations are controlled by such persons. A minority business enterprise may primarily involve the practice of a profession. Ownership by a minority person does not include ownership which is the result of a transfer from a nonminority person to a minority person within a related immediate family group if the combined total net asset value of all members of such family group exceeds $1 million. For purposes of this subsection, the term "related immediate family group" means one or more children under 16 years of age and a parent of such children or the spouse of such parent residing in the same house or living unit.

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

(a) An African American, a person having origins in any of the black racial groups of the African Diaspora, regardless of cultural origin.

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

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

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

(e) An American woman.

(1)~~(4)~~ "Certified minority business enterprise" means a business which has been certified by the certifying organization or jurisdiction in accordance with s. 287.0943(1) and (2).

~~(5) "Department" means the Department of Management Services.~~

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

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

~~(8) "Secretary" means the secretary of the Department of Management Services.~~

Section 173. Section 288.705, Florida Statutes, is amended to read:

288.705 Statewide contracts register.—All state agencies shall in a timely manner provide the Florida Small Business Development Center Procurement System with all formal solicitations for contractual services, supplies, and commodities. The Small Business Development Center shall coordinate with Minority Business Development Centers to compile and distribute this information to small and minority businesses requesting such service for the period of time necessary to familiarize the business with the market represented by state agencies. On or before February 1 of each year, the Small Business Development Center shall report to the *department* ~~Agency for Workforce Innovation~~ on the use of the statewide contracts register. The report shall include, but not be limited to, information relating to:

(1) The total number of solicitations received from state agencies during the calendar year.

(2) The number of solicitations received from each state agency during the calendar year.

(3) The method of distributing solicitation information to businesses requesting such service.

(4) The total number of businesses using the service.

(5) The percentage of businesses using the service which are owned and controlled by minorities.

(6) The percentage of service-disabled veteran business enterprises using the service.

Section 174. Subsection (12) of section 288.706, Florida Statutes, is amended to read:

288.706 Florida Minority Business Loan Mobilization Program.—

(12) The Department of Management Services shall collaborate with *Enterprise Florida, Inc.,* ~~the Florida Black Business Investment Board, Inc.,~~ and the *department* ~~Office of Tourism, Trade, and Economic Development~~ to assist in the development and enhancement of black business enterprises.

Section 175. Subsection (2) of section 288.7094, Florida Statutes, is amended to read:

288.7094 Black business investment corporations.—

(2) A black business investment corporation that meets the requirements of s. 288.7102(4) is eligible to participate in the Black Business Loan Program and shall receive priority consideration by the *department* ~~Office of Tourism, Trade, and Economic Development~~ for participation in the program.

Section 176. Section 288.7102, Florida Statutes, is amended to read:

288.7102 Black Business Loan Program.—

(1) The Black Business Loan Program is established in the *department, which* ~~Office of Tourism, Trade, and Economic Development. Under the program, the office~~ shall annually certify eligible recipients and subsequently disburse funds appropriated by the Legislature, through such eligible recipients, to black business enterprises that cannot obtain capital through conventional lending institutions but that could otherwise compete successfully in the private sector.

(2) The *department* ~~office~~ shall establish an application and annual certification process for entities seeking funds to participate in providing loans, loan guarantees, or investments in black business enterprises pursuant to the Florida Black Business Investment Act. The *department* ~~office~~ shall process all applications and recertifications submitted by June 1 on or before July 31.

(3) If the Black Business Loan Program is appropriated any funding in a fiscal year, the *department* ~~Office~~ shall distribute an equal amount of the appropriation, calculated as the total annual appropriation divided by the total number of program recipients certified on or before July 31 of that fiscal year.

(4) To be eligible to receive funds and provide loans, loan guarantees, or investments under this section, a recipient must:

(a) Be a corporation registered in the state.

(b) For an existing recipient, annually submit to the *department* ~~office~~ a financial audit performed by an independent certified public account for the most recently completed fiscal year, which audit does not reveal any material weaknesses or instances of material noncompliance.

(c) For a new recipient:

1. Demonstrate that its board of directors includes citizens of the state experienced in the development of black business enterprises.

2. Demonstrate that the recipient has a business plan that allows the recipient to operate in a manner consistent with *this section* ~~ss. 288.707-288.714~~ and the rules of the *department* ~~office~~.

3. Demonstrate that the recipient has the technical skills to analyze and evaluate applications by black business enterprises for loans, loan guarantees, or investments.

4. Demonstrate that the recipient has established viable partnerships with public and private funding sources, economic development agencies, and workforce development and job referral networks.

5. Demonstrate that the recipient can provide a private match equal to 20 percent of the amount of funds provided by the *department* ~~office~~.

(d) For an existing or new recipient, agree to maintain the recipient's books and records relating to funds received by the *department* ~~office~~ according to generally accepted accounting principles and in accordance with the requirements of s. 215.97(7) and to make those books and records available to the *department* ~~office~~ for inspection upon reasonable notice.

(5) Each eligible recipient must meet the *requirements of this section* ~~provisions of ss. 288.707-288.714,~~ the terms of the contract between the recipient and the *department* ~~Office~~, and any other applicable state or federal laws. An entity may not receive funds ~~under ss. 288.707-288.714~~ unless the entity meets annual certification requirements.

(6) Upon approval by the *department* ~~Office~~ and before release of the funds as provided in this section, the *department* ~~Office~~ shall issue a letter certifying the applicant as qualified for an award. The *department* ~~Office~~ and the applicant shall enter into an agreement that sets forth the conditions for award of the funds. The agreement must include the total amount of funds awarded; the performance conditions that must be met once the funding has been awarded, including, but not limited to, compliance with all of the requirements of this section for eligible recipients of funds under this section; and sanctions for failure to meet performance conditions, including any provisions to recover awards.

(7) The *department* ~~Office~~, in consultation with the board, shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

(8) A black business investment corporation certified by the *department* ~~Office~~ as an eligible recipient under this section is authorized to use funds appropriated for the Black Business Loan Program in any of the following forms:

(a) Purchases of stock, preferred or common, voting or nonvoting; however, no more than 40 percent of the funds may be used for direct investments in black business enterprises;

(b) Loans or loan guarantees, with or without recourse, in either a subordinated or priority position; or

(c) Technical support to black business enterprises, not to exceed 9 percent of the funds received, and direct administrative costs, not to exceed 12 percent of the funds received.

(9) It is the intent of the Legislature that if any one type of investment mechanism authorized in subsection (8) is held to be invalid, all other valid mechanisms remain available.

(10) All loans, loan guarantees, and investments, and any income related thereto, shall be used to carry out the public purpose ~~of ss. 288.707-288.714, which is~~ to develop black business enterprises. This subsection does not preclude a reasonable profit for the participating black business investment corporation or for return of equity developed to the state and participating financial institutions upon any distribution of the assets or excess income of the investment corporation.

Section 177. Section 288.714, Florida Statutes, is amended to read:

288.714 Quarterly and annual reports.—

(1) Each recipient of state funds under s. 288.7102 shall provide to the *department* ~~Office~~ a quarterly report within 15 days after the end of each calendar quarter that includes a detailed summary of the recipient's performance of the duties imposed by s. 288.7102, including, but not limited to:

(a) The dollar amount of all loans or loan guarantees made to black business enterprises, the percentages of the loans guaranteed, and the names and identification of the types of businesses served.

(b) Loan performance information.

(c) The amount and nature of all other financial assistance provided to black business enterprises.

(d) The amount and nature of technical assistance provided to black business enterprises, including technical assistance services provided in areas in which such services are otherwise unavailable.

(e) A balance sheet for the recipient, including an explanation of all investments and administrative and operational expenses.

(f) A summary of all services provided to nonblack business enterprises, including the dollar value and nature of such services and the names and identification of the types of businesses served.

(g) Any other information as required by policies adopted by the *department* ~~Office~~.

(2) The *department* ~~Office~~ must compile a summary of all quarterly reports and provide a copy of the summary to the board within 30 days after the end of each calendar quarter that includes a detailed summary of the recipient's performance of the duties imposed by s. 288.7102.

(3) By August 31 of each year, the *department* ~~Office~~ shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed report of the performance of the Black Business Loan Program. The report must include a cumulative summary of quarterly report data required by subsection (1).

~~(4) By August 31 of each year, the board shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed report of the board's performance, including:~~

~~(a) A description of the strategies implemented by the board to increase private investment in black business enterprises.~~

~~(b) A summary of the board's performance of its duties under ss. 288.707-288.712.~~

~~(c) The most recent 5-year projection of the need for capital by black business enterprises.~~

~~(d) Recommendations for legislative or other changes to enhance the development and expansion of black business enterprises in the state.~~

~~(e) A projection of the program's activities during the next 12 months.~~

Section 178. Subsection (1) of section 288.773, Florida Statutes, is amended to read:

288.773 Florida Export Finance Corporation.—The Florida Export Finance Corporation is hereby created as a corporation not for profit, to be incorporated under the provisions of chapter 617 and approved by the Department of State. The corporation is organized on a nonstock basis. The purpose of the corporation is to expand employment and income opportunities for residents of this state through increased exports of goods and services, by providing businesses domiciled in this state information and technical assistance on export opportunities, exporting techniques, and financial assistance through guarantees and direct loan originations for sale in support of export transactions. The corporation shall have the power and authority to carry out the following functions:

(1) To coordinate the efforts of the corporation with programs and goals of the United States Export-Import Bank, the International Trade Administration of the United States Department of Commerce, the Foreign Credit Insurance Association, Enterprise Florida, Inc., ~~and its boards,~~ and other private and public programs and organizations, domestic and foreign, designed to provide export assistance and export-related financing.

Section 179. Paragraph (b) of subsection (3) of section 288.774, Florida Statutes, is amended to read:

288.774 Powers and limitations.—

(3)

(b) In providing assistance, the board shall be guided by the statewide economic development plan adopted *by the department* ~~pursuant to s. 288.905~~.

Section 180. Paragraph (a) of subsection (1) and paragraph (g) of subsection (3) of section 288.776, Florida Statutes, are amended to read:

288.776 Board of directors; powers and duties.—

(1)(a) The corporation shall have a board of directors consisting of 15 members representing all geographic areas of the state. Minority and gender representation must be considered when making appointments to the board. The board membership must include:

1. A representative of the following businesses, all of which must be registered to do business in this state: a foreign bank, a state bank, a federal bank, an insurance company involved in covering trade financing risks, and a small or medium-sized exporter.

2. The following persons or their designee: the President of Enterprise Florida, Inc., the Chief Financial Officer, the Secretary of State, *and* a senior official of the United States Department of Commerce~~, and the chair of the Florida Black Business Investment Board~~.

(3) The board shall:

(g) Consult with Enterprise Florida, Inc., ~~and its boards,~~ or any state or federal agency, to ensure that the respective loan guarantee or working capital loan origination programs are not duplicative and that each program makes full use of, to the extent practicable, the resources of the other.

Section 181. Section 288.7771, Florida Statutes, is amended to read:

288.7771 Annual report of Florida Export Finance Corporation.—The corporation shall annually prepare and submit to *the department* ~~Enterprise Florida, Inc.,~~ for inclusion in its annual report required by s. 288.095 a complete and detailed report setting forth:

(1) The report required in s. 288.776(3).

(2) Its assets and liabilities at the end of its most recent fiscal year.

Section 182. Section 288.816, Florida Statutes, is amended to read:

288.816 Intergovernmental relations.—

(1) The *state protocol officer* ~~Office of Tourism, Trade, and Economic Development~~ shall be responsible for consular operations and the sister city and sister state program and shall serve as liaison with foreign, federal, and other state international organizations and with county and municipal governments in Florida.

(2) The *state protocol officer* ~~Office of Tourism, Trade, and Economic Development~~ shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The *state protocol officer* ~~office~~ shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The *state protocol officer* ~~office~~ shall promulgate rules which shall:

(a) Establish a viable system of registration for foreign government officials residing or having jurisdiction in the state. Emphasis shall be placed on maintaining active communication between the *state protocol officer* ~~Office of Tourism, Trade, and Economic Development~~ and the United States Department of State in order to be currently informed regarding foreign governmental personnel stationed in, or with official responsibilities for, Florida. Active dialogue shall also be maintained with foreign countries which historically have had dealings with Florida in order to keep them informed of the proper procedure for registering with the state.

(b) Maintain and systematically update a current and accurate list of all such foreign governmental officials, consuls, or consulates.

(c) Issue certificates to such foreign governmental officials after verification pursuant to proper investigations through United States Department of State sources and the appropriate foreign government.

(d) Verify entitlement to sales and use tax exemptions pursuant to United States Department of State guidelines and identification methods.

(e) Verify entitlement to issuance of special motor vehicle license plates by the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles to honorary consuls or such other officials representing foreign governments who are not entitled to issuance of special Consul Corps license plates by the United States Government.

(f) Establish a system of communication to provide all state and local law enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen.

(g) Request the Department of Law Enforcement to provide transportation and protection services when necessary pursuant to s. 943.68.

(h) Coordinate, when necessary, special activities between foreign governments and Florida state and local governments. These may include Consular Corps Day, Consular Corps conferences, and various other social, cultural, or educational activities.

(i) Notify all newly arrived foreign governmental officials of the services offered by the *state protocol officer* ~~Office of Tourism, Trade, and Economic Development~~.

(3) The *state protocol officer* ~~Office of Tourism, Trade, and Economic Development~~ shall operate the sister city and sister state program and establish such new programs as needed to further global understanding through the interchange of people, ideas, and culture between Florida and the world. To accomplish this purpose, the *state protocol officer* ~~office~~ shall have the power and authority to:

(a) Coordinate and carry out activities designed to encourage the state and its subdivisions to participate in sister city and sister state affiliations with foreign countries and their subdivisions. Such activities may include a State of Florida sister cities conference.

(b) Encourage cooperation with and disseminate information pertaining to the Sister Cities International Program and any other program whose object is to promote linkages with foreign countries and their subdivisions.

(c) Maximize any aid available from all levels of government, public and private agencies, and other entities to facilitate such activities.

(d) Establish a viable system of registration for sister city and sister state affiliations between the state and foreign countries and their subdivisions. Such system shall include a method to determine that sufficient ties are properly established as well as a method to supervise how these ties are maintained.

(e) Maintain a current and accurate listing of all such affiliations. Sister city affiliations shall not be discouraged between the state and any country specified in s. 620(f)(1) of the federal Foreign Assistance Act of 1961, as amended, with whom the United States is currently conducting diplomatic relations unless a mandate from the United States Government expressly prohibits such affiliations.

(4) The *state protocol officer* ~~Office of Tourism, Trade, and Economic Development~~ shall serve as a contact for the state with the Florida Washington Office, the Florida Congressional Delegation, and United States Government agencies with respect to laws or policies which may affect the interests of the state in the area of international relations. All inquiries received regarding international economic trade development or reverse investment opportunities shall be referred to Enterprise Florida, Inc. In addition, the *state protocol officer* ~~office~~ shall serve as liaison with other states with respect to international programs of interest to Florida. The *state protocol officer* ~~office~~ shall also investigate and make suggestions regarding possible areas of joint action or regional cooperation with these states.

(5) The *state protocol officer* ~~Office of Tourism, Trade, and Economic Development~~ shall have the power and duty to encourage the relocation to Florida of consular offices and multilateral and international agencies and organizations.

(6) The *department and Enterprise Florida, Inc.,* ~~Office of Tourism, Trade, and Economic Development, through membership on the board of~~

~~directors of Enterprise Florida, Inc.,~~ shall help to contribute an international perspective to the state's development efforts.

Section 183. Paragraph (a) of subsection (1) and subsection (2) of section 288.809, Florida Statutes, are amended to read:

288.809 Florida Intergovernmental Relations Foundation; use of property; board of directors; audit.—

(1) DEFINITIONS.—For the purposes of this section, the term:

(a) "Florida Intergovernmental Relations Foundation" means a direct-support organization:

1. Which is a corporation not for profit that is incorporated under the provisions of chapter 617 and approved by the Department of State;

2. Which is organized and operated exclusively to solicit, receive, hold, invest, and administer property and, subject to the approval of the *state protocol officer* ~~Office of Tourism, Trade, and Economic Development~~, to make expenditures to or for the promotion of intergovernmental relations programs; and

3. Which the *state protocol officer* ~~Office of Tourism, Trade, and Economic Development~~, after review, has certified to be operating in a manner consistent with the policies and goals of the *state protocol officer* ~~office~~.

(2) USE OF PROPERTY.—The *state protocol officer* ~~Office of Tourism, Trade, and Economic Development~~:

(a) *May* ~~Is authorized to~~ permit the use of property, facilities, and personal services of the *Executive Office of the Governor* ~~Office of Tourism, Trade, and Economic Development~~ by the foundation, subject to ~~the provisions of~~ this section.

(b) Shall prescribe conditions with which the foundation must comply in order to use property, facilities, or personal services of the department. Such conditions shall provide for budget and audit review and for oversight by the *state protocol officer* ~~Office of Tourism, Trade, and Economic Development~~.

(c) Shall not permit the use of property, facilities, or personal services of the foundation if the foundation does not provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, age, or religion.

Section 184. Subsections (2) through (8) of section 288.8175, Florida Statutes, are renumbered as subsections (1) through (7), respectively, and present subsections (1), (3), (4), and (8) of that section are amended to read:

288.8175 Linkage institutes between postsecondary institutions in this state and foreign countries.—

~~(1) As used in this section, the term "department" means the Department of Education.~~

(2)~~(3)~~ Each institute must be governed by an agreement between the Board of Governors of the State University System for a state university and the State Board of Education for a community college with the counterpart organization in a foreign country. Each institute must report to the Department *of Education* regarding its program activities, expenditures, and policies.

(3)~~(4)~~ Each institute must be co-administered in this state by a university-community college partnership, as designated in subsection (5), and must have a private sector and public sector advisory committee. The advisory committee must be representative of the international education and commercial interests of the state and may have members who are native to the foreign country partner. Six members must be appointed by the Department *of Education*. The Department *of Education* must appoint at least one member who is an international educator. The presidents, or their designees, of the participating university and community college must also serve on the advisory committee.

(7)~~(8)~~ A linkage institute may not be created or funded except upon the recommendation of the Department *of Education* and except by amendment to this section.

Section 185. Section 288.826, Florida Statutes, is amended to read:

288.826 Florida International Trade and Promotion Trust Fund.—There is hereby established in the State Treasury the Florida International Trade and Promotion Trust Fund. The moneys deposited into this trust fund shall be administered by the *department* ~~Office of Tourism, Trade, and Economic Development~~ for the operation of Enterprise Florida, Inc., ~~and its boards~~ and for the operation of Florida *international* ~~foreign~~ offices under s. 288.012.

Section 186. Subsections (2) and (5) of section 288.95155, Florida Statutes, are amended to read:

288.95155 Florida Small Business Technology Growth Program.—

(2)~~(a)~~ Enterprise Florida, Inc., shall establish a separate small business technology growth account in the Florida Technology Research Investment Fund for purposes of this section. Moneys in the account shall consist of appropriations by the Legislature, proceeds of any collateral used to secure such assistance, transfers, fees assessed for providing or processing such financial assistance, grants, interest earnings, and earnings on financial assistance.

~~(b) For the 2009-2010 fiscal year only, Enterprise Florida, Inc., shall advance up to $600,000 from the account to the Institute for Commercialization of Public Research for its operations. This paragraph expires July 1, 2010.~~

(5) Enterprise Florida, Inc., shall prepare *for inclusion in the* ~~and include in its~~ annual report *of the department* required by s. 288.095 a report on the financial status of the program. The report must specify the assets and liabilities of the program within the current fiscal year and must include a portfolio update that lists all of the businesses assisted, the private dollars leveraged by each business assisted, and the growth in sales and in employment of each business assisted.

Section 187. Paragraph (e) of subsection (2), paragraph (a) of subsection (4), subsection (7), paragraph (b) of subsection (8), subsection (9), paragraph (l) of subsection (10), and subsection (15) of section 288.955, Florida Statutes, are amended, and present subsections (16) and (17) of that section are renumbered as subsections (15) and (16), respectively, to read:

288.955 Scripps Florida Funding Corporation.—

(2) CREATION.—

(e) The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall provide administrative support to the corporation as requested by the corporation. In the event of the dissolution of the corporation, the *department* ~~office~~ shall be the corporation's successor in interest and shall assume all rights, duties, and obligations of the corporation under any contract to which the corporation is then a party and under law.

(4) BOARD; MEMBERSHIP.—The corporation shall be governed by a board of directors.

(a) The board of directors shall consist of nine voting members, of whom the Governor shall appoint three, the President of the Senate shall appoint three, and the Speaker of the House of Representatives shall appoint three. The *executive* director of the *department* ~~Office of Tourism, Trade, and Economic Development~~ or the director's designee shall serve as an ex-officio, nonvoting member of the board of directors.

(7) INVESTMENT OF FUNDS.—The corporation must enter into an agreement with the State Board of Administration under which funds received by the corporation from the *department* ~~Office of Tourism, Trade, and Economic Development~~ which are not disbursed to the grantee shall be invested by the State Board of Administration on behalf of the corporation. Funds shall be invested in suitable instruments authorized under s. 215.47 and specified in investment guidelines established and agreed to by the State Board of Administration and the corporation.

(8) CONTRACT.—

(b) The contract, at a minimum, must contain provisions:

1. Specifying the procedures and schedules that govern the disbursement of funds under this section and specifying the conditions or deliverables that the grantee must satisfy before the release of each disbursement.

2. Requiring the grantee to submit to the corporation a business plan in a form and manner prescribed by the corporation.

3. Prohibiting The Scripps Research Institute or the grantee from establishing other biomedical science or research facilities in any state other than this state or California for a period of 12 years from the commencement of the contract. Nothing in this subparagraph shall prohibit the grantee from establishing or engaging in normal collaborative activities with other organizations.

4. Governing the ownership of or security interests in real property and personal property, including, but not limited to, research equipment, obtained through the financial support of state or local government, including a provision that in the event of a breach of the contract or in the event the grantee ceases operations in this state, such property purchased with state funds shall revert to the state and such property purchased with local funds shall revert to the local governing authority.

5. Requiring the grantee to be an equal opportunity employer.

6. Requiring the grantee to maintain a policy of awarding preference in employment to residents of this state, as defined by law, except for professional scientific staff positions requiring a doctoral degree, postdoctoral training positions, and graduate student positions.

7. Requiring the grantee to maintain a policy of making purchases from vendors in this state, to the extent it is cost-effective and scientifically sound.

8. Requiring the grantee to use the Internet-based job-listing system of the *department* ~~Agency for Workforce Innovation~~ in advertising employment opportunities.

9. Requiring the grantee to establish accredited science degree programs.

10. Requiring the grantee to establish internship programs to create learning opportunities for educators and secondary, postsecondary, graduate, and doctoral students.

11. Requiring the grantee to submit data to the corporation on the activities and performance during each fiscal year and to provide to the corporation an annual accounting of the expenditure of funds disbursed under this section.

12. Establishing that the corporation shall review the activities of the grantee to assess the grantee's financial and operational compliance with the provisions of the contract and with relevant provisions of law.

13. Authorizing the grantee, when feasible, to use information submitted by it to the Federal Government or to other organizations awarding research grants to the grantee to help meet reporting requirements imposed under this section or the contract, if the information satisfies the reporting standards of this section and the contract.

14. Requiring the grantee during the first 7 years of the contract to create 545 positions and to acquire associated research equipment for the grantee's facility in this state, and pay for related maintenance of the equipment, in a total amount of not less than $45 million.

15. Requiring the grantee to progress in the creation of the total number of jobs prescribed in subparagraph 14. on the following schedule: At least 38 positions in the 1st year, 168 positions in the 2nd year, 280 positions in the 3rd year, 367 positions in the 4th year, 436 positions in the 5th year, 500 positions in the 6th year, and 545 positions in the 7th year. The board may allow the grantee to deviate downward from such employee levels by 25 percent in any year, to allow the grantee flexibility in achieving the objectives set forth in the business plan provided to the corporation; however, the grantee must have no fewer than 545 positions by the end of the 7th year.

16. Requiring the grantee to allow the corporation to retain an independent certified public accountant licensed in this state pursuant to chapter 473 to inspect the records of the grantee in order to audit the expenditure of funds disbursed to the grantee. The independent certified public accountant shall not disclose any confidential or proprietary scientific information of the grantee.

17. Requiring the grantee to purchase liability insurance and governing the coverage level of such insurance.

(9) PERFORMANCE EXPECTATIONS.—In addition to the provisions prescribed in subsection (8), the contract between the corporation and the grantee shall include a provision that the grantee, in cooperation with the *department* ~~Office of Tourism, Trade, and Economic Development~~, shall report to the corporation on performance expectations that reflect the aspirations of the Governor and the Legislature for the benefits accruing to this state as a result of the funds appropriated pursuant to this section. These shall include, but are not limited to, performance expectations addressing:

(a) The number and dollar value of research grants obtained from the Federal Government or sources other than this state.

(b) The percentage of total research dollars received by The Scripps Research Institute from sources other than this state which is used to conduct research activities by the grantee in this state.

(c) The number or value of patents obtained by the grantee.

(d) The number or value of licensing agreements executed by the grantee.

(e) The extent to which research conducted by the grantee results in commercial applications.

(f) The number of collaborative agreements reached and maintained with colleges and universities in this state and with research institutions in this state, including agreements that foster participation in research opportunities by public and private colleges and universities and research institutions in this state with significant minority populations, including historically black colleges and universities.

(g) The number of collaborative partnerships established and maintained with businesses in this state.

(h) The total amount of funding received by the grantee from sources other than the State of Florida.

(i) The number or value of spin-off businesses created in this state as a result of commercialization of the research of the grantee.

(j) The number or value of businesses recruited to this state by the grantee.

(k) The establishment and implementation of policies to promote supplier diversity using the guidelines developed by the Office of Supplier Diversity under s. 287.09451 and to comply with the ordinances, including any small business ordinances, enacted by the county and which are applicable to the biomedical research institution and campus located in this state.

(l) The designation by the grantee of a representative to coordinate with the Office of Supplier Diversity.

(m) The establishment and implementation of a program to conduct workforce recruitment activities at public and private colleges and universities and community colleges in this state which request the participation of the grantee.

The contract shall require the grantee to provide information to the corporation on the progress in meeting these performance expectations on an annual basis. It is the intent of the Legislature that, in fulfilling its obligation to work with Florida's public and private colleges and universities, Scripps Florida work with such colleges and universities regardless of size.

(10) DISBURSEMENT CONDITIONS.—In addition to the provisions prescribed in subsection (8), the contract between the corporation and the grantee shall include disbursement conditions that must be satisfied by the grantee as a condition for the continued disbursement of funds under this section. These disbursement conditions shall be negotiated between the corporation and the grantee and shall not be designed

to impede the ability of the grantee to attain full operational status. The disbursement conditions may be appropriately varied as to timeframes, numbers, values, and percentages. The disbursement conditions shall include, but are not limited to, the following areas:

(l) Beginning June 2004, the grantee shall commence collaboration efforts with the *department* ~~Office of Tourism, Trade, and Economic Development~~ by complying with reasonable requests for cooperation in economic development efforts in the biomed/biotech industry. No later than July 2004, the grantee shall designate a person who shall be charged with assisting in these collaborative efforts.

~~(15) PROGRAM EVALUATION.—~~

~~(a) Before January 1, 2007, the Office of Program Policy Analysis and Government Accountability shall conduct a performance audit of the Office of Tourism, Trade, and Economic Development and the corporation relating to the provisions of this section. The audit shall assess the implementation and outcomes of activities under this section. At a minimum, the audit shall address:~~

~~1. Performance of the Office of Tourism, Trade, and Economic Development in disbursing funds appropriated under this section.~~

~~2. Performance of the corporation in managing and enforcing the contract with the grantee.~~

~~3. Compliance by the corporation with the provisions of this section and the provisions of the contract.~~

~~4. Economic activity generated through funds disbursed under the contract.~~

~~(b) Before January 1, 2010, the Office of Program Policy Analysis and Government Accountability shall update the report required under this subsection. In addition to addressing the items prescribed in paragraph (a), the updated report shall include a recommendation on whether the Legislature should retain the statutory authority for the corporation.~~

~~A report of each audit's findings and recommendations shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. In completing the performance audits required under this subsection, the Office of Program Policy Analysis and Government Accountability shall maximize the use of reports submitted by the grantee to the Federal Government or to other organizations awarding research grants to the grantee.~~

Section 188. Subsection (2) of section 288.9604, Florida Statutes, is amended to read:

288.9604 Creation of the authority.—

(2) The Governor, subject to confirmation by the Senate, shall appoint the board of directors of the corporation, who shall be five in number. The terms of office for the directors shall be for 4 years from the date of their appointment. A vacancy occurring during a term shall be filled for the unexpired term. A director shall be eligible for reappointment. At least three of the directors of the corporation shall be bankers who have been selected by the Governor from a list of bankers who were nominated by Enterprise Florida, Inc., and one of the directors shall be an economic development specialist. ~~The chairperson of the Florida Black Business Investment Board shall be an ex officio member of the board of the corporation.~~

Section 189. Paragraph (v) of subsection (2) of section 288.9605, Florida Statutes, is amended to read:

288.9605 Corporation powers.—

(2) The corporation is authorized and empowered to:

(v) Enter into investment agreements with *Enterprise Florida, Inc.,* ~~the Florida Black Business Investment Board~~ concerning the issuance of bonds and other forms of indebtedness and capital ~~for the purposes of ss. 288.707-288.714~~.

Section 190. Subsection (1) of section 288.9606, Florida Statutes, is amended to read:

288.9606 Issue of revenue bonds.—

(1) When authorized by a public agency pursuant to s. 163.01(7), the corporation has power in its corporate capacity, in its discretion, to issue revenue bonds or other evidences of indebtedness which a public agency has the power to issue, from time to time to finance the undertaking of any purpose of this act ~~and ss. 288.707-288.714~~, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and has the power to issue refunding bonds for the payment or retirement of bonds previously issued. Bonds issued pursuant to this section shall bear the name "Florida Development Finance Corporation Revenue Bonds." The security for such bonds may be based upon such revenues as are legally available. In anticipation of the sale of such revenue bonds, the corporation may issue bond anticipation notes and may renew such notes from time to time, but the maximum maturity of any such note, including renewals thereof, may not exceed 5 years from the date of issuance of the original note. Such notes shall be paid from any revenues of the corporation available therefor and not otherwise pledged or from the proceeds of sale of the revenue bonds in anticipation of which they were issued. Any bond, note, or other form of indebtedness issued pursuant to this act shall mature no later than the end of the 30th fiscal year after the fiscal year in which the bond, note, or other form of indebtedness was issued.

Section 191. Subsection (1) of section 288.9624, Florida Statutes, are amended to read:

288.9624 Florida Opportunity Fund; creation; duties.—

(1)(a) Enterprise Florida, Inc., shall facilitate the creation of the Florida Opportunity Fund, a private, not-for-profit corporation organized and operated under chapter 617. Enterprise Florida, Inc., shall be the fund's sole shareholder or member. The fund is not a public corporation or instrumentality of the state. The fund shall manage its business affairs and conduct business consistent with its organizational documents and the purposes set forth in this section. Notwithstanding the powers granted under chapter 617, the corporation may not amend, modify, or repeal a bylaw or article of incorporation without the express written consent of Enterprise Florida, Inc.

(b) *The board of directors of the Florida Opportunity Fund shall have five members, appointed by vote of the board of directors of Enterprise Florida, Inc. Board members shall serve terms as provided in the fund's organizational documents. Within 90 days before an anticipated vacancy by expiration of the term of a board member, the board of directors of the fund shall submit a list of three eligible nominees, which may include the incumbent, to the board of directors of Enterprise Florida, Inc. The board of directors of Enterprise Florida, Inc., may appoint a board member from the nominee list or may request and appoint from a new list of three nominees not included on the previous list.* ~~The vice chair of Enterprise Florida, Inc., shall select from among its sitting board of directors a five-person appointment committee. The appointment committee shall select five initial members of a board of directors for the fund.~~

(c) The persons *appointed* ~~elected~~ to the ~~initial~~ board of directors ~~by the appointment committee~~ shall include persons who have expertise in the area of the selection and supervision of early stage investment managers or in the fiduciary management of investment funds and other areas of expertise as considered appropriate ~~by the appointment committee~~.

~~(d) After election of the initial board of directors, vacancies on the board shall be filled by vote of the board of directors of Enterprise Florida, Inc., and board members shall serve terms as provided in the fund's organizational documents.~~

(d)~~(c)~~ Members of the board are subject to any restrictions on conflicts of interest specified in the organizational documents and may not have an interest in any venture capital investment selected by the fund under ss. 288.9621-288.9624.

(e)~~(f)~~ Members of the board shall serve without compensation, but members, the president of the board, and other board employees may be reimbursed for all reasonable, necessary, and actual expenses as determined and approved by the board pursuant to s. 112.061.

(f)~~(g)~~ The fund shall have all powers granted under its organizational documents and shall indemnify members to the broadest extent permissible under the laws of this state.

Section 192. Subsections (3), (4), (5), and (6) of section 288.9625, Florida Statutes, are amended to read:

288.9625 Institute for the Commercialization of Public Research.—There is established *at a public university or research center in this state* the Institute for the Commercialization of Public Research.

(3) The articles of incorporation of the institute must be approved in a written agreement with *the department* ~~Enterprise Florida, Inc~~. The agreement and the articles of incorporation shall:

(a) Provide that the institute shall provide equal employment opportunities for all persons regardless of race, color, religion, gender, national origin, age, handicap, or marital status;

(b) Provide that the institute is subject to the public records and meeting requirements of s. 24, Art. I of the State Constitution;

(c) Provide that all officers, directors, and employees of the institute shall be governed by the code of ethics for public officers and employees as set forth in part III of chapter 112;

(d) Provide that members of the board of directors of the institute are responsible for the prudent use of all public and private funds and that they will ensure that the use of funds is in accordance with all applicable laws, bylaws, and contractual requirements; and

(e) Provide that the fiscal year of the institute is from July 1 to June 30.

(4) The affairs of the institute shall be managed by a board of directors who shall serve without compensation. Each director shall have only one vote. The chair of the board of directors shall be selected by a majority vote of the directors, a quorum being present. The board of directors shall consist of the following five members:

(a) The *executive director of the department* ~~chair of Enterprise Florida, Inc.~~, or the *director's* ~~chair's~~ designee.

(b) The president of the university where the institute is located or the president's designee unless multiple universities jointly sponsor the institute, in which case the presidents of the sponsoring universities shall agree upon a designee.

(c) Three directors appointed by the Governor to 3-year staggered terms, to which the directors may be reappointed.

(5) The board of directors shall provide a copy of the institute's annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, ~~Enterprise Florida, Inc.,~~ and the president of the university at which the institute is located.

(6) *The department* ~~Enterprise Florida, Inc.~~, the president and the board of trustees of the university where the institute is located, the Auditor General, and the Office of Program Policy Analysis and Government Accountability may require and receive from the institute or its independent auditor any detail or supplemental data relative to the operation of the institute.

Section 193. Subsections (3), (8), and (9) of section 288.975, Florida Statutes, are amended to read:

288.975 Military base reuse plans.—

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

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

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

(a) Send a copy of the proposed military base reuse plan for review to any affected local governments; the Department of Environmental Protection; the *department* ~~Office of Tourism, Trade, and Economic Development~~; ~~the Department of Community Affairs;~~ the Department of Transportation; the Department of Health; the Department of Children and Family Services; the Department of Juvenile Justice; the Department of Agriculture and Consumer Services; the Department of State; the Fish and Wildlife Conservation Commission; and any applicable water management districts and regional planning councils, or

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

Section 194. Paragraph (b) of subsection (1), paragraphs (a) and (c) of subsection (2) and subsections (3), (4), (5), (6), (7), and (9) of section 288.980, Florida Statutes, are amended to read:

288.980 Military base retention; legislative intent; grants program.—

(1)

(b) The Florida Defense Alliance, an organization within Enterprise Florida, is designated as the organization to ensure that Florida, its resident military bases and missions, and its military host communities are in competitive positions as the United States continues its defense realignment and downsizing. The defense alliance shall serve as an overall advisory body for ~~Enterprise Florida~~ defense-related activity *of Enterprise Florida, Inc*. The Florida Defense Alliance may receive funding from appropriations made for that purpose administered by the *department* ~~Office of Tourism, Trade, and Economic Development~~.

(2)(a) The *department* ~~Office of Tourism, Trade, and Economic Development~~ is authorized to award grants from any funds available to it to support activities related to the retention of military installations potentially affected by federal base closure or realignment.

(c) Except for grants issued pursuant to the Florida Military Installation Reuse Planning and Marketing Grant Program as described in paragraph (3)(c), the amount of any grant provided to an applicant may not exceed $250,000. The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall require that an applicant:

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

2. Agree to match at least 30 percent of any grant awarded.

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

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

(3) The Florida Economic Reinvestment Initiative is established to respond to the need for this state and defense-dependent communities in this state to develop alternative economic diversification strategies to lessen reliance on national defense dollars in the wake of base closures and reduced federal defense expenditures and the need to formulate specific base reuse plans and identify any specific infrastructure needed to facilitate reuse. The initiative shall consist of the following *two* ~~three~~ distinct grant programs to be administered by the *department* ~~Office of Tourism, Trade, and Economic Development~~:

(a) The Florida Defense Planning Grant Program, through which funds shall be used to analyze the extent to which the state is dependent on defense dollars and defense infrastructure and prepare alternative economic development strategies. The state shall work in conjunction with defense-dependent communities in developing strategies and approaches that will help communities make the transition from a defense economy to a nondefense economy. Grant awards may not exceed $250,000 per applicant and shall be available on a competitive basis.

(b) The Florida Defense Implementation Grant Program, through which funds shall be made available to defense-dependent communities to implement the diversification strategies developed pursuant to paragraph (a). Eligible applicants include defense-dependent counties and cities, and local economic development councils located within such communities. Grant awards may not exceed $100,000 per applicant and shall be available on a competitive basis. Awards shall be matched on a one-to-one basis.

Applications for grants under this subsection must include a coordinated program of work or plan of action delineating how the eligible project will be administered and accomplished, which must include a plan for ensuring close cooperation between civilian and military authorities in the conduct of the funded activities and a plan for public involvement.

(4) The Defense Infrastructure Grant Program is created. The *department* ~~director of the Office of Tourism, Trade, and Economic Development~~ shall coordinate and implement this program, the purpose of which is to support local infrastructure projects deemed to have a positive impact on the military value of installations within the state. Funds are to be used for projects that benefit both the local community and the military installation. It is not the intent, however, to fund on-base military construction projects. Infrastructure projects to be funded under this program include, but are not limited to, those related to encroachment, transportation and access, utilities, communications, housing, environment, and security. Grant requests will be accepted only from economic development applicants serving in the official capacity of a governing board of a county, municipality, special district, or state agency that will have the authority to maintain the project upon completion. An applicant must represent a community or county in which a military installation is located. There is no limit as to the amount of any grant awarded to an applicant. A match by the county or local community may be required. The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall establish guidelines to implement the purpose of this subsection.

(5)(a) The Defense-Related Business Adjustment Program is hereby created. The *department* ~~Director of the Office of Tourism, Trade, and Economic Development~~ shall coordinate the development of the Defense-Related Business Adjustment Program. Funds shall be available to assist defense-related companies in the creation of increased commercial technology development through investments in technology. Such technology must have a direct impact on critical state needs for the purpose of generating investment-grade technologies and encouraging the partnership of the private sector and government defense-related business adjustment. The following areas shall receive precedence in consideration for funding commercial technology development: law enforcement or corrections, environmental protection, transportation, education, and health care. Travel and costs incidental thereto, and staff salaries, are not considered an "activity" for which grant funds may be awarded.

(b) The *department* ~~Office~~ shall require that an applicant:

1. Be a defense-related business that could be adversely affected by federal base realignment or closure or reduced defense expenditures.

2. Agree to match at least 50 percent of any funds awarded by the *United States* Department *of Defense* in cash or in-kind services. Such match shall be directly related to activities for which the funds are being sought.

3. Prepare a coordinated program or plan delineating how the funds will be administered.

4. Provide documentation describing how defense-related realignment or closure will adversely impact defense-related companies.

(6) The Retention of Military Installations Program is created. The *department* ~~Director of the Office of Tourism, Trade, and Economic Development~~ shall coordinate and implement this program. ~~The sum of $1.2 million is appropriated from the General Revenue Fund for fiscal year 1999-2000 to the Office of Tourism, Trade, and Economic Development to implement this program for military installations located in counties with a population greater than 824,000. The funds shall be used to assist military installations potentially affected by federal base closure or realignment in covering current operating costs in an effort to retain the installation in this state. An eligible military installation for this program shall include a provider of simulation solutions for war-fighting experimentation, testing, and training which employs at least 500 civilian and military employees and has been operating in the state for a period of more than 10 years.~~

(7) The *department* ~~director~~ may award nonfederal matching funds specifically appropriated for construction, maintenance, and analysis of a Florida defense workforce database. Such funds will be used to create a registry of worker skills that can be used to match the worker needs of companies that are relocating to this state or to assist workers in relocating to other areas within this state where similar or related employment is available.

(9) The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall establish guidelines to implement and carry out the purpose and intent of this section.

Section 195. Paragraphs (a), (e), and (f) of subsection (2) of section 288.984, Florida Statutes, are amended to read:

288.984 Florida Council on Military Base and Mission Support.—The Florida Council on Military Base and Mission Support is established. The council shall provide oversight and direction for initiatives, claims, and actions taken on behalf of the state, its agencies, and political subdivisions under this part.

(2) MEMBERSHIP.—

(a) The council shall be composed of nine members. The President of the Senate, the Speaker of the House of Representatives, and the Governor shall each appoint three members as follows:

1. The President of the Senate shall appoint one member of the Senate, one community representative from a community-based defense support organization, and one member who is a retired military general or flag-rank officer residing in this state or an executive officer of a defense contracting firm doing significant business in this state.

2. The Speaker of the House of Representatives shall appoint one member of the House of Representatives, one community representative from a community-based defense support organization, and one member who is a retired military general or flag-rank officer residing in this state or an executive officer of a defense contracting firm doing significant business in this state.

3. The Governor shall appoint the *executive director of the department or the director's designee, a board member of Enterprise Florida, Inc.,* ~~director or designee of the Office of Tourism, Trade, and Economic Development, the vice chairperson or designee of Enterprise Florida, Inc.,~~ and one at-large member.

(e) The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall provide administrative support to the council.

(f) The ~~Secretary of Community Affairs or his or her designee, the~~ Secretary of Environmental Protection or his or her designee, the Secretary of Transportation or his or her designee, the Adjutant General of the state or his or her designee, and the executive director of the Department of Veterans' Affairs or his or her designee shall attend meetings held by the council and provide assistance, information, and support as requested by the council.

Section 196. Subsections (2) and (5) and paragraph (b) of subsection (9) of section 288.9913, Florida Statutes, are amended, and present subsections (3) through (10) of that section are renumbered as subsections (2) through (8), respectively, to read:

288.9913 Definitions.—As used in ss. 288.991-288.9922, the term:

~~(2) "Department" means the Department of Revenue.~~

~~(5) "Office" means the Office of Tourism, Trade, and Economic Development.~~

(7)~~(9)~~ "Qualified investment" means an equity investment in, or a long-term debt security issued by, a qualified community development entity that:

(b) Is designated by the qualified community development entity as a qualified investment under this paragraph and is approved by the *department* ~~office~~ as a qualified investment.

Section 197. Subsections (1), (2), and (3), paragraphs (a) and (b) of subsection (4), and subsection (6) of section 288.9914, Florida Statutes, are amended to read:

288.9914 Certification of qualified investments; investment issuance reporting.—

(1) ELIGIBLE INDUSTRIES.—

(a) The *department* ~~office~~, in consultation with Enterprise Florida, Inc., shall designate industries using the North American Industry Classification System which are eligible to receive low-income community investments. The designated industries must be those industries that have the greatest potential to create strong positive impacts on or benefits to the state, regional, and local economies.

(b) A qualified community development entity may not make a qualified low-income community investment in a business unless the principal activities of the business are within an eligible industry. The *department* ~~office~~ may waive this limitation if the *department* ~~office~~ determines that the investment will have a positive impact on a community.

(2) APPLICATION.—A qualified community development entity must submit an application to the *department* ~~Office~~ to approve a proposed investment as a qualified investment. The application must include:

(a) The name, address, and tax identification number of the qualified community development entity.

(b) Proof of certification as a qualified community development entity under 26 U.S.C. s. 45D.

(c) A copy of an allocation agreement executed by the entity, or its controlling entity, and the Community Development Financial Institutions Fund, which authorizes the entity to serve businesses in this state.

(d) A verified statement by the chief executive officer of the entity that the allocation agreement remains in effect.

(e) A description of the proposed amount, structure, and purchaser of an equity investment or long-term debt security.

(f) The name and tax identification number of any person authorized to claim a tax credit earned as a result of the purchase of the proposed qualified investment.

(g) A detailed explanation of the proposed use of the proceeds from a proposed qualified investment.

(h) A nonrefundable application fee of $1,000, payable to the *department* ~~office~~.

(i) A statement that the entity will invest only in the industries designated by the *department* ~~office~~.

(j) The entity's plans for the development of relationships with community-based organizations, local community development offices and organizations, and economic development organizations. The entity must also explain steps it has taken to implement its plans to develop these relationships.

(k) A statement that the entity will not invest in a qualified active low-income community business unless the business will create or retain jobs that pay an average wage of at least 115 percent of the federal poverty income guidelines for a family of four.

(3) REVIEW.—

(a) The *department* ~~office~~ shall review applications to approve an investment as a qualified investment in the order received. The *department* ~~office~~ shall approve or deny an application within 30 days after receipt.

(b) If the *department* ~~office~~ intends to deny the application, the *department* ~~office~~ shall inform the applicant of the basis of the proposed denial. The applicant shall have 15 days after it receives the notice of the intent to deny the application to submit a revised application to the *department* ~~office~~. The *department* ~~office~~ shall issue a final order approving or denying the revised application within 30 days after receipt.

(c) The *department* ~~office~~ may not approve a cumulative amount of qualified investments that may result in the claim of more than $97.5 million in tax credits during the existence of the program or more than $20 million in tax credits in a single state fiscal year. However, the potential for a taxpayer to carry forward an unused tax credit may not be considered in calculating the annual limit.

(4) APPROVAL.—

(a) The *department* ~~office~~ shall provide a copy of the final order approving an investment as a qualified investment to the qualified community development entity and to the Department *of Revenue*. The notice shall include the identity of the taxpayers who are eligible to claim the tax credits and the amount that may be claimed by each taxpayer.

(b) The *department* ~~office~~ shall approve an application for part of the amount of the proposed investment if the amount of tax credits available is insufficient.

(6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The qualified community development entity must provide the *department* ~~office~~ with evidence of the receipt of the cash in exchange for the qualified investment within 30 business days after receipt.

Section 198. Subsection (2) of section 288.9916, Florida Statutes, is amended to read:

288.9916 New markets tax credit.—

(2) A tax credit earned under this section may not be sold or transferred, except as provided in this subsection.

(a) A partner, member, or shareholder of a partnership, limited liability company, S-corporation, or other "pass-through" entity may claim the tax credit pursuant to an agreement among the partners, members, or shareholders. Any change in the allocation of a tax credit under the agreement must be reported to the *department* ~~office~~ and to the Department *of Revenue*.

(b) Eligibility to claim a tax credit transfers to subsequent purchasers of a qualified investment. Such transfers must be reported to the *department* ~~office~~ and to the Department *of Revenue* along with the identity, tax identification number, and tax credit amount allocated to a taxpayer pursuant to paragraph (a). The notice of transfer also must state whether unused tax credits are being transferred and the amount of unused tax credits being transferred.

Section 199. Section 288.9917, Florida Statutes, is amended to read:

288.9917 Community development entity reporting after a credit allowance date; certification of tax credit amount.—

(1) A qualified community development entity that has issued a qualified investment shall submit the following to the *department* ~~office~~ within 30 days after each credit allowance date:

(a) A list of all qualified active low-income community businesses in which a qualified low-income community investment was made since the last credit allowance date. The list shall also describe the type and amount of investment in each business and the address of the principal location of each business. The list must be verified by the chief executive officer of the community development entity.

(b) Bank records, wire transfer records, or similar documents that provide evidence of the qualified low-income community investments made since the last credit allowance date.

(c) A verified statement by the chief financial or accounting officer of the community development entity that no redemption or principal repayment was made with respect to the qualified investment since the previous credit allowance date.

(d) Information relating to the recapture of the federal new markets tax credit since the last credit allowance date.

(2) The *department* ~~office~~ shall certify in writing to the qualified community development entity and to the Department *of Revenue* the amount of the tax credit authorized for each taxpayer eligible to claim the tax credit in the tax year containing the last credit allowance date.

Section 200. Section 288.9918, Florida Statutes, is amended to read:

288.9918 Annual reporting by a community development entity.—A community development entity that has issued a qualified investment shall submit an annual report to the *department* ~~office~~ by April 30 after the end of each year which includes a credit allowance date. The report shall include:

(1) The entity's annual financial statements for the preceding tax year, audited by an independent certified public accountant.

(2) The identity of the types of industries, identified by the North American Industry Classification System Code, in which qualified low-income community investments were made.

(3) The names of the counties in which the qualified active low-income businesses are located which received qualified low-income community investments.

(4) The number of jobs created and retained by qualified active low-income community businesses receiving qualified low-income community investments, including verification that the average wages paid meet or exceed 115 percent of the federal poverty income guidelines for a family of four.

(5) A description of the relationships that the entity has established with community-based organizations and local community development offices and organizations and a summary of the outcomes resulting from those relationships.

(6) Other information and documentation required by the *department* ~~office~~ to verify continued certification as a qualified community development entity under 26 U.S.C. s. 45D.

Section 201. Section 288.9919, Florida Statutes, is amended to read:

288.9919 Audits and examinations; penalties.—

(1) AUDITS.—A community development entity that issues an investment approved by the *department* ~~office~~ as a qualified investment shall be deemed a recipient of state financial assistance under s. 215.97, the Florida Single Audit Act. However, an entity that makes a qualified investment or receives a qualified low-income community investment is not a subrecipient for the purposes of s. 215.97.

(2) EXAMINATIONS.—The *department* ~~office~~ may conduct examinations to verify compliance with the New Markets Development Program Act.

Section 202. Section 288.9920, Florida Statutes, is amended to read:

288.9920 Recapture and penalties.—

(1) Notwithstanding s. 95.091, the *department* ~~office~~ shall direct the Department *of Revenue*, at any time before December 31, 2022, to recapture all or a portion of a tax credit authorized pursuant to the New Markets Development Program Act if one or more of the following occur:

(a) The Federal Government recaptures any portion of the federal new markets tax credit. The recapture by the Department *of Revenue* shall equal the recapture by the Federal Government.

(b) The qualified community development entity redeems or makes a principal repayment on a qualified investment before the final allowance date. The recapture by the Department *of Revenue* shall equal the redemption or principal repayment divided by the purchase price and multiplied by the tax credit authorized to a taxpayer for the qualified investment.

(c)1. The qualified community development entity fails to invest at least 85 percent of the purchase price in qualified low-income community investments within 12 months after the issuance of a qualified investment; or

2. The qualified community development entity fails to maintain 85 percent of the purchase price in qualified low-income community investments until the last credit allowance date for a qualified investment.

For the purposes of this paragraph, an investment by a qualified community development entity includes principal recovered from an investment for 12 months after its recovery or principal recovered after the sixth credit allowance date. Principal held for longer than 12 months or recovered before the sixth credit allowance date is not an investment unless it is reinvested in a qualified low-income community investment.

(d) The qualified community development entity fails to provide the *department* ~~office~~ with information, reports, or documentation required by the New Markets Development Program Act.

(e) The *department* ~~office~~ determines that a taxpayer received tax credits to which the taxpayer was not entitled.

(2) The *department* ~~office~~ shall provide notice to the qualified community development entity and the Department *of Revenue* of a proposed recapture of a tax credit. The entity shall have 6 months following the receipt of the notice to cure a deficiency identified in the notice and avoid recapture. The *department* ~~office~~ shall issue a final order of recapture if the entity fails to cure a deficiency within the 6-month period. The final order of recapture shall be provided to the entity, the Department *of Revenue*, and a taxpayer otherwise authorized to claim the tax credit. Only one correction is permitted for each qualified equity investment during the 7-year credit period. Recaptured funds shall be deposited into the General Revenue Fund.

(3) An entity that submits fraudulent information to the *department* ~~office~~ is liable for the costs associated with the investigation and prosecution of the fraudulent claim plus a penalty in an amount equal to double the tax credits claimed by investors in the entity's qualified investments. This penalty is in addition to any other penalty that may be imposed by law.

Section 203. Section 288.9921, Florida Statutes, is amended to read:

288.9921 Rulemaking.—The *Department of Economic Opportunity* ~~Office~~ and the Department *of Revenue* may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer ss. 288.991-288.9920.

Section 204. Section 290.004, Florida Statutes, is amended to read:

290.004 Definitions relating to Florida Enterprise Zone Act.—As used in ss. 290.001-290.016:

(1) "Community investment corporation" means a black business investment corporation, a certified development corporation, a small business investment corporation, or other similar entity incorporated under Florida law that has limited its investment policy to making investments solely in minority business enterprises.

(2) "Department" means the Department of Economic Opportunity.

~~(2) "Director" means the director of the Office of Tourism, Trade, and Economic Development.~~

(3) "Governing body" means the council or other legislative body charged with governing the county or municipality.

(4) "Minority business enterprise" has the same meaning as *provided* in s. 288.703.

~~(5) "Office" means the Office of Tourism, Trade, and Economic Development.~~

(5)~~(6)~~ "Rural enterprise zone" means an enterprise zone that is nominated by a county having a population of 75,000 or fewer, or a county having a population of 100,000 or fewer which is contiguous to a county having a population of 75,000 or fewer, or by a municipality in such a county, or by such a county and one or more municipalities. An enterprise zone designated in accordance with s. 290.0065(5)(b) ~~or s. 379.2353~~ is considered to be a rural enterprise zone.

(6)~~(7)~~ "Small business" has the same meaning as *provided* in s. 288.703.

Section 205. Subsection (1) and paragraphs (a) and (b) of subsection (6) of section 290.0055, Florida Statutes, are amended to read:

290.0055 Local nominating procedure.—

(1) If, pursuant to s. 290.0065, an opportunity exists for designation of a new enterprise zone, any county or municipality, or a county and one or more municipalities together, may apply to the *department* ~~office~~ for the designation of an area as an enterprise zone after completion of the following:

(a) The adoption by the governing body or bodies of a resolution which:

1. Finds that an area exists in such county or municipality, or in both the county and one or more municipalities, which chronically exhibits extreme and unacceptable levels of poverty, unemployment, physical deterioration, and economic disinvestment;

2. Determines that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, and welfare of the residents of such county or municipality, or such county and one or more municipalities; and

3. Determines that the revitalization of such area can occur only if the private sector can be induced to invest its own resources in productive enterprises that build or rebuild the economic viability of the area.

(b) The creation of an enterprise zone development agency pursuant to s. 290.0056.

(c) The creation and adoption of a strategic plan pursuant to s. 290.0057.

(6)(a) The *department* ~~office~~ may approve a change in the boundary of any enterprise zone which was designated pursuant to s. 290.0065. A boundary change must continue to satisfy the requirements of subsections (3), (4), and (5).

(b) Upon a recommendation by the enterprise zone development agency, the governing body of the jurisdiction which authorized the application for an enterprise zone may apply to the *department* ~~Office~~ for a change in boundary once every 3 years by adopting a resolution that:

1. States with particularity the reasons for the change; and

2. Describes specifically and, to the extent required by the *department* ~~office~~, the boundary change to be made.

Section 206. Paragraph (h) of subsection (8) and subsections (11) and (12) of section 290.0056, Florida Statutes, are amended to read:

290.0056 Enterprise zone development agency.—

(8) The enterprise zone development agency shall have the following powers and responsibilities:

(h) To work with *the department and* Enterprise Florida, Inc., ~~and the office~~ to ensure that the enterprise zone coordinator receives training on an annual basis.

(11) *Before* ~~Prior to~~ December 1 of each year, the agency shall submit to the *department* ~~Office of Tourism, Trade, and Economic Development~~ a complete and detailed written report setting forth:

(a) Its operations and accomplishments during the fiscal year.

(b) The accomplishments and progress concerning the implementation of the strategic plan or measurable goals, and any updates to the strategic plan or measurable goals.

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

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

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

(f) Any other information required by the *department* ~~office~~.

(12) In the event that the nominated area selected by the governing body is not designated a state enterprise zone, the governing body may dissolve the agency after receiving notification from the *department* ~~office~~ that the area was not designated as an enterprise zone.

Section 207. Subsections (1) and (5) of section 290.0058, Florida Statutes, are amended to read:

290.0058 Determination of pervasive poverty, unemployment, and general distress.—

(1) In determining whether an area suffers from pervasive poverty, unemployment, and general distress, for purposes of ss. 290.0055 and 290.0065, the governing body and the *department* ~~office~~ shall use data from the most current decennial census, and from information published by the Bureau of the Census and the Bureau of Labor Statistics. The data shall be comparable in point or period of time and methodology employed.

(5) In making the calculations required by this section, the local government and the *department* ~~office~~ shall round all fractional percentages of one-half percent or more up to the next highest whole percentage figure.

Section 208. Subsections (2), (4), and (5), paragraph (a) of subsection (6), and subsection (7) of section 290.0065, Florida Statutes, are amended to read:

290.0065 State designation of enterprise zones.—

(2) If, pursuant to subsection (4), the *department* ~~office~~ does not redesignate an enterprise zone, a governing body of a county or municipality or the governing bodies of a county and one or more municipalities jointly, pursuant to s. 290.0055, may apply for designation of an enterprise zone to take the place of the enterprise zone not redesignated and request designation of an enterprise zone. The *department* ~~Office, in consultation with Enterprise Florida, Inc.,~~ shall determine which areas nominated by such governing bodies meet the criteria outlined in s. 290.0055 and are the most appropriate for designation as state enterprise zones. Each application made pursuant to s. 290.0055 shall be ranked competitively based on the pervasive poverty, unemployment, and general distress of the area; the strategic plan, including local fiscal and regulatory incentives, prepared pursuant to s. 290.0057; and the prospects for new investment and economic development in the area. Pervasive poverty, unemployment, and general distress shall be weighted 35 percent; strategic plan and local fiscal and regulatory incentives shall be weighted 40 percent; and prospects for new investment and economic development in the area shall be weighted 25 percent.

(4)(a) Notwithstanding s. 290.0055, the *department* ~~office~~ may redesignate any state enterprise zone having an effective date on or before

January 1, 2005, as a state enterprise zone upon completion and submittal to the office by the governing body for an enterprise zone of the following:

1. An updated zone profile for the enterprise zone based on the most recent census data that complies with s. 290.0055, except that pervasive poverty criteria may be set aside for rural enterprise zones.

2. A resolution passed by the governing body for that enterprise zone requesting redesignation and explaining the reasons the conditions of the zone merit redesignation.

3. Measurable goals for the enterprise zone developed by the enterprise zone development agency, which may be the goals established in the enterprise zone's strategic plan.

The governing body may also submit a request for a boundary change in an enterprise zone in the same application to the *department* ~~office~~ as long as the new area complies with the requirements of s. 290.0055, except that pervasive poverty criteria may be set aside for rural enterprise zones.

(b) In consultation with Enterprise Florida, Inc., the *department* ~~office~~ shall, based on the enterprise zone profile and the grounds for redesignation expressed in the resolution, determine whether the enterprise zone merits redesignation. The *department* ~~office~~ may also examine and consider the following:

1. Progress made, if any, in the enterprise zone's strategic plan.

2. Use of enterprise zone incentives during the life of the enterprise zone.

If the *department* ~~office~~ determines that the enterprise zone merits redesignation, the *department* ~~office~~ shall notify the governing body in writing of its approval of redesignation.

(c) If the enterprise zone is redesignated, the *department* ~~office~~ shall determine if the measurable goals submitted are reasonable. If the *department* ~~office~~ determines that the goals are reasonable, *it* ~~the office~~ shall notify the governing body in writing that the goals have been approved.

(d) If the *department* ~~office~~ denies redesignation of an enterprise zone, *it* ~~the Office~~ shall notify the governing body in writing of the denial. Any county or municipality having jurisdiction over an area denied redesignation as a state enterprise zone pursuant to this subsection may not apply for designation of that area for 1 year following the date of denial.

(5) Notwithstanding s. 290.0055, an area designated as a federal empowerment zone or enterprise community pursuant to Title XIII of the Omnibus Budget Reconciliation Act of 1993, the Taxpayer Relief Act of 1997, or the 1999 Agricultural Appropriations Act shall be designated a state enterprise zone as follows:

(a) An area designated as an urban empowerment zone or urban enterprise community pursuant to Title XIII of the Omnibus Budget Reconciliation Act of 1993, the Taxpayer Relief Act of 1997, or the 2000 Community Renewal Tax Relief Act shall be redesignated a state enterprise zone by the *department* ~~office~~ upon completion of the requirements set out in paragraph (d), except in the case of a county as defined in s. 125.011(1) which, notwithstanding s. 290.0055, may incorporate and include such designated urban empowerment zone or urban enterprise community areas within the boundaries of its state enterprise zones without any limitation as to size.

(b) An area designated as a rural empowerment zone or rural enterprise community pursuant to Title XIII of the Omnibus Budget Reconciliation Act of 1993 or the 1999 Agricultural Appropriations Act shall be redesignated a state rural enterprise zone by the *department* ~~office~~ upon completion of the requirements set out in paragraph (d) and may incorporate and include such designated rural empowerment zone or rural enterprise community within the boundaries of its state enterprise zones without any limitation as to size.

(c) Any county or municipality having jurisdiction over an area redesignated as a state enterprise zone pursuant to this subsection, other than a county defined in s. 125.011(1), may not apply for designation of another area.

(d) *Before* ~~Prior to~~ redesignating such areas as state enterprise zones, the *department* ~~office~~ shall ensure that the governing body having jurisdiction over the zone submits the information required under paragraph (4)(a) for redesignation to the *department* ~~office~~.

(6)(a) The *department* ~~office, in consultation with Enterprise Florida, Inc.,~~ may develop guidelines necessary for the approval of areas under this section by the *executive* director.

(7) Upon approval by the *department* ~~director~~ of a resolution authorizing an area to be an enterprise zone pursuant to this section, the *department* ~~office~~ shall assign a unique identifying number to that resolution. The *department* ~~office~~ shall provide the Department of Revenue and Enterprise Florida, Inc., with a copy of each resolution approved, together with its identifying number.

Section 209. Subsection (1) of section 290.0066, Florida Statutes, is amended to read:

290.0066 Revocation of enterprise zone designation.—

(1) The *department* ~~director~~ may revoke the designation of an enterprise zone if the *department* ~~director~~ determines that the governing body or bodies:

(a) Have failed to make progress in achieving the benchmarks set forth in the strategic plan or measurable goals; or

(b) Have not complied substantially with the strategic plan or measurable goals.

Section 210. Section 290.00710, Florida Statutes, is amended to read:

290.00710 Enterprise zone designation for the City of Lakeland.—The City of Lakeland may apply to the *department* ~~Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone for an area within the City of Lakeland, which zone shall encompass an area up to 10 square miles. ~~The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055.~~ Notwithstanding s. 290.0065, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the *department* ~~Office of Tourism, Trade, and Economic Development~~ may designate one enterprise zone under this section. The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 211. Section 290.0072, Florida Statutes, is amended to read:

290.0072 Enterprise zone designation for the City of Winter Haven.—The City of Winter Haven may apply to the *department* ~~Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone for an area within the City of Winter Haven, which zone shall encompass an area up to 5 square miles. Notwithstanding s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the *department* ~~office of Tourism, Trade, and Economic Development~~ may designate one enterprise zone under this section. The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 212. Section 290.00725, Florida Statutes, is amended to read:

290.00725 Enterprise zone designation for the City of Ocala.—The City of Ocala may apply to the *department* ~~Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone for an area within the western portion of the city, which zone shall encompass an area up to 5 square miles. ~~The application must be submitted by December 31, 2009, and must comply with the requirements of s. 290.0055.~~ Notwithstanding s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the *department* ~~Office of Tourism, Trade, and Economic Development~~ may designate one enterprise zone under this section. The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall

establish the initial effective date of the enterprise zone designated under this section.

Section 213. Section 290.0073, Florida Statutes, is amended to read:

290.0073 Enterprise zone designation for Indian River County, the City of Vero Beach, and the City of Sebastian.—Indian River County, the City of Vero Beach, and the City of Sebastian may jointly apply to the *department* ~~Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone encompassing an area not to exceed 10 square miles. ~~The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055.~~ Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the *department* ~~Office of Tourism, Trade, and Economic Development~~ may designate one enterprise zone under this section. The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 214. Section 290.0074, Florida Statutes, is amended to read:

290.0074 Enterprise zone designation for Sumter County.—Sumter County may apply to the *department* ~~Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone encompassing an area not to exceed 10 square miles. The application must be submitted by December 31, 2005. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the *department* ~~Office of Tourism, Trade, and Economic Development~~ may designate one enterprise zone under this section. The *department* ~~Office of Tourism, Trade and Economic Development~~ shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 215. Section 290.0077, Florida Statutes, is amended to read:

290.0077 Enterprise zone designation for Orange County and the municipality of Apopka.—Orange County and the municipality of Apopka may jointly apply to the *department* ~~Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone. ~~The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055.~~ Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the *department* ~~Office of Tourism, Trade, and Economic Development~~ may designate one enterprise zone under this section. The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 216. Section 290.014, Florida Statutes, is amended to read:

290.014 Annual reports on enterprise zones.—

(1) By February 1 of each year, the Department of Revenue shall submit an annual report to the *department* ~~Office of Tourism, Trade, and Economic Development~~ detailing the usage and revenue impact by county of the state incentives listed in s. 290.007.

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

Section 217. Subsections (3) and (6) of section 290.042, Florida Statutes, are amended to read:

290.042 Definitions relating to Florida Small Cities Community Development Block Grant Program Act.—As used in ss. 290.0401-290.049, the term:

(3) "Department" means the Department of *Economic Opportunity* ~~Community Affairs~~.

(6) "Person of low or moderate income" means any person who meets the definition established by the department ~~of Community Affairs~~ in accordance with the guidelines established in Title I of the Housing and Community Development Act of 1974, as amended.

Section 218. Section 290.043, Florida Statutes, is amended to read:

290.043 Florida Small Cities Community Development Block Grant Program; administration.—There is created the Florida Small Cities Community Development Block Grant Program. The department ~~of Community Affairs~~ shall administer the program as authorized and described in Title I of the Housing and Community Development Act of 1974, as amended; Pub. L. No. 93-383, as amended by Pub. L. No. 96-399 and Pub. L. No. 97-35; 42 U.S.C. ss. 5301 et seq.

Section 219. Subsection (4) of section 290.043, Florida Statutes, is amended to read:

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

(4) The department may set aside an amount of up to 5 percent of the funds annually for use in any eligible local government jurisdiction for which an emergency or natural disaster has been declared by executive order. Such funds may only be provided to a local government to fund eligible emergency-related activities for which no other source of federal, state, or local disaster funds is available. The department may provide for such set-aside by rule. In the last quarter of the state fiscal year, any funds not allocated under the emergency-related set-aside ~~shall be used to fully fund any applications which were partially funded due to inadequate funds in the most recently completed neighborhood revitalization category funding cycle, and then any remaining funds~~ shall be distributed to ~~the next~~ unfunded applications *from the most recent funding cycle*.

Section 220. Subsection (6) of section 290.046, Florida Statutes, is amended to read:

290.046 Applications for grants; procedures; requirements.—

(6) The local government shall establish a citizen advisory task force composed of citizens in the jurisdiction in which the proposed project is to be implemented to provide input relative to all phases of the project process. The local government must obtain consent from the department ~~of Community Affairs~~ for any other type of citizen participation plan upon a showing that such plan is better suited to secure citizen participation for that locality.

Section 221. Subsection (2) of section 290.047, Florida Statutes, is amended to read:

290.047 Establishment of grant ceilings and maximum administrative cost percentages; elimination of population bias; loans in default.—

(2) The department shall establish grant ceilings for each program category *by rule*. ~~These ceilings shall bear some relationship to an applicant's total population or its population living below the federal poverty level. Population ranges may be used in establishing these ceilings. In no case, however, may a grant ceiling be set above $750,000 or below $300,000.~~

Section 222. Section 290.048, Florida Statutes, is amended to read:

290.048 General powers of department ~~of Community Affairs~~ under ss. 290.0401-290.049.—The department has all the powers necessary or appropriate to carry out the purposes and provisions of the program, including the power to:

(1) Make contracts and agreements with the Federal Government; other agencies of the state; any other public agency; or any other public person, association, corporation, local government, or entity in exercising its powers and performing its duties under ss. 290.0401-290.049.

(2) Seek and accept funding from any public or private source.

(3) Adopt and enforce rules not inconsistent with ss. 290.0401-290.049 for the administration of the fund.

(4) Assist in training employees of local governing authorities to help achieve and increase their capacity to administer programs pursuant to

ss. 290.0401-290.049 and provide technical assistance and advice to local governing authorities involved with these programs.

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

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

(b) Show the boundaries of the locality.

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

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

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

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

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

Section 223. Paragraph (a) of subsection (2) and subsection (4) of section 290.0491, Florida Statutes, is amended to read:

290.0491 Florida Empowerment Zones.—

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

(a) "Department" means the Department of *Economic Opportunity* ~~Community Affairs~~.

(4) EMPOWERMENT ZONE PROGRAM.—There is created an economic development program to be known as the Florida Empowerment Zone Program. The program shall exist for 10 years and, except as otherwise provided by law, be operated by the Department of *Economic Opportunity* ~~Community Affairs~~ in conjunction with the Federal Empowerment Zone Program.

Section 224. Subsections (3) and (4) of section 290.053, Florida Statutes, are amended to read:

290.053 Response to economic emergencies in small communities.—

(3) A local government entity shall notify the Governor, the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~, and Enterprise Florida, Inc., when one or more of the conditions specified in subsection (2) have occurred or will occur if action is not taken to assist the local governmental entity or the affected community.

(4) Upon notification that one or more of the conditions described in subsection (2) exist, the Governor or his or her designee shall contact the local governmental entity to determine what actions have been taken by the local governmental entity or the affected community to resolve the economic emergency. The Governor *may* ~~has the authority to~~ waive the eligibility criteria of any program or activity administered by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development,~~ or Enterprise Florida, Inc., to provide economic relief to the affected community by granting participation in such programs or activities. The Governor shall consult with the President of the Senate and the Speaker of the House of Representatives and shall take other action, as necessary, to resolve the economic emergency in the most expedient manner possible. All actions taken pursuant to this section shall be within current appropriations and shall have no annualized impact beyond normal growth.

Section 225. Section 290.06561, Florida Statutes, is amended to read:

290.06561 Designation of rural enterprise zone as catalyst site.—Notwithstanding s. 290.0065(1), the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~, upon request of the host county, shall designate as a rural enterprise zone any catalyst site as defined in s. 288.0656(2)(b) that was approved *before* ~~prior to~~ January 1, 2010, and that is not located in an existing rural enterprise zone. The request from the host county must include the legal description of the catalyst site and the name and contact information for the county development authority responsible for managing the catalyst site. The designation shall provide businesses locating within the catalyst site the same eligibility for economic incentives and other benefits of a rural enterprise zone designated under s. 290.0065. The reporting criteria for a catalyst site designated as a rural enterprise zone under this section are the same as for other rural enterprise zones. Host county development authorities may enter into memoranda of agreement, as necessary, to coordinate their efforts to implement this section.

Section 226. Paragraph (d) of subsection (3) of section 310.0015, Florida Statutes, is amended to read:

310.0015 Piloting regulation; general provisions.—

(3) The rate-setting process, the issuance of licenses only in numbers deemed necessary or prudent by the board, and other aspects of the economic regulation of piloting established in this chapter are intended to protect the public from the adverse effects of unrestricted competition which would result from an unlimited number of licensed pilots being allowed to market their services on the basis of lower prices rather than safety concerns. This system of regulation benefits and protects the public interest by maximizing safety, avoiding uneconomic duplication of capital expenses and facilities, and enhancing state regulatory oversight. The system seeks to provide pilots with reasonable revenues, taking into consideration the normal uncertainties of vessel traffic and port usage, sufficient to maintain reliable, stable piloting operations. Pilots have certain restrictions and obligations under this system, including, but not limited to, the following:

(d)1. The pilot or pilots in a port shall train and compensate all member deputy pilots in that port. Failure to train or compensate such deputy pilots shall constitute a ground for disciplinary action under s. 310.101. Nothing in this subsection shall be deemed to create an agency or employment relationship between a pilot or deputy pilot and the pilot or pilots in a port.

2. The pilot or pilots in a port shall establish a competency-based mentor program by which minority persons~~,~~ as defined in s. 288.703~~(3),~~ may acquire the skills for the professional preparation and education competency requirements of a licensed state pilot or certificated deputy pilot. The department shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives with a report each year on the number of minority persons~~,~~ as defined in s. 288.703~~(3),~~ who have participated in each mentor program, who are licensed state pilots or certificated deputy pilots, and who have applied for state pilot licensure or deputy pilot certification.

Section 227. Subsections (1), (3), (5), (8), (9), (10), and (11) of section 311.09, Florida Statutes, are amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation. The council consists of the following 17 members: the port director, or the port director's designee, of each of the ports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina; the secretary of the Department of Transportation or his or her designee; *and* the director of the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ or his or her designee~~; and the secretary of the Department of Community Affairs or his or her designee~~.

(3) The council shall prepare a 5-year Florida Seaport Mission Plan defining the goals and objectives of the council concerning the development of port facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155. The Florida Seaport Mission Plan shall include specific recommendations for the construction of transportation facilities connecting any port to another transportation mode and for the efficient,

cost-effective development of transportation facilities or port facilities for the purpose of enhancing international trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues, and providing economic benefits to the state. The council shall update the 5-year Florida Seaport Mission Plan annually and shall submit the plan no later than February 1 of each year to the President of the Senate,~~;~~ the Speaker of the House of Representatives,~~;~~ *the Department of Economic Opportunity, and* ~~the Office of Tourism, Trade, and Economic Development;~~ the Department of Transportation~~; and the Department of Community Affairs~~. The council shall develop programs, based on an examination of existing programs in Florida and other states, for the training of minorities and secondary school students in job skills associated with employment opportunities in the maritime industry, and report on progress and recommendations for further action to the President of the Senate and the Speaker of the House of Representatives annually.

(5) The council shall review and approve or disapprove each project eligible to be funded pursuant to the Florida Seaport Transportation and Economic Development Program. The council shall annually submit to the Secretary of Transportation *and*~~;~~ the *executive director of the Department of Economic Opportunity, or his or her designee,* ~~director of the Office of Tourism, Trade, and Economic Development; and the Secretary of Community Affairs~~ a list of projects which have been approved by the council. The list shall specify the recommended funding level for each project; and, if staged implementation of the project is appropriate, the funding requirements for each stage shall be specified.

(8) The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc.,~~ shall review the list of projects approved by the council to evaluate the economic benefit of the project and to determine whether the project is consistent with the Florida Seaport Mission Plan. The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall review the economic benefits of each project based upon the rules adopted pursuant to subsection (4). The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the Florida Seaport Mission Plan and shall notify the council of its findings.

(9) The council shall review the findings of the *Department of Economic Opportunity* ~~Department of Community Affairs; the Office of Tourism, Trade, and Economic Development;~~ and the Department of Transportation. Projects found to be inconsistent pursuant to subsections (6), (7), and (8) and projects which have been determined not to offer an economic benefit to the state pursuant to subsection (8) shall not be included in the list of projects to be funded.

(10) The Department of Transportation shall include in its annual legislative budget request a Florida Seaport Transportation and Economic Development grant program for expenditure of funds of not less than $8 million per year. Such budget shall include funding for projects approved by the council which have been determined by each agency to be consistent and which have been determined by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ to be economically beneficial. The department shall include the specific approved seaport projects to be funded under this section during the ensuing fiscal year in the tentative work program developed pursuant to s. 339.135(4). The total amount of funding to be allocated to seaport projects under s. 311.07 during the successive 4 fiscal years shall also be included in the tentative work program developed pursuant to s. 339.135(4). The council may submit to the department a list of approved projects that could be made production-ready within the next 2 years. The list shall be submitted by the department as part of the needs and project list prepared pursuant to s. 339.135(2)(b). However, the department shall, upon written request of the Florida Seaport Transportation and Economic Development Council, submit work program amendments pursuant to s. 339.135(7) to the Governor within 10 days after the later of the date the request is received by the department or the effective date of the amendment, termination, or closure of the applicable funding agreement between the department and the affected seaport, as required to release the funds from the existing commitment. Notwithstanding s. 339.135(7)(c), any work program amendment to transfer prior year funds from one approved seaport project to another seaport project is subject to the procedures in s. 339.135(7)(d). Notwithstanding any provision of law to the contrary, the department may transfer unexpended budget between the seaport projects as identified in the approved work program amendments.

(11) The council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. All members of the council are voting members. A vote of the majority of the voting members present is sufficient for any action of the council, except that a member representing the Department of Transportation~~, the Department of Community Affairs,~~ or the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ may vote to overrule any action of the council approving a project pursuant to subsection (5). The bylaws of the council may require a greater vote for a particular action.

Section 228. Paragraph (b) of subsection (1) of section 311.105, Florida Statutes, is amended to read:

311.105 Florida Seaport Environmental Management Committee; permitting; mitigation.—

(1)

(b) The committee shall consist of the following members: the Secretary of Environmental Protection, or his or her designee, as an ex officio, nonvoting member; a designee from the United States Army Corps of Engineers, as an ex officio, nonvoting member; a designee from the Florida Inland Navigation District, as an ex officio, nonvoting member; the *executive director of Economic Opportunity* ~~Secretary of Community Affairs~~, or his or her designee, as an ex officio, nonvoting member; and five or more port directors, as voting members, appointed to the committee by the council chair, who shall also designate one such member as committee chair.

Section 229. Subsection (3) of section 327.803, Florida Statutes, is amended to read:

327.803 Boating Advisory Council.—

(3) The purpose of the council is to make recommendations to the Fish and Wildlife Conservation Commission and the Department of *Economic Opportunity* ~~Community Affairs~~ regarding issues affecting the boating community, including, but not limited to, issues related to:

(a) Boating and diving safety education.

(b) Boating-related facilities, including marinas and boat testing facilities.

(c) Boat usage.

(d) Boat access.

(e) Working waterfronts.

Section 230. Section 311.11, Florida Statutes, is amended to read:

311.11 Seaport Employment Training Grant Program.—

(1) The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~, in cooperation with the Florida Seaport Transportation and Economic Development Council, shall establish a Seaport Employment Training Grant Program within the *Department of Economic Opportunity* ~~Office~~. The *Department of Economic Opportunity* ~~office~~ shall grant funds appropriated by the Legislature to the program for the purpose of stimulating and supporting seaport training and employment programs which will seek to match state and local training programs with identified job skills associated with employment opportunities in the port, maritime, and transportation industries, and for the purpose of providing such other training, educational, and information services as required to stimulate jobs in the described industries. Funds may be used for the purchase of equipment to be used for training purposes, hiring instructors, and any other purpose associated with the training program. The ~~office's~~ contribution *of the Department of Economic Opportunity* to any specific training program may not exceed 50 percent of the total cost of the program.

Matching contributions may include services in kind, including, but not limited to, training instructors, equipment usage, and training facilities.

(2) The *Department of Economic Opportunity* ~~Office~~ shall adopt criteria to implement this section.

Section 231. Paragraph (i) of subsection (1) of section 311.115, Florida Statutes, are amended to read:

311.115 Seaport Security Standards Advisory Council.—The Seaport Security Standards Advisory Council is created under the Office of Drug Control. The council shall serve as an advisory council as provided in s. 20.03(7).

(1) The members of the council shall be appointed by the Governor and consist of the following:

(i) One *representative of the Department of Economic Opportunity* ~~member from the Office of Tourism, Trade, and Economic Development~~.

Section 232. Subsection (2) of section 311.22, Florida Statutes, is amended to read:

311.22 Additional authorization for funding certain dredging projects.—

(2) The council shall adopt rules for evaluating the projects that may be funded pursuant to this section. The rules must provide criteria for evaluating the economic benefit of the project. The rules must include the creation of an administrative review process by the council which is similar to the process described in s. 311.09(5)-(12), and provide for a review by ~~the Department of Community Affairs,~~ the Department of Transportation~~,~~ and the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ of all projects submitted for funding under this section.

Section 233. Paragraph (a) of subsection (6), paragraph (b) of subsection (9), subsection (60), and paragraph (b) of subsection (65) of section 320.08058, Florida Statutes, are amended to read:

320.08058 Specialty license plates.—

(6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE PLATES.—

(a) Because the United States Olympic Committee has selected this state to participate in a combined fundraising program that provides for one-half of all money raised through volunteer giving to stay in this state and be administered by *Enterprise Florida, Inc.,* ~~the direct-support organization established under s. 288.1229~~ to support amateur sports, and because the United States Olympic Committee and *Enterprise Florida, Inc.,* ~~the direct-support organization~~ are nonprofit organizations dedicated to providing athletes with support and training and preparing athletes of all ages and skill levels for sports competition, and because *Enterprise Florida, Inc.,* ~~the direct-support organization~~ assists in the bidding for sports competitions that provide significant impact to the economy of this state, and the Legislature supports the efforts of the United States Olympic Committee and *Enterprise Florida, Inc.,* ~~the direct-support organization,~~ the Legislature establishes a Florida United States Olympic Committee license plate for the purpose of providing a continuous funding source to support this worthwhile effort. Florida United States Olympic Committee license plates must contain the official United States Olympic Committee logo and must bear a design and colors that are approved by the department. The word "Florida" must be centered at the top of the plate.

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

(b) The license plate annual use fees are to be annually distributed as follows:

1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term "major sports events" means, but is not limited to, championship or all-star contests of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, the men's and women's National Collegiate Athletic Association Final Four basketball championship, or a horse-racing or dogracing Breeders' Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by the Florida Sports Foundation.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to *Enterprise Florida, Inc* ~~the Florida Sports Foundation, a direct-support organization of the Office of Tourism, Trade, and Economic Development~~. These funds must be deposited into the Professional Sports Development Trust Fund within the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~. These funds must be used by *Enterprise Florida, Inc.,* ~~the Florida Sports Foundation~~ to promote the economic development of the sports industry; to distribute licensing and royalty fees to participating professional sports teams; to promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards; to partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement; to institute a grant program for communities bidding on minor sporting events that create an economic impact for the state; to distribute funds to Florida-based charities designated by *Enterprise Florida, Inc.,* ~~the Florida Sports Foundation~~ and the participating professional sports teams; and to fulfill the sports promotion responsibilities of the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~.

3. *Enterprise Florida, Inc.,* ~~The Florida Sports Foundation~~ shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5)~~. The auditor shall submit the audit report to the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ for review and approval. If the audit report is approved, the *Department of Economic Opportunity* ~~office~~ shall certify the audit report to the Auditor General for review.

4. Notwithstanding the provisions of subparagraphs 1. and 2., proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of *Enterprise Florida, Inc.,* ~~the Florida Sports Foundation~~ and financial support of the Sunshine State Games.

(60) FLORIDA NASCAR LICENSE PLATES.—

(a) The department shall develop a Florida NASCAR license plate as provided in this section. Florida NASCAR license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the term "NASCAR" must appear at the bottom of the plate. The National Association for Stock Car Auto Racing, following consultation with *Enterprise Florida, Inc.,* ~~the Florida Sports Foundation,~~ may submit a sample plate for consideration by the department.

(b) The license plate annual use fees shall be distributed to *Enterprise Florida, Inc.* ~~the Florida Sports Foundation, a direct-support organization of the Office of Tourism, Trade, and Economic Development.~~ The license plate annual use fees shall be annually allocated as follows:

1. Up to 5 percent of the proceeds from the annual use fees may be used by *Enterprise Florida, Inc.,* ~~the Florida Sports Foundation~~ for the administration of the NASCAR license plate program.

2. The National Association for Stock Car Auto Racing shall receive up to $60,000 in proceeds from the annual use fees to be used to pay startup costs, including costs incurred in developing and issuing the plates. Thereafter, 10 percent of the proceeds from the annual use fees shall be provided to the association for the royalty rights for the use of its marks.

3. The remaining proceeds from the annual use fees shall be distributed to *Enterprise Florida, Inc.* ~~the Florida Sports Foundation.~~ *Enterprise Florida, Inc.,* ~~The Florida Sports Foundation~~ will retain 15 percent to support its regional grant program, attracting sporting events to Florida; 20 percent to support the marketing of motorsports-related

tourism in the state; and 50 percent to be paid to the NASCAR Foundation, a s. 501(c)(3) charitable organization, to support Florida-based charitable organizations.

(c) *Enterprise Florida, Inc.,* ~~The Florida Sports Foundation~~ shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5)~~. The auditor shall submit the audit report to the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ for review and approval. If the audit report is approved, the *Department of Economic Opportunity* ~~office~~ shall certify the audit report to the Auditor General for review.

(65) FLORIDA TENNIS LICENSE PLATES.—

(b) The department shall distribute the annual use fees to *Enterprise Florida, Inc* ~~the Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development~~. The license plate annual use fees shall be annually allocated as follows:

1. Up to 5 percent of the proceeds from the annual use fees may be used by *Enterprise Florida, Inc.,* ~~the Florida Sports Foundation~~ to administer the license plate program.

2. The United States Tennis Association Florida Section Foundation shall receive the first $60,000 in proceeds from the annual use fees to reimburse it for startup costs, administrative costs, and other costs it incurs in the development and approval process.

3. Up to 5 percent of the proceeds from the annual use fees may be used for promoting and marketing the license plates. The remaining proceeds shall be available for grants by the United States Tennis Association Florida Section Foundation to nonprofit organizations to operate youth tennis programs and adaptive tennis programs for special populations of all ages, and for building, renovating, and maintaining public tennis courts.

Section 234. Subsection (3) of section 320.63, Florida Statutes, is amended to read:

320.63 Application for license; contents.—Any person desiring to be licensed pursuant to ss. 320.60-320.70 shall make application therefor to the department upon a form containing such information as the department requires. The department shall require, with such application or otherwise and from time to time, all of the following, which information may be considered by the department in determining the fitness of the applicant or licensee to engage in the business for which the applicant or licensee desires to be licensed:

(3) From each manufacturer, distributor, or importer which utilizes an identical blanket basic agreement for its dealers or distributors in this state, which agreement comprises all or any part of the applicant's or licensee's agreements with motor vehicle dealers in this state, a copy of the written agreement and all supplements thereto, together with a list of the applicant's or licensee's authorized dealers or distributors and their addresses. The applicant or licensee shall further notify the department immediately of the appointment of any additional dealer or distributor. The applicant or licensee shall annually report to the department on its efforts to add new minority dealer points, including difficulties encountered under ss. 320.61-320.70. For purposes of this section "minority" shall have the same meaning as that given it in the definition of "minority person" in s. 288.703~~(3)~~. Not later than 60 days *before* ~~prior to~~ the date a revision or modification to a franchise agreement is offered uniformly to a licensee's motor vehicle dealers in this state, the licensee shall notify the department of such revision, modification, or addition to the franchise agreement on file with the department. In no event may a franchise agreement, or any addendum or supplement thereto, be offered to a motor vehicle dealer in this state until the applicant or licensee files an affidavit with the department acknowledging that the terms or provisions of the agreement, or any related document, are not inconsistent with, prohibited by, or contrary to the provisions contained in ss. 320.60-320.70. Any franchise agreement offered to a motor vehicle dealer in this state shall provide that all terms and conditions in such agreement inconsistent with the law and rules of this state are of no force and effect.

Section 235. Subsection (5) of section 331.3051, Florida Statutes, is amended to read:

331.3051 Duties of Space Florida.—Space Florida shall:

(5) Consult with *Enterprise Florida, Inc.,* ~~the Florida Commission on Tourism~~ in developing a space tourism marketing plan. Space Florida and *Enterprise Florida, Inc.,* ~~the Florida Commission on Tourism~~ may enter into a mutually beneficial agreement that provides funding to *Enterprise Florida, Inc.,* ~~the commission~~ for its services to implement this subsection.

Section 236. Section 331.3081, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 331.3081, F.S., for present text.)

331.3081 Board of Directors; advisory board.—

(1) Space Florida shall be governed by a 12-member independent board of directors that consists of the members appointed to the board of directors of Enterprise Florida, Inc., by the Governor, the President of the Senate, and the Speaker of the House of Representatives pursuant to s. 288.901(5)(a)5.

(2) Space Florida shall have a 15-member advisory council, appointed by the Governor from a list of nominations submitted by the board of directors. The advisory council shall be composed of Florida residents with expertise in the space industry, and each of the following areas of expertise or experience must be represented by at least one advisory council member: human space-flight programs, commercial launches into space, organized labor with experience working in the aerospace industry, aerospace-related industries, a commercial company working under Federal Government contracts to conduct space-related business, an aerospace company whose primary client is the United States Department of Defense, and an alternative energy enterprise with potential for aerospace applications. The advisory council shall elect a member to serve as the chair of the council.

(3) The advisory council shall make recommendations to the board of directors of Enterprise Florida, Inc., on the operation of Space Florida, including matters pertaining to ways to improve or enhance Florida's efforts to expand its existing space and aerospace industry, to improve management and use of Florida's state-owned real property assets related to space and aerospace, how best to retain and, if necessary, retrain Florida's highly skilled space and aerospace workforce, and how to strengthen bonds between this state, NASA, the Department of Defense, and private space and aerospace industries.

(4) The term for an advisory council member is 4 years. A member may not serve more than two consecutive terms. The Governor may remove any member for cause and shall fill all vacancies that occur.

(5) Advisory council members shall serve without compensation, but may be reimbursed for all reasonable, necessary, and actual expenses as determined by the board of directors of Enterprise Florida, Inc.

Section 237. Subsection (1) of section 332.115, Florida Statutes, is amended to read:

332.115 Joint project agreement with port district for transportation corridor between airport and port facility.—

(1) An eligible agency may acquire, construct, and operate all equipment, appurtenances, and land necessary to establish, maintain, and operate, or to license others to establish, maintain, operate, or use, a transportation corridor connecting an airport operated by such eligible agency with a port facility, which corridor must be acquired, constructed, and used for the transportation of persons between the airport and the port facility, for the transportation of cargo, and for the location and operation of lines for the transmission of water, electricity, communications, information, petroleum products, products of a public utility (including new technologies of a public utility nature), and materials. However, any such corridor may be established and operated only pursuant to a joint project agreement between an eligible agency as defined in s. 332.004 and a port district as defined in s. 315.02, and such agreement must be approved by the Department of Transportation and the Department of *Economic Opportunity* ~~Community Affairs~~. Before the Department of Transportation approves the joint project agreement,

that department must review the public purpose and necessity for the corridor pursuant to s. 337.273(5) and must also determine that the proposed corridor is consistent with the Florida Transportation Plan. Before the Department of *Economic Opportunity* ~~Community Affairs~~ approves the joint project agreement, that department must determine that the proposed corridor is consistent with the applicable local government comprehensive plans. An affected local government may provide its comments regarding the consistency of the proposed corridor with its comprehensive plan to the Department of *Economic Opportunity* ~~Community Affairs~~.

Section 238. Section 333.065, Florida Statutes, is amended to read:

333.065 Guidelines regarding land use near airports.—The Department of Transportation, after consultation with the Department of *Economic Opportunity* ~~Community Affairs~~, local governments, and other interested persons, shall adopt by rule recommended guidelines regarding compatible land uses in the vicinity of airports. These guidelines shall utilize acceptable and established quantitative measures, such as the Air Installation Compatible Use Zone standards, the Florida Statutes, and applicable Federal Aviation Administration documents.

Section 239. Paragraph (f) of subsection (4) and paragraph (g) of subsection (7) of section 339.135, Florida Statutes, are amended to read:

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

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

(f) The central office shall submit a preliminary copy of the tentative work program to the Executive Office of the Governor, the legislative appropriations committees, the Florida Transportation Commission, and the Department of *Economic Opportunity* ~~Community Affairs~~ at least 14 days prior to the convening of the regular legislative session. Prior to the statewide public hearing required by paragraph (g), the Department of *Economic Opportunity* ~~Community Affairs~~ shall transmit to the Florida Transportation Commission a list of those projects and project phases contained in the tentative work program which are identified as being inconsistent with approved local government comprehensive plans. For urbanized areas of metropolitan planning organizations, the list may not contain any project or project phase that is scheduled in a transportation improvement program unless such inconsistency has been previously reported to the affected metropolitan planning organization.

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

(g) Notwithstanding ~~the requirements in~~ paragraphs (d) and (g) and ss. 216.177(2) and 216.351, the secretary may request the Executive Office of the Governor to amend the adopted work program when an emergency exists, as defined in s. 252.34~~(3)~~, and the emergency relates to the repair or rehabilitation of any state transportation facility. The Executive Office of the Governor may approve the amendment to the adopted work program and amend that portion of the department's approved budget *if a* ~~in the event that the~~ delay incident to the notification requirements in paragraph (d) would be detrimental to the interests of the state. However, the department shall immediately notify the parties specified in paragraph (d) and ~~shall~~ provide such parties written justification for the emergency action within 7 days *after* ~~of the~~ approval by the Executive Office of the Governor of the amendment to the adopted work program and the department's budget. ~~In no event may~~ The adopted work program *may not* be amended under ~~the provisions of~~ this subsection without ~~the~~ certification by the comptroller of the department that there are sufficient funds available pursuant to the 36-month cash forecast and applicable statutes.

Section 240. Paragraphs (f) and (g) of subsection (8) of section 339.175, Florida Statutes, are amended to read:

339.175 Metropolitan planning organization.—

(8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program for the area within the jurisdiction of the M.P.O. In the development of the transportation improvement program, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed transportation improvement program.

(f) The adopted annual transportation improvement program for M.P.O.'s in nonattainment or maintenance areas must be submitted to the district secretary and the Department of *Economic Opportunity* ~~Community Affairs~~ at least 90 days before the submission of the state transportation improvement program by the department to the appropriate federal agencies. The annual transportation improvement program for M.P.O.'s in attainment areas must be submitted to the district secretary and the Department of *Economic Opportunity* ~~Community Affairs~~ at least 45 days before the department submits the state transportation improvement program to the appropriate federal agencies; however, the department, the Department of *Economic Opportunity* ~~Community Affairs~~, and a metropolitan planning organization may, in writing, agree to vary this submittal date. The Governor or the Governor's designee shall review and approve each transportation improvement program and any amendments thereto.

(g) The Department of *Economic Opportunity* ~~Community Affairs~~ shall review the annual transportation improvement program of each M.P.O. for consistency with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of each M.P.O. and shall identify those projects that are inconsistent with such comprehensive plans. The Department of *Economic Opportunity* ~~Community Affairs~~ shall notify an M.P.O. of any transportation projects contained in its transportation improvement program which are inconsistent with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O.

Section 241. Subsection (1) of section 342.201, Florida Statutes, is amended to read:

342.201 Waterfronts Florida Program.—

(1) There is established within the Department of *Environmental Protection* ~~Community Affairs~~ the Waterfronts Florida Program to provide technical assistance and support to communities in revitalizing waterfront areas in this state.

Section 242. Subsection (3) of section 369.303, Florida Statutes, is amended to read:

369.303 Definitions.—As used in this part:

(3) "Department" means the Department of *Economic Opportunity* ~~Community Affairs~~.

Section 243. Subsection (1) of section 369.318, Florida Statutes, is amended to read:

369.318 Studies.—

(1) The Department of Environmental Protection shall study the efficacy and applicability of water quality and wastewater treatment standards needed to achieve nitrogen reductions protective of surface and groundwater quality within the Wekiva Study Area and report to the Governor and the Department of *Economic Opportunity* ~~Community Affairs~~. The Department of Environmental Protection may adopt rules to implement the specific recommendations set forth in sections C.2. and C.4. of its report entitled "A Strategy for Water Quality Protection: Wastewater Treatment in the Wekiva Study Area," dated December 2004, in order to achieve nitrogen reductions protective of surface and groundwater quality in the Wekiva Study Area and implement Recommendation 8 of the Wekiva River Basin Coordinating Committee's final report dated March 16, 2004. The rules shall provide an opportunity for relief from such specific recommendations upon affirmative demonstration by the permittee or permit applicant, based on water quality data, physical circumstances, or other credible information, that the discharge of treated wastewater is protective of surface water and groundwater quality with respect to nitrate nitrogen as set forth in section C.1. of the referenced December 2004 report.

Section 244. Subsections (5) and (7) of section 369.321, Florida Statutes, are amended to read:

369.321 Comprehensive plan amendments.—Except as otherwise expressly provided, by January 1, 2006, each local government within the Wekiva Study Area shall amend its local government comprehensive plan to include the following:

(5) Comprehensive plans and comprehensive plan amendments adopted by the local governments to implement this section shall be reviewed by the Department of *Economic Opportunity* ~~Community Affairs~~ pursuant to s. 163.3184, and shall be exempt from the provisions of s. 163.3187(1).

(7) During the period prior to the adoption of the comprehensive plan amendments required by this act, any local comprehensive plan amendment adopted by a city or county that applies to land located within the Wekiva Study Area shall protect surface and groundwater resources and be reviewed by the Department of *Economic Opportunity* ~~Community Affairs~~, pursuant to chapter 163 and chapter 9J-5, Florida Administrative Code, using best available data, including the information presented to the Wekiva River Basin Coordinating Committee.

Section 245. Subsections (1) and (3) of section 369.322, Florida Statutes, are amended to read:

369.322 Coordination of land use and water supply within the Wekiva Study Area.—

(1) In their review of local government comprehensive plan amendments for property located within the Wekiva Study Area pursuant to s. 163.3184, the Department of *Economic Opportunity* ~~Community Affairs~~ and the St. Johns River Water Management District shall assure that amendments that increase development potential demonstrate that adequate potable water consumptive use permit capacity is available.

(3) In recognition of the need to balance resource protection, existing infrastructure and improvements planned or committed as part of approved development, consistent with existing municipal or county comprehensive plans and economic development opportunities, planned community development initiatives that assure protection of surface and groundwater resources while promoting compact, ecologically and economically sustainable growth should be encouraged. Small area studies, sector plans, or similar planning tools should support these community development initiatives. In addition, the Department of *Economic Opportunity* ~~Community Affairs~~ may make available best practice guides that demonstrate how to balance resource protection and economic development opportunities.

Section 246. Section 369.323, Florida Statutes, is amended to read:

369.323 Compliance.—Comprehensive plans and plan amendments adopted by the local governments within the Wekiva Study Area to implement this act shall be reviewed for compliance by the Department of *Economic Opportunity* ~~Community Affairs~~.

Section 247. Subsections (1) and (5) of section 369.324, Florida Statutes, are amended to read:

369.324 Wekiva River Basin Commission.—

(1) The Wekiva River Basin Commission is created to monitor and ensure the implementation of the recommendations of the Wekiva River Basin Coordinating Committee for the Wekiva Study Area. The East Central Florida Regional Planning Council shall provide staff support to the commission with funding assistance from the Department of *Economic Opportunity* ~~Community Affairs~~. The commission shall be comprised of a total of 19 members appointed by the Governor, 9 of whom shall be voting members and 10 shall be ad hoc nonvoting members. The voting members shall include:

(a) One member of each of the Boards of County Commissioners for Lake, Orange, and Seminole Counties.

(b) One municipal elected official to serve as a representative of the municipalities located within the Wekiva Study Area of Lake County.

(c) One municipal elected official to serve as a representative of the municipalities located within the Wekiva Study Area of Orange County.

(d) One municipal elected official to serve as a representative of the municipalities located within the Wekiva Study Area of Seminole County.

(e) One citizen representing an environmental or conservation organization, one citizen representing a local property owner, a land developer, or an agricultural entity, and one at-large citizen who shall serve as chair of the council.

(f) The ad hoc nonvoting members shall include one representative from each of the following entities:

1. St. Johns River Management District.

2. Department of *Economic Opportunity* ~~Community Affairs~~.

3. Department of Environmental Protection.

4. Department of Health.

5. Department of Agriculture and Consumer Services.

6. Fish and Wildlife Conservation Commission.

7. Department of Transportation.

8. MetroPlan Orlando.

9. Orlando-Orange County Expressway Authority.

10. Seminole County Expressway Authority.

(5) The commission shall report annually, no later than December 31 of each year, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Department of *Economic Opportunity* ~~Community Affairs~~ on implementation progress.

Section 248. Paragraph (b) of subsection (3) of section 373.199, Florida Statutes, is amended to read:

373.199 Florida Forever Water Management District Work Plan.—

(3) In developing the list, each water management district shall:

(b) Work cooperatively with the applicable ecosystem management area teams and other citizen advisory groups, the Department of Environmental Protection and its district offices, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, the Department of *Economic Opportunity* ~~Community Affairs~~, the Department of Transportation, other state agencies, and federal agencies, where applicable.

Section 249. Subsection (5) of section 373.4149, Florida Statutes, is amended to read:

373.4149 Miami-Dade County Lake Belt Plan.—

(5) The secretary of the Department of Environmental Protection, the *executive director* ~~secretary~~ of the Department of *Economic Opportunity* ~~Community Affairs~~, the secretary of the Department of Transportation, the Commissioner of Agriculture, the executive director of the Fish and Wildlife Conservation Commission, and the executive director of the South Florida Water Management District may enter into agreements with landowners, developers, businesses, industries, individuals, and governmental agencies as necessary to effectuate the Miami-Dade Lake Belt Plan and the provisions of this section.

Section 250. Paragraph (a) of subsection (1) of section 373.453, Florida Statutes, is amended to read:

373.453 Surface water improvement and management plans and programs.—

(1)(a) Each water management district, in cooperation with the department, the Department of Agriculture and Consumer Services, the Department of *Economic Opportunity* ~~Community Affairs~~, the Fish and Wildlife Conservation Commission, local governments, and others, shall maintain a list that prioritizes water bodies of regional or statewide significance within the water management district. The list shall be reviewed and updated every 5 years.

Section 251. Subsection (1) of section 375.021, Florida Statutes, is amended to read:

375.021 Comprehensive multipurpose outdoor recreation plan.—

(1) The department is given the responsibility, authority, and power to develop and execute a comprehensive multipurpose outdoor recreation plan for this state with the cooperation of the Department of Agriculture and Consumer Services, the Department of Transportation, the Fish and Wildlife Conservation Commission, the *Department of Economic Opportunity* ~~Florida Commission on Tourism~~, and the water management districts.

Section 252. Section 376.60, Florida Statutes, is amended to read:

376.60 Asbestos removal program inspection and notification fee.—The Department of Environmental Protection shall charge an inspection and notification fee, not to exceed $300 for a small business as defined in s. 288.703~~(1)~~, or $1,000 for any other project, for any asbestos removal project. The department may establish a fee schedule by rule. Schools, colleges, universities, residential dwellings, and those persons otherwise exempted from licensure under s. 469.002(4) are exempt from the fees. Any fee collected must be deposited in the asbestos program account in the Air Pollution Control Trust Fund to be used by the department to administer its asbestos removal program.

(1) In those counties with approved local air pollution control programs, the department shall return 80 percent of the asbestos removal program inspection and notification fees collected in that county to the local government quarterly, if the county requests it.

(2) The fees returned to a county under subsection (1) must be used only for asbestos-related program activities.

(3) A county may not levy any additional fees for asbestos removal activity while it receives fees under subsection (1).

(4) If a county has requested reimbursement under subsection (1), the department shall reimburse the approved local air pollution control program with 80 percent of the fees collected in the county retroactive to July 1, 1994, for asbestos-related program activities.

(5) If an approved local air pollution control program that is providing asbestos notification and inspection services according to 40 C.F.R. part 61, subpart M, and is collecting fees sufficient to support the requirements of 40 C.F.R. part 61, subpart M, opts not to receive the state-generated asbestos notification fees, the state may discontinue collection of the state asbestos notification fees in that county.

Section 253. Subsection (2) of section 376.86, Florida Statutes, is amended to read:

376.86 Brownfield Areas Loan Guarantee Program.—

(2) The council shall consist of the secretary of the Department of Environmental Protection or the secretary's designee, ~~the secretary of the Department of Community Affairs or the secretary's designee,~~ the State Surgeon General or the State Surgeon General's designee, the executive director of the State Board of Administration or the executive director's designee, the executive director of the Florida Housing Finance Corporation or the executive director's designee, and the *executive director of Economic Opportunity or the director's* ~~Director of the Governor's Office of Tourism, Trade, and Economic Development or the director's~~ designee. The *executive director of Economic Opportunity or the director's designee shall serve as chair* ~~chairperson~~ of the council ~~shall be the Director of the Governor's Office of Tourism, Trade, and Economic Development~~. Staff services for activities of the council shall be provided as needed by the member agencies.

Section 254. Subsection (1), paragraph (c) of subsection (2), and subsections (3) and (4) of section 377.809, Florida Statutes, are amended to read:

377.809 Energy Economic Zone Pilot Program.—

(1) The Department of *Economic Opportunity* ~~Community Affairs~~, in consultation with the Department of Transportation, shall implement an Energy Economic Zone Pilot Program for the purpose of developing a model to help communities cultivate green economic development, encourage renewable electric energy generation, manufacture products that contribute to energy conservation and green jobs, and further implement chapter 2008-191, Laws of Florida, relative to discouraging sprawl and developing energy-efficient land use patterns and greenhouse gas reduction strategies. The *Department of Agriculture and Consumer Services* ~~Office of Tourism, Trade, and Economic Development and the Florida Energy and Climate Commission~~ shall provide technical assistance to the departments in developing and administering the program.

(2)

(c) The Department of *Economic Opportunity* ~~Community Affairs~~ shall grant at least one application if the application meets the requirements of this subsection and the community has demonstrated a prior commitment to energy conservation, carbon reduction, green building, and economic development. The Department of *Economic Opportunity* ~~Community Affairs and the Office of Tourism, Trade, and Economic Development~~ shall provide the pilot community, including businesses within the energy economic zone, with technical assistance in identifying and qualifying for eligible grants and credits in job creation, energy, and other areas.

~~(3) The Department of Community Affairs, with the assistance of the Office of Tourism, Trade, and Economic Development, shall submit an interim report by February 15, 2010, to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the status of the pilot program. The report shall contain any recommendations deemed appropriate by the department for statutory changes to accomplish the goals of the pilot program community, including whether it would be beneficial to provide financial incentives similar to those offered to an enterprise zone.~~

(3)~~(4)~~ If the pilot project is ongoing, the Department of *Economic Opportunity* ~~Community Affairs, with the assistance of the Office of Tourism, Trade, and Economic Development,~~ shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 15, 2012, evaluating whether the pilot program has demonstrated success. The report shall contain recommendations with regard to whether the program should be expanded for use by other local governments and whether state policies should be revised to encourage the goals of the program.

Section 255. Subsection (3) of section 378.411, Florida Statutes, is amended to read:

378.411 Certification to receive notices of intent to mine, to review, and to inspect for compliance.—

(3) In making his or her determination, the secretary shall consult with the Department of *Economic Opportunity* ~~Community Affairs~~, the appropriate regional planning council, and the appropriate water management district.

Section 256. Paragraph (c) of subsection (4) of section 379.2291, Florida Statutes, is amended to read:

379.2291 Endangered and Threatened Species Act.—

(4) INTERAGENCY COORDINATION.—

(c) The commission, in consultation with the Department of Agriculture and Consumer Services, the Department of *Economic Opportunity* ~~Community Affairs~~, or the Department of Transportation, may establish reduced speed zones along roads, streets, and highways to protect endangered species or threatened species.

Section 257. Subsection (18) of section 380.031, Florida Statutes, is amended to read:

380.031 Definitions.—As used in this chapter:

(18) "State land planning agency" means the Department of *Economic Opportunity* ~~Community Affairs~~ and may be referred to in this part as the "department."

Section 258. Paragraph (d) of subsection (2), paragraph (e) of subsection (15), and subsections (24) and (27) of section 380.06, Florida Statutes, are amended to read:

380.06 Developments of regional impact.—

(2) STATEWIDE GUIDELINES AND STANDARDS.—

(d) The guidelines and standards shall be applied as follows:

1. Fixed thresholds.—

a. A development that is below 100 percent of all numerical thresholds in the guidelines and standards *is* ~~shall~~ not ~~be~~ required to undergo development-of-regional-impact review.

b. A development that is at or above 120 percent of any numerical threshold shall be required to undergo development-of-regional-impact review.

c. Projects certified under s. 403.973 which create at least 100 jobs and meet the criteria of the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ as to their impact on an area's economy, employment, and prevailing wage and skill levels that are at or below 100 percent of the numerical thresholds for industrial plants, industrial parks, distribution, warehousing or wholesaling facilities, office development or multiuse projects other than residential, as described in s. 380.0651(3)(c), (d), and (h), are not required to undergo development-of-regional-impact review.

2. Rebuttable presumption.—It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(e)1. A local government shall not include, as a development order condition for a development of regional impact, any requirement that a developer contribute or pay for land acquisition or construction or expansion of public facilities or portions thereof unless the local government has enacted a local ordinance which requires other development not subject to this section to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development, and the need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.

2. A local government shall not approve a development of regional impact that does not make adequate provision for the public facilities needed to accommodate the impacts of the proposed development unless the local government includes in the development order a commitment by the local government to provide these facilities consistently with the development schedule approved in the development order; however, a local government's failure to meet the requirements of subparagraph 1. and this subparagraph shall not preclude the issuance of a development order where adequate provision is made by the developer for the public facilities needed to accommodate the impacts of the proposed development. Any funds or lands contributed by a developer must be expressly designated and used to accommodate impacts reasonably attributable to the proposed development.

3. The Department of *Economic Opportunity* ~~Community Affairs~~ and other state and regional agencies involved in the administration and implementation of this act shall cooperate and work with units of local government in preparing and adopting local impact fee and other contribution ordinances.

(24) STATUTORY EXEMPTIONS.—

(a) Any proposed hospital is exempt from ~~the provisions of~~ this section.

(b) Any proposed electrical transmission line or electrical power plant is exempt from ~~the provisions of~~ this section.

(c) Any proposed addition to an existing sports facility complex is exempt from ~~the provisions of~~ this section if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled hours of operation of the existing facility.

2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility.

3. The sports facility complex property is owned by a public body *before* ~~prior to~~ July 1, 1983.

This exemption does not apply to any pari-mutuel facility.

(d) Any proposed addition or cumulative additions subsequent to July 1, 1988, to an existing sports facility complex owned by a state university is exempt if the increased seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.

(e) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body *before* ~~prior to~~ July 1, 1973, is exempt from ~~the provisions of~~ this section if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year's capacity.

(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators is exempt from ~~the provisions of~~ this section, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and not to exceed a total of 10 percent in any 5-year period, and provided that the sports facility notifies the appropriate local government within which the facility is located of the increase at least 6 months *before* ~~prior to~~ the initial use of the increased seating, in order to permit the appropriate local government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan shall be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.

(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility is exempt from ~~the provisions of~~ this section, if the following conditions exist:

1.a. The sports facility had a permanent seating capacity on January 1, 1991, of at least 41,000 spectator seats;

b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or

c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and

2. The local government having jurisdiction of the sports facility includes in the development order or development permit approving such expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer and stormwater drainage provisions of the approved local comprehensive plan and local land development regulations relating to those provisions.

Any owner or developer who intends to rely on this statutory exemption shall provide to the department a copy of the local government application for a development permit. Within 45 days *after* ~~of~~ receipt of the application, the department shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the department's opinion, the prescribed conditions exist for an exemption under this paragraph. The local government shall render the development order approving each such expansion to the department. The owner, developer, or department may appeal the local government development order pursuant to s. 380.07, within 45 days after the order is rendered. The scope of review shall be limited to the determination of whether the conditions prescribed in this paragraph exist. If any sports facility expansion undergoes development-of-regional-impact review, all previous expansions which were exempt under this paragraph shall be included in the development-of-regional-impact review.

(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) are exempt from ~~the provisions of~~ this section when such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with ~~the provisions of~~ s. 163.3178.

(i) Any proposed facility for the storage of any petroleum product or any expansion of an existing facility is exempt from ~~the provisions of~~ this section.

(j) Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use.

(k) Waterport and marina development, including dry storage facilities, are exempt from ~~the provisions of~~ this section.

(l) Any proposed development within an urban service boundary established under s. 163.3177(14), which is not otherwise exempt pursuant to subsection (29), is exempt from ~~the provisions of~~ this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary, has entered into a binding agreement with jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(m) Any proposed development within a rural land stewardship area created under s. 163.3177(11)(d) is exempt from ~~the provisions of~~ this section if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(n) The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, is exempt from this section.

(o) Any self-storage warehousing that does not allow retail or other services is exempt from this section.

(p) Any proposed nursing home or assisted living facility is exempt from this section.

(q) Any development identified in an airport master plan and adopted into the comprehensive plan pursuant to s. 163.3177(6)(k) is exempt from this section.

(r) Any development identified in a campus master plan and adopted pursuant to s. 1013.30 is exempt from this section.

(s) Any development in a specific area plan which is prepared pursuant to s. 163.3245 and adopted into the comprehensive plan is exempt from this section.

(t) Any development within a county with a research and education authority created by special act and that is also within a research and development park that is operated or managed by a research and development authority pursuant to part V of chapter 159 is exempt from this section.

If a use is exempt from review as a development of regional impact under paragraphs (a)-(s), but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development of regional impact that includes a landowner, tenant, or user that has entered into a funding agreement with the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ under the Innovation Incentive Program and the agreement contemplates a state award of at least $50 million.

(27) RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS UNDER A DEVELOPMENT ORDER.—If a developer or owner is in doubt as to his or her rights, responsibilities, and obligations under a development order and the development order does not clearly define his or her rights, responsibilities, and obligations, the developer or owner may request participation in resolving the dispute through the dispute resolution process outlined in s. 186.509. The Department of *Economic Opportunity* ~~Community Affairs~~ shall be notified by certified mail of any meeting held under the process provided for by this subsection at least 5 days before the meeting.

Section 259. Paragraph (a) of subsection (5) of section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

(5)(a) Before filing an application for development designation, the developer shall contact the Department of *Economic Opportunity* ~~Community Affairs~~ to arrange one or more preapplication conferences with the other reviewing entities. Upon the request of the developer or any of the reviewing entities, other affected state or regional agencies shall participate in this conference. The department, in coordination with the local government with jurisdiction and the regional planning council, shall provide the developer information about the Florida Quality Developments designation process and the use of preapplication conferences to identify issues, coordinate appropriate state, regional, and local agency requirements, fully address any concerns of the local government, the regional planning council, and other reviewing agencies and the meeting of those concerns, if applicable, through development order conditions, and otherwise promote a proper, efficient, and timely review of the proposed Florida Quality Development. The department shall take the lead in coordinating the review process.

Section 260. Subsections (2) and (6) of section 380.0677, Florida Statutes, are amended to read:

380.0677 Green Swamp Land Authority.—

(2) MISSION.—The mission of the Green Swamp Land Authority shall be to balance the protection of the ecological values of the Green Swamp Area of Critical State Concern with the protection of private property rights and the interests of taxpayers through the acquisition of lands, or rights or interests in lands, from willing sellers within the Green Swamp Area of Critical State Concern. To that end, the authority is encouraged to coordinate with the Division of State Lands of the Department of Environmental Protection, the Florida Communities Trust Program within the Department of *Environmental Protection* ~~Community Affairs~~, the Southwest Florida Water Management District, and the St. Johns River Water Management District to identify, select, and acquire less-than-fee-simple interests or rights in parcels within the Green Swamp Area of Critical State Concern, as part of overall land acquisition efforts by the state and the districts. When the Department of Environmental Protection and the water management districts are planning to acquire parcels within the Green Swamp Area of Critical State Concern, they shall consider acquiring such parcels using alternatives to fee simple techniques in consultation with the land authority.

(6) APPROPRIATIONS.— ~~From funds appropriated to the Department of Environmental Protection for land acquisition from the Conservation and Recreation Lands Trust Fund for fiscal years 1994-1995, 1995-1996, and 1996-1997, $4 million shall be reserved each fiscal year to carry out the purposes of this section.~~ To the extent practicable, moneys appropriated from the Conservation and Recreation Lands Trust Fund, Save Our Rivers Trust Fund, and Florida Communities Trust Fund shall be used to acquire lands, or interests or rights in lands, on the Conservation and Recreation Lands, Save Our Rivers, or Florida Communities Trust land acquisition plans or lists, as defined in s. 259.035, or a land acquisition plan under s. 373.59 or s. 380.508. However, nothing in this subsection prohibits the Green Swamp Land Authority from entering into land protection agreements with any property owner whose property is not on any of such lists. ~~From sums appropriated to the Department of Environmental Protection from the Water Management District Lands Trust Fund for fiscal years 1994-1995, 1995-1996, and 1996-1997, $3 million shall be reserved each fiscal year to carry out the purposes of this section. Such amounts as are used from the Water Management District Lands Trust Fund shall be credited against the allocations as provided in s. 373.59 to the St. Johns River Water Management District or the Southwest Florida Water Management District in proportion to the amount of lands for which an interest was acquired, and shall not be required by a district for debt service payments or land management purposes. From funds appropriated to the Department of Community Affairs for the Florida Communities Trust Program from the Preservation 2000 Trust Fund for fiscal years 1994-1995 through 1999-2000, $3 million shall be reserved each fiscal year to carry out the purposes of this section. Appropriations identified pursuant to this subsection shall fund the acquisition of lands, or the interests or rights in lands, and related costs of acquisition. Such funds shall be available for expenditure after the land authority has adopted rules to begin its program. Funds reserved pursuant to this subsection, for each of the referenced fiscal years, shall remain available for the purposes specified in this subsection for 24 months from the date on which such funds become available for disbursement. After such time~~

~~has elapsed, any funds which are not legally obligated for expenditure shall be released for the lawful purposes for which they were otherwise appropriated.~~

Section 261. Section 380.285, Florida Statutes, is amended to read:

380.285 Lighthouses; study; preservation; funding.—The ~~Department of Community Affairs and the~~ Division of Historical Resources of the Department of State shall undertake a study of the lighthouses in the state. The study must determine the location, ownership, condition, and historical significance of all lighthouses in the state and ensure that all historically significant lighthouses are nominated for inclusion on the National Register of Historic Places. The study must assess the condition and restoration needs of historic lighthouses and develop plans for appropriate future public access and use. The Division of Historical Resources shall take a leadership role in implementing plans to stabilize lighthouses and associated structures and to preserve and protect them from future deterioration. When possible, the lighthouses and associated buildings should be made available to the public for educational and recreational purposes. The Department of State shall request in its annual legislative budget requests funding necessary to carry out the duties and responsibilities specified in this act. Funds for the rehabilitation of lighthouses should be allocated through matching grants-in-aid to state and local government agencies and to nonprofit organizations. The Department of Environmental Protection may assist the Division of Historical Resources in projects to accomplish the goals and activities described in this section.

Section 262. Subsection (2) of section 380.503, Florida Statutes, is amended to read:

380.503 Definitions.—As used in ss. 380.501-380.515, unless the context indicates a different meaning or intent:

(2) "Department" means the Department of *Environmental Protection* ~~Community Affairs~~.

Section 263. Subsection (1) of section 380.504, Florida Statutes, is amended to read:

380.504 Florida Communities Trust; creation; membership; expenses.—

(1) There is created within *the Department of Environmental Protection* ~~the Department of Community Affairs~~ a nonregulatory state agency and instrumentality, which shall be a public body corporate and politic, known as the "Florida Communities Trust." The governing body of the trust shall consist of:

(a) The ~~Secretary of Community Affairs and the~~ Secretary of Environmental Protection; and

(b) Four public members whom the Governor shall appoint subject to Senate confirmation.

The Governor shall appoint a former elected official of a county government, a former elected official of a metropolitan municipal government, a representative of a nonprofit organization as defined in this part, and a representative of the development industry. ~~The Secretary of Community Affairs may designate his or her assistant secretary or the director of the Division of Community Planning to serve in his or her absence.~~ The Secretary of Environmental Protection may appoint his or her deputy secretary, the director of the Division of State Lands, or the director of the Division of Recreation and Parks to serve in his or her absence. The *Secretary of Environmental Protection* ~~Secretary of Community Affairs~~ shall be the chair of the governing body of the trust. The Governor shall make his or her appointments upon the expiration of any current terms or within 60 days after the effective date of the resignation of any member.

Section 264. Subsection (1) of section 380.5115, Florida Statutes, is amended to read:

380.5115 Florida Forever Program Trust Fund of the Department of *Environmental Protection* ~~Community Affairs~~.—

(1) There is created a Florida Forever Program Trust Fund within the department ~~of Community Affairs~~ to further the purposes of this part as specified in s. 259.105(3)(c) and (j). The trust fund shall receive funds pursuant to s. 259.105(3)(c) and (j).

Section 265. Paragraph (e) of subsection (1) of section 381.0054, Florida Statutes, is amended to read:

381.0054 Healthy lifestyles promotion.—

(1) The Department of Health shall promote healthy lifestyles to reduce the prevalence of excess weight gain and obesity in Florida by implementing appropriate physical activity and nutrition programs that are directed towards all Floridians by:

(e) Partnering with the Department of Education, school districts, and *Enterprise Florida, Inc.,* ~~the Florida Sports Foundation~~ to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement.

Section 266. Subsection (6) of section 381.0086, Florida Statutes, is amended to read:

381.0086 Rules; variances; penalties.—

(6) For the purposes of filing an interstate clearance order with the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, if the housing is covered by 20 C.F.R. part 654, subpart E, no permanent structural variance referred to in subsection (2) is allowed.

Section 267. Paragraph (e) of subsection (2) and paragraph (b) of subsection (5) of section 381.0303, Florida Statutes, are amended to read:

381.0303 Special needs shelters.—

(2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY ASSISTANCE.—If funds have been appropriated to support disaster coordinator positions in county health departments:

(e) The Secretary of Elderly Affairs, or his or her designee, shall convene, at any time that he or she deems appropriate and necessary, a multiagency special needs shelter discharge planning team to assist local areas that are severely impacted by a natural or manmade disaster that requires the use of special needs shelters. Multiagency special needs shelter discharge planning teams shall provide assistance to local emergency management agencies with the continued operation or closure of the shelters, as well as with the discharge of special needs clients to alternate facilities if necessary. Local emergency management agencies may request the assistance of a multiagency special needs shelter discharge planning team by alerting statewide emergency management officials of the necessity for additional assistance in their area. The Secretary of Elderly Affairs is encouraged to proactively work with other state agencies prior to any natural disasters for which warnings are provided to ensure that multiagency special needs shelter discharge planning teams are ready to assemble and deploy rapidly upon a determination by state emergency management officials that a disaster area requires additional assistance. The Secretary of Elderly Affairs may call upon any state agency or office to provide staff to assist a multiagency special needs shelter discharge planning team. Unless the secretary determines that the nature or circumstances surrounding the disaster do not warrant participation from a particular agency's staff, each multiagency special needs shelter discharge planning team shall include at least one representative from each of the following state agencies:

1. Department of Elderly Affairs.

2. Department of Health.

3. Department of Children and Family Services.

4. Department of Veterans' Affairs.

5. *Division of Emergency Management* ~~Department of Community Affairs~~.

6. Agency for Health Care Administration.

7. Agency for Persons with Disabilities.

(5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State Surgeon General may establish a special needs shelter interagency committee and serve as, or appoint a designee to serve as, the committee's chair. The department shall provide any necessary staff and resources to support the committee in the performance of its duties. The committee shall address and resolve problems related to special needs shelters not addressed in the state comprehensive emergency medical plan and shall consult on the planning and operation of special needs shelters.

(b) The special needs shelter interagency committee shall be composed of representatives of emergency management, health, medical, and social services organizations. Membership shall include, but shall not be limited to, representatives of the Departments of Health, ~~Community Affairs,~~ Children and Family Services, Elderly Affairs, and Education; the Agency for Health Care Administration; *the Division of Emergency Management;* the Florida Medical Association; the Florida Osteopathic Medical Association; Associated Home Health Industries of Florida, Inc.; the Florida Nurses Association; the Florida Health Care Association; the Florida Assisted Living Affiliation; the Florida Hospital Association; the Florida Statutory Teaching Hospital Council; the Florida Association of Homes for the Aging; the Florida Emergency Preparedness Association; the American Red Cross; Florida Hospices and Palliative Care, Inc.; the Association of Community Hospitals and Health Systems; the Florida Association of Health Maintenance Organizations; the Florida League of Health Systems; the Private Care Association; the Salvation Army; the Florida Association of Aging Services Providers; the AARP; and the Florida Renal Coalition.

Section 268. Subsection (3) of section 381.7354, Florida Statutes, is amended to read:

381.7354 Eligibility.—

(3) In addition to the grants awarded under subsections (1) and (2), up to 20 percent of the funding for the Reducing Racial and Ethnic Health Disparities: Closing the Gap grant program shall be dedicated to projects that address improving racial and ethnic health status within specific Front Porch Florida Communities~~, as designated pursuant to s. 20.18(6)~~.

Section 269. Paragraph (b) of subsection (1) and subsection (2) of section 383.14, Florida Statutes, are amended to read:

383.14 Screening for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors.—

(1) SCREENING REQUIREMENTS.—To help ensure access to the maternal and child health care system, the Department of Health shall promote the screening of all newborns born in Florida for metabolic, hereditary, and congenital disorders known to result in significant impairment of health or intellect, as screening programs accepted by current medical practice become available and practical in the judgment of the department. The department shall also promote the identification and screening of all newborns in this state and their families for environmental risk factors such as low income, poor education, maternal and family stress, emotional instability, substance abuse, and other high-risk conditions associated with increased risk of infant mortality and morbidity to provide early intervention, remediation, and prevention services, including, but not limited to, parent support and training programs, home visitation, and case management. Identification, perinatal screening, and intervention efforts shall begin prior to and immediately following the birth of the child by the attending health care provider. Such efforts shall be conducted in hospitals, perinatal centers, county health departments, school health programs that provide prenatal care, and birthing centers, and reported to the Office of Vital Statistics.

(b) *Postnatal screening.*—A risk factor analysis using the department's designated risk assessment instrument shall also be conducted as part of the medical screening process upon the birth of a child and submitted to the department's Office of Vital Statistics for recording and other purposes provided for in this chapter. The department's screening process for risk assessment shall include a scoring mechanism and procedures that establish thresholds for notification, further assessment, referral, and eligibility for services by professionals or paraprofessionals consistent with the level of risk. Procedures for developing and using the screening instrument, notification, referral, and care coordination services, reporting requirements, management information, and maintenance of a computer-driven registry in the Office of Vital Statistics which ensures privacy safeguards must be consistent with the provisions and plans established under chapter 411, Pub. L. No. 99-457, and this chapter. Procedures established for reporting information and maintaining a confidential registry must include a mechanism for a centralized information depository at the state and county levels. The department shall coordinate with existing risk assessment systems and information registries. The department must ensure, to the maximum extent possible, that the screening information registry is integrated with the department's automated data systems, including the Florida On-line Recipient Integrated Data Access (FLORIDA) system. Tests and screenings must be performed by the State Public Health Laboratory, in coordination with Children's Medical Services, at such times and in such manner as is prescribed by the department after consultation with the Genetics and *Newborn* ~~Infant~~ Screening Advisory Council and the *Office of Early Learning* ~~Agency for Workforce Innovation~~.

(2) RULES.—After consultation with the Genetics and Newborn Screening Advisory Council, the department shall adopt and enforce rules requiring that every newborn in this state shall, prior to becoming 1 week of age, be subjected to a test for phenylketonuria and, at the appropriate age, be tested for such other metabolic diseases and hereditary or congenital disorders as the department may deem necessary from time to time. After consultation with the *Office of Early Learning* ~~Agency for Workforce Innovation~~, the department shall also adopt and enforce rules requiring every newborn in this state to be screened for environmental risk factors that place children and their families at risk for increased morbidity, mortality, and other negative outcomes. The department shall adopt such additional rules as are found necessary for the administration of this section and s. 383.145, including rules providing definitions of terms, rules relating to the methods used and time or times for testing as accepted medical practice indicates, rules relating to charging and collecting fees for the administration of the newborn screening program authorized by this section, rules for processing requests and releasing test and screening results, and rules requiring mandatory reporting of the results of tests and screenings for these conditions to the department.

Section 270. Subsection (8) of section 393.067, Florida Statutes, is amended to read:

393.067 Facility licensure.—

(8) The agency, after consultation with the *Division of Emergency Management* ~~Department of Community Affairs~~, shall adopt rules for foster care facilities, group home facilities, and residential habilitation centers which establish minimum standards for the preparation and annual update of a comprehensive emergency management plan. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan for all comprehensive transitional education programs and for homes serving individuals who have complex medical conditions is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the agency and the *Division of Emergency Management* ~~Department of Community Affairs~~, at a minimum, are given the opportunity to review the plan. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

Section 271. Paragraph (c) of subsection (1) of section 395.1055, Florida Statutes, is amended to read:

395.1055 Rules and enforcement.—

(1) The agency shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part, which shall include reasonable and fair minimum standards for ensuring that:

(c) A comprehensive emergency management plan is prepared and updated annually. Such standards must be included in the rules adopted by the agency after consulting with the *Division of Emergency Man-*

agement ~~Department of Community Affairs~~. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records, and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the *Division of Emergency Management* ~~Department of Community Affairs~~. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

Section 272. Paragraph (a) of subsection (1) of section 395.1056, Florida Statutes, is amended to read:

395.1056 Plan components addressing a hospital's response to terrorism; public records exemption; public meetings exemption.—

(1)(a) Those portions of a comprehensive emergency management plan that address the response of a public or private hospital to an act of terrorism as defined by s. 775.30 held by the agency, a state or local law enforcement agency, a county or municipal emergency management agency, the Executive Office of the Governor, the Department of Health, or the *Division of Emergency Management* ~~Department of Community Affairs~~ are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 273. Paragraph (c) of subsection (14) of section 397.321, Florida Statutes, is amended to read:

397.321 Duties of the department.—The department shall:

(14) In cooperation with service providers, foster and actively seek additional funding to enhance resources for prevention, intervention, clinical treatment, and recovery support services, including, but not limited to, the development of partnerships with:

(c) State agencies, including, but not limited to, the Department of Corrections, the Department of Education, the Department of Juvenile Justice, ~~the Department of Community Affairs,~~ the Department of Elderly Affairs, the Department of Health, the Department of Financial Services, and the Agency for Health Care Administration.

Section 274. Subsection (1) of section 397.801, Florida Statutes, is amended to read:

397.801 Substance abuse impairment coordination.—

(1) The Department of Children and Family Services, the Department of Education, the Department of Corrections, ~~the Department of Community Affairs,~~ and the Department of Law Enforcement each shall appoint a policy level staff person to serve as the agency substance abuse impairment coordinator. The responsibilities of the agency coordinator include interagency and intraagency coordination, collection and dissemination of agency-specific data relating to substance abuse impairment, and participation in the development of the state comprehensive plan for substance abuse impairment.

Section 275. Paragraph (g) of subsection (2) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Department of Health and the Department of Elderly Affairs, shall adopt and enforce rules to implement this part and part II of chapter 408, which shall include reasonable and fair criteria in relation to:

(g) The preparation and annual update of a comprehensive emergency management plan. The agency shall adopt rules establishing minimum criteria for the plan after consultation with the *Division of Emergency Management* ~~Department of Community Affairs~~. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the *Division of Emergency Management* ~~Department of Community Affairs~~. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

Section 276. Paragraph (a) of subsection (10) of section 400.497, Florida Statutes, is amended to read:

400.497 Rules establishing minimum standards.—The agency shall adopt, publish, and enforce rules to implement part II of chapter 408 and this part, including, as applicable, ss. 400.506 and 400.509, which must provide reasonable and fair minimum standards relating to:

(10) Preparation of a comprehensive emergency management plan pursuant to s. 400.492.

(a) The Agency for Health Care Administration shall adopt rules establishing minimum criteria for the plan and plan updates, with the concurrence of the Department of Health and in consultation with the *Division of Emergency Management* ~~Department of Community Affairs~~.

Section 277. Paragraph (f) of subsection (12) of section 400.506, Florida Statutes, is amended to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(12) Each nurse registry shall prepare and maintain a comprehensive emergency management plan that is consistent with the criteria in this subsection and with the local special needs plan. The plan shall be updated annually. The plan shall include the means by which the nurse registry will continue to provide the same type and quantity of services to its patients who evacuate to special needs shelters which were being provided to those patients prior to evacuation. The plan shall specify how the nurse registry shall facilitate the provision of continuous care by persons referred for contract to persons who are registered pursuant to s. 252.355 during an emergency that interrupts the provision of care or services in private residences. Nurse registries may establish links to local emergency operations centers to determine a mechanism by which to approach specific areas within a disaster area in order for a provider to reach its clients. Nurse registries shall demonstrate a good faith effort to comply with the requirements of this subsection by documenting attempts of staff to follow procedures outlined in the nurse registry's comprehensive emergency management plan which support a finding that the provision of continuing care has been attempted for patients identified as needing care by the nurse registry and registered under s. 252.355 in the event of an emergency under this subsection.

(f) The Agency for Health Care Administration shall adopt rules establishing minimum criteria for the comprehensive emergency management plan and plan updates required by this subsection, with the concurrence of the Department of Health and in consultation with the *Division of Emergency Management* ~~Department of Community Affairs~~.

Section 278. Paragraph (h) of subsection (1) of section 400.605, Florida Statutes, is amended to read:

400.605 Administration; forms; fees; rules; inspections; fines.—

(1) The agency, in consultation with the department, may adopt rules to administer the requirements of part II of chapter 408. The department, in consultation with the agency, shall by rule establish minimum standards and procedures for a hospice pursuant to this part. The rules must include:

(h) Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Depart-

ment of Elderly Affairs, and the *Division of Emergency Management* ~~Department of Community Affairs~~.

Section 279. Subsection (9) of section 400.935, Florida Statutes, is amended to read:

400.935 Rules establishing minimum standards.—The agency shall adopt, publish, and enforce rules to implement this part and part II of chapter 408, which must provide reasonable and fair minimum standards relating to:

(9) Preparation of the comprehensive emergency management plan under s. 400.934 and the establishment of minimum criteria for the plan, including the maintenance of patient equipment and supply lists that can accompany patients who are transported from their homes. Such rules shall be formulated in consultation with the Department of Health and the *Division of Emergency Management* ~~Department of Community Affairs~~.

Section 280. Paragraph (g) of subsection (2) of section 400.967, Florida Statutes, is amended to read:

400.967 Rules and classification of deficiencies.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Agency for Persons with Disabilities and the Department of Elderly Affairs, shall adopt and enforce rules to administer this part and part II of chapter 408, which shall include reasonable and fair criteria governing:

(g) The preparation and annual update of a comprehensive emergency management plan. The agency shall adopt rules establishing minimum criteria for the plan after consultation with the *Division of Emergency Management* ~~Department of Community Affairs~~. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Agency for Health Care Administration, and the *Division of Emergency Management* ~~Department of Community Affairs~~. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

Section 281. Paragraph (b) of subsection (2) of section 401.245, Florida Statutes, is amended to read:

401.245 Emergency Medical Services Advisory Council.—

(2)

(b) Representation on the Emergency Medical Services Advisory Council shall include: two licensed physicians who are "medical directors" as defined in s. 401.23(15) or whose medical practice is closely related to emergency medical services; two emergency medical service administrators, one of whom is employed by a fire service; two certified paramedics, one of whom is employed by a fire service; two certified emergency medical technicians, one of whom is employed by a fire service; one emergency medical services educator; one emergency nurse; one hospital administrator; one representative of air ambulance services; one representative of a commercial ambulance operator; and two laypersons who are in no way connected with emergency medical services, one of whom is a representative of the elderly. Ex officio members of the advisory council from state agencies shall include, but shall not be limited to, representatives from the Department of Education, the Department of Management Services, the State Fire Marshal, the Department of Highway Safety and Motor Vehicles, the Department of Transportation, and the *Division of Emergency Management* ~~Department of Community Affairs~~.

Section 282. Paragraph (b) of subsection (3) of section 402.281, Florida Statutes, is amended to read:

402.281 Gold Seal Quality Care program.—

(3)

(b) In approving accrediting associations, the department shall consult with the Department of Education, ~~the Agency for Workforce Innovation,~~ the Florida Head Start Directors Association, the Florida Association of Child Care Management, the Florida Family Day Care Association, the Florida Children's Forum, the Early Childhood Association of Florida, the Child Development Education Alliance, providers receiving exemptions under s. 402.316, and parents.

Section 283. Subsection (6) of section 402.45, Florida Statutes, is amended to read:

402.45 Community resource mother or father program.—

(6) Individuals under contract to provide community resource mother or father services shall participate in preservice and ongoing training as determined by the Department of Health in consultation with the *Office of Early Learning* ~~Agency for Workforce Innovation~~. A community resource mother or father shall not be assigned a client caseload until all preservice training requirements are completed.

Section 284. Paragraph (a) of subsection (4) of section 402.56, Florida Statutes, is amended to read:

402.56 Children's cabinet; organization; responsibilities; annual report.—

(4) MEMBERS.—The cabinet shall consist of *14* ~~15~~ members including the Governor and the following persons:

(a)1. The Secretary of Children and Family Services;

2. The Secretary of Juvenile Justice;

3. The director of the Agency for Persons with Disabilities;

4. The director of the *Division of Early Learning* ~~Agency for Workforce Innovation~~;

5. The State Surgeon General;

6. The Secretary of Health Care Administration;

7. The Commissioner of Education;

8. The director of the Statewide Guardian Ad Litem Office;

9. The director of the Office of Child Abuse Prevention; and

10. Five members representing children and youth advocacy organizations, who are not service providers and who are appointed by the Governor.

Section 285. Subsection (5) of section 403.0752, Florida Statutes, is amended to read:

403.0752 Ecosystem management agreements.—

(5) The *executive director of the Department of Economic Opportunity* ~~Secretary of Community Affairs~~, the Secretary of Transportation, the Commissioner of Agriculture, the Executive Director of the Fish and Wildlife Conservation Commission, and the executive directors of the water management districts are authorized to participate in the development of ecosystem management agreements with regulated entities and other governmental agencies as necessary to effectuate the provisions of this section. Local governments are encouraged to participate in ecosystem management agreements.

Section 286. Paragraph (b) of subsection (3) of section 403.42, Florida Statutes, is amended to read:

403.42 Florida Clean Fuel Act.—

(3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED; MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—

(b)1. The advisory board shall consist of the *executive director of the Department of Economic Opportunity* ~~Secretary of Community Affairs, or a designee from that department~~, the Secretary of Environmental Protection, or a designee from that department, the Commissioner of Education, or a designee from that department, the Secretary of Transportation, or a designee from that department, the Commissioner of Agriculture, or a designee from *that* ~~the~~ department ~~of Agriculture and Consumer Services~~, the Secretary of Management Services, or a designee from that department, and a representative of each of the following, who shall be appointed by the Secretary of Environmental Protection:

a. The Florida biodiesel industry.

b. The Florida electric utility industry.

c. The Florida natural gas industry.

d. The Florida propane gas industry.

e. An automobile manufacturers' association.

f. A Florida Clean Cities Coalition designated by the United States Department of Energy.

g. Enterprise Florida, Inc.

h. EV Ready Broward.

i. The Florida petroleum industry.

j. The Florida League of Cities.

k. The Florida Association of Counties.

l. Floridians for Better Transportation.

m. A motor vehicle manufacturer.

n. Florida Local Environment Resource Agencies.

o. Project for an Energy Efficient Florida.

p. Florida Transportation Builders Association.

2. The purpose of the advisory board is to serve as a resource for the department and to provide the Governor, the Legislature, and the Secretary of Environmental Protection with private sector and other public agency perspectives on achieving the goal of increasing the use of alternative fuel vehicles in this state.

3. Members shall be appointed to serve terms of 1 year each, with reappointment at the discretion of the Secretary of Environmental Protection. Vacancies shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

4. The board shall annually select a chairperson.

5.a. The board shall meet at least once each quarter or more often at the call of the chairperson or the Secretary of Environmental Protection.

b. Meetings are exempt from the notice requirements of chapter 120, and sufficient notice shall be given to afford interested persons reasonable notice under the circumstances.

6. Members of the board are entitled to travel expenses while engaged in the performance of board duties.

7. The board shall terminate 5 years after the effective date of this act.

Section 287. Paragraph (a) of subsection (2) of section 403.507, Florida Statutes, is amended to read:

403.507 Preliminary statements of issues, reports, project analyses, and studies.—

(2)(a) No later than 100 days after the certification application has been determined complete, the following agencies shall prepare reports as provided below and shall submit them to the department and the applicant, unless a final order denying the determination of need has been issued under s. 403.519:

1. The Department of *Economic Opportunity* ~~Community Affairs~~ shall prepare a report containing recommendations which address the impact upon the public of the proposed electrical power plant, based on the degree to which the electrical power plant is consistent with the applicable portions of the state comprehensive plan, emergency management, and other such matters within its jurisdiction. The Department of *Economic Opportunity* ~~Community Affairs~~ may also comment on the consistency of the proposed electrical power plant with applicable strategic regional policy plans or local comprehensive plans and land development regulations.

2. The water management district shall prepare a report as to matters within its jurisdiction, including but not limited to, the impact of the proposed electrical power plant on water resources, regional water supply planning, and district-owned lands and works.

3. Each local government in whose jurisdiction the proposed electrical power plant is to be located shall prepare a report as to the consistency of the proposed electrical power plant with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed electrical power plant, including any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to matters within its jurisdiction.

5. Each regional planning council shall prepare a report containing recommendations that address the impact upon the public of the proposed electrical power plant, based on the degree to which the electrical power plant is consistent with the applicable provisions of the strategic regional policy plan adopted pursuant to chapter 186 and other matters within its jurisdiction.

6. The Department of Transportation shall address the impact of the proposed electrical power plant on matters within its jurisdiction.

Section 288. Paragraph (a) of subsection (3) of section 403.508, Florida Statutes, is amended to read:

403.508 Land use and certification hearings, parties, participants.—

(3)(a) Parties to the proceeding shall include:

1. The applicant.

2. The Public Service Commission.

3. The Department of *Economic Opportunity* ~~Community Affairs~~.

4. The Fish and Wildlife Conservation Commission.

5. The water management district.

6. The department.

7. The regional planning council.

8. The local government.

9. The Department of Transportation.

Section 289. Paragraph (b) of subsection (2) of section 403.524, Florida Statutes, is amended to read:

403.524 Applicability; certification; exemptions.—

(2) Except as provided in subsection (1), construction of a transmission line may not be undertaken without first obtaining certification under this act, but this act does not apply to:

(b) Transmission lines that have been exempted by a binding letter of interpretation issued under s. 380.06(4), or in which the Department of *Economic Opportunity* ~~Community Affairs~~ or its predecessor agency has determined the utility to have vested development rights within the meaning of s. 380.05(18) or s. 380.06(20).

Section 290. Paragraph (a) of subsection (2) of section 403.526, Florida Statutes, is amended to read:

403.526 Preliminary statements of issues, reports, and project analyses; studies.—

(2)(a) No later than 90 days after the filing of the application, the following agencies shall prepare reports as provided below, unless a final order denying the determination of need has been issued under s. 403.537:

1. The department shall prepare a report as to the impact of each proposed transmission line or corridor as it relates to matters within its jurisdiction.

2. Each water management district in the jurisdiction of which a proposed transmission line or corridor is to be located shall prepare a report as to the impact on water resources and other matters within its jurisdiction.

3. The Department of *Economic Opportunity* ~~Community Affairs~~ shall prepare a report containing recommendations which address the impact upon the public of the proposed transmission line or corridor, based on the degree to which the proposed transmission line or corridor is consistent with the applicable portions of the state comprehensive plan, emergency management, and other matters within its jurisdiction. The Department of *Economic Opportunity* ~~Community Affairs~~ may also comment on the consistency of the proposed transmission line or corridor with applicable strategic regional policy plans or local comprehensive plans and land development regulations.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to the impact of each proposed transmission line or corridor on fish and wildlife resources and other matters within its jurisdiction.

5. Each local government shall prepare a report as to the impact of each proposed transmission line or corridor on matters within its jurisdiction, including the consistency of the proposed transmission line or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed transmission line or corridor, including local comprehensive plans, zoning regulations, land development regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means. A change by the responsible local government or local agency in local comprehensive plans, zoning ordinances, or other regulations made after the date required for the filing of the local government's report required by this section is not applicable to the certification of the proposed transmission line or corridor unless the certification is denied or the application is withdrawn.

6. Each regional planning council shall present a report containing recommendations that address the impact upon the public of the proposed transmission line or corridor based on the degree to which the transmission line or corridor is consistent with the applicable provisions of the strategic regional policy plan adopted under chapter 186 and other impacts of each proposed transmission line or corridor on matters within its jurisdiction.

7. The Department of Transportation shall prepare a report as to the impact of the proposed transmission line or corridor on state roads, railroads, airports, aeronautics, seaports, and other matters within its jurisdiction.

8. The commission shall prepare a report containing its determination under s. 403.537, and the report may include the comments from the commission with respect to any other subject within its jurisdiction.

9. Any other agency, if requested by the department, shall also perform studies or prepare reports as to subjects within the jurisdiction of the agency which may potentially be affected by the proposed transmission line.

Section 291. Paragraph (a) of subsection (2) of section 403.527, Florida Statutes, is amended to read:

403.527 Certification hearing, parties, participants.—

(2)(a) Parties to the proceeding shall be:

1. The applicant.

2. The department.

3. The commission.

4. The Department of *Economic Opportunity* ~~Community Affairs~~.

5. The Fish and Wildlife Conservation Commission.

6. The Department of Transportation.

7. Each water management district in the jurisdiction of which the proposed transmission line or corridor is to be located.

8. The local government.

9. The regional planning council.

Section 292. Subsection (1) of section 403.757, Florida Statutes, is amended to read:

403.757 Coordination with other state agencies.—

(1) The department shall coordinate its activities and functions under ss. 403.75-403.769 and s. 526.01, as amended by chapter 84-338, Laws of Florida, with the Department of *Economic Opportunity* ~~Community Affairs~~ and other state agencies to avoid duplication in reporting and information gathering.

Section 293. Paragraph (m) of subsection (5) of section 403.7032, Florida Statutes, is amended to read:

403.7032 Recycling.—

(5) The Department of Environmental Protection shall create the Recycling Business Assistance Center by December 1, 2010. In carrying out its duties under this subsection, the department shall consult with state agency personnel appointed to serve as economic development liaisons under s. 288.021 and seek technical assistance from Enterprise Florida, Inc., to ensure the Recycling Business Assistance Center is positioned to succeed. The purpose of the center shall be to serve as the mechanism for coordination among state agencies and the private sector in order to coordinate policy and overall strategic planning for developing new markets and expanding and enhancing existing markets for recyclable materials in this state, other states, and foreign countries. The duties of the center must include, at a minimum:

(m) Coordinating with the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ and its partners to provide job placement and job training services to job seekers through the state's workforce services programs.

Section 294. Paragraph (a) of subsection (2) of section 403.941, Florida Statutes, is amended to read:

403.941 Preliminary statements of issues, reports, and studies.—

(2)(a) The affected agencies shall prepare reports as provided in this paragraph and shall submit them to the department and the applicant within 60 days after the application is determined sufficient:

1. The department shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor as it relates to matters within its jurisdiction.

2. Each water management district in the jurisdiction of which a proposed natural gas transmission pipeline or corridor is to be located shall prepare a report as to the impact on water resources and other matters within its jurisdiction.

3. The Department of *Economic Opportunity* ~~Community Affairs~~ shall prepare a report containing recommendations which address the impact upon the public of the proposed natural gas transmission pipeline or corridor, based on the degree to which the proposed natural gas transmission pipeline or corridor is consistent with the applicable portions of the state comprehensive plan and other matters within its jurisdiction. The Department of *Economic Opportunity* ~~Community Affairs~~ may also comment on the consistency of the proposed natural gas transmission pipeline or corridor with applicable strategic regional pol-

icy plans or local comprehensive plans and land development regulations.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor on fish and wildlife resources and other matters within its jurisdiction.

5. Each local government in which the natural gas transmission pipeline or natural gas transmission pipeline corridor will be located shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor on matters within its jurisdiction, including the consistency of the proposed natural gas transmission pipeline or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed natural gas transmission pipeline or corridor, including local comprehensive plans, zoning regulations, land development regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means. No change by the responsible local government or local agency in local comprehensive plans, zoning ordinances, or other regulations made after the date required for the filing of the local government's report required by this section shall be applicable to the certification of the proposed natural gas transmission pipeline or corridor unless the certification is denied or the application is withdrawn.

6. Each regional planning council in which the natural gas transmission pipeline or natural gas transmission pipeline corridor will be located shall present a report containing recommendations that address the impact upon the public of the proposed natural gas transmission pipeline or corridor, based on the degree to which the natural gas transmission pipeline or corridor is consistent with the applicable provisions of the strategic regional policy plan adopted pursuant to chapter 186 and other impacts of each proposed natural gas transmission pipeline or corridor on matters within its jurisdiction.

7. The Department of Transportation shall prepare a report on the effect of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction, including roadway crossings by the pipeline. The report shall contain at a minimum:

a. A report by the applicant to the department stating that all requirements of the department's utilities accommodation guide have been or will be met in regard to the proposed pipeline or pipeline corridor; and

b. A statement by the department as to the adequacy of the report to the department by the applicant.

8. The Department of State, Division of Historical Resources, shall prepare a report on the impact of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction.

9. The commission shall prepare a report addressing matters within its jurisdiction. The commission's report shall include its determination of need issued pursuant to s. 403.9422.

Section 295. Paragraph (a) of subsection (4) of section 403.9411, Florida Statutes, is amended to read:

403.9411 Notice; proceedings; parties and participants.—

(4)(a) Parties to the proceeding shall be:

1. The applicant.

2. The department.

3. The commission.

4. The Department of *Economic Opportunity* ~~Community Affairs~~.

5. The Fish and Wildlife Conservation Commission.

6. Each water management district in the jurisdiction of which the proposed natural gas transmission pipeline or corridor is to be located.

7. The local government.

8. The regional planning council.

9. The Department of Transportation.

10. The Department of State, Division of Historical Resources.

Section 296. Paragraphs (c), (d), and (e) of subsection (2), paragraphs (b) and (c) of subsection (3), and subsections (4), (15), (17), and (18) of section 403.973, Florida Statutes, are amended to read:

403.973 Expedited permitting; amendments to comprehensive plans.—

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

~~(c) "Office" means the Office of Tourism, Trade, and Economic Development.~~

(c)~~(d)~~ "Permit applications" means state permits and licenses, and at the option of a participating local government, local development permits or orders.

(d)~~(e)~~ "Secretary" means the Secretary of Environmental Protection or his or her designee.

(3)

(b) On a case-by-case basis and at the request of a county or municipal government, the *Department of Economic Opportunity* ~~office~~ may certify as eligible for expedited review a project not meeting the minimum job creation thresholds but creating a minimum of 10 jobs. The recommendation from the governing body of the county or municipality in which the project may be located is required in order for the *Department of Economic Opportunity* ~~office~~ to certify that any project is eligible for expedited review under this paragraph. When considering projects that do not meet the minimum job creation thresholds but that are recommended by the governing body in which the project may be located, the *Department of Economic Opportunity* ~~office~~ shall consider economic impact factors that include, but are not limited to:

1. The proposed wage and skill levels relative to those existing in the area in which the project may be located;

2. The project's potential to diversify and strengthen the area's economy;

3. The amount of capital investment; and

4. The number of jobs that will be made available for persons served by the welfare transition program.

(c) At the request of a county or municipal government, the *Department of Economic Opportunity* ~~office~~ or a Quick Permitting County may certify projects located in counties where the ratio of new jobs per participant in the welfare transition program, as determined by Workforce Florida, Inc., is less than one or otherwise critical, as eligible for the expedited permitting process. Such projects must meet the numerical job creation criteria of this subsection, but the jobs created by the project do not have to be high-wage jobs that diversify the state's economy.

(4) The regional teams shall be established through the execution of memoranda of agreement developed by the applicant and the secretary, with input solicited from the *Department of Economic Opportunity* ~~office~~ and the respective heads of ~~the Department of Community Affairs,~~ the Department of Transportation and its district offices, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, appropriate regional planning councils, appropriate water management districts, and voluntarily participating municipalities and counties. The memoranda of agreement should also accommodate participation in this expedited process by other local governments and federal agencies as circumstances warrant.

(15) The *Department of Economic Opportunity* ~~office~~, working with the agencies providing cooperative assistance and input regarding the memoranda of agreement, shall review sites proposed for the location of facilities eligible for the Innovation Incentive Program under s. 288.1089. Within 20 days after the request for the review by the *Department of Economic Opportunity* ~~office~~, the agencies shall provide to the *Department of Economic Opportunity* ~~office~~ a statement as to each

site's necessary permits under local, state, and federal law and an identification of significant permitting issues, which if unresolved, may result in the denial of an agency permit or approval or any significant delay caused by the permitting process.

(17) The *Department of Economic Opportunity* ~~office~~ shall be responsible for certifying a business as eligible for undergoing expedited review under this section. Enterprise Florida, Inc., a county or municipal government, or the Rural Economic Development Initiative may recommend to the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ that a project meeting the minimum job creation threshold undergo expedited review.

(18) The *Department of Economic Opportunity* ~~office~~, working with the Rural Economic Development Initiative and the agencies participating in the memoranda of agreement, shall provide technical assistance in preparing permit applications and local comprehensive plan amendments for counties having a population of fewer than 75,000 residents, or counties having fewer than 125,000 residents which are contiguous to counties having fewer than 75,000 residents. Additional assistance may include, but not be limited to, guidance in land development regulations and permitting processes, working cooperatively with state, regional, and local entities to identify areas within these counties which may be suitable or adaptable for preclearance review of specified types of land uses and other activities requiring permits.

Section 297. Subsection (4) of section 404.056, Florida Statutes, is amended to read:

404.056 Environmental radiation standards and projects; certification of persons performing measurement or mitigation services; mandatory testing; notification on real estate documents; rules.—

(4) MANDATORY TESTING.—All public and private school buildings or school sites housing students in kindergarten through grade 12; all state-owned, state-operated, state-regulated, or state-licensed 24-hour care facilities; and all state-licensed day care centers for children or minors which are located in counties designated within the Department of *Business and Professional Regulation's* ~~Community Affairs~~' Florida Radon Protection Map Categories as "Intermediate" or "Elevated Radon Potential" shall be measured to determine the level of indoor radon, using measurement procedures established by the department. Initial measurements shall be conducted in 20 percent of the habitable first floor spaces within any of the regulated buildings and shall be completed and reported to the department within 1 year after the date the building is opened for occupancy or within 1 year after license approval for the entity residing in the existing building. Followup testing must be completed in 5 percent of the habitable first floor spaces within any of the regulated buildings after the building has been occupied for 5 years, and results must be reported to the department by the first day of the 6th year of occupancy. After radon measurements have been made twice, regulated buildings need not undergo further testing unless significant structural changes occur. No funds collected pursuant to s. 553.721 shall be used to carry out the provisions of this subsection.

Section 298. Paragraph (d) of subsection (4) of section 404.0617, Florida Statutes, is amended to read:

404.0617 Siting of commercial low-level radioactive waste management facilities.—

(4) The Governor and Cabinet shall consider the following when determining whether to grant a petition for a variance from local ordinances, regulations, or plans:

(d) Such studies, reports, and information as the Governor and Cabinet may request of the Department of *Economic Opportunity* ~~Community Affairs~~ addressing whether or not the proposed facility unreasonably interferes with the achievement of the goals and objectives of any adopted state or local comprehensive plan and any other matter within its jurisdiction.

Section 299. Paragraph (a) of subsection (3) of section 409.017, Florida Statutes, is amended to read:

409.017 Revenue Maximization Act; legislative intent; revenue maximization program.—

(3) REVENUE MAXIMIZATION PROGRAM.—

(a) For purposes of this section, the term "agency" means any state agency or department that is involved in providing health, social, or human services, including, but not limited to, the Agency for Health Care Administration, ~~the Agency for Workforce Innovation,~~ the Department of Children and Family Services, the Department of Elderly Affairs, the Department of Juvenile Justice, the Department of Education, and the State Board of Education.

Section 300. Paragraph (c) of subsection (7) of section 409.1451, Florida Statutes, is amended to read:

409.1451 Independent living transition services.—

(7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The Secretary of Children and Family Services shall establish the Independent Living Services Advisory Council for the purpose of reviewing and making recommendations concerning the implementation and operation of the independent living transition services. This advisory council shall continue to function as specified in this subsection until the Legislature determines that the advisory council can no longer provide a valuable contribution to the department's efforts to achieve the goals of the independent living transition services.

(c) Members of the advisory council shall be appointed by the secretary of the department. The membership of the advisory council must include, at a minimum, representatives from the headquarters and district offices of the Department of Children and Family Services, community-based care lead agencies, ~~the Agency for Workforce Innovation,~~ the Department of Education, the Agency for Health Care Administration, the State Youth Advisory Board, Workforce Florida, Inc., the Statewide Guardian Ad Litem Office, foster parents, recipients of Road-to-Independence Program funding, and advocates for foster children. The secretary shall determine the length of the term to be served by each member appointed to the advisory council, which may not exceed 4 years.

Section 301. Subsection (1), paragraph (b) of subsection (3), and subsection (8) of section 409.2576, Florida Statutes, are amended to read:

409.2576 State Directory of New Hires.—

(1) DIRECTORY CREATED.—The State Directory of New Hires is hereby created and shall be administered by the Department of Revenue or its agent. ~~The Department of Labor and Employment Security will act as the agent until a date not later than October 1, 1998.~~ All employers in the state shall furnish a report consistent with subsection (3) for each newly hired or rehired employee unless the employee is employed by a federal or state agency performing intelligence or counterintelligence functions and the head of such agency has determined that reporting pursuant to this section could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(3) EMPLOYERS TO FURNISH REPORTS.—

(b) ~~Upon termination of the contract with the Department of Labor and Employment Security, but not later than October 1, 1998,~~ All employers shall furnish a report to the State Directory of New Hires of the state in which the newly hired or rehired employee works. The report required in this section shall be made on a W-4 form or, at the option of the employer, an equivalent form, and can be transmitted magnetically, electronically, by first-class mail, or other methods which may be prescribed by the State Directory. Each report shall include the name, address, date of hire, and social security number of every new and rehired employee and the name, address, and federal employer identification number of the reporting employer. If available, the employer may also include the employee's date of birth in the report. Multistate employers that report new hire information electronically or magnetically may designate a single state to which it will transmit the above noted report, provided the employer has employees in that state and the employer notifies the Secretary of Health and Human Services in writing to which state the information will be provided. Agencies of the United States Government shall report directly to the National Directory of New Hires.

(8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—~~Not later than October 1, 1997,~~ The State Directory of New Hires must furnish information regarding newly hired or rehired employees to the National Directory of New Hires for matching with the records of other

state case registries within 3 business days of entering such information from the employer into the State Directory of New Hires. The State Directory of New Hires shall enter into an agreement with *the Department of Economic Opportunity or its tax collection service provider* ~~the Florida Department of Labor and Employment Security~~ for the quarterly reporting to the National Directory of New Hires information on wages and unemployment compensation taken from the quarterly report to the Secretary of Labor, now required by Title III of the Social Security Act, except that no report shall be filed with respect to an employee of a state or local agency performing intelligence or counterintelligence functions, if the head of such agency has determined that filing such a report could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

Section 302. Subsections (2), (3), and (4) of section 409.508, Florida Statutes, are amended to read:

409.508 Low-income home energy assistance program.—

(2) The Department of *Economic Opportunity* ~~Community Affairs~~ is designated as the state agency to administer the Low-income Home Energy Assistance Act of 1981, 42 U.S.C. ss. 8621 et seq. The Department of *Economic Opportunity* ~~Community Affairs~~ is authorized to provide home energy assistance benefits to eligible households which may be in the form of cash, vouchers, certificates, or direct payments to electric or natural gas utilities or other energy suppliers and operators of low-rent, subsidized housing in behalf of eligible households. Priority shall be given to eligible households having at least one elderly or handicapped individual and to eligible households with the lowest incomes.

(3) Agreements may be established between electric or natural gas utility companies, other energy suppliers, the Department of Revenue, and the Department of *Economic Opportunity* ~~Community Affairs~~ for the purpose of providing payments to energy suppliers in the form of a credit against sales and use taxes due or direct payments to energy suppliers for services rendered to low-income, eligible households.

(4) The Department of *Economic Opportunity* ~~Community Affairs~~ shall adopt rules to carry out the provisions of this act.

Section 303. Subsection (2) of section 409.509, Florida Statutes, is amended to read:

409.509 Definitions; weatherization of low-income residences.—As used in this act, the term:

(2) "Department" means the Department of *Economic Opportunity* ~~Community Affairs~~.

Section 304. Subsection (2) and paragraph (f) of subsection (3) of section 410.502, Florida Statutes, is amended to read:

410.502 Housing and living arrangements; special needs of the elderly; services.—The Department of Elderly Affairs shall provide services related to housing and living arrangements which meet the special needs of the elderly. Such services shall include, but not be limited to:

(2) Coordinating with the Department of *Economic Opportunity* ~~Community Affairs~~ to gather and maintain data on living arrangements which meet the special needs of the elderly and to disseminate such information to the public. Such information shall include types of facilities, cost of care, services provided, and possible sources of help in meeting the cost of care for indigent individuals.

(3) Promoting, through the Department of Elderly Affairs staff activities and area agencies on aging, the development of a variety of living arrangements through public and private auspices to meet the various needs and desires of the elderly, including, but not limited to:

(f) Retirement communities for independent communal living, to be developed in conjunction with the Department of *Economic Opportunity* ~~Community Affairs~~.

Demonstration projects must be used advisedly to test the extent to which these and other innovative housing and living arrangements do meet the basic and special needs of the elderly.

Section 305. Paragraph (d) of subsection (2), subsection (4), paragraphs (a), (c), (d), (e), and (f) of subsection (5), paragraph (e) of subsection (7), subsection (8), and paragraphs (b), (c), (d), and (e) of subsection (9) of section 411.01, Florida Statutes, are amended to read:

411.01 School readiness programs; early learning coalitions.—

(2) LEGISLATIVE INTENT.—

(d) It is the intent of the Legislature that the administrative staff for school readiness programs be kept to the minimum necessary to administer the duties of the *Office of Early Learning* ~~Agency for Workforce Innovation~~ and early learning coalitions. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall adopt system support services at the state level to build a comprehensive early learning system. Each early learning coalition shall implement and maintain direct enhancement services at the local level, as approved in its school readiness plan by the *Office of Early Learning* ~~Agency for Workforce Innovation~~, and ensure access to such services in all 67 counties.

(4) *OFFICE OF EARLY LEARNING OF THE DEPARTMENT OF EDUCATION* ~~AGENCY FOR WORKFORCE INNOVATION~~.—

(a) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall administer school readiness programs at the state level and shall coordinate with the early learning coalitions in providing school readiness services on a full-day, full-year, full-choice basis to the extent possible in order to enable parents to work and be financially self-sufficient.

(b) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall:

1. Coordinate the birth-to-kindergarten services for children who are eligible under subsection (6) and the programmatic, administrative, and fiscal standards under this section for all public providers of school readiness programs.

2. Focus on improving the educational quality of all program providers participating in publicly funded school readiness programs.

3. Provide comprehensive services to the state's birth-to-5 population, which shall ensure the preservation of parental choice by permitting parents to choose from a variety of child care categories, including: center-based child care; group home child care; family child care; and in-home child care. Care and curriculum by a sectarian provider may not be limited or excluded in any of these categories.

(c) The Governor shall designate the *Office of Early Learning* ~~Agency for Workforce Innovation~~ as the lead agency for administration of the federal Child Care and Development Fund, 45 C.F.R. parts 98 and 99, and the *office* ~~agency~~ shall comply with the lead agency responsibilities under federal law.

(d) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall:

1. Be responsible for the prudent use of all public and private funds in accordance with all legal and contractual requirements.

2. Provide final approval and every 2 years review early learning coalitions and school readiness plans.

3. Establish a unified approach to the state's efforts toward enhancement of school readiness. In support of this effort, the *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall adopt specific system support services that address the state's school readiness programs. An early learning coalition shall amend its school readiness plan to conform to the specific system support services adopted by the *Office of Early Learning* ~~Agency for Workforce Innovation~~. System support services shall include, but are not limited to:

a. Child care resource and referral services;

b. Warm-Line services;

c. Eligibility determinations;

d. Child performance standards;

e. Child screening and assessment;

f. Developmentally appropriate curricula;

g. Health and safety requirements;

h. Statewide data system requirements; and

i. Rating and improvement systems.

4. Safeguard the effective use of federal, state, local, and private resources to achieve the highest possible level of school readiness for the children in this state.

5. Adopt a rule establishing criteria for the expenditure of funds designated for the purpose of funding activities to improve the quality of child care within the state in accordance with s. 658G of the federal Child Care and Development Block Grant Act.

6. Provide technical assistance to early learning coalitions in a manner determined by the *Office of Early Learning* ~~Agency for Workforce Innovation~~ based upon information obtained by the *office* ~~agency~~ from various sources, including, but not limited to, public input, government reports, private interest group reports, *office* ~~agency~~ monitoring visits, and coalition requests for service.

7. In cooperation with the ~~Department of Education and~~ early learning coalitions, coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize duplicating interagency activities, health and safety monitoring, and acquiring and composing data pertaining to child care training and credentialing.

8. Develop and adopt performance standards and outcome measures for school readiness programs. The performance standards must address the age-appropriate progress of children in the development of school readiness skills. The performance standards for children from birth to 5 years of age in school readiness programs must be integrated with the performance standards adopted by the Department of Education for children in the Voluntary Prekindergarten Education Program under s. 1002.67.

9. Adopt a standard contract that must be used by the coalitions when contracting with school readiness providers.

(e) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of law conferring duties upon the *office* ~~agency~~, including, but not limited to, rules governing the administration of system support services of school readiness programs, the collection of data, the approval of early learning coalitions and school readiness plans, the provision of a method whereby an early learning coalition may serve two or more counties, the award of incentives to early learning coalitions, child performance standards, child outcome measures, the issuance of waivers, and the implementation of the state's Child Care and Development Fund Plan as approved by the federal Administration for Children and Families.

(f) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall have all powers necessary to administer this section, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for purposes of this section.

(g) Except as provided by law, the *Office of Early Learning* ~~Agency for Workforce Innovation~~ may not impose requirements on a child care or early childhood education provider that does not deliver services under the school readiness programs or receive state or federal funds under this section.

(h) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall have a budget for school readiness programs, which shall be financed through an annual appropriation made for purposes of this section in the General Appropriations Act.

(i) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall coordinate the efforts toward school readiness in this state and provide independent policy analyses, data analyses, and recommendations to the Governor, the State Board of Education, and the Legislature.

(j) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall require that school readiness programs, at a minimum, enhance the age-appropriate progress of each child in attaining the performance standards adopted under subparagraph (d)8. and in the development of the following school readiness skills:

1. Compliance with rules, limitations, and routines.

2. Ability to perform tasks.

3. Interactions with adults.

4. Interactions with peers.

5. Ability to cope with challenges.

6. Self-help skills.

7. Ability to express the child's needs.

8. Verbal communication skills.

9. Problem-solving skills.

10. Following of verbal directions.

11. Demonstration of curiosity, persistence, and exploratory behavior.

12. Interest in books and other printed materials.

13. Paying attention to stories.

14. Participation in art and music activities.

15. Ability to identify colors, geometric shapes, letters of the alphabet, numbers, and spatial and temporal relationships.

Within 30 days after enrollment in the school readiness program, the early learning coalition must ensure that the program provider obtains information regarding the child's immunizations, physical development, and other health requirements as necessary, including appropriate vision and hearing screening and examinations. For a program provider licensed by the Department of Children and Family Services, the provider's compliance with s. 402.305(9), as verified pursuant to s. 402.311, shall satisfy this requirement.

(k) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall conduct studies and planning activities related to the overall improvement and effectiveness of the outcome measures adopted by the *office* ~~agency~~ for school readiness programs and the specific system support services to address the state's school readiness programs adopted by the *Office of Early Learning* ~~Agency for Workforce Innovation~~ in accordance with subparagraph (d)3.

(l) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall monitor and evaluate the performance of each early learning coalition in administering the school readiness program, implementing the coalition's school readiness plan, and administering the Voluntary Prekindergarten Education Program. These monitoring and performance evaluations must include, at a minimum, onsite monitoring of each coalition's finances, management, operations, and programs.

(m) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall submit an annual report of its activities conducted under this section to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both houses of the Legislature. In addition, the *Office of Early Learning's* ~~Agency for Workforce Innovation's~~ reports and recommendations shall be made available to the Florida Early Learning Advisory Council and other appropriate state agencies and entities. The annual report must provide an analysis of school readiness activities across the state, including the number of children who were served in the programs.

(n) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall work with the early learning coalitions to ensure availability of

training and support for parental involvement in children's early education and to provide family literacy activities and services.

(5) CREATION OF EARLY LEARNING COALITIONS.—

(a) *Early learning coalitions.*—

1. Each early learning coalition shall maintain direct enhancement services at the local level and ensure access to such services in all 67 counties.

2. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall establish the minimum number of children to be served by each early learning coalition through the coalition's school readiness program. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ may only approve school readiness plans in accordance with this minimum number. The minimum number must be uniform for every early learning coalition and must:

a. Permit 31 or fewer coalitions to be established; and

b. Require each coalition to serve at least 2,000 children based upon the average number of all children served per month through the coalition's school readiness program during the previous 12 months.

3. If an early learning coalition would serve fewer children than the minimum number established under subparagraph 2., the coalition must merge with another county to form a multicounty coalition. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall adopt procedures for merging early learning coalitions, including procedures for the consolidation of merging coalitions, and for the early termination of the terms of coalition members which are necessary to accomplish the mergers. However, the *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall grant a waiver to an early learning coalition to serve fewer children than the minimum number established under subparagraph 2., if:

a. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ has determined during the most recent review of the coalition's school readiness plan, or through monitoring and performance evaluations conducted under paragraph (4)(l), that the coalition has substantially implemented its plan;

b. The coalition demonstrates to the *Office of Early Learning* ~~Agency for Workforce Innovation~~ the coalition's ability to effectively and efficiently implement the Voluntary Prekindergarten Education Program; and

c. The coalition demonstrates to the *Office of Early Learning* ~~Agency for Workforce Innovation~~ that the coalition can perform its duties in accordance with law.

If an early learning coalition fails or refuses to merge as required by this subparagraph, the *Office of Early Learning* ~~Agency for Workforce Innovation~~ may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the *office* ~~agency~~ reestablishes the coalition and a new school readiness plan is approved by the *office* ~~agency~~.

4. Each early learning coalition shall be composed of at least 15 members but not more than 30 members. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall adopt standards establishing within this range the minimum and maximum number of members that may be appointed to an early learning coalition and procedures for identifying which members have voting privileges under subparagraph 6. These standards must include variations for a coalition serving a multicounty region. Each early learning coalition must comply with these standards.

5. The Governor shall appoint the chair and two other members of each early learning coalition, who must each meet the same qualifications as private sector business members appointed by the coalition under subparagraph 7.

6. Each early learning coalition must include the following member positions; however, in a multicounty coalition, each ex officio member position may be filled by multiple nonvoting members but no more than one voting member shall be seated per member position. If an early learning coalition has more than one member representing the same entity, only one of such members may serve as a voting member:

a. A Department of Children and Family Services circuit administrator or his or her designee who is authorized to make decisions on behalf of the department.

b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district.

c. A regional workforce board executive director or his or her designee.

d. A county health department director or his or her designee.

e. A children's services council or juvenile welfare board chair or executive director, if applicable.

f. An agency head of a local licensing agency as defined in s. 402.302, where applicable.

g. A president of a community college or his or her designee.

h. One member appointed by a board of county commissioners or the governing board of a municipality.

i. A central agency administrator, where applicable.

j. A Head Start director.

k. A representative of private for-profit child care providers, including private for-profit family day care homes.

l. A representative of faith-based child care providers.

m. A representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act.

7. Including the members appointed by the Governor under subparagraph 5., more than one-third of the members of each early learning coalition must be private sector business members who do not have, and none of whose relatives as defined in s. 112.3143 has, a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program created under part V of chapter 1002 or the coalition's school readiness program. To meet this requirement an early learning coalition must appoint additional members. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall establish criteria for appointing private sector business members. These criteria must include standards for determining whether a member or relative has a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or the coalition's school readiness program.

8. A majority of the voting membership of an early learning coalition constitutes a quorum required to conduct the business of the coalition. An early learning coalition board may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, provided that the public is given proper notice of a telecommunications meeting and reasonable access to observe and, when appropriate, participate.

9. A voting member of an early learning coalition may not appoint a designee to act in his or her place, except as otherwise provided in this paragraph. A voting member may send a representative to coalition meetings, but that representative does not have voting privileges. When a district administrator for the Department of Children and Family Services appoints a designee to an early learning coalition, the designee is the voting member of the coalition, and any individual attending in the designee's place, including the district administrator, does not have voting privileges.

10. Each member of an early learning coalition is subject to ss. 112.313, 112.3135, and 112.3143. For purposes of s. 112.3143(3)(a), each voting member is a local public officer who must abstain from voting when a voting conflict exists.

11. For purposes of tort liability, each member or employee of an early learning coalition shall be governed by s. 768.28.

12. An early learning coalition serving a multicounty region must include representation from each county.

13. Each early learning coalition shall establish terms for all appointed members of the coalition. The terms must be staggered and must be a uniform length that does not exceed 4 years per term. Coalition chairs shall be appointed for 4 years in conjunction with their membership on the Early Learning Advisory Council under s. 20.052. Appointed members may serve a maximum of two consecutive terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

(c) *Program expectations.—*

1. The school readiness program must meet the following expectations:

a. The program must, at a minimum, enhance the age-appropriate progress of each child in attaining the performance standards and outcome measures adopted by the *Office of Early Learning* ~~Agency for Workforce Innovation~~.

b. The program must provide extended-day and extended-year services to the maximum extent possible without compromising the quality of the program to meet the needs of parents who work.

c. The program must provide a coordinated professional development system that supports the achievement and maintenance of core competencies by school readiness instructors in helping children attain the performance standards and outcome measures adopted by the *Office of Early Learning* ~~Agency for Workforce Innovation~~.

d. There must be expanded access to community services and resources for families to help achieve economic self-sufficiency.

e. There must be a single point of entry and unified waiting list. As used in this sub-subparagraph, the term "single point of entry" means an integrated information system that allows a parent to enroll his or her child in the school readiness program at various locations throughout a county, that may allow a parent to enroll his or her child by telephone or through an Internet website, and that uses a unified waiting list to track eligible children waiting for enrollment in the school readiness program. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall establish through technology a single statewide information system that each coalition must use for the purposes of managing the single point of entry, tracking children's progress, coordinating services among stakeholders, determining eligibility, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions.

f. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ must consider the access of eligible children to the school readiness program, as demonstrated in part by waiting lists, before approving a proposed increase in payment rates submitted by an early learning coalition. In addition, early learning coalitions shall use school readiness funds made available due to enrollment shifts from school readiness programs to the Voluntary Prekindergarten Education Program for increasing the number of children served in school readiness programs before increasing payment rates.

g. The program must meet all state licensing guidelines, where applicable.

h. The program must ensure that minimum standards for child discipline practices are age-appropriate. Such standards must provide that children not be subjected to discipline that is severe, humiliating, or frightening or discipline that is associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited.

2. Each early learning coalition must implement a comprehensive program of school readiness services in accordance with the rules adopted by the *office* ~~agency~~ which enhance the cognitive, social, and physical development of children to achieve the performance standards and outcome measures. At a minimum, these programs must contain the following system support service elements:

a. Developmentally appropriate curriculum designed to enhance the age-appropriate progress of children in attaining the performance standards adopted by the *Office of Early Learning* ~~Agency for Workforce Innovation~~ under subparagraph (4)(d)8.

b. A character development program to develop basic values.

c. An age-appropriate screening of each child's development.

d. An age-appropriate assessment administered to children when they enter a program and an age-appropriate assessment administered to children when they leave the program.

e. An appropriate staff-to-children ratio, pursuant to s. 402.305(4) or s. 402.302(7) or (8), as applicable, and as verified pursuant to s. 402.311.

f. A healthy and safe environment pursuant to s. 401.305(5), (6), and (7), as applicable, and as verified pursuant to s. 402.311.

g. A resource and referral network established under s. 411.0101 to assist parents in making an informed choice and a regional Warm-Line under s. 411.01015.

The *Office of Early Learning* ~~Agency for Workforce Innovation, the Department of Education,~~ and early learning coalitions shall coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize duplicating interagency activities pertaining to acquiring and composing data for child care training and credentialing.

(d) *Implementation.—*

1. An early learning coalition may not implement the school readiness program until the coalition's school readiness plan is approved by the *Office of Early Learning* ~~Agency for Workforce Innovation~~.

2. Each early learning coalition shall coordinate with one another to implement a comprehensive program of school readiness services which enhances the cognitive, social, physical, and moral character of the children to achieve the performance standards and outcome measures and which helps families achieve economic self-sufficiency. Such program must contain, at a minimum, the following elements:

a. Implement the school readiness program to meet the requirements of this section and the system support services, performance standards, and outcome measures adopted by the *Office of Early Learning* ~~Agency for Workforce Innovation~~.

b. Demonstrate how the program will ensure that each child from birth through 5 years of age in a publicly funded school readiness program receives scheduled activities and instruction designed to enhance the age-appropriate progress of the children in attaining the performance standards adopted by the *department* ~~agency~~ under subparagraph (4)(d)8.

c. Ensure that the coalition has solicited and considered comments regarding the proposed school readiness plan from the local community.

Before implementing the school readiness program, the early learning coalition must submit the plan to the *office* ~~agency~~ for approval. The *office* ~~agency~~ may approve the plan, reject the plan, or approve the plan with conditions. The *office* ~~agency~~ shall review school readiness plans at least every 2 years.

3. If the *Office of Early Learning* ~~Agency for Workforce Innovation~~ determines during the review of school readiness plans, or through monitoring and performance evaluations conducted under paragraph (4)(l), that an early learning coalition has not substantially implemented its plan, has not substantially met the performance standards and outcome measures adopted by the *office* ~~agency~~, or has not effectively administered the school readiness program or Voluntary Prekindergarten Education Program, the *office* ~~agency~~ may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the *office* ~~agency~~ reestablishes the coalition and a new school readiness plan is approved in accordance with the rules adopted by the *office* ~~agency~~.

4. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall adopt rules establishing criteria for the approval of school readiness plans. The criteria must be consistent with the system support

services, performance standards, and outcome measures adopted by the *office* ~~agency~~ and must require each approved plan to include the following minimum standards for the school readiness program:

a. A community plan that addresses the needs of all children and providers within the coalition's county or multicounty region.

b. A sliding fee scale establishing a copayment for parents based upon their ability to pay, which is the same for all program providers.

c. A choice of settings and locations in licensed, registered, religious-exempt, or school-based programs to be provided to parents.

d. Specific eligibility priorities for children in accordance with subsection (6).

e. Performance standards and outcome measures adopted by the *office* ~~agency~~.

f. Payment rates adopted by the early learning coalitions and approved by the *office* ~~agency~~. Payment rates may not have the effect of limiting parental choice or creating standards or levels of services that have not been expressly established by the Legislature, unless the creation of such standards or levels of service, which must be uniform throughout the state, has been approved by the Federal Government and result in the state being eligible to receive additional federal funds available for early learning on a statewide basis.

g. Direct enhancement services for families and children. System support and direct enhancement services shall be in addition to payments for the placement of children in school readiness programs. Direct enhancement services for families may include parent training and involvement activities and strategies to meet the needs of unique populations and local eligibility priorities. Enhancement services for children may include provider supports and professional development approved in the plan by the *Office of Early Learning* ~~Agency for Workforce Innovation~~.

h. The business organization of the early learning coalition, which must include the coalition's articles of incorporation and bylaws if the coalition is organized as a corporation. If the coalition is not organized as a corporation or other business entity, the plan must include the contract with a fiscal agent. An early learning coalition may contract with other coalitions to achieve efficiency in multicounty services, and these contracts may be part of the coalition's school readiness plan.

i. The implementation of locally developed quality programs in accordance with the requirements adopted by the *office* ~~agency~~ under subparagraph (4)(d)5.

The *Office of Early Learning* ~~Agency for Workforce Innovation~~ may request the Governor to apply for a waiver to allow the coalition to administer the Head Start Program to accomplish the purposes of the school readiness program.

5. Persons with an early childhood teaching certificate may provide support and supervision to other staff in the school readiness program.

6. An early learning coalition may not implement its school readiness plan until it submits the plan to and receives approval from the *Office of Early Learning* ~~Agency for Workforce Innovation~~. Once the plan is approved, the plan and the services provided under the plan shall be controlled by the early learning coalition. The plan shall be reviewed and revised as necessary, but at least biennially. An early learning coalition may not implement the revisions until the coalition submits the revised plan to and receives approval from the *office* ~~agency~~. If the *office* ~~agency~~ rejects a revised plan, the coalition must continue to operate under its prior approved plan.

7. Section 125.901(2)(a)3. does not apply to school readiness programs. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any of the provisions of ss. 411.223 and 1003.54, if the waiver is necessary for implementation of school readiness programs.

8. Two or more early learning coalitions may join for purposes of planning and implementing a school readiness program.

(e) *Requests for proposals; payment schedule.*—

1. Each early learning coalition must comply with the procurement and expenditure procedures adopted by the *Office of Early Learning* ~~Agency for Workforce Innovation~~, including, but not limited to, applying the procurement and expenditure procedures required by federal law for the expenditure of federal funds.

2. Each early learning coalition shall adopt a payment schedule that encompasses all programs funded under this section. The payment schedule must take into consideration the prevailing market rate, must include the projected number of children to be served, and must be submitted for approval by the *Office of Early Learning* ~~Agency for Workforce Innovation~~. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate adopted for a family day care home.

(f) *Evaluation and annual report.*—Each early learning coalition shall conduct an evaluation of its implementation of the school readiness program, including system support services, performance standards, and outcome measures, and shall provide an annual report and fiscal statement to the *Office of Early Learning* ~~Agency for Workforce Innovation~~. This report must also include an evaluation of the effectiveness of its direct enhancement services and conform to the content and format specifications adopted by the *Office of Early Learning* ~~Agency for Workforce Innovation~~. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ must include an analysis of the early learning coalitions' reports in the *office's* ~~agency's~~ annual report.

(7) PARENTAL CHOICE.—

(e) The office of the Chief Financial Officer shall establish an electronic transfer system for the disbursement of funds in accordance with this subsection. Each early learning coalition shall fully implement the electronic funds transfer system within 2 years after approval of the coalition's school readiness plan, unless a waiver is obtained from the *Office of Early Learning* ~~Agency for Workforce Innovation~~.

(8) STANDARDS; OUTCOME MEASURES.—A program provider participating in the school readiness program must meet the performance standards and outcome measures adopted by the *Office of Early Learning* ~~Agency for Workforce Innovation~~.

(9) FUNDING; SCHOOL READINESS PROGRAM.—

(b)1. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall administer school readiness funds, plans, and policies and shall prepare and submit a unified budget request for the school readiness system in accordance with chapter 216.

2. All instructions to early learning coalitions for administering this section shall emanate from the *Office of Early Learning* ~~Agency for Workforce Innovation~~ in accordance with the policies of the Legislature.

(c) The *Office of Early Learning* ~~Agency for Workforce Innovation~~, subject to legislative notice and review under s. 216.177, shall establish a formula for the allocation of all state and federal school readiness funds provided for children participating in the school readiness program, whether served by a public or private provider, based upon equity for each county. The allocation formula must be submitted to the Governor, the chair of the Senate Ways and Means Committee or its successor, and the chair of the House of Representatives Fiscal Council or its successor no later than January 1 of each year. If the Legislature specifies changes to the allocation formula, the *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall allocate funds as specified in the General Appropriations Act.

(d) All state, federal, and required local maintenance-of-effort or matching funds provided to an early learning coalition for purposes of this section shall be used for implementation of its approved school readiness plan, including the hiring of staff to effectively operate the coalition's school readiness program. As part of plan approval and periodic plan review, the *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall require that administrative costs be kept to the minimum necessary for efficient and effective administration of the school readiness plan, but total administrative expenditures must not exceed 5 percent unless specifically waived by the *Office of Early Learning* ~~Agency for Workforce Innovation~~. The *Office of Early Learning* ~~Agency for~~

~~Workforce Innovation~~ shall annually report to the Legislature any problems relating to administrative costs.

(e) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall annually distribute, to a maximum extent practicable, all eligible funds provided under this section as block grants to the early learning coalitions in accordance with the terms and conditions specified by the *office* ~~agency~~.

Section 306. Subsections (1) and (2), paragraph (a) of subsection (3), and subsection (4) of section 411.0101, Florida Statutes, are amended to read:

411.0101 Child care and early childhood resource and referral.—

(1) As a part of the school readiness programs, the *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall establish a statewide child care resource and referral network that is unbiased and provides referrals to families for child care. Preference shall be given to using the already established early learning coalitions as the child care resource and referral agencies. If an early learning coalition cannot comply with the requirements to offer the resource information component or does not want to offer that service, the early learning coalition shall select the resource and referral agency for its county or multicounty region based upon a request for proposal pursuant to s. 411.01(5)(e)1.

(2) At least one child care resource and referral agency must be established in each early learning coalition's county or multicounty region. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall adopt rules regarding accessibility of child care resource and referral services offered through child care resource and referral agencies in each county or multicounty region which include, at a minimum, required hours of operation, methods by which parents may request services, and child care resource and referral staff training requirements.

(3) Child care resource and referral agencies shall provide the following services:

(a) Identification of existing public and private child care and early childhood education services, including child care services by public and private employers, and the development of a resource file of those services through the single statewide information system developed by the *Office of Early Learning* ~~Agency for Workforce Innovation~~ under s. 411.01(5)(c)1.e. These services may include family day care, public and private child care programs, the Voluntary Prekindergarten Education Program, Head Start, the school readiness program, special education programs for prekindergarten children with disabilities, services for children with developmental disabilities, full-time and part-time programs, before-school and after-school programs, vacation care programs, parent education, the Temporary Cash Assistance Program, and related family support services. The resource file shall include, but not be limited to:

1. Type of program.

2. Hours of service.

3. Ages of children served.

4. Number of children served.

5. Significant program information.

6. Fees and eligibility for services.

7. Availability of transportation.

(4) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall adopt any rules necessary for the implementation and administration of this section.

Section 307. Subsections (2), (6), and (7) of section 411.01013, Florida Statutes, are amended to read:

411.01013 Prevailing market rate schedule.—

(2) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall establish procedures for the adoption of a prevailing market rate schedule. The schedule must include, at a minimum, county-by-county rates:

(a) At the prevailing market rate, plus the maximum rate, for child care providers that hold a Gold Seal Quality Care designation under s. 402.281.

(b) At the prevailing market rate for child care providers that do not hold a Gold Seal Quality Care designation.

(6) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ may contract with one or more qualified entities to administer this section and provide support and technical assistance for child care providers.

(7) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 for establishing procedures for the collection of child care providers' market rate, the calculation of a reasonable frequency distribution of the market rate, and the publication of a prevailing market rate schedule.

Section 308. Subsection (1) of section 411.01014, Florida Statutes, is amended to read:

411.01014 School readiness transportation services.—

(1) The *Office of Early Learning* ~~Agency for Workforce Innovation~~, pursuant to chapter 427, may authorize an early learning coalition to establish school readiness transportation services for children at risk of abuse or neglect participating in the school readiness program. The early learning coalitions may contract for the provision of transportation services as required by this section.

Section 309. Subsections (1), (3), and (4) of section 411.01015, Florida Statutes, are amended to read:

411.01015 Consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues.—

(1) Contingent upon specific appropriations, the *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall administer a statewide toll-free Warm-Line for the purpose of providing assistance and consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues of the children they are serving, particularly children with disabilities and other special needs.

(3) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall annually inform child care centers and family day care homes of the availability of this service through the child care resource and referral network under s. 411.0101.

(4) Contingent upon specific appropriations, the *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall expand, or contract for the expansion of, the Warm-Line to maintain at least one Warm-Line site in each early learning coalition service area.

Section 310. Subsections (2) and (3) of section 411.0103, Florida Statutes, are amended to read:

411.0103 Teacher Education and Compensation Helps (TEACH) scholarship program.—

(2) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ may contract for the administration of the Teacher Education and Compensation Helps (TEACH) scholarship program, which provides educational scholarships to caregivers and administrators of early childhood programs, family day care homes, and large family child care homes.

(3) The *office* ~~agency~~ shall adopt rules under ss. 120.536(1) and 120.54 as necessary to administer this section.

Section 311. Subsections (1) and (3) of section 411.0104, Florida Statutes, are amended to read:

411.0104 Early Head Start collaboration grants.—

(1) Contingent upon specific appropriations, the *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall establish a program to award collaboration grants to assist local agencies in securing Early Head Start programs through Early Head Start program federal grants. The collaboration grants shall provide the required matching funds for public and private nonprofit agencies that have been approved for Early Head Start program federal grants.

(3) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 as necessary for the award of collaboration grants to competing agencies and the administration of the collaboration grants program under this section.

Section 312. Section 411.0105, Florida Statutes, is amended to read:

411.0105 Early Learning Opportunities Act and Even Start Family Literacy Programs; lead agency.—For purposes of administration of the Early Learning Opportunities Act and the Even Start Family Literacy Programs, pursuant to Pub. L. No. 106-554, the *Office of Early Learning* ~~Agency for Workforce Innovation~~ is designated as the lead agency and must comply with lead agency responsibilities pursuant to federal law.

Section 313. Section 411.0106, Florida Statutes, is amended to read:

411.0106 Infants and toddlers in state-funded education and care programs; brain development activities.—Each state-funded education and care program for children from birth to 5 years of age must provide activities to foster brain development in infants and toddlers. A program must provide an environment that helps children attain the performance standards adopted by the *Office of Early Learning* ~~Agency for Workforce Innovation~~ under s. 411.01(4)(d)8. and must be rich in language and music and filled with objects of various colors, shapes, textures, and sizes to stimulate visual, tactile, auditory, and linguistic senses in the children and must include classical music and at least 30 minutes of reading to the children each day. A program may be offered through an existing early childhood program such as Healthy Start, the Title I program, the school readiness program, the Head Start program, or a private child care program. A program must provide training for the infants' and toddlers' parents including direct dialogue and interaction between teachers and parents demonstrating the urgency of brain development in the first year of a child's life. Family day care centers are encouraged, but not required, to comply with this section.

Section 314. Subsection (1) and paragraph (g) of subsection (3) of section 411.011, Florida Statutes, are amended to read:

411.011 Records of children in school readiness programs.—

(1) The individual records of children enrolled in school readiness programs provided under s. 411.01, held by an early learning coalition or the *Office of Early Learning* ~~Agency for Workforce Innovation~~, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this section, records include assessment data, health data, records of teacher observations, and personal identifying information.

(3) School readiness records may be released to:

(g) Parties to an interagency agreement among early learning coalitions, local governmental agencies, providers of school readiness programs, state agencies, and the *Office of Early Learning* ~~Agency for Workforce Innovation~~ for the purpose of implementing the school readiness program.

Agencies, organizations, or individuals that receive school readiness records in order to carry out their official functions must protect the data in a manner that does not permit the personal identification of a child enrolled in a school readiness program and his or her parents by persons other than those authorized to receive the records.

Section 315. Paragraph (e) of subsection (2) of section 411.226, Florida Statutes, is amended to read:

411.226 Learning Gateway.—

(2) LEARNING GATEWAY STEERING COMMITTEE.—

(e) To support and facilitate system improvements, the steering committee must consult with representatives from the Department of Education, the Department of Health, *the Office of Early Learning* ~~the Agency for Workforce Innovation,~~ the Department of Children and Family Services, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Corrections and with the director of the Learning Development and Evaluation Center of Florida Agricultural and Mechanical University.

Section 316. Paragraph (d) of subsection (1), paragraph (a) of subsection (2), and paragraph (c) of subsection (3) of section 411.227, Florida Statutes, are amended to read:

411.227 Components of the Learning Gateway.—The Learning Gateway system consists of the following components:

(1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED ACCESS.—

(d) In collaboration with other local resources, the demonstration projects shall develop public awareness strategies to disseminate information about developmental milestones, precursors of learning problems and other developmental delays, and the service system that is available. The information should target parents of children from birth through age 9 and should be distributed to parents, health care providers, and caregivers of children from birth through age 9. A variety of media should be used as appropriate, such as print, television, radio, and a community-based Internet website, as well as opportunities such as those presented by parent visits to physicians for well-child checkups. The Learning Gateway Steering Committee shall provide technical assistance to the local demonstration projects in developing and distributing educational materials and information.

1. Public awareness strategies targeting parents of children from birth through age 5 shall be designed to provide information to public and private preschool programs, child care providers, pediatricians, parents, and local businesses and organizations. These strategies should include information on the school readiness performance standards adopted by the *Office of Early Learning* ~~Agency for Workforce Innovation~~.

2. Public awareness strategies targeting parents of children from ages 6 through 9 must be designed to disseminate training materials and brochures to parents and public and private school personnel, and must be coordinated with the local school board and the appropriate school advisory committees in the demonstration projects. The materials should contain information on state and district proficiency levels for grades K-3.

(2) SCREENING AND DEVELOPMENTAL MONITORING.—

(a) In coordination with the *Office of Early Learning* ~~Agency for Workforce Innovation~~, the Department of Education~~,~~ and the Florida Pediatric Society, and using information learned from the local demonstration projects, the Learning Gateway Steering Committee shall establish guidelines for screening children from birth through age 9. The guidelines should incorporate recent research on the indicators most likely to predict early learning problems, mild developmental delays, child-specific precursors of school failure, and other related developmental indicators in the domains of cognition; communication; attention; perception; behavior; and social, emotional, sensory, and motor functioning.

(3) EARLY EDUCATION, SERVICES AND SUPPORTS.—

(c) The steering committee, in cooperation with the Department of Children and Family Services, the Department of Education, and the *Office of Early Learning* ~~Agency for Workforce Innovation~~, shall identify the elements of an effective research-based curriculum for early care and education programs.

Section 317. Section 414.24, Florida Statutes, is amended to read:

414.24 Integrated welfare reform and child welfare services.—The department shall develop integrated service delivery strategies to better meet the needs of families subject to work activity requirements who are involved in the child welfare system or are at high risk of involvement in the child welfare system. To the extent that resources are available, the department and the Department of *Economic Opportunity* ~~Labor and Employment Security~~ shall provide funds to one or more service districts to promote development of integrated, nonduplicative case management

within the department, the Department of *Economic Opportunity* ~~Labor and Employment Security~~, other participating government agencies, and community partners. Alternative delivery systems shall be encouraged which include well-defined, pertinent outcome measures. Other factors to be considered shall include innovation regarding training, enhancement of existing resources, and increased private sector and business sector participation.

Section 318. Section 414.40, Florida Statutes, is amended to read:

414.40 Stop Inmate Fraud Program established; guidelines.—

(1) There is created within the *Department of Financial Services* ~~Department of Law Enforcement~~ a Stop Inmate Fraud Program.

(2) The *Department of Financial Services* ~~Department of Law Enforcement~~ is directed to implement the Stop Inmate Fraud Program in accordance with the following guidelines:

(a) The program shall establish procedures for sharing public records not exempt from the public records law among social services agencies regarding the identities of persons incarcerated in state correctional institutions, as defined in s. 944.02, or in county, municipal, or regional jails or other detention facilities of local governments under chapter 950 or chapter 951 who are wrongfully receiving public assistance benefits or entitlement benefits.

(b) Pursuant to these procedures, the program shall have access to records containing correctional information not exempt from the public records law on incarcerated persons which have been generated as criminal justice information. As used in this paragraph, the term "record" is defined as provided in s. 943.045(7), and the term "criminal justice information" is defined as provided in s. 943.045(3).

(c) Database searches shall be conducted of the inmate population at each correctional institution or other detention facility. A correctional institution or a detention facility shall provide the Stop Inmate Fraud Program with the information necessary to identify persons wrongfully receiving benefits in the medium requested by the Stop Inmate Fraud Program if the correctional institution or detention facility maintains the information in that medium.

(d) Data obtained from correctional institutions or other detention facilities shall be compared with the client files of the Department of Children and Family Services, the Department of *Economic Opportunity* ~~Labor and Employment Security~~, and other state or local agencies as needed to identify persons wrongfully obtaining benefits. Data comparisons shall be accomplished during periods of low information demand by agency personnel to minimize inconvenience to the agency.

(e) Results of data comparisons shall be furnished to the appropriate office for use in the county in which the data originated. The program may provide reports of the data it obtains to appropriate state, federal, and local government agencies or governmental entities, including, but not limited to:

1. The Child Support Enforcement Program of the Department of Revenue, so that the data may be used as locator information on persons being sought for purposes of child support.

2. The Social Security Administration, so that the data may be used to reduce federal entitlement fraud within the state.

(f) Reports by the program to another agency or entity shall be generated bimonthly, or as otherwise directed, and shall be designed to accommodate that agency's or entity's particular needs for data.

(g) Only those persons with active cases, or with cases that were active during the incarceration period, shall be reported, in order that the funding agency or entity, upon verification of the data, may take whatever action is deemed appropriate.

(h) For purposes of program review and analysis, each agency or entity receiving data from the program shall submit reports to the program which indicate the results of how the data was used.

Section 319. Subsection (1) of section 414.295, Florida Statutes, is amended to read:

414.295 Temporary cash assistance programs; public records exemption.—

(1) Personal identifying information of a temporary cash assistance program participant, a participant's family, or a participant's family or household member, except for information identifying a parent who does not live in the same home as the child, held by the department, the *Division of Early Learning* ~~Agency for Workforce Innovation~~, Workforce Florida, Inc., the Department of Health, the Department of Revenue, the Department of Education, or a regional workforce board or local committee created pursuant to s. 445.007 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such confidential and exempt information may be released for purposes directly connected with:

(a) The administration of the temporary assistance for needy families plan under Title IV-A of the Social Security Act, as amended, by the department, the *Division of Early Learning* ~~Agency for Workforce Innovation~~, Workforce Florida, Inc., the Department of Military Affairs, the Department of Health, the Department of Revenue, the Department of Education, a regional workforce board or local committee created pursuant to s. 445.007, or a school district.

(b) The administration of the state's plan or program approved under Title IV-B, Title IV-D, or Title IV-E of the Social Security Act, as amended, or under Title I, Title X, Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the Social Security Act, as amended.

(c) Any investigation, prosecution, or any criminal, civil, or administrative proceeding conducted in connection with the administration of any of the plans or programs specified in paragraph (a) or paragraph (b) by a federal, state, or local governmental entity, upon request by that entity, when such request is made pursuant to the proper exercise of that entity's duties and responsibilities.

(d) The administration of any other state, federal, or federally assisted program that provides assistance or services on the basis of need, in cash or in kind, directly to a participant.

(e) Any audit or similar activity, such as a review of expenditure reports or financial review, conducted in connection with the administration of any of the plans or programs specified in paragraph (a) or paragraph (b) by a governmental entity authorized by law to conduct such audit or activity.

(f) The administration of the unemployment compensation program.

(g) The reporting to the appropriate agency or official of information about known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child or elderly person receiving assistance, if circumstances indicate that the health or welfare of the child or elderly person is threatened.

(h) The administration of services to elderly persons under ss. 430.601-430.606.

Section 320. Subsections (1) and (3) of section 414.411, Florida Statutes, are amended to read:

414.411 Public assistance fraud.—

(1) The Department of Financial Services shall investigate all public assistance provided to residents of the state or provided to others by the state. In the course of such investigation the department shall examine all records, including electronic benefits transfer records and make inquiry of all persons who may have knowledge as to any irregularity incidental to the disbursement of public moneys, food assistance, or other items or benefits authorizations to recipients. All public assistance recipients, as a condition precedent to qualification for public assistance under chapter 409, chapter 411, or this chapter, must first give in writing, to the Agency for Health Care Administration, the Department of Health, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, and the Department of Children and Family Services, as appropriate, and to the Department of Financial Services, consent to make inquiry of past or present employers and records, financial or otherwise.

(3) The results of such investigation shall be reported by the Department of Financial Services to the appropriate legislative commit-

tees, the Agency for Health Care Administration, the Department of Health, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, and the Department of Children and Family Services, and to such others as the department may determine.

Section 321. Subsection (2) of section 418.12, Florida Statutes, is amended to read:

418.12 Duties and functions of Division of Recreation and Parks.—Among its functions, the Division of Recreation and Parks of the Department of Environmental Protection shall:

(2) Provide consultation assistance to the Department of *Economic Opportunity* ~~Community Affairs~~ and to local governing units as to the promotion, organization, and administration of local recreation systems and as to the planning and design of local recreation areas and facilities;

Section 322. Paragraph (e) of subsection (3) and subsection (4) of section 420.0003, Florida Statutes, are amended to read:

420.0003 State housing strategy.—

(3) POLICIES.—

(e) *Housing production or rehabilitation programs.*—New programs for housing production or rehabilitation shall be developed in accordance with the following general guidelines as appropriate for the purpose of the specific program:

1. State and local governments shall provide incentives to encourage the private sector to be the primary delivery vehicle for the development of affordable housing.

2. State funds should be heavily leveraged to achieve the maximum local and private commitment of funds while achieving the program objectives.

3. To the maximum extent possible, state funds should be expended to provide housing units rather than to support program administration.

4. State money should be used, when possible, as loans rather than grants.

5. State funds should be available only to local governments that provide incentives or financial assistance for housing.

6. State funds should be made available only for projects which are consistent with the local government comprehensive plan.

7. State funding for housing should not be made available to local governments whose comprehensive plans have been found not in compliance with chapter 163 and who have not entered into a stipulated settlement agreement with *the Department of Economic Opportunity* ~~the Department of Community Affairs~~ to bring the plan into compliance.

8. Mixed income projects should be encouraged, to avoid a concentration of low-income residents in one area or project.

9. Distribution of state housing funds should be flexible and consider the regional and local needs, resources, and capabilities of housing producers.

10. Income levels used to determine program eligibility should be adjusted for family size in determining the eligibility of specific beneficiaries.

11. To the maximum extent possible, state-owned lands that are appropriate for the development of affordable housing shall be made available for that purpose.

(4) IMPLEMENTATION.—*The Department of Economic Opportunity* ~~The Department of Community Affairs~~ and the Florida Housing Finance Corporation in carrying out the strategy articulated herein shall have the following duties:

(a) The fiscal resources of *the Department of Economic Opportunity* ~~the Department of Community Affairs~~ shall be directed to achieve the following programmatic objectives:

1. Effective technical assistance and capacity-building programs shall be established at the state and local levels.

2. The Shimberg Center for Affordable Housing at the University of Florida shall develop and maintain statewide data on housing needs and production, provide technical assistance relating to real estate development and finance, operate an information clearinghouse on housing programs, and coordinate state housing initiatives with local government and federal programs.

(b) The agency strategic plan of *the Department of Economic Opportunity* ~~the Department of Community Affairs~~ shall include specific goals, objectives, and strategies that implement the housing policies in this section and shall include the strategic plan for housing production prepared by the corporation pursuant to s. 420.511.

(c) The Shimberg Center for Affordable Housing, in consultation with *the Department of Economic Opportunity* ~~the Department of Community Affairs~~ and the Florida Housing Finance Corporation, shall review and evaluate existing housing rehabilitation, production, and finance programs to determine their consistency with relevant policies in this section and identify the needs of specific populations, including, but not limited to, elderly and handicapped persons, and shall recommend statutory modifications where appropriate. The Shimberg Center for Affordable Housing, in consultation with *the Department of Economic Opportunity* ~~the Department of Community Affairs~~ and the corporation, shall also evaluate the degree of coordination between state housing programs, and between state, federal, and local housing activities, and shall recommend improved program linkages. The recommendations required above and a report of any programmatic modifications made as a result of these policies shall be included in the housing report required by s. 420.6075, beginning December 31, 1991, and every 5 years thereafter.

(d) The department and the corporation are anticipated to conform the administrative rules for each housing program to the policies stated in this section, provided that such changes in the rules are consistent with the statutory intent or requirements for the program. This authority applies only to programs offering loans, grants, or tax credits and only to the extent that state policies are consistent with applicable federal requirements.

Section 323. Subsection (6) of section 420.0004, Florida Statutes, is amended to read:

420.0004 Definitions.—As used in this part, unless the context otherwise indicates:

(6) "Department" means *the Department of Economic Opportunity* ~~the Department of Community Affairs~~.

Section 324. Section 420.0005, Florida Statutes, is amended to read:

420.0005 State Housing Trust Fund; State Housing Fund.—There is hereby established in the State Treasury a separate trust fund to be named the "State Housing Trust Fund." There shall be deposited in the fund all moneys appropriated by the Legislature, or moneys received from any other source, for the purpose of this chapter, and all proceeds derived from the use of such moneys. The fund shall be administered by the Florida Housing Finance Corporation on behalf of the department, as specified in this chapter. Money deposited to the fund and appropriated by the Legislature must, notwithstanding the provisions of chapter 216 or s. 420.504(3), be transferred quarterly in advance, to the extent available, or, if not so available, as soon as received into the State Housing Trust Fund, and subject to the provisions of s. 420.5092(6)(a) and (b) by the Chief Financial Officer to the corporation upon certification by the *executive director of the Department of Economic Opportunity* ~~Secretary of Community Affairs~~ that the corporation is in compliance with the requirements of s. 420.0006. The certification made by the secretary shall also include the split of funds among programs administered by the corporation and the department as specified in chapter 92-317, Laws of Florida, as amended. Moneys advanced by the Chief Financial Officer must be deposited by the corporation into a separate fund established with a qualified public depository meeting the requirements of chapter 280 to be named the "State Housing Fund" and used for the purposes of this chapter. Administrative and personnel costs incurred in implementing this chapter may be paid from the State Housing Fund, but such costs may not exceed 5 percent of the moneys deposited into

such fund. To the State Housing Fund shall be credited all loan repayments, penalties, and other fees and charges accruing to such fund under this chapter. It is the intent of this chapter that all loan repayments, penalties, and other fees and charges collected be credited in full to the program account from which the loan originated. Moneys in the State Housing Fund which are not currently needed for the purposes of this chapter shall be invested in such manner as is provided for by statute. The interest received on any such investment shall be credited to the State Housing Fund.

Section 325. Paragraph (d) of subsection (1) of section 420.101, Florida Statutes, is amended to read:

420.101 Housing Development Corporation of Florida; creation, membership, and purposes.—

(1) Twenty-five or more persons, a majority of whom shall be residents of this state, who may desire to create a housing development corporation under the provisions of this part for the purpose of promoting and developing housing and advancing the prosperity and economic welfare of the state and, to that end, to exercise the powers and privileges hereinafter provided, may be incorporated by filing in the Department of State, as hereinafter provided, articles of incorporation. The articles of incorporation shall contain:

(d) The names and post office addresses of the members of the first board of directors. The first board of directors shall be elected by and from the stockholders of the corporation and shall consist of 21 members. However, five of such members shall consist of the following persons, who shall be nonvoting members: the secretary of the Department of *Economic Opportunity* ~~Community Affairs~~ or her or his designee; the head of the Department of Financial Services or her or his designee with expertise in banking matters; a designee of the head of the Department of Financial Services with expertise in insurance matters; one state senator appointed by the President of the Senate; and one representative appointed by the Speaker of the House of Representatives.

Section 326. Subsection (8) of section 420.111, Florida Statutes, is amended to read:

420.111 Housing Development Corporation of Florida; additional powers.—In furtherance of its purposes and in addition to the powers now or hereafter conferred on business corporations by chapter 607, the corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(8) To cooperate with, and avail itself of the facilities of, the United States Department of Housing and Urban Development, the Department of *Economic Opportunity* ~~Community Affairs~~, and any other similar local, state, or Federal Government agency; and to cooperate with and assist, and otherwise encourage, organizations in the various communities of the state on the promotion, assistance, and development of the housing and economic welfare of such communities or of this state or any part thereof.

Section 327. Section 420.36, Florida Statutes, is amended to read:

420.36 Low-income Emergency Home Repair Program.—There is established within the Department of *Economic Opportunity* ~~Community Affairs~~ the Low-income Emergency Home Repair Program to assist low-income persons, especially the elderly and physically disabled, in making emergency repairs which directly affect their health and safety.

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

(a) "Grantee" means a local public or private nonprofit agency currently receiving funds from the department to conduct a weatherization assistance program in one or more counties or a public or nonprofit agency chosen as outlined in subparagraph (4)(c)4.

(b) "Subgrantee" means a local public or private nonprofit agency experienced in weatherization, emergency repairs, or rehabilitation of housing.

(2) A person is eligible to receive assistance if that person has an income in relation to that person's family size which is at or below 125 percent of the poverty level as specified annually in the federal Office of Management and Budget Poverty Guidelines. Eligible persons over 60 years of age and eligible persons who are physically disabled shall be given priority in the program.

(3)(a) Allowable repairs, including materials and labor, which may be charged under the program include:

1. Correcting deficiencies in support beams, load-bearing walls, and floor joists.

2. Repair or replacement of unsafe or nonfunctional space heating or water heating systems.

3. Egress or physically disabled accessibility repairs, improvements, or assistive devices, including wheelchair ramps, steps, porches, handrails, or other health and safety measures.

4. Plumbing, pump, well, and line repairs to ensure safe drinking water and sanitary sewage.

5. Electrical repairs.

6. Repairs to deteriorating walls, floors, and roofs.

7. Other interior and exterior repairs as necessary for the health and safety of the resident.

(b) Administrative expenses may not exceed 10 percent of the total grant funds.

(c) Each grantee shall be required to provide an in-kind or cash match of at least 20 percent of the funds granted. Grantees and subgrantees shall be encouraged to use community resources to provide such match, including family, church, and neighborhood volunteers and materials provided by local groups and businesses. Grantees shall coordinate with local governments through their community development block grant entitlement programs and other housing programs, local housing partnerships, and agencies under contract to a lead agency for the provisions of services under the Community Care for the Elderly Act, ss. 430.201-430.207.

(4)(a) Funds appropriated to the department for the program shall be deposited in the Energy Consumption Trust Fund. Administrative and personnel costs incurred by the department in implementing the provisions of this section may be paid from the fund.

(b) The grantee may subgrant these funds to a subgrantee if the grantee is unable to serve all of the county or the target population. Grantee and subgrantee eligibility shall be determined by the department.

(c) Funds shall be distributed to grantees and subgrantees as follows:

1. For each county, a base amount of at least $3,000 shall be set aside from the total funds available, and such amount shall be deducted from the total amount appropriated by the Legislature.

2. The balance of the funds appropriated by the Legislature shall be divided by the total poverty population of the state, and this quotient shall be multiplied by each county's share of the poverty population. That amount plus the base of at least $3,000 shall constitute each county's share. A grantee which serves more than one county shall receive the base amount plus the poverty population share for each county to be served. Contracts with grantees may be renewed annually.

3. The funds allocated to each county shall be offered first to an existing weatherization assistance program grantee in good standing, as determined by the department, that can provide services to the target population of low-income persons, low-income elderly persons, and low-income physically disabled persons throughout the county.

4. If a weatherization assistance program grantee is not available to serve the entire county area, the funds shall be distributed through the following process:

a. An announcement of funding availability shall be provided to the county. The county may elect to administer the program.

b. If the county elects not to administer the program, the department shall establish rules to address the selection of one or more public or

private not-for-profit agencies that are experienced in weatherization, rehabilitation, or emergency repair to administer the program.

5. If no eligible agency agrees to serve a county, the funds for that county shall be distributed to grantees having the best performance record as determined by department rule. At the end of the contract year, any uncontracted or unexpended funds shall be returned to the Energy Consumption Trust Fund and reallocated under the next year's contracting cycle.

(5) The department may perform all actions appropriate and necessary to carry out the purposes of this section, including, but not limited to:

(a) Entering into contracts and agreements with the Federal Government, agencies of the state, local governments, or any person, association, corporation, or entity.

(b) Seeking and accepting funding from any public or private source.

(c) Adopting and enforcing rules consistent with this section.

Section 328. Subsections (1) and (2) of section 420.424, Florida Statutes, are amended, and subsections (3) through (7) of that section are redesignated as subsections (2) through (6), to read:

420.424 Definitions.—As used in ss. 420.421-420.429:

(1) "Department" means the Department of *Economic Opportunity* ~~Community Affairs~~.

~~(2) "Secretary" means the Secretary of Community Affairs.~~

Section 329. Subsection (12) of section 420.503, Florida Statutes, is amended to read:

420.503 Definitions.—As used in this part, the term:

(12) "Department" means *the Department of Economic Opportunity* ~~the Department of Community Affairs~~.

Section 330. Subsections (1) and (3) of section 420.504, Florida Statutes, are amended to read:

420.504 Public corporation; creation, membership, terms, expenses.—

(1) There is created within *the Department of Economic Opportunity* ~~the Department of Community Affairs~~ a public corporation and a public body corporate and politic, to be known as the "Florida Housing Finance Corporation." It is declared to be the intent of and constitutional construction by the Legislature that the Florida Housing Finance Corporation constitutes an entrepreneurial public corporation organized to provide and promote the public welfare by administering the governmental function of financing or refinancing housing and related facilities in Florida and that the corporation is not a department of the executive branch of state government within the scope and meaning of s. 6, Art. IV of the State Constitution, but is functionally related to *the Department of Economic Opportunity* ~~the Department of Community Affairs~~ in which it is placed. The executive function of state government to be performed by the *executive director of the Department of Economic Opportunity* ~~secretary of the department~~ in the conduct of the business of the Florida Housing Finance Corporation must be performed pursuant to a contract to monitor and set performance standards for the implementation of the business plan for the provision of housing approved for the corporation as provided in s. 420.0006. This contract shall include the performance standards for the provision of affordable housing in Florida established in the business plan described in s. 420.511.

(3) The corporation is a separate budget entity and is not subject to control, supervision, or direction by *the Department of Economic Opportunity* ~~the Department of Community Affairs~~ in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters. The corporation shall consist of a board of directors composed of the *executive director of the Department of Economic Opportunity* ~~Secretary of Community Affairs~~ as an ex officio and voting member*, or a senior-level agency employee designated by the director,* and eight members appointed by the Governor subject to confirmation by the Senate from the following:

(a) One citizen actively engaged in the residential home building industry.

(b) One citizen actively engaged in the banking or mortgage banking industry.

(c) One citizen who is a representative of those areas of labor engaged in home building.

(d) One citizen with experience in housing development who is an advocate for low-income persons.

(e) One citizen actively engaged in the commercial building industry.

(f) One citizen who is a former local government elected official.

(g) Two citizens of the state who are not principally employed as members or representatives of any of the groups specified in paragraphs (a)-(f).

Section 331. Section 420.506, Florida Statutes, is amended to read:

420.506 Executive director; agents and employees*; inspector general*.—

(1) The appointment and removal of an executive director shall be by the *executive director of the Department of Economic Opportunity* ~~Secretary of Community Affairs~~, with the advice and consent of the corporation's board of directors. The executive director shall employ legal and technical experts and such other agents and employees, permanent and temporary, as the corporation may require, and shall communicate with and provide information to the Legislature with respect to the corporation's activities. The board is authorized, notwithstanding the provisions of s. 216.262, to develop and implement rules regarding the employment of employees of the corporation and service providers, including legal counsel. The board of directors of the corporation is entitled to establish travel procedures and guidelines for employees of the corporation. The executive director's office and the corporation's files and records must be located in Leon County.

(2) The appointment and removal of an inspector general shall be by the executive director, with the advice and consent of the corporation's board of directors. The corporation's inspector general shall perform for the corporation the functions set forth in s. 20.055. The inspector general shall administratively report to the executive director. The inspector general shall meet the minimum qualifications as set forth in s. 20.055(4). The corporation may establish additional qualifications deemed necessary by the board of directors to meet the unique needs of the corporation. The inspector general shall be responsible for coordinating the responsibilities set forth in s. 420.0006.

Section 332. Paragraph (e) of subsection (12) of section 420.5095, Florida Statutes, is amended to read:

420.5095 Community Workforce Housing Innovation Pilot Program.—

(12) All eligible applications shall:

(e) Demonstrate how the applicant will use the regulatory incentives and financial strategies outlined in subsection (8) from the local jurisdiction in which the proposed project is to be located. The corporation may consult with *the Department of Economic Opportunity* ~~the Department of Community Affairs~~ in evaluating the use of regulatory incentives by applicants.

Section 333. Subsections (6) through (10) of section 420.602, Florida Statutes, are amended, and a new subsection (7) is added to that section, to read:

420.602 Definitions.—As used in this part, the following terms shall have the following meanings, unless the context otherwise requires:

(6) "Department" means *the Department of Economic Opportunity* ~~the Department of Community Affairs~~.

(7) "Director" means the executive director of the Department of Economic Opportunity.

(8)~~(7)~~ "Fund" means the Florida Affordable Housing Trust Fund as created in this part.

(9)~~(8)~~ "Low-income persons" means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

(10)~~(9)~~ "Moderate-income persons" means one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the household is located, whichever is greater.

~~(10) "Secretary" means the Secretary of Community Affairs.~~

Section 334. Subsections (3) and (4) of section 420.606, Florida Statutes, are amended to read:

420.606 Training and technical assistance program.—

(3) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—The Department of *Economic Opportunity* ~~Community Affairs~~ shall be responsible for securing the necessary expertise to provide training and technical assistance to staff of local governments, to staff of state agencies, as appropriate, and to community-based organizations, and to persons forming such organizations, which are formed for the purpose of developing new housing and rehabilitating existing housing which is affordable for very-low-income persons, low-income persons, and moderate-income persons.

(a) The training component of the program shall be designed to build the housing development capacity of community-based organizations and local governments as a permanent resource for the benefit of communities in this state.

1. The scope of training shall include, but not be limited to, real estate development skills related to affordable housing, including the construction process and property management and disposition, the development of public-private partnerships to reduce housing costs, model housing projects, and management and board responsibilities of community-based organizations.

2. Training activities may include, but are not limited to, materials for self-instruction, workshops, seminars, internships, coursework, and special programs developed in conjunction with state universities and community colleges.

(b) The technical assistance component of the program shall be designed to assist applicants for state-administered programs in developing applications and in expediting project implementation. Technical assistance activities for the staffs of community-based organizations and local governments who are directly involved in the production of affordable housing may include, but are not limited to, workshops for program applicants, onsite visits, guidance in achieving project completion, and a newsletter to community-based organizations and local governments.

(4) POWERS.—The Department of *Economic Opportunity* ~~Community Affairs~~ may do all things necessary or appropriate to carry out the purposes of this section, including exercising the power to:

(a) Enter into contracts and agreements with the Federal Government or with other agencies of the state, with local governments, or with any other person, association, corporation, or entity;

(b) Seek and accept funding from any public or private source; and

(c) Adopt and enforce rules consistent with this section.

Section 335. Subsection (5) of section 420.609, Florida Statutes, is amended to read:

420.609 Affordable Housing Study Commission.—Because the Legislature firmly supports affordable housing in Florida for all economic classes:

(5) The commission shall review, evaluate, and make recommendations regarding existing and proposed housing programs and initiatives. The commission shall provide these and any other housing recommendations to the *director of the department* ~~secretary of the Department of Community Affairs~~ and the executive director of the corporation.

Section 336. Subsection (2) of section 420.622, Florida Statutes, is amended to read:

420.622 State Office on Homelessness; Council on Homelessness.—

(2) The Council on Homelessness is created to consist of a 17-member council of public and private agency representatives who shall develop policy and advise the State Office on Homelessness. The council members shall be: the Secretary of Children and Family Services, or his or her designee; the *executive director of the Department of Economic Opportunity* ~~Secretary of Community Affairs~~, or his or her designee, to advise the council on issues related to rural development; the State Surgeon General, or his or her designee; the Executive Director of Veterans' Affairs, or his or her designee; the Secretary of Corrections, or his or her designee; the Secretary of Health Care Administration, or his or her designee; the Commissioner of Education, or his or her designee; the Director of Workforce Florida, Inc., or his or her designee; one representative of the Florida Association of Counties; one representative from the Florida League of Cities; one representative of the Florida Supportive Housing Coalition; the Executive Director of the Florida Housing Finance Corporation, or his or her designee; one representative of the Florida Coalition for the Homeless; and four members appointed by the Governor. The council members shall be volunteer, nonpaid persons and shall be reimbursed for travel expenses only. The appointed members of the council shall be appointed to staggered 2-year terms, and the council shall meet at least four times per year. The importance of minority, gender, and geographic representation must be considered when appointing members to the council.

Section 337. Subsections (2) through (9) of section 420.631, Florida Statutes, are amended to read:

420.631 Definitions relating to Urban Homesteading Act.—As used in ss. 420.630-420.635:

~~(2) "Department" means the Department of Community Affairs.~~

(2)~~(3)~~ "Homestead agreement" means a written contract between a local government or its designee and a qualified buyer which contains the terms under which the qualified buyer may acquire a single-family housing property.

(3)~~(4)~~ "Local government" means any county or incorporated municipality within this state.

(4)~~(5)~~ "Designee" means a housing authority appointed by a local government, or a nonprofit community organization appointed by a local government, to administer the urban homesteading program for single-family housing under ss. 420.630-420.635.

(5)~~(6)~~ "Nonprofit community organization" means an organization that is exempt from taxation under s. 501(c)(3) of the Internal Revenue Code.

(6)~~(7)~~ "Office" means the Office of Urban Opportunity within the Department of *Economic Opportunity* ~~Community Affairs~~.

(7)~~(8)~~ "Qualified buyer" means a person who meets the criteria under s. 420.633.

(8)~~(9)~~ "Qualified loan rate" means an interest rate that does not exceed the interest rate charged for home improvement loans by the Federal Housing Administration under Title I of the National Housing Act, ch. 847, 48 Stat. 1246, or 12 U.S.C. ss. 1702, 1703, 1705, and 1706b et seq.

Section 338. Section 420.635, Florida Statutes, is amended to read:

420.635 Loans to qualified buyers.—Contingent upon an appropriation, the Department *of Economic Opportunity*, in consultation with the Office of Urban Opportunity, shall provide loans to qualified buyers who are required to pay the pro rata portion of the bonded debt on single-family housing pursuant to s. 420.634. Loans provided under this section shall be made at a rate of interest which does not exceed the qualified loan rate. A buyer must maintain the qualifications specified in s. 420.633 for the full term of the loan. The loan agreement may contain additional terms and conditions as determined by the department.

Section 339. Section 421.001, Florida Statutes, is amended to read:

421.001 State role in housing and urban development.—The role of state government required by part I of chapter 421 (Housing Authorities Law), chapter 422 (Housing Cooperation Law), and chapter 423 (Tax Exemption of Housing Authorities) is the responsibility of the Department of *Economic Opportunity* ~~Community Affairs~~; and the department is the agency of state government responsible for the state's role in housing and urban development.

Section 340. Section 422.001, Florida Statutes, is amended to read:

422.001 State role in housing and urban development.—The role of state government required by part I of chapter 421 (Housing Authorities Law), chapter 422 (Housing Cooperation Law), and chapter 423 (Tax Exemption of Housing Authorities) is the responsibility of the Department of *Economic Opportunity* ~~Community Affairs~~; and the department is the agency of state government responsible for the state's role in housing and urban development.

Section 341. Section 423.001, Florida Statutes, is amended to read:

423.001 State role in housing and urban development.—The role of state government required by part I of chapter 421 (Housing Authorities Law), chapter 422 (Housing Cooperation Law), and chapter 423 (Tax Exemption of Housing Authorities) is the responsibility of the Department of *Economic Opportunity* ~~Community Affairs~~; and the department is the agency of state government responsible for the state's role in housing and urban development.

Section 342. Paragraph (g) of subsection (1) of section 427.012, Florida Statutes, is amended to read:

427.012 The Commission for the Transportation Disadvantaged.—There is created the Commission for the Transportation Disadvantaged in the Department of Transportation.

(1) The commission shall consist of seven members, all of whom shall be appointed by the Governor, in accordance with the requirements of s. 20.052.

(g) The Secretary of Transportation, the Secretary of Children and Family Services, the *executive director of Economic Opportunity* ~~director of Workforce Innovation~~, the executive director of the Department of Veterans' Affairs, the Secretary of Elderly Affairs, the Secretary of Health Care Administration, the director of the Agency for Persons with Disabilities, and a county manager or administrator who is appointed by the Governor, or a senior management level representative of each, shall serve as ex officio, nonvoting advisors to the commission.

Section 343. Paragraph (b) of subsection (1) of section 429.41, Florida Statutes, is amended to read:

429.41 Rules establishing standards.—

(1) It is the intent of the Legislature that rules published and enforced pursuant to this section shall include criteria by which a reasonable and consistent quality of resident care and quality of life may be ensured and the results of such resident care may be demonstrated. Such rules shall also ensure a safe and sanitary environment that is residential and noninstitutional in design or nature. It is further intended that reasonable efforts be made to accommodate the needs and preferences of residents to enhance the quality of life in a facility. The agency, in consultation with the department, may adopt rules to administer the requirements of part II of chapter 408. In order to provide safe and sanitary facilities and the highest quality of resident care accommodating the needs and preferences of residents, the department, in consultation with the agency, the Department of Children and Family Services, and the Department of Health, shall adopt rules, policies, and procedures to administer this part, which must include reasonable and fair minimum standards in relation to:

(b) The preparation and annual update of a comprehensive emergency management plan. Such standards must be included in the rules adopted by the department after consultation with the *Division of Emergency Management* ~~Department of Community Affairs~~. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including provision of emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; communication with families; and responses to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the *Division of Emergency Management* ~~Department of Community Affairs~~. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

Section 344. Paragraph (b) of subsection (2) of section 429.907, Florida Statutes, is amended to read:

429.907 License requirement; fee; exemption; display.—

(2)

(b) *If* ~~In the event~~ a licensed center becomes wholly or substantially unusable due to a disaster ~~as defined in s. 252.34(1)~~ or due to an emergency as *those terms are* defined in s. 252.34~~(3)~~:

1. The licensee may continue to operate under its current license in ~~a premise or~~ premises separate from that authorized under the license if the licensee has:

a. Specified the location of the ~~premise or~~ premises in its comprehensive emergency management plan submitted to and approved by the applicable county emergency management authority; and

b. Notified the agency and the county emergency management authority within 24 hours of operating in the separate ~~premise or~~ premises.

2. The licensee shall operate the separate ~~premise or~~ premises only while the licensed center's original location is substantially unusable and for *up to* ~~no longer than~~ 180 days. The agency may extend use of the alternate ~~premise or~~ premises beyond the initial 180 days. The agency may also review the operation of the disaster ~~premise or~~ premises quarterly.

Section 345. Paragraph (g) of subsection (1) of section 429.929, Florida Statutes, is amended to read:

429.929 Rules establishing standards.—

(1) The agency, in consultation with the department, may adopt rules to administer the requirements of part II of chapter 408. The Department of Elderly Affairs, in conjunction with the agency, shall adopt rules to implement the provisions of this part. The rules must include reasonable and fair standards. Any conflict between these standards and those that may be set forth in local, county, or municipal ordinances shall be resolved in favor of those having statewide effect. Such standards must relate to:

(g) Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Agency for Health Care Administration, and the *Division of Emergency Management* ~~Department of Community Affairs~~.

Section 346. Subsection (2) of section 440.12, Florida Statutes, is amended to read:

440.12 Time for commencement and limits on weekly rate of compensation.—

(2) Compensation for disability resulting from injuries which occur after December 31, 1974, shall not be less than $20 per week. However, if the employee's wages at the time of injury are less than $20 per week, he or she shall receive his or her full weekly wages. If the employee's wages at the time of the injury exceed $20 per week, compensation shall not exceed an amount per week which is:

(a) Equal to 100 percent of the statewide average weekly wage, determined as hereinafter provided for the year in which the injury occurred; however, the increase to 100 percent from 66 $^{2}/_{3}$ percent of the statewide average weekly wage shall apply only to injuries occurring on or after August 1, 1979; and

(b) Adjusted to the nearest dollar.

For the purpose of this subsection, the "statewide average weekly wage" means the average weekly wage paid by employers subject to the Florida Unemployment Compensation Law as reported to the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ for the four calendar quarters ending each June 30, which average weekly wage shall be determined by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ on or before November 30 of each year and shall be used in determining the maximum weekly compensation rate with respect to injuries occurring in the calendar year immediately following. The statewide average weekly wage determined by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall be reported annually to the Legislature.

Section 347. Paragraph (c) of subsection (9) of section 440.15, Florida Statutes, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

(c) Disability compensation benefits payable for any week, including those benefits provided by paragraph (1)(f), may not be reduced pursuant to this subsection until the Social Security Administration determines the amount otherwise payable to the employee under 42 U.S.C. ss. 402 and 423 and the employee has begun receiving such social security benefit payments. The employee shall, upon demand by the department, the employer, or the carrier, authorize the Social Security Administration to release disability information relating to her or him and authorize the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ to release unemployment compensation information relating to her or him, in accordance with rules to be adopted by the department prescribing the procedure and manner for requesting the authorization and for compliance by the employee. The department or the employer or carrier may not make any payment of benefits for total disability or those additional benefits provided by paragraph (1)(f) for any period during which the employee willfully fails or refuses to authorize the release of information in the manner and within the time prescribed by such rules. The authority for release of disability information granted by an employee under this paragraph is effective for a period not to exceed 12 months and such authority may be renewed, as the department prescribes by rule.

Section 348. Paragraph (b) of subsection (2) of section 440.45, Florida Statutes, is amended to read:

440.45 Office of the Judges of Compensation Claims.—

(2)

(b) Except as provided in paragraph (c), the Governor shall appoint a judge of compensation claims from a list of three persons nominated by a statewide nominating commission. The statewide nominating commission shall be composed of the following:

1. Five members, at least one of whom must be a member of a minority group as defined in s. 288.703~~(3)~~, one of each who resides in each of the territorial jurisdictions of the district courts of appeal, appointed by the Board of Governors of The Florida Bar from among The Florida Bar members who are engaged in the practice of law. On July 1, 1999, the term of office of each person appointed by the Board of Governors of The Florida Bar to the commission expires. The Board of Governors shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 4-year terms each, beginning July 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 2-year terms each, beginning July 1, 1999. Thereafter, each member shall be appointed for a 4-year term;

2. Five electors, at least one of whom must be a member of a minority group as defined in s. 288.703~~(3)~~, one of each who resides in each of the territorial jurisdictions of the district courts of appeal, appointed by the Governor. On July 1, 1999, the term of office of each person appointed by the Governor to the commission expires. The Governor shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 2-year terms each, beginning July 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 4-year terms each, beginning July 1, 1999. Thereafter, each member shall be appointed for a 4-year term; and

3. Five electors, at least one of whom must be a member of a minority group as defined in s. 288.703~~(3)~~, one of each who resides in the territorial jurisdictions of the district courts of appeal, selected and appointed by a majority vote of the other 10 members of the commission. On October 1, 1999, the term of office of each person appointed to the commission by its other members expires. A majority of the other members of the commission shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 2-year terms each, beginning October 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 4-year terms each, beginning October 1, 1999. Thereafter, each member shall be appointed for a 4-year term.

A vacancy occurring on the commission shall be filled by the original appointing authority for the unexpired balance of the term. No attorney who appears before any judge of compensation claims more than four times a year is eligible to serve on the statewide nominating commission. The meetings and determinations of the nominating commission as to the judges of compensation claims shall be open to the public.

Section 349. Subsection (1), paragraph (a) of subsection (3), and subsection (6) of section 473.3065, Florida Statutes, are amended to read:

473.3065 Certified Public Accountant Education Minority Assistance Program; advisory council.—

(1) The Certified Public Accountant Education Minority Assistance Program for Florida residents is hereby established in the division for the purpose of providing scholarships to minority persons~~,~~ as defined in s. 288.703~~(3),~~ who are students enrolled in their fifth year of an accounting education program at an institution in this state approved by the board by rule. A Certified Public Accountant Education Minority Assistance Advisory Council shall assist the board in administering the program.

(3) The board shall adopt rules as necessary for administration of the program, including rules relating to the following:

(a) Eligibility criteria for receipt of a scholarship, which, at a minimum, shall include the following factors:

1. Financial need.

2. Ethnic, gender, or racial minority status pursuant to s. 288.703*(4)*~~(3)~~.

3. Scholastic ability and performance.

(6) There is hereby created the Certified Public Accountant Education Minority Assistance Advisory Council to assist the board in administering the program. The council shall be diverse and representative of the gender, ethnic, and racial categories set forth in s. 288.703*(4)*~~(3)~~.

(a) The council shall consist of five licensed Florida-certified public accountants selected by the board, of whom one shall be a board member who serves as chair of the council, one shall be a representative of the National Association of Black Accountants, one shall be a representative of the Cuban American CPA Association, and two shall be selected at large. At least one member of the council must be a woman.

(b) The board shall determine the terms for initial appointments and appointments thereafter.

(c) Any vacancy on the council shall be filled in the manner provided for the selection of the initial member. Any member appointed to fill a vacancy of an unexpired term shall be appointed for the remainder of that term.

(d) Three consecutive absences or absences constituting 50 percent or more of the council's meetings within any 12-month period shall cause the council membership of the member in question to become void, and the position shall be considered vacant.

(e) The members of the council shall serve without compensation, and any necessary and actual expenses incurred by a member while engaged in the business of the council shall be borne by such member or by the organization or agency such member represents. However, the council member who is a member of the board shall be compensated in accordance with ~~the provisions of~~ ss. 455.207(4) and 112.061.

Section 350. Subsections (4) and (7) of section 440.381, Florida Statutes, are amended to read:

440.381 Application for coverage; reporting payroll; payroll audit procedures; penalties.—

(4) Each employer must submit a copy of the quarterly *earnings* ~~earning~~ report required by chapter 443 at the end of each quarter to the carrier and submit self-audits supported by the quarterly earnings reports required by chapter 443 and the rules adopted by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or by the state agency providing unemployment tax collection services under contract with the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316. The reports must include a sworn statement by an officer or principal of the employer attesting to the accuracy of the information contained in the report.

(7) If an employee suffering a compensable injury was not reported as earning wages on the last quarterly earnings report filed with the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or the state agency providing unemployment tax collection services under contract with the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316 before the accident, the employer shall indemnify the carrier for all workers' compensation benefits paid to or on behalf of the employee unless the employer establishes that the employee was hired after the filing of the quarterly report, in which case the employer and employee shall attest to the fact that the employee was employed by the employer at the time of the injury. Failure of the employer to indemnify the insurer within 21 days after demand by the insurer is grounds for the insurer to immediately cancel coverage. Any action for indemnification brought by the carrier is cognizable in the circuit court having jurisdiction where the employer or carrier resides or transacts business. The insurer is entitled to a reasonable attorney's fee if it recovers any portion of the benefits paid in the action.

Section 351. Subsections (1), (4), and (5) of section 443.012, Florida Statutes, are amended to read:

443.012 Unemployment Appeals Commission.—

(1) There is created within *the Division of Workforce Services of* the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ an Unemployment Appeals Commission. The commission is composed of a chair and two other members appointed by the Governor, subject to confirmation by the Senate. Only one appointee may be a representative of employers, as demonstrated by his or her previous vocation, employment, or affiliation; and only one appointee may be a representative of employees, as demonstrated by his or her previous vocation, employment, or affiliation.

(a) The chair shall devote his or her entire time to commission duties and is responsible for the administrative functions of the commission.

(b) The chair has authority to appoint a general counsel and other personnel to carry out the duties and responsibilities of the commission.

(c) The chair must have the qualifications required by law for a judge of the circuit court and may not engage in any other business vocation or employment. Notwithstanding any other law, the chair shall be paid a salary equal to that paid under state law to a judge of the circuit court.

(d) The remaining members shall be paid a stipend of $100 for each day they are engaged in the work of the commission. The chair and other members are entitled to be reimbursed for travel expenses, as provided in s. 112.061.

(e) The total salary and travel expenses of each member of the commission shall be paid from the Employment Security Administration Trust Fund.

(4) The property, personnel, and appropriations relating to the specified authority, powers, duties, and responsibilities of the commission shall be provided to the commission by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~.

(5) The commission is not subject to control, supervision, or direction by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ in performing its powers or duties under this chapter.

Section 352. Subsections (9), (41), (43), and (45) of section 443.036, Florida Statutes, are amended to read:

443.036 Definitions.—As used in this chapter, the term:

(9) "Benefit year" means, for an individual, the 1-year period beginning with the first day of the first week for which the individual first files a valid claim for benefits and, thereafter, the 1-year period beginning with the first day of the first week for which the individual next files a valid claim for benefits after the termination of his or her last preceding benefit year. Each claim for benefits made in accordance with s. 443.151(2) is a valid claim under this subsection if the individual was paid wages for insured work in accordance with s. 443.091(1)(g) and is unemployed as defined in subsection (43) at the time of filing the claim. However, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ may adopt rules providing for the establishment of a uniform benefit year for all workers in one or more groups or classes of service or within a particular industry if the *department* ~~agency~~ determines, after notice to the industry and to the workers in the industry and an opportunity to be heard in the matter, that those groups or classes of workers in a particular industry periodically experience unemployment resulting from layoffs or shutdowns for limited periods of time.

(41) "Tax collection service provider" or "service provider" means the state agency providing unemployment tax collection services under contract with the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316.

(43) "Unemployment" means:

(a) An individual is "totally unemployed" in any week during which he or she does not perform any services and for which earned income is not payable to him or her. An individual is "partially unemployed" in any week of less than full-time work if the earned income payable to him or her for that week is less than his or her weekly benefit amount. The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ may adopt rules prescribing distinctions in the procedures for unemployed individuals based on total unemployment, part-time unemployment, partial unemployment of individuals attached to their regular jobs, and other forms of short-time work.

(b) An individual's week of unemployment commences only after his or her registration with the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ as required in s. 443.091, except as the agency may otherwise prescribe by rule.

(45) "Week" means a period of 7 consecutive days as defined in the rules of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~. The *department* ~~Agency for Workforce Innovation~~ may by rule prescribe that a week is deemed to be "in," "within," or "during" the benefit year that contains the greater part of the week.

Section 353. Subsections (2) and (3) of section 443.041, Florida Statutes, are amended to read:

443.041 Waiver of rights; fees; privileged communications.—

(2) FEES.—

(a) Except as otherwise provided in this chapter, an individual claiming benefits may not be charged fees of any kind in any proceeding under this chapter by the commission or the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, or their representatives, or by any court or any officer of the court. An individual claiming benefits in any proceeding before the commission or the *department* ~~Agency for Workforce Innovation~~, or representatives of either, or a court may be represented by counsel or an authorized representative, but the counsel or representative may not charge or receive for those services more than an amount approved by the commission, the *department* ~~Agency for Workforce Innovation~~, or the court.

(b) An attorney at law representing a claimant for benefits in any district court of appeal of this state or in the Supreme Court of Florida is entitled to counsel fees payable by the *department* ~~Agency for Workforce Innovation~~ as set by the court if the petition for review or appeal is initiated by the claimant and results in a decision awarding more benefits than provided in the decision from which appeal was taken. The amount of the fee may not exceed 50 percent of the total amount of regular benefits permitted under s. 443.111(5)(a) during the benefit year.

(c) The *department* ~~Agency for Workforce Innovation~~ shall pay attorneys' fees awarded under this section from the Employment Security Administration Trust Fund as part of the costs of administration of this chapter and may pay these fees directly to the attorney for the claimant in a lump sum. The *department* ~~Agency for Workforce Innovation~~ or the commission may not pay any other fees or costs in connection with an appeal.

(d) Any person, firm, or corporation who or which seeks or receives any remuneration or gratuity for any services rendered on behalf of a claimant, except as allowed by this section and in an amount approved by the *department* ~~Agency for Workforce Innovation~~, the commission, or a court, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) PRIVILEGED COMMUNICATIONS.—All letters, reports, communications, or any other matters, either oral or written, between an employer and an employee or between the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or its tax collection service provider and any of their agents, representatives, or employees which are written, sent, delivered, or made in connection with this chapter, are privileged and may not be the subject matter or basis for any suit for slander or libel in any court of the state.

Section 354. Subsection (3) of section 443.051, Florida Statutes, is amended to read:

443.051 Benefits not alienable; exception, child support intercept.—

(3) EXCEPTION, SUPPORT INTERCEPT.—

(a) The Department of Revenue shall, at least biweekly, provide the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ with a magnetic tape or other electronic data file disclosing the individuals who owe support obligations and the amount of any legally required deductions.

(b) For support obligations established on or after July 1, 2006, and for support obligations established before July 1, 2006, when the support order does not address the withholding of unemployment compensation, the *department* ~~Agency for Workforce Innovation~~ shall deduct and withhold 40 percent of the unemployment compensation otherwise payable to an individual disclosed under paragraph (a). If delinquencies, arrearages, or retroactive support are owed and repayment has not been ordered, the unpaid amounts are included in the support obligation and are subject to withholding. If the amount deducted exceeds the support obligation, the Department of Revenue shall promptly refund the amount of the excess deduction to the obligor. For support obligations in effect before July 1, 2006, if the support order addresses the withholding of unemployment compensation, the *department* ~~Agency for Workforce Innovation~~ shall deduct and withhold the amount ordered by the court or administrative agency that issued the support order as disclosed by the Department of Revenue.

(c) The *department* ~~Agency for Workforce Innovation~~ shall pay any amount deducted and withheld under paragraph (b) to the Department of Revenue.

(d) Any amount deducted and withheld under this subsection shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the Department of Revenue for support obligations.

(e) The Department of Revenue shall reimburse the *department* ~~Agency for Workforce Innovation~~ for the administrative costs incurred by the *department* ~~agency~~ under this subsection which are attributable to support obligations being enforced by the department.

Section 355. Subsections (3) and (4), paragraph (b) of subsection (5), and subsections (6) and (8) of section 443.071, Florida Statutes, are amended to read:

443.071 Penalties.—

(3) Any employing unit or any officer or agent of any employing unit or any other person who fails to furnish any reports required under this chapter or to produce or permit the inspection of or copying of records as required under this chapter, who fails or refuses, within 6 months after written demand by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or its tax collection service provider, to keep and maintain the payroll records required by this chapter or by rule of the *department* ~~Agency for Workforce Innovation~~ or the state agency providing tax collection services, or who willfully fails or refuses to make any contribution, reimbursement, or other payment required from an employer under this chapter commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Any person who establishes a fictitious employing unit by submitting to the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or its tax collection service provider fraudulent employing unit records or tax or wage reports by the introduction of fraudulent records into a computer system, the intentional or deliberate alteration or destruction of computerized information or files, or the theft of financial instruments, data, and other assets, for the purpose of enabling herself or himself or any other person to receive benefits under this chapter to which such person is not entitled, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) In any prosecution or action under this section, the entry into evidence of the signature of a person on a document, letter, or other writing constitutes prima facie evidence of the person's identity if the following conditions exist:

(b) The signature of the person is witnessed by an agent or employee of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or its tax collection service provider at the time the document, letter, or other writing is filed.

(6) The entry into evidence of an application for unemployment benefits initiated by the use of the Internet claims program or the interactive voice response system telephone claims program of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ constitutes prima facie evidence of the establishment of a personal benefit account by or for an individual if the following information is provided: the applicant's name, residence address, date of birth, social security number, and present or former place of work.

(8) All records relating to investigations of unemployment compensation fraud in the custody of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or its tax collection service provider are available for examination by the Department of Law Enforcement, the state attorneys, or the Office of the Statewide Prosecutor in the prosecution of offenses under s. 817.568 or in proceedings brought under this chapter.

Section 356. Subsections (1) and (4) of section 443.091, Florida Statutes, are amended to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual is eligible to receive benefits for any week only if the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ finds that:

(a) She or he has made a claim for benefits for that week in accordance with the rules adopted by the *department* ~~Agency for Workforce Innovation~~.

(b) She or he has registered with the *department* ~~agency~~ for work and subsequently reports to the one-stop career center as directed by the regional workforce board for reemployment services. This requirement does not apply to persons who are:

1. Non-Florida residents;

2. On a temporary layoff~~, as defined in s. 443.036(42)~~;

3. Union members who customarily obtain employment through a union hiring hall; or

4. Claiming benefits under an approved short-time compensation plan as provided in s. 443.1116.

(c) To make continued claims for benefits, she or he is reporting to the *department* ~~agency~~ in accordance with its rules. These rules may not conflict with s. 443.111(1)(b), including the requirement that each claimant continue to report regardless of any pending appeal relating to her or his eligibility or disqualification for benefits.

(d) She or he is able to work and is available for work. In order to assess eligibility for a claimed week of unemployment, the *department* ~~agency~~ shall develop criteria to determine a claimant's ability to work and availability for work. However:

1. Notwithstanding any other provision of this paragraph or paragraphs (b) and (e), an otherwise eligible individual may not be denied benefits for any week because she or he is in training with the approval of the *department* ~~agency~~, or by reason of s. 443.101(2) relating to failure to apply for, or refusal to accept, suitable work. Training may be approved by the *department* ~~agency~~ in accordance with criteria prescribed by rule. A claimant's eligibility during approved training is contingent upon satisfying eligibility conditions prescribed by rule.

2. Notwithstanding any other provision of this chapter, an otherwise eligible individual who is in training approved under s. 236(a)(1) of the Trade Act of 1974, as amended, may not be determined ineligible or disqualified for benefits due to her or his enrollment in such training or because of leaving work that is not suitable employment to enter such training. As used in this subparagraph, the term "suitable employment" means work of a substantially equal or higher skill level than the worker's past adversely affected employment, as defined for purposes of the Trade Act of 1974, as amended, the wages for which are at least 80 percent of the worker's average weekly wage as determined for purposes of the Trade Act of 1974, as amended.

3. Notwithstanding any other provision of this section, an otherwise eligible individual may not be denied benefits for any week because she or he is before any state or federal court pursuant to a lawfully issued summons to appear for jury duty.

(e) She or he participates in reemployment services, such as job search assistance services, whenever the individual has been determined, by a profiling system established by *the rules of the department* ~~agency rule~~, to be likely to exhaust regular benefits and to be in need of reemployment services.

(f) She or he has been unemployed for a waiting period of 1 week. A week may not be counted as a week of unemployment under this subsection:

1. Unless it occurs within the benefit year that includes the week for which she or he claims payment of benefits.

2. If benefits have been paid for that week.

3. Unless the individual was eligible for benefits for that week as provided in this section and s. 443.101, except for the requirements of this subsection and of s. 443.101(5).

(g) She or he has been paid wages for insured work equal to 1.5 times her or his high quarter wages during her or his base period, except that an unemployed individual is not eligible to receive benefits if the base period wages are less than $3,400.

(h) She or he submitted to the *department* ~~agency~~ a valid social security number assigned to her or him. The *department* ~~agency~~ may verify the social security number with the United States Social Security Administration and may deny benefits if the *department* ~~agency~~ is unable to verify the individual's social security number, the social security number is invalid, or the social security number is not assigned to the individual.

(4) In the event of national emergency, in the course of which the Federal Emergency Unemployment Payment Plan is, at the request of the Governor, invoked for all or any part of the state, the emergency plan shall supersede the procedures prescribed by this chapter, and by rules adopted under this chapter, and the *department* ~~Agency for Workforce Innovation~~ shall act as the Florida agency for the United States Department of Labor in the administration of the plan.

Section 357. Subsections (1), (2), (4), (6), (7), and (9) of section 443.101, Florida Statutes, are amended to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(1)(a) For the week in which he or she has voluntarily left work without good cause attributable to his or her employing unit or in which the individual has been discharged by the employing unit for misconduct connected with his or her work, based on a finding by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~. As used in this paragraph, the term "work" means any work, whether full-time, part-time, or temporary.

1. Disqualification for voluntarily quitting continues for the full period of unemployment next ensuing after the individual has left his or her full-time, part-time, or temporary work voluntarily without good cause and until the individual has earned income equal to or in excess of 17 times his or her weekly benefit amount. As used in this subsection, the term "good cause" includes only that cause attributable to the employing unit or which consists of the individual's illness or disability requiring separation from his or her work. Any other disqualification may not be imposed. An individual is not disqualified under this subsection for voluntarily leaving temporary work to return immediately when called to work by the permanent employing unit that temporarily terminated his or her work within the previous 6 calendar months. An individual is not disqualified under this subsection for voluntarily leaving work to relocate as a result of his or her military-connected spouse's permanent change of station orders, activation orders, or unit deployment orders.

2. Disqualification for being discharged for misconduct connected with his or her work continues for the full period of unemployment next ensuing after having been discharged and until the individual is reemployed and has earned income of at least 17 times his or her weekly benefit amount and for not more than 52 weeks that immediately follow that week, as determined by the *department* ~~agency~~ in each case according to the circumstances in each case or the seriousness of the misconduct, under the *department's* ~~agency's~~ rules adopted for determinations of disqualification for benefits for misconduct.

3. If an individual has provided notification to the employing unit of his or her intent to voluntarily leave work and the employing unit discharges the individual for reasons other than misconduct before the date the voluntary quit was to take effect, the individual, if otherwise entitled, shall receive benefits from the date of the employer's discharge until the effective date of his or her voluntary quit.

4. If an individual is notified by the employing unit of the employer's intent to discharge the individual for reasons other than misconduct and the individual quits without good cause, as defined in this section, before the date the discharge was to take effect, the claimant is ineligible for benefits pursuant to s. 443.091(1)(d) for failing to be available for work for the week or weeks of unemployment occurring before the effective date of the discharge.

(b) For any week with respect to which the *department* ~~Agency for Workforce Innovation~~ finds that his or her unemployment is due to a suspension for misconduct connected with the individual's work.

(c) For any week with respect to which the *department* ~~Agency for Workforce Innovation~~ finds that his or her unemployment is due to a leave of absence, if the leave was voluntarily initiated by the individual.

(d) For any week with respect to which the *department* ~~Agency for Workforce Innovation~~ finds that his or her unemployment is due to a discharge for misconduct connected with the individual's work, consisting of drug use, as evidenced by a positive, confirmed drug test.

(2) If the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ finds that the individual has failed without good cause to apply for available suitable work when directed by the *department* ~~agency~~ or the one-stop career center, to accept suitable work when offered to him or her, or to return to the individual's customary self-employment when directed by the *department* ~~agency~~, the disqualification continues for the full period of unemployment next ensuing after he or she failed without good cause to apply for available suitable work, to accept suitable work, or to return to his or her customary self-employment, under this subsection, and until the individual has earned income at least 17 times his or her weekly benefit amount. The *department* ~~Agency for Workforce Innovation~~ shall by rule adopt criteria for determining the "suitability of work," as used in this section. The *department* ~~Agency for Workforce Innovation~~ in developing these rules shall consider the duration of a claimant's unemployment in determining the suitability of work and the suitability of proposed rates of compensation for available work. Further, after an individual has received 25 weeks of benefits in a single year, suitable work is a job that pays the minimum wage and is 120 percent or more of the weekly benefit amount the individual is drawing.

(a) In determining whether or not any work is suitable for an individual, the *department* ~~Agency for Workforce Innovation~~ shall consider the degree of risk involved to his or her health, safety, and morals; his or her physical fitness and prior training; the individual's experience and prior earnings; his or her length of unemployment and prospects for securing local work in his or her customary occupation; and the distance of the available work from his or her residence.

(b) Notwithstanding any other provisions of this chapter, work is not deemed suitable and benefits may not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. If the position offered is vacant due directly to a strike, lockout, or other labor dispute.

2. If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

3. If as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(c) If the *department* ~~Agency for Workforce Innovation~~ finds that an individual was rejected for offered employment as the direct result of a positive, confirmed drug test required as a condition of employment, the individual is disqualified for refusing to accept an offer of suitable work.

(4) For any week with respect to which the *department* ~~Agency for Workforce Innovation~~ finds that his or her total or partial unemployment is due to a labor dispute in active progress which exists at the factory, establishment, or other premises at which he or she is or was last employed; except that this subsection does not apply if it is shown to the satisfaction of the *department* ~~Agency for Workforce Innovation~~ that:

(a)1. He or she is not participating in, financing, or directly interested in the labor dispute that is in active progress; however, the payment of regular union dues may not be construed as financing a labor dispute within the meaning of this section; and

2. He or she does not belong to a grade or class of workers of which immediately before the commencement of the labor dispute there were members employed at the premises at which the labor dispute occurs any of whom are participating in, financing, or directly interested in the dispute; if in any case separate branches of work are commonly conducted as separate businesses in separate premises, or are conducted in separate departments of the same premises, each department, for the purpose of this subsection, is deemed to be a separate factory, establishment, or other premise.

(b) His or her total or partial unemployment results from a lockout by his or her employer. As used in this section, the term "lockout" means a situation in which employees have not gone on strike, nor have employees notified the employer of a date certain for a strike, but in which employees have been denied entry to the factory, establishment, or other premises of employment by the employer. However, benefits are not payable under this paragraph if the lockout action was taken in response to threats, actions, or other indications of impending damage to property and equipment or possible physical violence by employees or in response to actual damage or violence or a substantial reduction in production instigated or perpetrated by employees.

(6) For a period not to exceed 1 year from the date of the discovery by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ of the making of any false or fraudulent representation for the purpose of obtaining benefits contrary to this chapter, constituting a violation under s. 443.071. This disqualification may be appealed in the same manner as any other disqualification imposed under this section. A conviction by any court of competent jurisdiction in this state of the offense prohibited or punished by s. 443.071 is conclusive upon the appeals referee and the commission of the making of the false or fraudulent representation for which disqualification is imposed under this section.

(7) If the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ finds that the individual is an alien, unless the alien is an individual who has been lawfully admitted for permanent residence or otherwise is permanently residing in the United States under color of law, including an alien who is lawfully present in the United States as a result of the application of s. 203(a)(7) or s. 212(d)(5) of the Immigration and Nationality Act, if any modifications to s. 3304(a)(14) of the Federal Unemployment Tax Act, as provided by Pub. L. No. 94-566, which specify other conditions or other effective dates than those stated under federal law for the denial of benefits based on services performed by aliens, and which modifications are required to be implemented under state law as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, are deemed applicable under this section, if:

(a) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status is uniformly required from all applicants for benefits; and

(b) In the case of an individual whose application for benefits would otherwise be approved, a determination that benefits to such individual are not payable because of his or her alien status may not be made except by a preponderance of the evidence.

If the *department* ~~Agency for Workforce Innovation~~ finds that the individual has refused without good cause an offer of resettlement or relocation, which offer provides for suitable employment for the individual notwithstanding the distance of relocation, resettlement, or employment from the current location of the individual in this state, this disqualification continues for the week in which the failure occurred and for not more than 17 weeks immediately after that week, or a reduction by not more than 5 weeks from the duration of benefits, as determined by the *department* ~~Agency for Workforce Innovation~~ in each case.

(9) If the individual was terminated from his or her work for violation of any criminal law punishable by imprisonment, or for any dishonest act, in connection with his or her work, as follows:

(a) If the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or the Unemployment Appeals Commission finds that the individual was terminated from his or her work for violation of any criminal law punishable by imprisonment in connection with his or her work, and the individual was found guilty of the offense, made an admission of guilt in a court of law, or entered a plea of no contest, the individual is not entitled to unemployment benefits for up to 52 weeks, under rules adopted by the *department* ~~Agency for Workforce Innovation~~, and until he or she has earned income of at least 17 times his or her weekly benefit amount. If, before an adjudication of guilt, an admission

of guilt, or a plea of no contest, the employer shows the *department* ~~Agency for Workforce Innovation~~ that the arrest was due to a crime against the employer or the employer's business and, after considering all the evidence, the *department* ~~Agency for Workforce Innovation~~ finds misconduct in connection with the individual's work, the individual is not entitled to unemployment benefits.

(b) If the *department* ~~Agency for Workforce Innovation~~ or the Unemployment Appeals Commission finds that the individual was terminated from work for any dishonest act in connection with his or her work, the individual is not entitled to unemployment benefits for up to 52 weeks, under rules adopted by the *department* ~~Agency for Workforce Innovation~~, and until he or she has earned income of at least 17 times his or her weekly benefit amount. In addition, if the employer terminates an individual as a result of a dishonest act in connection with his or her work and the *department* ~~Agency for Workforce Innovation~~ finds misconduct in connection with his or her work, the individual is not entitled to unemployment benefits.

With respect to an individual disqualified for benefits, the account of the terminating employer, if the employer is in the base period, is noncharged at the time the disqualification is imposed.

Section 358. Subsection (1) of section 443.111, Florida Statutes, is amended to read:

443.111 Payment of benefits.—

(1) MANNER OF PAYMENT.—Benefits are payable from the fund in accordance with rules adopted by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, subject to the following requirements:

(a) Benefits are payable by mail or electronically. *The department* ~~Notwithstanding s. 409.942(4), the agency~~ may develop a system for the payment of benefits by electronic funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of electronic payment that the *department* ~~agency~~ deems to be commercially viable or cost-effective. Commodities or services related to the development of such a system shall be procured by competitive solicitation, unless they are purchased from a state term contract pursuant to s. 287.056. The *department* ~~agency~~ shall adopt rules necessary to administer *this paragraph* ~~the system~~.

(b) Each claimant must report in the manner prescribed by the *department* ~~Agency for Workforce Innovation~~ to certify for benefits that are paid and must continue to report at least biweekly to receive unemployment benefits and to attest to the fact that she or he is able and available for work, has not refused suitable work, is seeking work, and, if she or he has worked, to report earnings from that work. Each claimant must continue to report regardless of any appeal or pending appeal relating to her or his eligibility or disqualification for benefits.

Section 359. Subsections (1), (4), and (5) of section 443.1113, Florida Statutes, are amended to read:

443.1113 Unemployment Compensation Claims and Benefits Information System.—

(1) To the extent that funds are appropriated for each phase of the Unemployment Compensation Claims and Benefits Information System by the Legislature, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall replace and enhance the functionality provided in the following systems with an integrated Internet-based system that is known as the "Unemployment Compensation Claims and Benefits Information System":

(a) Claims and benefit mainframe system.

(b) Florida unemployment Internet direct.

(c) Florida continued claim Internet directory.

(d) Call center interactive voice response system.

(e) Benefit overpayment screening system.

(f) Internet and Intranet appeals system.

(4) The project to implement the Unemployment Compensation Claims and Benefits Information System shall be comprised of the following phases and corresponding implementation timeframes:

(a) No later than the end of fiscal year 2009-2010 completion of the business re-engineering analysis and documentation of both the detailed system requirements and the overall system architecture.

(b) The Unemployment Claims and Benefits Internet portal that replaces the Florida Unemployment Internet Direct and the Florida Continued Claims Internet Directory systems, the Call Center Interactive Voice Response System, the Benefit Overpayment Screening System, the Internet and Intranet Appeals System, and the Claims and Benefits Mainframe System shall be deployed to full operational status no later than the end of fiscal year 2012-2013.

~~(b) The new Unemployment Claims and Benefits Internet portal that replaces the Florida Unemployment Internet Direct and the Florida Continued Claims Internet Directory systems and shall be deployed to full production operational status no later than the end of fiscal year 2010-2011.~~

~~(c) The new Call Center Interactive Voice Response System and the Benefit Overpayment Screening System shall be deployed to full production operational status no later than the end of fiscal year 2011-2012.~~

~~(d) The new Internet and Intranet Appeals System and the Claims and Benefits Mainframe System shall be deployed to full operational status no later than the end of fiscal year 2012-2013.~~

(5) The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall implement the following project governance structure until such time as the project is completed, suspended, or terminated:

(a) The project sponsor for the Unemployment Compensation Claims and Benefits Information System project is the *department* ~~executive director of the Agency for Workforce Innovation~~.

(b) The project shall be governed by an executive steering committee composed of the following voting members or their designees:

1. The executive director of the *department* ~~Agency for Workforce Innovation~~.

2. The executive director of the Department of Revenue.

3. The director of the *Division of Workforce Services within the department* ~~Office of Unemployment Compensation within the Agency for Workforce Innovation~~.

4. The program director of the General Tax Administration Program Office within the Department of Revenue.

5. The chief information officer of the *department* ~~Agency for Workforce Innovation~~.

(c) The executive steering committee has the overall responsibility for ensuring that the project meets its primary objectives and is specifically responsible for:

1. Providing management direction and support to the project management team.

2. Assessing the project's alignment with the strategic goals of the *department* ~~Agency for Workforce Innovation~~ for administering the unemployment compensation program.

3. Reviewing and approving or disapproving any changes to the project's scope, schedule, and costs.

4. Reviewing, approving or disapproving, and determining whether to proceed with any major project deliverables.

5. Recommending suspension or termination of the project to the Governor, the President of the Senate, and the Speaker of the House of Representatives if it determines that the primary objectives cannot be achieved.

(d) The project management team shall work under the direction of the executive steering committee and shall be minimally comprised of senior managers and stakeholders from the *department* ~~Agency for Workforce Innovation~~ and the Department of Revenue. The project management team is responsible for:

1. Providing daily planning, management, and oversight of the project.

2. Submitting an operational work plan and providing quarterly updates to that plan to the executive steering committee. The plan must specify project milestones, deliverables, and expenditures.

3. Submitting written monthly project status reports to the executive steering committee which include:

a. Planned versus actual project costs;

b. An assessment of the status of major milestones and deliverables;

c. Identification of any issues requiring resolution, the proposed resolution for these issues, and information regarding the status of the resolution;

d. Identification of risks that must be managed; and

e. Identification of and recommendations regarding necessary changes in the project's scope, schedule, or costs. All recommendations must be reviewed by project stakeholders before submission to the executive steering committee in order to ensure that the recommendations meet required acceptance criteria.

Section 360. Paragraph (d) of subsection (1), subsection (2), paragraphs (a) and (c) of subsection (3), and subsection (6) of section 443.1115, Florida Statutes, are amended to read:

443.1115 Extended benefits.—

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

(d) "Rate of insured unemployment" means the percentage derived by dividing the average weekly number of individuals filing claims for regular compensation in this state, excluding extended-benefit claimants for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ on the basis of its reports to the United States Secretary of Labor, by the average monthly employment covered under this chapter for the first four of the most recent six completed calendar quarters ending before the end of that 13-week period.

(2) REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF, EXTENDED BENEFITS.—Except when the result is inconsistent with the other provisions of this section and as provided in the rules of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, the provisions of this chapter applying to claims for, or the payment of, regular benefits apply to claims for, and the payment of, extended benefits. These extended benefits are charged to the employment records of employers to the extent that the share of those extended benefits paid from this state's Unemployment Compensation Trust Fund is not eligible to be reimbursed from federal sources.

(3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.—

(a) An individual is eligible to receive extended benefits for any week of unemployment in her or his eligibility period only if the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ finds that, for that week:

1. She or he is an exhaustee as defined in subsection (1).

2. She or he satisfies the requirements of this chapter for the receipt of regular benefits applicable to individuals claiming extended benefits, including not being subject to disqualification from the receipt of benefits. An individual disqualified from receiving regular benefits may not receive extended benefits after the disqualification period terminates if he or she was disqualified for voluntarily leaving work, being discharged from work for misconduct, or refusing suitable work. However, if the disqualification period for regular benefits terminates because the individual received the required amount of remuneration for services rendered as a common-law employee, she or he may receive extended benefits.

3. The individual was paid wages for insured work for the applicable benefit year equal to 1.5 times the high quarter earnings during the base period.

(c)1. An individual is disqualified from receiving extended benefits if the *department* ~~Agency for Workforce Innovation~~ finds that, during any week of unemployment in her or his eligibility period:

a. She or he failed to apply for suitable work or, if offered, failed to accept suitable work, unless the individual can furnish to the *department* ~~agency~~ satisfactory evidence that her or his prospects for obtaining work in her or his customary occupation within a reasonably short period are good. If this evidence is deemed satisfactory for this purpose, the determination of whether any work is suitable for the individual shall be made in accordance with the definition of suitable work in s. 443.101(2). This disqualification begins with the week the failure occurred and continues until she or he is employed for at least 4 weeks and receives earned income of at least 17 times her or his weekly benefit amount.

b. She or he failed to furnish tangible evidence that she or he actively engaged in a systematic and sustained effort to find work. This disqualification begins with the week the failure occurred and continues until she or he is employed for at least 4 weeks and receives earned income of at least 4 times her or his weekly benefit amount.

2. Except as otherwise provided in sub-subparagraph 1.a., as used in this paragraph, the term "suitable work" means any work within the individual's capabilities to perform, if:

a. The gross average weekly remuneration payable for the work exceeds the sum of the individual's weekly benefit amount plus the amount, if any, of supplemental unemployment benefits, as defined in s. 501(c)(17)(D) of the Internal Revenue Code of 1954, as amended, payable to the individual for that week;

b. The wages payable for the work equal the higher of the minimum wages provided by s. 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption, or the state or local minimum wage; and

c. The work otherwise meets the definition of suitable work in s. 443.101(2) to the extent that the criteria for suitability are not inconsistent with this paragraph.

(6) COMPUTATIONS.—The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall perform the computations required under paragraph (1)(d) in accordance with regulations of the United States Secretary of Labor.

Section 361. Subsection (2) and paragraphs (a) and (b) of subsection (5) of section 443.1116, Florida Statutes, are amended to read:

443.1116 Short-time compensation.—

(2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer wishing to participate in the short-time compensation program must submit a signed, written, short-time plan to the *Department of Economic Opportunity* ~~director of the Agency for Workforce Innovation~~ for approval. The director or his or her designee shall approve the plan if:

(a) The plan applies to and identifies each specific affected unit;

(b) The individuals in the affected unit are identified by name and social security number;

(c) The normal weekly hours of work for individuals in the affected unit are reduced by at least 10 percent and by not more than 40 percent;

(d) The plan includes a certified statement by the employer that the aggregate reduction in work hours is in lieu of temporary layoffs that would affect at least 10 percent of the employees in the affected unit and that would have resulted in an equivalent reduction in work hours;

(e) The plan applies to at least 10 percent of the employees in the affected unit;

(f) The plan is approved in writing by the collective bargaining agent for each collective bargaining agreement covering any individual in the affected unit;

(g) The plan does not serve as a subsidy to seasonal employers during the off-season or as a subsidy to employers who traditionally use part-time employees; and

(h) The plan certifies the manner in which the employer will treat fringe benefits of the individuals in the affected unit if the hours of the individuals are reduced to less than their normal weekly hours of work. As used in this paragraph, the term "fringe benefits" includes, but is not limited to, health insurance, retirement benefits under defined benefit pension plans as defined in subsection 35 of s. 1002 of the Employee Retirement Income Security Act of 1974, 29 U.S.C., paid vacation and holidays, and sick leave.

(5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION BENEFITS.—

(a) Except as provided in this subsection, an individual is eligible to receive short-time compensation benefits for any week only if she or he complies with this chapter and the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ finds that:

1. The individual is employed as a member of an affected unit in an approved plan that was approved before the week and is in effect for the week;

2. The individual is able to work and is available for additional hours of work or for full-time work with the short-time employer; and

3. The normal weekly hours of work of the individual are reduced by at least 10 percent but not by more than 40 percent, with a corresponding reduction in wages.

(b) The *department* ~~Agency for Workforce Innovation~~ may not deny short-time compensation benefits to an individual who is otherwise eligible for these benefits for any week by reason of the application of any provision of this chapter relating to availability for work, active search for work, or refusal to apply for or accept work from other than the short-time compensation employer of that individual.

Section 362. Subsection (3) of section 443.1215, Florida Statutes, is amended to read:

443.1215 Employers.—

(3) An employing unit that fails to keep the records of employment required by this chapter and by the rules of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ and the state agency providing unemployment tax collection services is presumed to be an employer liable for the payment of contributions under this chapter, regardless of the number of individuals employed by the employing unit. However, the tax collection service provider shall make written demand that the employing unit keep and maintain required payroll records. The demand must be made at least 6 months before assessing contributions against an employing unit determined to be an employer that is subject to this chapter solely by reason of this subsection.

Section 363. Paragraphs (a) and (d) of subsection (1), subsection (12), and paragraph (p) of subsection (13) of section 443.1216, Florida Statutes, are amended to read:

443.1216 Employment.—Employment, as defined in s. 443.036, is subject to this chapter under the following conditions:

(1)(a) The employment subject to this chapter includes a service performed, including a service performed in interstate commerce, by:

1. An officer of a corporation.

2. An individual who, under the usual common-law rules applicable in determining the employer-employee relationship, is an employee. However, whenever a client, as defined in s. 443.036(18), which would otherwise be designated as an employing unit has contracted with an employee leasing company to supply it with workers, those workers are considered employees of the employee leasing company. An employee leasing company may lease corporate officers of the client to the client and other workers to the client, except as prohibited by regulations of the Internal Revenue Service. Employees of an employee leasing company must be reported under the employee leasing company's tax identification number and contribution rate for work performed for the employee leasing company.

a. In addition to any other report required to be filed by law, an employee leasing company shall submit a report to the Labor Market Statistics Center within the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ which includes each client establishment and each establishment of the employee leasing company, or as otherwise directed by the *department* ~~agency~~. The report must include the following information for each establishment:

(I) The trade or establishment name;

(II) The former unemployment compensation account number, if available;

(III) The former federal employer's identification number (FEIN), if available;

(IV) The industry code recognized and published by the United States Office of Management and Budget, if available;

(V) A description of the client's primary business activity in order to verify or assign an industry code;

(VI) The address of the physical location;

(VII) The number of full-time and part-time employees who worked during, or received pay that was subject to unemployment compensation taxes for, the pay period including the 12th of the month for each month of the quarter;

(VIII) The total wages subject to unemployment compensation taxes paid during the calendar quarter;

(IX) An internal identification code to uniquely identify each establishment of each client;

(X) The month and year that the client entered into the contract for services; and

(XI) The month and year that the client terminated the contract for services.

b. The report shall be submitted electronically or in a manner otherwise prescribed by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ in the format specified by the Bureau of Labor Statistics of the United States Department of Labor for its Multiple Worksite Report for Professional Employer Organizations. The report must be provided quarterly to the Labor Market Statistics Center within the *department* ~~Agency for Workforce Innovation~~, or as otherwise directed by the *department* ~~agency~~, and must be filed by the last day of the month immediately following the end of the calendar quarter. The information required in sub-sub-subparagraphs a.(X) and (XI) need be provided only in the quarter in which the contract to which it relates was entered into or terminated. The sum of the employment data and the sum of the wage data in this report must match the employment and wages reported in the unemployment compensation quarterly tax and wage report. A report is not required for any calendar quarter preceding the third calendar quarter of 2010.

c. The *department* ~~Agency for Workforce Innovation~~ shall adopt rules as necessary to administer this subparagraph, and may administer, collect, enforce, and waive the penalty imposed by s. 443.141(1)(b) for the report required by this subparagraph.

d. For the purposes of this subparagraph, the term "establishment" means any location where business is conducted or where services or industrial operations are performed.

3. An individual other than an individual who is an employee under subparagraph 1. or subparagraph 2., who performs services for remuneration for any person:

a. As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages other than milk, or laundry or drycleaning services for his or her principal.

b. As a traveling or city salesperson engaged on a full-time basis in the solicitation on behalf of, and the transmission to, his or her principal of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations. This sub-subparagraph does not apply to an agent-driver or a commission-driver and does not apply to sideline sales activities performed on behalf of a person other than the salesperson's principal.

4. The services described in subparagraph 3. are employment subject to this chapter only if:

a. The contract of service contemplates that substantially all of the services are to be performed personally by the individual;

b. The individual does not have a substantial investment in facilities used in connection with the services, other than facilities used for transportation; and

c. The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(d) If two or more related corporations concurrently employ the same individual and compensate the individual through a common paymaster, each related corporation is considered to have paid wages to the individual only in the amounts actually disbursed by that corporation to the individual and is not considered to have paid the wages actually disbursed to the individual by another of the related corporations. The *department* ~~Agency for Workforce Innovation~~ and the state agency providing unemployment tax collection services may adopt rules necessary to administer this paragraph.

1. As used in this paragraph, the term "common paymaster" means a member of a group of related corporations that disburses wages to concurrent employees on behalf of the related corporations and that is responsible for keeping payroll records for those concurrent employees. A common paymaster is not required to disburse wages to all the employees of the related corporations; however, this subparagraph does not apply to wages of concurrent employees which are not disbursed through a common paymaster. A common paymaster must pay concurrently employed individuals under this subparagraph by one combined paycheck.

2. As used in this paragraph, the term "concurrent employment" means the existence of simultaneous employment relationships between an individual and related corporations. Those relationships require the performance of services by the employee for the benefit of the related corporations, including the common paymaster, in exchange for wages that, if deductible for the purposes of federal income tax, are deductible by the related corporations.

3. Corporations are considered related corporations for an entire calendar quarter if they satisfy any one of the following tests at any time during the calendar quarter:

a. The corporations are members of a "controlled group of corporations" as defined in s. 1563 of the Internal Revenue Code of 1986 or would be members if s. 1563(a)(4) and (b) did not apply.

b. In the case of a corporation that does not issue stock, at least 50 percent of the members of the board of directors or other governing body of one corporation are members of the board of directors or other governing body of the other corporation or the holders of at least 50 percent of the voting power to select those members are concurrently the holders of at least 50 percent of the voting power to select those members of the other corporation.

c. At least 50 percent of the officers of one corporation are concurrently officers of the other corporation.

d. At least 30 percent of the employees of one corporation are concurrently employees of the other corporation.

4. The common paymaster must report to the tax collection service provider, as part of the unemployment compensation quarterly tax and wage report, the state unemployment compensation account number and name of each related corporation for which concurrent employees are being reported. Failure to timely report this information shall result in the related corporations being denied common paymaster status for that calendar quarter.

5. The common paymaster also has the primary responsibility for remitting contributions due under this chapter for the wages it disburses as the common paymaster. The common paymaster must compute these contributions as though it were the sole employer of the concurrently employed individuals. If a common paymaster fails to timely remit these contributions or reports, in whole or in part, the common paymaster remains liable for the full amount of the unpaid portion of these contributions. In addition, each of the other related corporations using the common paymaster is jointly and severally liable for its appropriate share of these contributions. Each related corporation's share equals the greater of:

a. The liability of the common paymaster under this chapter, after taking into account any contributions made.

b. The liability under this chapter which, notwithstanding this section, would have existed for the wages from the other related corporations, reduced by an allocable portion of any contributions previously paid by the common paymaster for those wages.

(12) The employment subject to this chapter includes services covered by a reciprocal arrangement under s. 443.221 between the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or its tax collection service provider and the agency charged with the administration of another state unemployment compensation law or a federal unemployment compensation law, under which all services performed by an individual for an employing unit are deemed to be performed entirely within this state, if the *department* ~~Agency for Workforce Innovation~~ or its tax collection service provider approved an election of the employing unit in which all of the services performed by the individual during the period covered by the election are deemed to be insured work.

(13) The following are exempt from coverage under this chapter:

(p) Service covered by an arrangement between the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, or its tax collection service provider, and the agency charged with the administration of another state or federal unemployment compensation law under which all services performed by an individual for an employing unit during the period covered by the employing unit's duly approved election is deemed to be performed entirely within the other agency's state or under the federal law.

Section 364. Subsection (1) of section 443.1217, Florida Statutes, is amended to read:

443.1217 Wages.—

(1) The wages subject to this chapter include all remuneration for employment, including commissions, bonuses, back pay awards, and the cash value of all remuneration paid in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash must be estimated and determined in accordance with rules adopted by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or the state agency providing tax collection services. The wages subject to this chapter include tips or gratuities received while performing services that constitute employment and are included in a written statement furnished to the employer under s. 6053(a) of the Internal Revenue Code of 1954. As used in this section only, the term "employment" includes services constituting employment under any employment security law of another state or of the Federal Government.

Section 365. Subsection (1) and paragraphs (a), (g), and (i) of subsection (3) of section 443.131, Florida Statutes, are amended to read:

443.131 Contributions.—

(1) PAYMENT OF CONTRIBUTIONS.—Contributions accrue and are payable by each employer for each calendar quarter he or she is subject to this chapter for wages paid during each calendar quarter for

employment. Contributions are due and payable by each employer to the tax collection service provider, in accordance with the rules adopted by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or the state agency providing tax collection services. This subsection does not prohibit the tax collection service provider from allowing, at the request of the employer, employers of employees performing domestic services, as defined in s. 443.1216(6), to pay contributions or report wages at intervals other than quarterly when the nonquarterly payment or reporting assists the service provider and when nonquarterly payment and reporting is authorized under federal law. Employers of employees performing domestic services may report wages and pay contributions annually, with a due date of January 1 and a delinquency date of February 1. To qualify for this election, the employer must employ only employees performing domestic services, be eligible for a variation from the standard rate computed under subsection (3), apply to this program no later than December 1 of the preceding calendar year, and agree to provide the *department* ~~Agency for Workforce Innovation~~ or its tax collection service provider with any special reports that are requested, including copies of all federal employment tax forms. An employer who fails to timely furnish any wage information required by the *department* ~~Agency for Workforce Innovation~~ or its tax collection service provider loses the privilege to participate in this program, effective the calendar quarter immediately after the calendar quarter the failure occurred. The employer may reapply for annual reporting when a complete calendar year elapses after the employer's disqualification if the employer timely furnished any requested wage information during the period in which annual reporting was denied. An employer may not deduct contributions, interests, penalties, fines, or fees required under this chapter from any part of the wages of his or her employees. A fractional part of a cent less than one-half cent shall be disregarded from the payment of contributions, but a fractional part of at least one-half cent shall be increased to 1 cent.

(3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(a) *Employment records.*—The regular and short-time compensation benefits paid to an eligible individual shall be charged to the employment record of each employer who paid the individual wages of at least $100 during the individual's base period in proportion to the total wages paid by all employers who paid the individual wages during the individual's base period. Benefits may not be charged to the employment record of an employer who furnishes part-time work to an individual who, because of loss of employment with one or more other employers, is eligible for partial benefits while being furnished part-time work by the employer on substantially the same basis and in substantially the same amount as the individual's employment during his or her base period, regardless of whether this part-time work is simultaneous or successive to the individual's lost employment. Further, as provided in s. 443.151(3), benefits may not be charged to the employment record of an employer who furnishes the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ with notice, as prescribed in ~~agency~~ rules *of the department*, that any of the following apply:

1. If an individual leaves his or her work without good cause attributable to the employer or is discharged by the employer for misconduct connected with his or her work, benefits subsequently paid to the individual based on wages paid by the employer before the separation may not be charged to the employment record of the employer.

2. If an individual is discharged by the employer for unsatisfactory performance during an initial employment probationary period, benefits subsequently paid to the individual based on wages paid during the probationary period by the employer before the separation may not be charged to the employer's employment record. As used in this subparagraph, the term "initial employment probationary period" means an established probationary plan that applies to all employees or a specific group of employees and that does not exceed 90 calendar days following the first day a new employee begins work. The employee must be informed of the probationary period within the first 7 days of work. The employer must demonstrate by conclusive evidence that the individual was separated because of unsatisfactory work performance and not because of lack of work due to temporary, seasonal, casual, or other similar employment that is not of a regular, permanent, and year-round nature.

3. Benefits subsequently paid to an individual after his or her refusal without good cause to accept suitable work from an employer may not be charged to the employment record of the employer if any part of those benefits are based on wages paid by the employer before the individual's refusal to accept suitable work. As used in this subparagraph, the term "good cause" does not include distance to employment caused by a change of residence by the individual. The *department* ~~Agency for Workforce Innovation~~ shall adopt rules prescribing for the payment of all benefits whether this subparagraph applies regardless of whether a disqualification under s. 443.101 applies to the claim.

4. If an individual is separated from work as a direct result of a natural disaster declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. ss. 5121 et seq., benefits subsequently paid to the individual based on wages paid by the employer before the separation may not be charged to the employment record of the employer.

(g) *Transfer of unemployment experience upon transfer or acquisition of a business.*—Notwithstanding any other provision of law, upon transfer or acquisition of a business, the following conditions apply to the assignment of rates and to transfers of unemployment experience:

1.a. If an employer transfers its trade or business, or a portion thereof, to another employer and, at the time of the transfer, there is any common ownership, management, or control of the two employers, the unemployment experience attributable to the transferred trade or business shall be transferred to the employer to whom the business is so transferred. The rates of both employers shall be recalculated and made effective as of the beginning of the calendar quarter immediately following the date of the transfer of the trade or business unless the transfer occurred on the first day of a calendar quarter, in which case the rate shall be recalculated as of that date.

b. If, following a transfer of experience under sub-subparagraph a., the *department* ~~Agency for Workforce Innovation~~ or the tax collection service provider determines that a substantial purpose of the transfer of trade or business was to obtain a reduced liability for contributions, the experience rating account of the employers involved shall be combined into a single account and a single rate assigned to the account.

2. Whenever a person who is not an employer under this chapter at the time it acquires the trade or business of an employer, the unemployment experience of the acquired business shall not be transferred to the person if the *department* ~~Agency for Workforce Innovation~~ or the tax collection service provider finds that such person acquired the business solely or primarily for the purpose of obtaining a lower rate of contributions. Instead, such person shall be assigned the new employer rate under paragraph (2)(a). In determining whether the business was acquired solely or primarily for the purpose of obtaining a lower rate of contributions, the tax collection service provider shall consider, but not be limited to, the following factors:

a. Whether the person continued the business enterprise of the acquired business;

b. How long such business enterprise was continued; or

c. Whether a substantial number of new employees was hired for performance of duties unrelated to the business activity conducted before the acquisition.

3. If a person knowingly violates or attempts to violate subparagraph 1. or subparagraph 2. or any other provision of this chapter related to determining the assignment of a contribution rate, or if a person knowingly advises another person to violate the law, the person shall be subject to the following penalties:

a. If the person is an employer, the employer shall be assigned the highest rate assignable under this chapter for the rate year during which such violation or attempted violation occurred and for the 3 rate years immediately following this rate year. However, if the person's business is already at the highest rate for any year, or if the amount of increase in the person's rate would be less than 2 percent for such year, then a penalty rate of contribution of 2 percent of taxable wages shall be imposed for such year and the following 3 rate years.

b. If the person is not an employer, such person shall be subject to a civil money penalty of not more than $5,000. The procedures for the assessment of a penalty shall be in accordance with the procedures set forth in s. 443.141(2), and the provisions of s. 443.141(3) shall apply to

the collection of the penalty. Any such penalty shall be deposited in the penalty and interest account established under s. 443.211(2).

4. For purposes of this paragraph, the term:

a. "Knowingly" means having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved.

b. "Violates or attempts to violate" includes, but is not limited to, intent to evade, misrepresent, or willfully nondisclose.

5. In addition to the penalty imposed by subparagraph 3., any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

6. The *department* ~~Agency for Workforce Innovation~~ and the tax collection service provider shall establish procedures to identify the transfer or acquisition of a business for the purposes of this paragraph and shall adopt any rules necessary to administer this paragraph.

7. For purposes of this paragraph:

a. "Person" has the meaning given to the term by s. 7701(a)(1) of the Internal Revenue Code of 1986.

b. "Trade or business" shall include the employer's workforce.

8. This paragraph shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the United States Department of Labor.

(i) *Notice of determinations of contribution rates; redeterminations.*—The state agency providing tax collection services:

1. Shall promptly notify each employer of his or her contribution rate as determined for any calendar year under this section. The determination is conclusive and binding on the employer unless within 20 days after mailing the notice of determination to the employer's last known address, or, in the absence of mailing, within 20 days after delivery of the notice, the employer files an application for review and redetermination setting forth the grounds for review. An employer may not, in any proceeding involving his or her contribution rate or liability for contributions, contest the chargeability to his or her employment record of any benefits paid in accordance with a determination, redetermination, or decision under s. 443.151, except on the ground that the benefits charged were not based on services performed in employment for him or her and then only if the employer was not a party to the determination, redetermination, or decision, or to any other proceeding under this chapter, in which the character of those services was determined.

2. Shall, upon discovery of an error in computation, reconsider any prior determination or redetermination of a contribution rate after the 20-day period has expired and issue a revised notice of contribution rate as redetermined. A redetermination is subject to review, and is conclusive and binding if review is not sought, in the same manner as review of a determination under subparagraph 1. A reconsideration may not be made after March 31 of the calendar year immediately after the calendar year for which the contribution rate is applicable, and interest may not accrue on any additional contributions found to be due until 30 days after the employer is mailed notice of his or her revised contribution rate.

3. May adopt rules providing for periodic notification to employers of benefits paid and charged to their employment records or of the status of those employment records. A notification, unless an application for redetermination is filed in the manner and within the time limits prescribed by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, is conclusive and binding on the employer under this chapter. The redetermination, and the ~~Agency for Workforce Innovation's~~ finding of fact *of the department* in connection with the redetermination, may be introduced in any subsequent administrative or judicial proceeding involving the determination of the contribution rate of an employer for any calendar year. A redetermination becomes final in the same manner provided in this subsection for findings of fact made by the *department* ~~Agency for Workforce Innovation~~ in proceedings to redetermine the contribution rate of an employer. Pending a redetermination or an administrative or judicial proceeding, the employer must file reports and pay contributions in accordance with this section.

Section 366. Paragraph (d) of subsection (2) and paragraph (d) of subsection (3) of section 443.1312, Florida Statutes, are amended to read:

443.1312 Reimbursements; nonprofit organizations.—Benefits paid to employees of nonprofit organizations shall be financed in accordance with this section.

(2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF REIMBURSEMENT.—A nonprofit organization that is, or becomes, subject to this chapter under s. 443.1215(1)(c) or s. 443.121(3)(a) must pay contributions under s. 443.131 unless it elects, in accordance with this subsection, to reimburse the Unemployment Compensation Trust Fund for all of the regular benefits, short-time compensation benefits, and one-half of the extended benefits paid, which are attributable to service in the employ of the nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of the election.

(d) In accordance with rules adopted by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or the state agency providing unemployment tax collection services, the tax collection service provider shall notify each nonprofit organization of any determination of the organization's status as an employer, the effective date of any election the organization makes, and the effective date of any termination of the election. Each determination is subject to reconsideration, appeal, and review under s. 443.141(2)(c).

(3) PAYMENT OF REIMBURSEMENTS.—Reimbursements in lieu of contributions must be paid in accordance with this subsection.

(d) The amount due, as specified in any bill from the tax collection service provider, is conclusive, and the nonprofit organization is liable for payment of that amount unless, within 20 days after the bill is mailed to the organization's last known address or otherwise delivered to the organization, the organization files an application for redetermination by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, setting forth the grounds for the application. The *department* ~~Agency for Workforce Innovation~~ shall promptly review and reconsider the amount due, as specified in the bill, and shall issue a redetermination in each case in which an application for redetermination is filed. The redetermination is conclusive and the nonprofit organization is liable for payment of the amount due, as specified in the redetermination, unless, within 20 days after the redetermination is mailed to the organization's last known address or otherwise delivered to the organization, the organization files a protest, setting forth the grounds for the appeal. Proceedings on the protest shall be conducted in accordance with s. 443.141(2).

Section 367. Paragraph (b) of subsection (1) of section 443.1313, Florida Statutes, is amended to read:

443.1313 Public employers; reimbursements; election to pay contributions.—Benefits paid to employees of a public employer, as defined in s. 443.036, based on service described in s. 443.1216(2) shall be financed in accordance with this section.

(1) PAYMENT OF REIMBURSEMENTS.—

(b) If a state agency is more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, the tax collection service provider shall certify to the Chief Financial Officer the amount due and the Chief Financial Officer shall transfer the amount due to the Unemployment Compensation Trust Fund from the funds of the agency which legally may be used for that purpose. If a public employer other than a state agency is more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, upon request by the tax collection service provider after a hearing, the Department of Revenue or the Department of Financial Services, as applicable, shall deduct the amount owed by the public employer from any funds to be distributed by the applicable department to the public employer for further distribution to the trust fund in accordance with this chapter. If an employer for whom the municipal or county tax collector collects taxes fails to make the reimbursements to the Unemployment Compensation Trust Fund required by this chapter, the tax collector after a hearing, at the request of the tax collection service provider and upon receipt of a certificate showing the amount owed by the employer, shall deduct the certified amount from any taxes collected for the employer and remit that amount to the tax collection

service provider for further distribution to the trust fund in accordance with this chapter. This paragraph does not apply to amounts owed by a political subdivision of the state for benefits erroneously paid in which the claimant must repay to the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ under s. 443.151(6)(a) or (b) any sum as benefits received.

Section 368. Paragraphs (b) and (c) of subsection (4) and subsection (7) of section 443.1315, Florida Statutes, are amended to read:

443.1315 Treatment of Indian tribes.—

(4)

(b)1. Services performed for an Indian tribe or tribal unit that fails to make required reimbursements, including assessments of interest and penalty, after all collection activities deemed necessary by the tax collection service provider, subject to approval by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, are exhausted may not be treated as employment for purposes of paragraph (1)(b).

2. The tax collection service provider may determine that any Indian tribe that loses coverage under subparagraph 1. may have services performed for the tribe subsequently included as employment for purposes of paragraph (1)(b) if all contributions, reimbursements, penalties, and interest are paid.

(c) The *department* ~~Agency for Workforce Innovation~~ or its tax collection service provider shall immediately notify the United States Internal Revenue Service and the United States Department of Labor when an Indian tribe fails to make reimbursements required under this section, including assessments of interest and penalty, within 90 days after a final notice of delinquency.

(7) The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ and the state agency providing unemployment tax collection services shall adopt rules necessary to administer this section.

Section 369. Section 443.1316, Florida Statutes, is amended to read:

443.1316 Unemployment tax collection services; interagency agreement.—

(1) The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall contract with the Department of Revenue, through an interagency agreement, to perform the duties of the tax collection service provider and provide other unemployment tax collection services under this chapter. Under the interagency agreement, the tax collection service provider may only implement:

(a) The provisions of this chapter conferring duties upon the tax collection service provider.

(b) The provisions of law conferring duties upon the *department* ~~Agency for Workforce Innovation~~ which are specifically delegated to the tax collection service provider in the interagency agreement.

(2)(a) The Department of Revenue is considered to be administering a revenue law of this state when the department implements this chapter, or otherwise provides unemployment tax collection services, under contract with the *department* ~~Agency for Workforce Innovation~~ through the interagency agreement.

(b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21); 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055; 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25; 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37; 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and 213.757 apply to the collection of unemployment contributions and reimbursements by the Department of Revenue unless prohibited by federal law.

Section 370. Section 443.1317, Florida Statutes, is amended to read:

443.1317 Rulemaking authority; enforcement of rules.—

(1) *DEPARTMENT OF ECONOMIC OPPORTUNITY* ~~AGENCY FOR WORKFORCE INNOVATION~~.—

(a) Except as otherwise provided in s. 443.012, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ has ultimate authority over the administration of the Unemployment Compensation Program.

(b) The *department* ~~Agency for Workforce Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of this chapter conferring duties upon either the *department* ~~agency~~ or its tax collection service provider.

(2) TAX COLLECTION SERVICE PROVIDER.—The state agency providing unemployment tax collection services under contract with the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316 may adopt rules under ss. 120.536(1) and 120.54, subject to approval by the *department* ~~Agency for Workforce Innovation~~, to administer the provisions of law described in s. 443.1316(1)(a) and (b) which are within this chapter. These rules must not conflict with the rules adopted by the *department* ~~Agency for Workforce Innovation~~ or with the interagency agreement.

(3) ENFORCEMENT OF RULES.—The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ may enforce any rule adopted by the state agency providing unemployment tax collection services to administer this chapter. The tax collection service provider may enforce any rule adopted by the *department* ~~Agency for Workforce Innovation~~ to administer the provisions of law described in s. 443.1316(1)(a) and (b).

Section 371. Paragraphs (b), (c), and (f) of subsection (1), subsection (2), paragraphs (f) and (g) of subsection (3), and paragraph (c) of subsection (4) of section 443.141, Florida Statutes, are amended to read:

443.141 Collection of contributions and reimbursements.—

(1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT, ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

(b) *Penalty for delinquent, erroneous, incomplete, or insufficient reports.*—

1. An employing unit that fails to file any report required by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or its tax collection service provider, in accordance with rules for administering this chapter, shall pay to the service provider for each delinquent report the sum of $25 for each 30 days or fraction thereof that the employing unit is delinquent, unless the agency or its service provider, whichever required the report, finds that the employing unit has good reason for failing to file the report. The *department* ~~agency~~ or its service provider may assess penalties only through the date of the issuance of the final assessment notice. However, additional penalties accrue if the delinquent report is subsequently filed.

2.a. An employing unit that files an erroneous, incomplete, or insufficient report with the *department* ~~Agency for Workforce Innovation~~ or its tax collection service provider shall pay a penalty. The amount of the penalty is $50 or 10 percent of any tax due, whichever is greater, but no more than $300 per report. The penalty shall be added to any tax, penalty, or interest otherwise due.

b. The *department* ~~agency~~ or its tax collection service provider shall waive the penalty if the employing unit files an accurate, complete, and sufficient report within 30 days after a penalty notice is issued to the employing unit. The penalty may not be waived pursuant to this subparagraph more than one time during a 12-month period.

c. As used in this subsection, the term "erroneous, incomplete, or insufficient report" means a report so lacking in information, completeness, or arrangement that the report cannot be readily understood, verified, or reviewed. Such reports include, but are not limited to, reports having missing wage or employee information, missing or incorrect social security numbers, or illegible entries; reports submitted in a format that is not approved by the *department* ~~agency~~ or its tax collection service provider; and reports showing gross wages that do not equal the total of the wages of each employee. However, the term does not include a report that merely contains inaccurate data that was supplied to the

employer by the employee, if the employer was unaware of the inaccuracy.

3. Penalties imposed pursuant to this paragraph shall be deposited in the Special Employment Security Administration Trust Fund.

4. The penalty and interest for a delinquent, erroneous, incomplete, or insufficient report may be waived if the penalty or interest is inequitable. The provisions of s. 213.24(1) apply to any penalty or interest that is imposed under this section.

(c) *Application of partial payments.*—If a delinquency exists in the employment record of an employer not in bankruptcy, a partial payment less than the total delinquency amount shall be applied to the employment record as the payor directs. In the absence of specific direction, the partial payment shall be applied to the payor's employment record as prescribed in the rules of the *department* ~~Agency for Workforce Innovation~~ or the state agency providing tax collection services.

(f) *Adoption of rules.*—The *department* ~~Agency for Workforce Innovation~~ and the state agency providing unemployment tax collection services may adopt rules to administer this subsection.

(2) REPORTS, CONTRIBUTIONS, APPEALS.—

(a) *Failure to make reports and pay contributions.*—If an employing unit determined by the tax collection service provider to be an employer subject to this chapter fails to make and file any report as and when required by this chapter or by any rule of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or the state agency providing tax collection services, for the purpose of determining the amount of contributions due by the employer under this chapter, or if any filed report is found by the service provider to be incorrect or insufficient, and the employer, after being notified in writing by the service provider to file the report, or a corrected or sufficient report, as applicable, fails to file the report within 15 days after the date of the mailing of the notice, the tax collection service provider may:

1. Determine the amount of contributions due from the employer based on the information readily available to it, which determination is deemed to be prima facie correct;

2. Assess the employer the amount of contributions determined to be due; and

3. Immediately notify the employer by mail of the determination and assessment including penalties as provided in this chapter, if any, added and assessed, and demand payment together with interest on the amount of contributions from the date that amount was due and payable.

(b) *Hearings.*—The determination and assessment are final 15 days after the date the assessment is mailed unless the employer files with the tax collection service provider within the 15 days a written protest and petition for hearing specifying the objections thereto. The tax collection service provider shall promptly review each petition and may reconsider its determination and assessment in order to resolve the petitioner's objections. The tax collection service provider shall forward each petition remaining unresolved to the *department* ~~Agency for Workforce Innovation~~ for a hearing on the objections. Upon receipt of a petition, the *department* ~~Agency for Workforce Innovation~~ shall schedule a hearing and notify the petitioner of the time and place of the hearing. The *department* ~~Agency for Workforce Innovation~~ may appoint special deputies to conduct hearings and to submit their findings together with a transcript of the proceedings before them and their recommendations to the *department* ~~agency~~ for its final order. Special deputies are subject to the prohibition against ex parte communications in s. 120.66. At any hearing conducted by the *department* ~~Agency for Workforce Innovation~~ or its special deputy, evidence may be offered to support the determination and assessment or to prove it is incorrect. In order to prevail, however, the petitioner must either prove that the determination and assessment are incorrect or file full and complete corrected reports. Evidence may also be submitted at the hearing to rebut the determination by the tax collection service provider that the petitioner is an employer under this chapter. Upon evidence taken before it or upon the transcript submitted to it with the findings and recommendation of its special deputy, the *department* ~~Agency for Workforce Innovation~~ shall either set aside the tax collection service provider's determination that the petitioner is an employer under this chapter or reaffirm the determination. The amounts assessed under the final order, together with interest and penalties, must be paid within 15 days after notice of the final order is mailed to the employer, unless judicial review is instituted in a case of status determination. Amounts due when the status of the employer is in dispute are payable within 15 days after the entry of an order by the court affirming the determination. However, any determination that an employing unit is not an employer under this chapter does not affect the benefit rights of any individual as determined by an appeals referee or the commission unless:

1. The individual is made a party to the proceedings before the special deputy; or

2. The decision of the appeals referee or the commission has not become final or the employing unit and the *department* ~~Agency for Workforce Innovation~~ were not made parties to the proceedings before the appeals referee or the commission.

(c) *Appeals.*—The *department* ~~Agency for Workforce Innovation~~ and the state agency providing unemployment tax collection services shall adopt rules prescribing the procedures for an employing unit determined to be an employer to file an appeal and be afforded an opportunity for a hearing on the determination. Pending a hearing, the employing unit must file reports and pay contributions in accordance with s. 443.131.

(3) COLLECTION PROCEEDINGS.—

(f) *Reproductions.*—In any proceedings in any court under this chapter, reproductions of the original records of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, its tax collection service provider, *the former Agency for Workforce Innovation,* the former Department of Labor and Employment Security, or the commission, including, but not limited to, photocopies or microfilm, are primary evidence in lieu of the original records or of the documents that were transcribed into those records.

(g) *Jeopardy assessment and warrant.*—If the tax collection service provider reasonably believes that the collection of contributions or reimbursements from an employer will be jeopardized by delay, the service provider may assess the contributions or reimbursements immediately, together with interest or penalties when due, regardless of whether the contributions or reimbursements accrued are due, and may immediately issue a notice of lien and jeopardy warrant upon which proceedings may be conducted as provided in this section for notice of lien and warrant of the service provider. Within 15 days after mailing the notice of lien by registered mail, the employer may protest the issuance of the lien in the same manner provided in paragraph (2)(a). The protest does not operate as a supersedeas or stay of enforcement unless the employer files with the sheriff seeking to enforce the warrant a good and sufficient surety bond in twice the amount demanded by the notice of lien or warrant. The bond must be conditioned upon payment of the amount subsequently found to be due from the employer to the tax collection service provider in the final order of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ upon protest of assessment. The jeopardy warrant and notice of lien are satisfied in the manner provided in this section upon payment of the amount finally determined to be due from the employer. If enforcement of the jeopardy warrant is not superseded as provided in this section, the employer is entitled to a refund from the fund of all amounts paid as contributions or reimbursements in excess of the amount finally determined to be due by the employer upon application being made as provided in this chapter.

(4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF CONTRIBUTIONS AND REIMBURSEMENTS.—

(c) Any agent or employee designated by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or its tax collection service provider may administer an oath to any person for any return or report required by this chapter or by the rules of the *department* ~~Agency for Workforce Innovation~~ or the state agency providing unemployment tax collection services, and an oath made before the *department* ~~agency~~ or its service provider or any authorized agent or employee has the same effect as an oath made before any judicial officer or notary public of the state.

Section 372. Section 443.151, Florida Statutes, is amended to read:

443.151 Procedure concerning claims.—

(1) POSTING OF INFORMATION.—

(a) Each employer must post and maintain in places readily accessible to individuals in her or his employ printed statements concerning benefit rights, claims for benefits, and other matters relating to the administration of this chapter as the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ may by rule prescribe. Each employer must supply to individuals copies of printed statements or other materials relating to claims for benefits as directed by the ~~agency's~~ rules *of the department*. The *department* ~~Agency for Workforce Innovation~~ shall supply these printed statements and other materials to each employer without cost to the employer.

(b)1. The *department* ~~Agency for Workforce Innovation~~ shall advise each individual filing a new claim for unemployment compensation, at the time of filing the claim, that:

a. Unemployment compensation is subject to federal income tax.

b. Requirements exist pertaining to estimated tax payments.

c. The individual may elect to have federal income tax deducted and withheld from the individual's payment of unemployment compensation at the amount specified in the federal Internal Revenue Code.

d. The individual is not permitted to change a previously elected withholding status more than twice per calendar year.

2. Amounts deducted and withheld from unemployment compensation must remain in the Unemployment Compensation Trust Fund until transferred to the federal taxing authority as payment of income tax.

3. The *department* ~~Agency for Workforce Innovation~~ shall follow all procedures specified by the United States Department of Labor and the federal Internal Revenue Service pertaining to the deducting and withholding of income tax.

4. If more than one authorized request for deduction and withholding is made, amounts must be deducted and withheld in accordance with the following priorities:

a. Unemployment overpayments have first priority;

b. Child support payments have second priority; and

c. Withholding under this subsection has third priority.

(2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF CLAIMANTS AND EMPLOYERS.—

(a) *In general.*—Claims for benefits must be made in accordance with the rules adopted by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~. The *department* ~~agency~~ must notify claimants and employers regarding monetary and nonmonetary determinations of eligibility. Investigations of issues raised in connection with a claimant which may affect a claimant's eligibility for benefits or charges to an employer's employment record shall be conducted by the *department* ~~agency~~ through written, telephonic, or electronic means as prescribed by rule.

(b) *Process.*—When the Unemployment Compensation Claims and Benefits Information System described in s. 443.1113 is fully operational, the process for filing claims must incorporate the process for registering for work with the workforce information systems established pursuant to s. 445.011. A claim for benefits may not be processed until the work registration requirement is satisfied. The *department* ~~Agency for Workforce Innovation~~ may adopt rules as necessary to administer the work registration requirement set forth in this paragraph.

(3) DETERMINATION OF ELIGIBILITY.—

(a) *Notices of claim.*—The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall promptly provide a notice of claim to the claimant's most recent employing unit and all employers whose employment records are liable for benefits under the monetary determination. The employer must respond to the notice of claim within 20 days after the mailing date of the notice, or in lieu of mailing, within 20 days after the delivery of the notice. If a contributing employer fails to timely respond to the notice of claim, the employer's account may not be relieved of benefit charges as provided in s. 443.131(3)(a), notwithstanding paragraph (5)(b). The *department* ~~agency~~ may adopt rules as necessary to implement the processes described in this paragraph relating to notices of claim.

(b) *Monetary determinations.*—In addition to the notice of claim, the *department* ~~agency~~ shall also promptly provide an initial monetary determination to the claimant and each base period employer whose account is subject to being charged for its respective share of benefits on the claim. The monetary determination must include a statement of whether and in what amount the claimant is entitled to benefits, and, in the event of a denial, must state the reasons for the denial. A monetary determination for the first week of a benefit year must also include a statement of whether the claimant was paid the wages required under s. 443.091(1)(g) and, if so, the first day of the benefit year, the claimant's weekly benefit amount, and the maximum total amount of benefits payable to the claimant for a benefit year. The monetary determination is final unless within 20 days after the mailing of the notices to the parties' last known addresses, or in lieu of mailing, within 20 days after the delivery of the notices, an appeal or written request for reconsideration is filed by the claimant or other party entitled to notice. The *department* ~~agency~~ may adopt rules as necessary to implement the processes described in this paragraph relating to notices of monetary determinations and the appeals or reconsideration requests filed in response to such notices.

(c) *Nonmonetary determinations.*—If the *department* ~~agency~~ receives information that may result in a denial of benefits, the *department* ~~agency~~ must complete an investigation of the claim required by subsection (2) and provide notice of a nonmonetary determination to the claimant and the employer from whom the claimant's reason for separation affects his or her entitlement to benefits. The determination must state the reason for the determination and whether the unemployment tax account of the contributing employer is charged for benefits paid on the claim. The nonmonetary determination is final unless within 20 days after the mailing of the notices to the parties' last known addresses, or in lieu of mailing, within 20 days after the delivery of the notices, an appeal or written request for reconsideration is filed by the claimant or other party entitled to notice. The *department* ~~agency~~ may adopt rules as necessary to implement the processes described in this paragraph relating to notices of nonmonetary determination and the appeals or reconsideration requests filed in response to such notices, and may adopt rules prescribing the manner and procedure by which employers within the base period of a claimant become entitled to notice of nonmonetary determination.

(d) *Determinations in labor dispute cases.*—Whenever any claim involves a labor dispute described in s. 443.101(4), the *department* ~~Agency for Workforce Innovation~~ shall promptly assign the claim to a special examiner who shall make a determination on the issues involving unemployment due to the labor dispute. The special examiner shall make the determination after an investigation, as necessary. The claimant or another party entitled to notice of the determination may appeal a determination under subsection (4).

(e) *Redeterminations.*—

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

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

may apply for a revised decision from the body or court that made the final decision.

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

(4) APPEALS.—

(a) *Appeals referees.*—The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall appoint one or more impartial salaried appeals referees in accordance with s. 443.171(3) to hear and decide appealed claims. A person may not participate on behalf of the *department* ~~Agency for Workforce Innovation~~ as an appeals referee in any case in which she or he is an interested party. The *department* ~~Agency for Workforce Innovation~~ may designate alternates to serve in the absence or disqualification of any appeals referee on a temporary basis. These alternates must have the same qualifications required of appeals referees. The *department* ~~Agency for Workforce Innovation~~ shall provide the commission and the appeals referees with proper facilities and assistance for the execution of their functions.

(b) *Filing and hearing.*—

1. The claimant or any other party entitled to notice of a determination may appeal an adverse determination to an appeals referee within 20 days after the date of mailing of the notice to her or his last known address or, if the notice is not mailed, within 20 days after the date of delivery of the notice.

2. Unless the appeal is untimely or withdrawn or review is initiated by the commission, the appeals referee, after mailing all parties and attorneys of record a notice of hearing at least 10 days before the date of hearing, notwithstanding the 14-day notice requirement in s. 120.569(2)(b), may only affirm, modify, or reverse the determination. An appeal may not be withdrawn without the permission of the appeals referee.

3. However, when an appeal appears to have been filed after the permissible time limit, the Office of Appeals may issue an order to show cause to the appellant, requiring the appellant to show why the appeal should not be dismissed as untimely. If the appellant does not, within 15 days after the mailing date of the order to show cause, provide written evidence of timely filing or good cause for failure to appeal timely, the appeal shall be dismissed.

4. When an appeal involves a question of whether services were performed by a claimant in employment or for an employer, the referee must give special notice of the question and of the pendency of the appeal to the employing unit and to the *department* ~~Agency for Workforce Innovation~~, both of which become parties to the proceeding.

5. The parties must be notified promptly of the referee's decision. The referee's decision is final unless further review is initiated under paragraph (c) within 20 days after the date of mailing notice of the decision to the party's last known address or, in lieu of mailing, within 20 days after the delivery of the notice.

(c) *Review by commission.*—The commission may, on its own motion, within the time limit in paragraph (b), initiate a review of the decision of an appeals referee. The commission may also allow the *department* ~~Agency for Workforce Innovation~~ or any adversely affected party entitled to notice of the decision to appeal the decision by filing an application within the time limit in paragraph (b). An adversely affected party has the right to appeal the decision if the *department's* ~~Agency for Workforce Innovation's~~ determination is not affirmed by the appeals referee. The commission may affirm, modify, or reverse the findings and conclusions of the appeals referee based on evidence previously submitted in the case or based on additional evidence taken at the direction of the commission. The commission may assume jurisdiction of or transfer to another appeals referee the proceedings on any claim pending before an appeals referee. Any proceeding in which the commission assumes jurisdiction before completion must be heard by the commission in accordance with the requirement of this subsection for proceedings before an appeals referee. When the commission denies an application to hear an appeal of an appeals referee's decision, the decision of the appeals referee is the decision of the commission for purposes of this paragraph and is subject to judicial review within the same time and manner as decisions of the commission, except that the time for initiating review runs from the date of notice of the commission's order denying the application to hear an appeal.

(d) *Procedure.*—The manner that appealed claims are presented must comply with the commission's rules. Witnesses subpoenaed under this section are allowed fees at the rate established by s. 92.142, and fees of witnesses subpoenaed on behalf of the *department* ~~Agency for Workforce Innovation~~ or any claimant are deemed part of the expense of administering this chapter.

(e) *Judicial review.*—Orders of the commission entered under paragraph (c) are subject to review only by notice of appeal in the district court of appeal in the appellate district in which the issues involved were decided by an appeals referee. Notwithstanding chapter 120, the commission is a party respondent to every such proceeding. The *department* ~~Agency for Workforce Innovation~~ may initiate judicial review of orders in the same manner and to the same extent as any other party.

(5) PAYMENT OF BENEFITS.—

(a) The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall promptly pay benefits in accordance with a determination or redetermination regardless of any appeal or pending appeal. Before payment of benefits to the claimant, however, each employer who is liable for reimbursements in lieu of contributions for payment of the benefits must be notified, at the address on file with the *department* ~~Agency for Workforce Innovation~~ or its tax collection service provider, of the initial determination of the claim and must be given 10 days to respond.

(b) The *department* ~~Agency for Workforce Innovation~~ shall promptly pay benefits, regardless of whether a determination is under appeal if the determination allowing benefits is affirmed in any amount by an appeals referee or is affirmed by the commission, or if a decision of an appeals referee allowing benefits is affirmed in any amount by the commission. In these instances, a court may not issue an injunction, supersedeas, stay, or other writ or process suspending payment of benefits. A contributing employer that responded to the notice of claim within the time limit provided in subsection (3) may not, however, be charged with benefits paid under an erroneous determination if the decision is ultimately reversed. Benefits are not paid for any subsequent weeks of unemployment involved in a reversal.

(c) The provisions of paragraph (b) relating to charging an employer liable for contributions do not apply to reimbursing employers.

(6) RECOVERY AND RECOUPMENT.—

(a) Any person who, by reason of her or his fraud, receives benefits under this chapter to which she or he is not entitled is liable for repaying those benefits to the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ on behalf of the trust fund or, in the ~~agency's~~ discretion *of the department*, to have those benefits deducted from future benefits payable to her or him under this chapter. To enforce this paragraph, the *department* ~~agency~~ must find the existence of fraud through a redetermination or decision under this section within 2 years after the fraud was committed. Any recovery or recoupment of benefits must be effected within 5 years after the redetermination or decision.

(b) Any person who, by reason other than her or his fraud, receives benefits under this chapter to which, under a redetermination or decision pursuant to this section, she or he is not entitled, is liable for repaying those benefits to the *department* ~~Agency for Workforce Innovation~~ on behalf of the trust fund or, in the ~~agency's~~ discretion *of the department*, to have those benefits deducted from any future benefits payable to her or him under this chapter. Any recovery or recoupment of benefits must be effected within 3 years after the redetermination or decision.

(c) Any person who, by reason other than fraud, receives benefits under this chapter to which she or he is not entitled as a result of an employer's failure to respond to a claim within the timeframe provided in subsection (3) is not liable for repaying those benefits to the *department* ~~Agency for Workforce Innovation~~ on behalf of the trust fund or to have those benefits deducted from any future benefits payable to her or him under this chapter.

(d) Recoupment from future benefits is not permitted if the benefits are received by any person without fault on the person's part and recoupment would defeat the purpose of this chapter or would be inequitable and against good conscience.

(e) The *department* ~~Agency for Workforce Innovation~~ shall collect the repayment of benefits without interest by the deduction of benefits through a redetermination or by a civil action.

(f) Notwithstanding any other provision of this chapter, any person who is determined by this state, a cooperating state agency, the United States Secretary of Labor, or a court to have received any payments under the Trade Act of 1974, as amended, to which the person was not entitled shall have those payments deducted from any regular benefits, as defined in s. 443.1115(1)(e), payable to her or him under this chapter. Each such deduction may not exceed 50 percent of the amount otherwise payable. The payments deducted shall be remitted to the agency that issued the payments under the Trade Act of 1974, as amended, for return to the United States Treasury. Except for overpayments determined by a court, a deduction may not be made under this paragraph until a determination by the state agency or the United States Secretary of Labor is final.

(7) REPRESENTATION IN ADMINISTRATIVE PROCEEDINGS.—In any administrative proceeding conducted under this chapter, an employer or a claimant has the right, at his or her own expense, to be represented by counsel or by an authorized representative. Notwithstanding s. 120.62(2), the authorized representative need not be a qualified representative.

(8) BILINGUAL REQUIREMENTS.—

(a) The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall provide printed bilingual instructional and educational materials in the appropriate language in those counties in which 5 percent or more of the households in the county are classified as a single-language minority.

(b) The *department* ~~Agency for Workforce Innovation~~ shall ensure that one-stop career centers and appeals offices located in counties subject to the requirements of paragraph (c) prominently post notices in the appropriate languages and that translators are available in those centers and offices.

(c) As used in this subsection, the term "single-language minority" means households that speak the same non-English language and that do not contain an adult fluent in English. The *department* ~~Agency for Workforce Innovation~~ shall develop estimates of the percentages of single-language minority households for each county by using data from the United States Bureau of the Census.

Section 373. Subsection (1), paragraphs (a) and (c) of subsection (3), and subsection (4) of section 443.163, Florida Statutes, are amended to read:

443.163 Electronic reporting and remitting of contributions and reimbursements.—

(1) An employer may file any report and remit any contributions or reimbursements required under this chapter by electronic means. The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or the state agency providing unemployment tax collection services shall adopt rules prescribing the format and instructions necessary for electronically filing reports and remitting contributions and reimbursements to ensure a full collection of contributions and reimbursements due. The acceptable method of transfer, the method, form, and content of the electronic means, and the method, if any, by which the employer will be provided with an acknowledgment shall be prescribed by the *department* ~~Agency for Workforce Innovation~~ or its tax collection service provider. However, any employer who employed 10 or more employees in any quarter during the preceding state fiscal year must file the Employers Quarterly Reports (UCT-6) for the current calendar year and remit the contributions and reimbursements due by electronic means approved by the tax collection service provider. A person who prepared and reported for 100 or more employers in any quarter during the preceding state fiscal year must file the Employers Quarterly Reports (UCT-6) for each calendar quarter in the current calendar year, beginning with reports due for the second calendar quarter of 2003, by electronic means approved by the tax collection service provider.

(3) The tax collection service provider may waive the requirement to file an Employers Quarterly Report (UCT-6) by electronic means for employers that are unable to comply despite good faith efforts or due to circumstances beyond the employer's reasonable control.

(a) As prescribed by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or its tax collection service provider, grounds for approving the waiver include, but are not limited to, circumstances in which the employer does not:

1. Currently file information or data electronically with any business or government agency; or

2. Have a compatible computer that meets or exceeds the standards prescribed by the *department* ~~Agency for Workforce Innovation~~ or its tax collection service provider.

(c) The *department* ~~Agency for Workforce Innovation~~ or the state agency providing unemployment tax collection services may establish by rule the length of time a waiver is valid and may determine whether subsequent waivers will be authorized, based on this subsection.

(4) As used in this section, the term "electronic means" includes, but is not limited to, electronic data interchange; electronic funds transfer; and use of the Internet, telephone, or other technology specified by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or its tax collection service provider.

Section 374. Section 443.171, Florida Statutes, is amended to read:

443.171 *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ and commission; powers and duties; records and reports; proceedings; state-federal cooperation.—

(1) POWERS AND DUTIES.—The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall administer this chapter. The *department* ~~agency~~ may employ those persons, make expenditures, require reports, conduct investigations, and take other action necessary or suitable to administer this chapter. The *department* ~~Agency for Workforce Innovation~~ shall annually submit information to Workforce Florida, Inc., covering the administration and operation of this chapter during the preceding calendar year for inclusion in the strategic plan under s. 445.006 and may make recommendations for amendment to this chapter.

(2) PUBLICATION OF ACTS AND RULES.—The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall cause to be printed and distributed to the public, or otherwise distributed to the public through the Internet or similar electronic means, the text of this chapter and of the rules for administering this chapter adopted by the *department* ~~agency~~ or the state agency providing unemployment tax collection services and any other matter relevant and suitable. The *department* ~~Agency for Workforce Innovation~~ shall furnish this information to any person upon request. However, any pamphlet, rules, circulars, or reports required by this chapter may not contain any matter except the actual data necessary to complete them or the actual language of the rule, together with the proper notices.

(3) PERSONNEL.—Subject to chapter 110 and the other provisions of this chapter, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ may appoint, set the compensation of, and prescribe the duties and powers of employees, accountants, attorneys, experts, and other persons as necessary for the performance of the ~~agency's~~ duties *of the department* under this chapter. The *department* ~~Agency for Workforce Innovation~~ may delegate to any person its power and authority under this chapter as necessary for the effective administration of this chapter and may bond any person handling moneys or signing checks under this chapter. The cost of these bonds must be paid from the Employment Security Administration Trust Fund.

(4) EMPLOYMENT STABILIZATION.—The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, under the direction of Workforce Florida, Inc., shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of career training, retraining, and career guidance; to investigate, recommend, advise, and assist in the establishment and

operation, by municipalities, counties, school districts, and the state, of reserves for public works to be used in times of business depression and unemployment; to promote the reemployment of the unemployed workers throughout the state in every other way that may be feasible; to refer any claimant entitled to extended benefits to suitable work which meets the criteria of this chapter; and, to these ends, to carry on and publish the results of investigations and research studies.

(5) RECORDS AND REPORTS.—Each employing unit shall keep true and accurate work records, containing the information required by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or its tax collection service provider. These records must be open to inspection and are subject to being copied by the *department* ~~Agency for Workforce Innovation~~ or its tax collection service provider at any reasonable time and as often as necessary. The *department* ~~Agency for Workforce Innovation~~ or its tax collection service provider may require from any employing unit any sworn or unsworn reports, for persons employed by the employing unit, necessary for the effective administration of this chapter. However, a state or local governmental agency performing intelligence or counterintelligence functions need not report an employee if the head of that agency determines that reporting the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission. Information revealing the employing unit's or individual's identity obtained from the employing unit or from any individual through the administration of this chapter, is, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending, confidential and exempt from s. 119.07(1). This confidential information is available only to public employees in the performance of their public duties. Any claimant, or the claimant's legal representative, at a hearing before an appeals referee or the commission must be supplied with information from these records to the extent necessary for the proper presentation of her or his claim. Any employee or member of the commission, any employee of the *department* ~~Agency for Workforce Innovation~~ or its tax collection service provider, or any other person receiving confidential information who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, the *department* ~~Agency for Workforce Innovation~~ or its tax collection service provider may furnish to any employer copies of any report previously submitted by that employer, upon the request of the employer. The *department* ~~Agency for Workforce Innovation~~ or its tax collection service provider may charge a reasonable fee for copies of reports, which may not exceed the actual reasonable cost of the preparation of the copies as prescribed by rules adopted by the *department* ~~Agency for Workforce Innovation~~ or the state agency providing tax collection services. Fees received by the *department* ~~Agency for Workforce Innovation~~ or its tax collection service provider for copies furnished under this subsection must be deposited in the Employment Security Administration Trust Fund.

(6) OATHS AND WITNESSES.—In the discharge of the duties imposed by this chapter, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, its tax collection service provider, the members of the commission, and any authorized representative of any of these entities may administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the administration of this chapter.

(7) SUBPOENAS.—If a person refuses to obey a subpoena issued to that person, any court of this state within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which the person is found, resides, or transacts business, upon application by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, its tax collection service provider, the commission, or any authorized representative of any of these entities has jurisdiction to order the person to appear before the entity to produce evidence or give testimony on the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as contempt. Any person who fails or refuses without just cause to appear or testify; to answer any lawful inquiry; or to produce books, papers, correspondence, memoranda, and other records within her or his control as commanded in a subpoena of the *department* ~~Agency for Workforce Innovation~~, its tax collection service provider, the commission, or any authorized representative of any of these entities commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Each day that a violation continues is a separate offense.

(8) PROTECTION AGAINST SELF-INCRIMINATION.—A person is not excused from appearing or testifying, or from producing books, papers, correspondence, memoranda, or other records, before the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, its tax collection service provider, the commission, or any authorized representative of any of these entities or as commanded in a subpoena of any of these entities in any proceeding before the *department* ~~Agency for Workforce Innovation~~, the commission, an appeals referee, or a special deputy on the ground that the testimony or evidence, documentary or otherwise, required of the person may incriminate her or him or subject her or him to a penalty or forfeiture. That person may not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which she or he is compelled, after having claimed her or his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the person testifying is not exempt from prosecution and punishment for perjury committed while testifying.

(9) STATE-FEDERAL COOPERATION.—

(a)1. In the administration of this chapter, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ and its tax collection service provider shall cooperate with the United States Department of Labor to the fullest extent consistent with this chapter and shall take those actions, through the adoption of appropriate rules, administrative methods, and standards, necessary to secure for this state all advantages available under the provisions of federal law relating to unemployment compensation.

2. In the administration of the provisions in s. 443.1115, which are enacted to conform with the Federal-State Extended Unemployment Compensation Act of 1970, the *department* ~~Agency for Workforce Innovation~~ shall take those actions necessary to ensure that those provisions are interpreted and applied to meet the requirements of the federal act as interpreted by the United States Department of Labor and to secure for this state the full reimbursement of the federal share of extended benefits paid under this chapter which is reimbursable under the federal act.

3. The *department* ~~Agency for Workforce Innovation~~ and its tax collection service provider shall comply with the regulations of the United States Department of Labor relating to the receipt or expenditure by this state of funds granted under federal law; shall submit the reports in the form and containing the information the United States Department of Labor requires; and shall comply with directions of the United States Department of Labor necessary to assure the correctness and verification of these reports.

(b) The *department* ~~Agency for Workforce Innovation~~ and its tax collection service provider may cooperate with every agency of the United States charged with administration of any unemployment insurance law.

(c) The *department* ~~Agency for Workforce Innovation~~ and its tax collection service provider shall cooperate with the agencies of other states, and shall make every proper effort within their means, to oppose and prevent any further action leading to the complete or substantial federalization of state unemployment compensation funds or state employment security programs. The *department* ~~Agency for Workforce Innovation~~ and its tax collection service provider may make, and may cooperate with other appropriate agencies in making, studies as to the practicability and probable cost of possible new state-administered social security programs and the relative desirability of state, rather than federal, action in that field of study.

Section 375. Subsections (1) and (2) of section 443.1715, Florida Statutes, are amended to read:

443.1715 Disclosure of information; confidentiality.—

(1) RECORDS AND REPORTS.—Information revealing an employing unit's or individual's identity obtained from the employing unit or any individual under the administration of this chapter, and any determination revealing that information, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending or is receiving compensation benefits, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This confidential

information may be released only to public employees in the performance of their public duties. Except as otherwise provided by law, public employees receiving this confidential information must maintain the confidentiality of the information. Any claimant, or the claimant's legal representative, at a hearing before an appeals referee or the commission is entitled to information from these records to the extent necessary for the proper presentation of her or his claim. A person receiving confidential information who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or its tax collection service provider may, however, furnish to any employer copies of any report submitted by that employer upon the request of the employer and may furnish to any claimant copies of any report submitted by that claimant upon the request of the claimant. The *department* ~~Agency for Workforce Innovation~~ or its tax collection service provider may charge a reasonable fee for copies of these reports as prescribed by rule, which may not exceed the actual reasonable cost of the preparation of the copies. Fees received for copies under this subsection must be deposited in the Employment Security Administration Trust Fund.

(2) DISCLOSURE OF INFORMATION.—

(a) Subject to restrictions the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or the state agency providing unemployment tax collection services adopts by rule, information declared confidential under this section is available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment compensation law or the maintenance of the one-stop delivery system, or the Bureau of Internal Revenue of the United States Department of the Treasury, ~~the Governor's Office of Tourism, Trade, and Economic Development,~~ or the Florida Department of Revenue. Information obtained in connection with the administration of the one-stop delivery system may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a job-preparatory or career education or training program. The *department* ~~Agency for Workforce Innovation~~ shall, on a quarterly basis, furnish the National Directory of New Hires with information concerning the wages and unemployment benefits paid to individuals, by the dates, in the format, and containing the information specified in the regulations of the United States Secretary of Health and Human Services. Upon request, the *department* ~~Agency for Workforce Innovation~~ shall furnish any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and the recipient's rights to further benefits under this chapter. Except as otherwise provided by law, the receiving agency must retain the confidentiality of this information as provided in this section. The tax collection service provider may request the Comptroller of the Currency of the United States to examine the correctness of any return or report of any national banking association rendered under this chapter and may in connection with that request transmit any report or return for examination to the Comptroller of the Currency of the United States as provided in s. 3305(c) of the federal Internal Revenue Code.

(b) The employer or the employer's workers' compensation carrier against whom a claim for benefits under chapter 440 has been made, or a representative of either, may request from the *department* ~~Agency for Workforce Innovation~~ records of wages of the employee reported to the *department* ~~agency~~ by any employer for the quarter that includes the date of the accident that is the subject of such claim and for subsequent quarters.

1. The request must be made with the authorization or consent of the employee or any employer who paid wages to the employee after the date of the accident.

2. The employer or carrier shall make the request on a form prescribed by rule for such purpose by the agency. Such form shall contain a certification by the requesting party that it is a party entitled to the information requested.

3. The *department* ~~agency~~ shall provide the most current information readily available within 15 days after receiving the request.

Section 376. Section 443.181, Florida Statutes, is amended to read:

443.181 Public employment service.—

(1) The one-stop delivery system established under s. 445.009 is this state's public employment service as part of the national system of public employment offices under 29 U.S.C. s. 49. The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, under policy direction from Workforce Florida, Inc., shall cooperate with any official or agency of the United States having power or duties under 29 U.S.C. ss. 49-49l-1 and shall perform those duties necessary to secure to this state the funds provided under federal law for the promotion and maintenance of the state's public employment service. In accordance with 29 U.S.C. s. 49c, this state accepts 29 U.S.C. ss. 49-49l-1. The *department* ~~Agency for Workforce Innovation~~ is designated the state agency responsible for cooperating with the United States Secretary of Labor under 29 U.S.C. s. 49c. The *department* ~~Agency for Workforce Innovation~~ shall appoint sufficient employees to administer this section. The *department* ~~Agency for Workforce Innovation~~ may cooperate with or enter into agreements with the Railroad Retirement Board for the establishment, maintenance, and use of one-stop career centers.

(2) All funds received by this state under 29 U.S.C. ss. 49-49l-1 must be paid into the Employment Security Administration Trust Fund, and these funds are available to the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ for expenditure as provided by this chapter or by federal law. For the purpose of establishing and maintaining one-stop career centers, the *department* ~~Agency for Workforce Innovation~~ may enter into agreements with the Railroad Retirement Board or any other agency of the United States charged with the administration of an unemployment compensation law, with any political subdivision of this state, or with any private, nonprofit organization. As a part of any such agreement, the *department* ~~Agency for Workforce Innovation~~ may accept moneys, services, or quarters as a contribution to the Employment Security Administration Trust Fund.

Section 377. Subsections (1), (2), (3), and (4) of section 443.191, Florida Statutes, are amended to read:

443.191 Unemployment Compensation Trust Fund; establishment and control.—

(1) There is established, as a separate trust fund apart from all other public funds of this state, an Unemployment Compensation Trust Fund, which shall be administered by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ exclusively for the purposes of this chapter. The fund shall consist of:

(a) All contributions and reimbursements collected under this chapter;

(b) Interest earned on any moneys in the fund;

(c) Any property or securities acquired through the use of moneys belonging to the fund;

(d) All earnings of these properties or securities;

(e) All money credited to this state's account in the federal Unemployment Compensation Trust Fund under 42 U.S.C. s. 1103; and

(f) Advances on the amount in the federal Unemployment Compensation Trust Fund credited to the state under 42 U.S.C. s. 1321, as requested by the Governor or the Governor's designee.

Except as otherwise provided in s. 443.1313(4), all moneys in the fund shall be mingled and undivided.

(2) The Chief Financial Officer is the ex officio treasurer and custodian of the fund and shall administer the fund in accordance with the directions of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~. All payments from the fund must be approved by the *department* ~~Agency for Workforce Innovation~~ or by an authorized agent. The Chief Financial Officer shall maintain within the fund three separate accounts:

(a) A clearing account;

(b) An Unemployment Compensation Trust Fund account; and

(c) A benefit account.

All moneys payable to the fund, including moneys received from the United States as reimbursement for extended benefits paid by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, must be forwarded to the Chief Financial Officer, who shall immediately deposit them in the clearing account. Refunds payable under s. 443.141 may be paid from the clearing account. After clearance, all other moneys in the clearing account must be immediately deposited with the Secretary of the Treasury of the United States to the credit of this state's account in the federal Unemployment Compensation Trust Fund notwithstanding any state law relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state. The benefit account consists of all moneys requisitioned from this state's account in the federal Unemployment Compensation Trust Fund. Except as otherwise provided by law, moneys in the clearing and benefit accounts may be deposited by the Chief Financial Officer, under the direction of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, in any bank or public depository in which general funds of the state are deposited, but a public deposit insurance charge or premium may not be paid out of the fund. If any warrant issued against the clearing account or the benefit account is not presented for payment within 1 year after issuance, the Chief Financial Officer must cancel the warrant and credit without restriction the amount of the warrant to the account upon which it is drawn. When the payee or person entitled to a canceled warrant requests payment of the warrant, the Chief Financial Officer, upon direction of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, must issue a new warrant, payable from the account against which the canceled warrant was drawn.

(3) Moneys may only be requisitioned from the state's account in the federal Unemployment Compensation Trust Fund solely for the payment of benefits and extended benefits and for payment in accordance with rules prescribed by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, or for the repayment of advances made pursuant to 42 U.S.C. s. 1321, as authorized by the Governor or the Governor's designee, except that money credited to this state's account under 42 U.S.C. s. 1103 may only be used exclusively as provided in subsection (5). The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, through the Chief Financial Officer, shall requisition from the federal Unemployment Compensation Trust Fund amounts, not exceeding the amounts credited to this state's account in the fund, as necessary for the payment of benefits and extended benefits for a reasonable future period. Upon receipt of these amounts, the Chief Financial Officer shall deposit the moneys in the benefit account in the State Treasury and warrants for the payment of benefits and extended benefits shall be drawn upon the order of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ against the account. All warrants for benefits and extended benefits are payable directly to the ultimate beneficiary. Expenditures of these moneys in the benefit account and refunds from the clearing account are not subject to any law requiring specific appropriations or other formal release by state officers of money in their custody. All warrants issued for the payment of benefits and refunds must bear the signature of the Chief Financial Officer. Any balance of moneys requisitioned from this state's account in the federal Unemployment Compensation Trust Fund which remains unclaimed or unpaid in the benefit account after the period for which the moneys were requisitioned shall be deducted from estimates for, and may be used for the payment of, benefits and extended benefits during succeeding periods, or, in the discretion of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, shall be redeposited with the Secretary of the Treasury of the United States, to the credit of this state's account in the federal Unemployment Compensation Trust Fund, as provided in subsection (2).

(4) Subsections (1), (2), and (3), to the extent they relate to the federal Unemployment Compensation Trust Fund, apply only while the fund continues to exist and while the Secretary of the Treasury of the United States continues to maintain for this state a separate account of all funds deposited by this state for the payment of benefits, together with this state's proportionate share of the earnings of the federal Unemployment Compensation Trust Fund, from which no other state is permitted to make withdrawals. If the federal Unemployment Compensation Trust Fund ceases to exist, or the separate account is no longer maintained, all moneys, properties, or securities belonging to this state's account in the federal Unemployment Compensation Trust Fund must be transferred to the treasurer of the Unemployment Compensation Trust Fund, who must hold, invest, transfer, sell, deposit, and release those moneys, properties, or securities in a manner approved by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ in accordance with this chapter. These moneys must, however, be invested in the following readily marketable classes of securities: bonds or other interest-bearing obligations of the United States or of the state. Further, the investment must at all times be made in a manner that allows all the assets of the fund to always be readily convertible into cash when needed for the payment of benefits. The treasurer may only dispose of securities or other properties belonging to the Unemployment Compensation Trust Fund under the direction of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~.

Section 378. Section 443.211, Florida Statutes, is amended to read:

443.211 Employment Security Administration Trust Fund; appropriation; reimbursement.—

(1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is created in the State Treasury the "Employment Security Administration Trust Fund." All moneys deposited into this fund remain continuously available to the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ for expenditure in accordance with this chapter and do not revert at any time and may not be transferred to any other fund. All moneys in this fund which are received from the Federal Government or any federal agency or which are appropriated by this state under ss. 443.171 and 443.181, except money received under s. 443.191(5)(c), must be expended solely for the purposes and in the amounts found necessary by the authorized cooperating federal agencies for the proper and efficient administration of this chapter. The fund consists of: all moneys appropriated by this state; all moneys received from the United States or any federal agency; all moneys received from any other source for the administration of this chapter; any funds collected for enhanced, specialized, or value-added labor market information services; any moneys received from any agency of the United States or any other state as compensation for services or facilities supplied to that agency; any amounts received from any surety bond or insurance policy or from other sources for losses sustained by the Employment Security Administration Trust Fund or by reason of damage to equipment or supplies purchased from moneys in the fund; and any proceeds from the sale or disposition of such equipment or supplies. All money requisitioned and deposited in this fund under s. 443.191(5)(c) remains part of the Unemployment Compensation Trust Fund and must be used only in accordance with s. 443.191(5). All moneys in this fund must be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as provided by law for other trust funds in the State Treasury. These moneys must be secured by the depositary in which they are held to the same extent and in the same manner as required by the general depositary law of the state, and collateral pledged must be maintained in a separate custody account. All payments from the Employment Security Administration Trust Fund must be approved by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or by an authorized agent and must be made by the Chief Financial Officer. Any balances in this fund do not revert at any time and must remain continuously available to the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ for expenditure consistent with this chapter.

(2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is created in the State Treasury the "Special Employment Security Administration Trust Fund," into which shall be deposited or transferred all interest on contributions and reimbursements, penalties, and fines or fees collected under this chapter. Interest on contributions and reimbursements, penalties, and fines or fees deposited during any calendar quarter in the clearing account in the Unemployment Compensation Trust Fund shall, as soon as practicable after the close of that calendar quarter and upon certification of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, be transferred to the Special Employment Security Administration Trust Fund. The amount certified by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ as required under this chapter to pay refunds of interest on contributions and reimbursements, penalties, and fines or fees collected and erroneously deposited into the clearing account in the Unemployment Compensation Trust Fund shall, however, be withheld from this transfer. The interest and penalties certified for transfer are deemed as being erroneously deposited in the clearing account, and their transfer to the Special Employment Security Administration Trust Fund is deemed to be a refund of the erroneous deposits. All moneys in this fund shall be deposited, administered, and disbursed in the same manner and under the same requirements as

provided by law for other trust funds in the State Treasury. These moneys may not be expended or be available for expenditure in any manner that would permit their substitution for, or permit a corresponding reduction in, federal funds that would, in the absence of these moneys, be available to finance expenditures for the administration of this chapter. This section does not prevent these moneys from being used as a revolving fund to cover lawful expenditures for which federal funds are requested but not yet received, subject to the charging of the expenditures against the funds when received. The moneys in this fund, with the approval of the Executive Office of the Governor, shall be used by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ for paying administrative costs that are not chargeable against funds obtained from federal sources. All moneys in the Special Employment Security Administration Trust Fund shall be continuously available to the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ for expenditure in accordance with this chapter and do not revert at any time. All payments from the Special Employment Security Administration Trust Fund must be approved by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or by an authorized agent and shall be made by the Chief Financial Officer. The moneys in this fund are available to replace, as contemplated by subsection (3), expenditures from the Employment Security Administration Trust Fund which the United States Secretary of Labor, or other authorized federal agency or authority, finds are lost or improperly expended because of any action or contingency. The Chief Financial Officer is liable on her or his official bond for the faithful performance of her or his duties in connection with the Special Employment Security Administration Trust Fund.

(3) REIMBURSEMENT OF FUND.—If any moneys received from the United States Secretary of Labor under 42 U.S.C. ss. 501-504, any unencumbered balances in the Employment Security Administration Trust Fund, any moneys granted to this state under the Wagner-Peyser Act, or any moneys made available by this state or its political subdivisions and matched by the moneys granted to this state under the Wagner-Peyser Act, are after reasonable notice and opportunity for hearing, found by the United States Secretary of Labor, because of any action or contingency, to be lost or expended for purposes other than, or in amounts in excess of, those allowed by the United States Secretary of Labor for the administration of this chapter, these moneys shall be replaced by moneys appropriated for that purpose from the General Revenue Fund to the Employment Security Administration Trust Fund for expenditure as provided in subsection (1). Upon receipt of notice of such a finding by the United States Secretary of Labor, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall promptly report the amount required for replacement to the Governor. The Governor shall, at the earliest opportunity, submit to the Legislature a request for the appropriation of the replacement funds.

(4) RESPONSIBILITY FOR TRUST FUNDS.—In connection with its duties under s. 443.181, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ is responsible for the deposit, requisition, expenditure, approval of payment, reimbursement, and reporting in regard to the trust funds established by this section.

Section 379. Section 443.221, Florida Statutes, is amended to read:

443.221 Reciprocal arrangements.—

(1)(a) The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or its tax collection service provider may enter into reciprocal arrangements with other states or with the Federal Government, or both, for considering services performed by an individual for a single employing unit for which services are performed by the individual in more than one state as services performed entirely within any one of the states:

1. In which any part of the individual's service is performed;

2. In which the individual has her or his residence; or

3. In which the employing unit maintains a place of business.

(b) For services to be considered as performed within a state under a reciprocal agreement, the employing unit must have an election in effect for those services, which is approved by the agency charged with the administration of such state's unemployment compensation law, under which all the services performed by the individual for the employing unit are deemed to be performed entirely within that state.

(c) The *department* ~~Agency for Workforce Innovation~~ shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under this chapter with her or his wages and employment covered under the unemployment compensation laws of other states, which are approved by the United States Secretary of Labor, in consultation with the state unemployment compensation agencies, as reasonably calculated to assure the prompt and full payment of compensation in those situations and which include provisions for:

1. Applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state unemployment compensation laws; and

2. Avoiding the duplicate use of wages and employment because of the combination.

(d) Contributions or reimbursements due under this chapter with respect to wages for insured work are, for the purposes of ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid to the fund as of the date payment was made as contributions or reimbursements therefor under another state or federal unemployment compensation law, but an arrangement may not be entered into unless it contains provisions for reimbursement to the fund of the contributions or reimbursements and the actual earnings thereon as the *department* ~~Agency for Workforce Innovation~~ or its tax collection service provider finds are fair and reasonable as to all affected interests.

(2) The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or its tax collection service provider may make to other state or federal agencies and receive from these other state or federal agencies reimbursements from or to the fund, in accordance with arrangements entered into under subsection (1).

(3) The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or its tax collection service provider may enter into reciprocal arrangements with other states or the Federal Government, or both, for exchanging services, determining and enforcing payment obligations, and making available facilities and information. The *department* ~~Agency for Workforce Innovation~~ or its tax collection service provider may conduct investigations, secure and transmit information, make available services and facilities, and exercise other powers provided under this chapter to facilitate the administration of any unemployment compensation or public employment service law and, in a similar manner, accept and use information, services, and facilities made available to this state by the agency charged with the administration of any other unemployment compensation or public employment service law.

(4) To the extent permissible under federal law, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ may enter into or cooperate in arrangements whereby facilities and services provided under this chapter and facilities and services provided under the unemployment compensation law of any foreign government may be used for the taking of claims and the payment of benefits under the employment security law of the state or under a similar law of that government.

Section 380. Subsection (1) of section 445.002, Florida Statutes, is amended to read:

445.002 Definitions.—As used in this chapter, the term:

(1) "*Department* ~~Agency~~" means the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~.

Section 381. Paragraph (b) of subsection (3) of section 445.003, Florida Statutes, is amended to read:

445.003 Implementation of the federal Workforce Investment Act of 1998.—

(3) FUNDING.—

(b) The administrative entity for Title I, Workforce Investment Act of 1998 funds, and Rapid Response activities, shall be the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, which shall provide direction to regional workforce boards regarding Title I pro-

grams and Rapid Response activities pursuant to the direction of Workforce Florida, Inc.

Section 382. Subsection (1), paragraph (a) of subsection (3), and paragraphs (b), (c), (d), (e), and (g) of subsection (5) of section 445.004, Florida Statutes, are amended to read:

445.004 Workforce Florida, Inc.; creation; purpose; membership; duties and powers.—

(1) There is created a not-for-profit corporation, to be known as "Workforce Florida, Inc.," which shall be registered, incorporated, organized, and operated in compliance with chapter 617, and which shall not be a unit or entity of state government and shall be exempt from chapters 120 and 287. Workforce Florida, Inc., shall apply the procurement and expenditure procedures required by federal law for the expenditure of federal funds. Workforce Florida, Inc., shall be administratively housed within the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~; however, Workforce Florida, Inc., shall not be subject to control, supervision, or direction by the *department* ~~Agency for Workforce Innovation~~ in any manner. The Legislature determines, however, that public policy dictates that Workforce Florida, Inc., operate in the most open and accessible manner consistent with its public purpose. To this end, the Legislature specifically declares that Workforce Florida, Inc., its board, councils, and any advisory committees or similar groups created by Workforce Florida, Inc., are subject to the provisions of chapter 119 relating to public records, and those provisions of chapter 286 relating to public meetings.

(3)(a) Workforce Florida, Inc., shall be governed by a board of directors, the number of directors to be determined by the Governor, whose membership and appointment must be consistent with Pub. L. No. 105-220, Title I, s. 111(b)~~, and contain one member representing the licensed nonpublic postsecondary educational institutions authorized as individual training account providers, one member from the staffing service industry, at least one member who is a current or former recipient of welfare transition services as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1), and five representatives of organized labor who shall be appointed by the Governor~~. Members described in Pub. L. No. 105-220, Title I, s. 111(b)(1)(C)(vi) shall be nonvoting members. The importance of minority, gender, and geographic representation shall be considered when making appointments to the board. *The Governor, when in attendance, shall preside at all meetings of the board of directors.*

(5) Workforce Florida, Inc., shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes as determined by statute, Pub. L. No. 105-220, and the Governor, as well as its functions, duties, and responsibilities, including, but not limited to, the following:

(b) Providing oversight and policy direction to ensure that the following programs are administered by the *department* ~~Agency for Workforce Innovation~~ in compliance with approved plans and under contract with Workforce Florida, Inc.:

1. Programs authorized under Title I of the Workforce Investment Act of 1998, Pub. L. No. 105-220, with the exception of programs funded directly by the United States Department of Labor under Title I, s. 167.

2. Programs authorized under the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. ss. 49 et seq.

3. Activities authorized under Title II of the Trade Act of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade Adjustment Assistance Program.

4. Activities authorized under 38 U.S.C., chapter 41, including job counseling, training, and placement for veterans.

5. Employment and training activities carried out under funds awarded to this state by the United States Department of Housing and Urban Development.

6. Welfare transition services funded by the Temporary Assistance for Needy Families Program, created under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403, of the Social Security Act, as amended.

7. Displaced homemaker programs, provided under s. 446.50.

8. The Florida Bonding Program, provided under Pub. L. No. 97-300, s. 164(a)(1).

9. The Food Assistance Employment and Training Program, provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss. 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198; and the Hunger Prevention Act, Pub. L. No. 100-435.

10. The Quick-Response Training Program, provided under ss. 288.046-288.047. Matching funds and in-kind contributions that are provided by clients of the Quick-Response Training Program shall count toward the requirements of s. *288.904* ~~288.90151(5)(d)~~, pertaining to the return on investment from activities of Enterprise Florida, Inc.

11. The Work Opportunity Tax Credit, provided under the Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277, and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

12. Offender placement services, provided under ss. 944.707-944.708.

(c) The *department* ~~agency~~ may adopt rules necessary to administer the provisions of this chapter which relate to implementing and administering the programs listed in paragraph (b) as well as rules related to eligible training providers and auditing and monitoring subrecipients of the workforce system grant funds.

(d) Contracting with public and private entities as necessary to further the directives of this section. All contracts executed by Workforce Florida, Inc., must include specific performance expectations and deliverables. All Workforce Florida, Inc., contracts, including those solicited, managed, or paid by the *department* ~~Agency for Workforce Innovation~~ pursuant to s. *20.60(5)(c)* ~~20.50(2)~~ are exempt from s. 112.061, but shall be governed by subsection (1).

(e) Notifying the Governor, the President of the Senate, and the Speaker of the House of Representatives of noncompliance by the *department* ~~Agency for Workforce Innovation~~ or other agencies or obstruction of the board's efforts by such agencies. Upon such notification, the Executive Office of the Governor shall assist agencies to bring them into compliance with board objectives.

(g) Establish a dispute resolution process for all memoranda of understanding or other contracts or agreements entered into between the *department* ~~agency~~ and regional workforce boards.

Section 383. Subsection (1) of section 445.007, Florida Statutes, is amended to read:

445.007 Regional workforce boards.—

(1) One regional workforce board shall be appointed in each designated service delivery area and shall serve as the local workforce investment board pursuant to Pub. L. No. 105-220. The membership of the board shall be consistent with Pub. L. No. 105-220, Title I, s. 117(b)~~, and contain one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers certificates and diplomas, one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers degrees, and three representatives of organized labor~~. The board shall include one nonvoting representative from a military installation if a military installation is located within the region and the appropriate military command or organization authorizes such representation. It is the intent of the Legislature that membership of a regional workforce board include persons who are current or former recipients of welfare transition assistance as defined in *s. 445.002(2)* ~~s. 445.002(3)~~ or workforce services as provided in s. 445.009(1) or that such persons be included as ex officio members of the board or of committees organized by the board. The importance of minority and gender representation shall be considered when making appointments to the board. The board, its committees, subcommittees, and subdivisions, and other units of the workforce system, including units that may consist in whole or in part of local governmental units, may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, provided that the public is given proper notice of the telecommunications meeting and reasonable access

to observe and, when appropriate, participate. Regional workforce boards are subject to chapters 119 and 286 and s. 24, Art. I of the State Constitution. If the regional workforce board enters into a contract with an organization or individual represented on the board of directors, the contract must be approved by a two-thirds vote of the ~~entire~~ board, *a quorum having been established,* and the board member who could benefit financially from the transaction must abstain from voting on the contract. A board member must disclose any such conflict in a manner that is consistent with the procedures outlined in s. 112.3143.

Section 384. Subsections (3) and (9) of section 445.009, Florida Statutes, are amended to read:

445.009 One-stop delivery system.—

(3) ~~Beginning October 1, 2000,~~ Regional workforce boards shall enter into a memorandum of understanding with the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ for the delivery of employment services authorized by the federal Wagner-Peyser Act. This memorandum of understanding must be performance based.

(a) Unless otherwise required by federal law, at least 90 percent of the Wagner-Peyser funding must go into direct customer service costs.

(b) Employment services must be provided through the one-stop delivery system, under the guidance of one-stop delivery system operators. One-stop delivery system operators shall have overall authority for directing the staff of the workforce system. Personnel matters shall remain under the ultimate authority of the *department* ~~Agency for Workforce Innovation~~. However, the one-stop delivery system operator shall submit to the *department* ~~agency~~ information concerning the job performance of ~~agency~~ employees *of the department* who deliver employment services. The *department* ~~agency~~ shall consider any such information submitted by the one-stop delivery system operator in conducting performance appraisals of the employees.

(c) The *department* ~~agency~~ shall retain fiscal responsibility and accountability for the administration of funds allocated to the state under the Wagner-Peyser Act. An ~~agency~~ employee *of the department* who is providing services authorized under the Wagner-Peyser Act shall be paid using Wagner-Peyser Act funds.

(9)(a) Workforce Florida, Inc., working with the *department* ~~Agency for Workforce Innovation~~, shall coordinate among the agencies a plan for a One-Stop Electronic Network made up of one-stop delivery system centers and other partner agencies that are operated by authorized public or private for-profit or not-for-profit agents. The plan shall identify resources within existing revenues to establish and support this electronic network for service delivery that includes Government Services Direct. If necessary, the plan shall identify additional funding needed to achieve the provisions of this subsection.

(b) The network shall assure that a uniform method is used to determine eligibility for and management of services provided by agencies that conduct workforce development activities. The Department of Management Services shall develop strategies to allow access to the databases and information management systems of the following systems in order to link information in those databases with the one-stop delivery system:

1. The Unemployment Compensation Program *under chapter 443* ~~of the Agency for Workforce Innovation~~.

2. The public employment service described in s. 443.181.

3. The FLORIDA System and the components related to temporary cash assistance, food assistance, and Medicaid eligibility.

4. The Student Financial Assistance System of the Department of Education.

5. Enrollment in the public postsecondary education system.

6. Other information systems determined appropriate by Workforce Florida, Inc.

Section 385. Subsection (5) of section 445.016, Florida Statutes, is amended to read:

445.016 Untried Worker Placement and Employment Incentive Act.—

(5) Incentives must be paid according to the incentive schedule developed by Workforce Florida, Inc., the *Department of Economic Opportunity* ~~Agency for Workforce Development~~, and the Department of Children and Family Services which costs the state less per placement than the state's 12-month expenditure on a welfare recipient.

Section 386. Subsection (1) of section 445.024, Florida Statutes, is amended to read:

445.024 Work requirements.—

(1) WORK ACTIVITIES.—The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ may develop activities under each of the following categories of work activities. The following categories of work activities, based on federal law and regulations, may be used individually or in combination to satisfy the work requirements for a participant in the temporary cash assistance program:

(a) Unsubsidized employment.

(b) Subsidized private sector employment.

(c) Subsidized public sector employment.

(d) On-the-job training.

(e) Community service programs.

(f) Work experience.

(g) Job search and job readiness assistance.

(h) Vocational educational training.

(i) Job skills training directly related to employment.

(j) Education directly related to employment.

(k) Satisfactory attendance at a secondary school or in a course of study leading to a graduate equivalency diploma.

(l) Providing child care services.

Section 387. Subsection (1) of section 445.0325, Florida Statutes, is amended to read:

445.0325 Welfare Transition Trust Fund.—

(1) The Welfare Transition Trust Fund is created in the State Treasury, to be administered by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~. Funds shall be credited to the trust fund to be used for the purposes of the welfare transition program set forth in ss. 445.017-445.032.

Section 388. Section 445.038, Florida Statutes, is amended to read:

445.038 Digital media; job training.—Workforce Florida, Inc., through the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, may use funds dedicated for Incumbent Worker Training for the digital media industry. Training may be provided by public or private training providers for broadband digital media jobs listed on the targeted occupations list developed by the Workforce Estimating Conference or Workforce Florida, Inc. Programs that operate outside the normal semester time periods and coordinate the use of industry and public resources should be given priority status for funding.

Section 389. Subsection (2), paragraph (b) of subsection (4), and subsection (6) of section 445.045, Florida Statutes, are amended to read:

445.045 Development of an Internet-based system for information technology industry promotion and workforce recruitment.—

(2) Workforce Florida, Inc., shall coordinate with the Agency for Enterprise Information Technology and the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ to ensure links, where feasible and appropriate, to existing job information websites maintained by the state and state agencies and to ensure that information

technology positions offered by the state and state agencies are posted on the information technology website.

(4)

(b) Workforce Florida, Inc., may enter into an agreement with the Agency for Enterprise Information Technology, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, or any other public agency with the requisite information technology expertise for the provision of design, operating, or other technological services necessary to develop and maintain the website.

(6) In fulfilling its responsibilities under this section, Workforce Florida, Inc., may enlist the assistance of and act through the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~. The *department* ~~agency~~ is authorized and directed to provide the services that Workforce Florida, Inc., and the *department* ~~agency~~ consider necessary to implement this section.

Section 390. Subsection (1), paragraph (b) of subsection (4), and subsection (5) of section 445.048, Florida Statutes, are amended to read:

445.048 Passport to Economic Progress program.—

(1) AUTHORIZATION.—Notwithstanding any law to the contrary, Workforce Florida, Inc., in conjunction with the Department of Children and Family Services and the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, shall implement a Passport to Economic Progress program consistent with the provisions of this section. Workforce Florida, Inc., may designate regional workforce boards to participate in the program. Expenses for the program may come from appropriated revenues or from funds otherwise available to a regional workforce board which may be legally used for such purposes. Workforce Florida, Inc., must consult with the applicable regional workforce boards and the applicable local offices of the Department of Children and Family Services which serve the program areas and must encourage community input into the implementation process.

(4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—

(b) Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, shall offer performance-based incentive bonuses as a component of the Passport to Economic Progress program. The bonuses do not represent a program entitlement and shall be contingent on achieving specific benchmarks prescribed in the self-sufficiency plan. If the funds appropriated for this purpose are insufficient to provide this financial incentive, the board of directors of Workforce Florida, Inc., may reduce or suspend the bonuses in order not to exceed the appropriation or may direct the regional boards to use resources otherwise given to the regional workforce to pay such bonuses if such payments comply with applicable state and federal laws.

(5) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida, Inc., in conjunction with the Department of Children and Family Services, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, and the regional workforce boards, shall conduct a comprehensive evaluation of the effectiveness of the program operated under this section. Evaluations and recommendations for the program shall be submitted by Workforce Florida, Inc., as part of its annual report to the Legislature.

Section 391. Subsection (2) of section 445.049, Florida Statutes, is amended to read:

445.049 Digital Divide Council.—

(2) DIGITAL DIVIDE COUNCIL.—The Digital Divide Council is created in the Department of Education. The council shall consist of:

(a) A representative from the information technology industry in this state appointed by the Governor.

(b) *The executive director of the Department of Economic Opportunity, or his or her designee* ~~The director of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor~~.

(c) The president of Workforce Florida, Inc.

~~(d) The director of the Agency for Workforce Innovation.~~

(d)~~(e)~~ The chair of itflorida.com, Inc.

(e)~~(f)~~ The Commissioner of Education.

(f)~~(g)~~ A representative of the information technology industry in this state appointed by the Speaker of the House of Representatives.

(g)~~(h)~~ A representative of the information technology industry in this state appointed by the President of the Senate.

(h)~~(i)~~ Two members of the House of Representatives, who shall be ex officio, nonvoting members of the council, appointed by the Speaker of the House of Representatives, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.

(i)~~(j)~~ Two members of the Senate, who shall be ex officio, nonvoting members of the council, appointed by the President of the Senate, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.

Section 392. Subsection (13) of section 445.051, Florida Statutes, is amended to read:

445.051 Individual development accounts.—

(13) Pursuant to policy direction by Workforce Florida, Inc., the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall adopt such rules as are necessary to implement this act.

Section 393. Section 445.056, Florida Statutes, is amended to read:

445.056 Citizen Soldier Matching Grant Program.—The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall *implement the* ~~establish a~~ matching grant program *established by the former Agency for Workforce Innovation* to award matching grants to private sector employers in this state *which* ~~that~~ provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while those employees are on federal active duty. A grant may not be provided for federal active duty served before January 1, 2005. Each grant shall be awarded to reimburse the employer for not more than one-half of the monthly wages paid to an employee who is a resident of this state for the actual period of federal active duty. The monthly grant per employee may not exceed one-half of the difference between the amount of monthly wages paid by the employer to the employee at the level paid before the date the employee was called to federal active duty and the amount of the employee's active duty base pay, housing and variable allowances, and subsistence allowance. *The Department of Economic Opportunity shall implement the plan administered by the former Agency for Workforce Innovation.* ~~The agency shall develop a plan by no later than October 1, 2005, subject to the notice, review, and objection procedures of s. 216.177, to administer the application and payment procedures for the matching grant program. The Agency for Workforce Innovation shall not award any matching grants prior to the approval of the plan.~~

Section 394. Section 450.261, Florida Statutes, is amended to read:

450.261 Interstate Migrant Labor Commission; Florida membership.—In selecting the Florida membership of the Interstate Migrant Labor Commission, the Governor may designate the secretary of the Department of *Economic Opportunity* ~~Community Affairs~~ as his or her representative. The two legislative members shall be chosen from among the members of the Legislative Commission on Migrant Labor, and at least one of the two members appointed by the Governor shall be chosen from among the members of the advisory committee to that commission.

Section 395. Section 446.41, Florida Statutes, is amended to read:

446.41 Legislative intent with respect to rural workforce training and development; establishment of Rural Workforce Services Program.—In order that the state may achieve its full economic and social potential, consideration must be given to rural workforce training and development to enable its rural citizens as well as urban citizens to develop their maximum capacities and participate productively in our society. It is, therefore, the policy of the state to make available those services needed to assist individuals and communities in rural areas to

improve their quality of life. It is with a great sense of urgency that a Rural Workforce Services Program is established within the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, under the direction of Workforce Florida, Inc., to provide equal access to all manpower training programs available to rural as well as urban areas.

Section 396. Section 446.50, Florida Statutes, is amended to read:

446.50 Displaced homemakers; multiservice programs; report to the Legislature; Displaced Homemaker Trust Fund created.—

(1) INTENT.—It is the intent of the Legislature to require the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ to enter into contracts with, and make grants to, public and nonprofit private entities for purposes of establishing multipurpose service programs to provide necessary training, counseling, and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life.

(2) DEFINITIONS.—For the purposes of this section*, the term*:

~~(a)~~ "displaced homemaker" means an individual who:

(a)~~1.~~ Is 35 years of age or older;

(b)~~2.~~ Has worked in the home, providing unpaid household services for family members;

(c)~~3.~~ Is not adequately employed, as defined by rule of the agency;

(d)~~4.~~ Has had, or would have, difficulty in securing adequate employment; and

(e)~~5.~~ Has been dependent on the income of another family member but is no longer supported by such income, or has been dependent on federal assistance.

~~(b) "Agency" means the Agency for Workforce Innovation.~~

(3) ~~AGENCY~~ POWERS AND DUTIES *OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY*.—

(a) The *Department of Economic Opportunity* ~~agency~~, under plans established by Workforce Florida, Inc., shall establish, or contract for the establishment of, programs for displaced homemakers which shall include:

1. Job counseling, by professionals and peers, specifically designed for a person entering the job market after a number of years as a homemaker.

2. Job training and placement services, including:

a. Training programs for available jobs in the public and private sectors, taking into account the skills and job experiences of a homemaker and developed by working with public and private employers.

b. Assistance in locating available employment for displaced homemakers, some of whom could be employed in existing job training and placement programs.

c. Utilization of the services of the state employment service in locating employment opportunities.

3. Financial management services providing information and assistance with respect to insurance, including, but not limited to, life, health, home, and automobile insurance, and taxes, estate and probate problems, mortgages, loans, and other related financial matters.

4. Educational services, including high school equivalency degree and such other courses as the *department* ~~agency~~ determines would be of interest and benefit to displaced homemakers.

5. Outreach and information services with respect to federal and state employment, education, health, and unemployment assistance programs *that* ~~which~~ the *department* ~~agency~~ determines would be of interest and benefit to displaced homemakers.

(b)1. The *department* ~~agency~~ shall enter into contracts with, and make grants to, public and nonprofit private entities for purposes of establishing multipurpose service programs for displaced homemakers under this section. Such grants and contracts shall be awarded pursuant to chapter 287 and based on criteria established in the state plan developed pursuant to this section. The *department* ~~agency~~ shall designate catchment areas *that* ~~which~~ together*,* shall *compose* ~~comprise~~ the entire state, and, to the extent possible from revenues in the Displaced Homemaker Trust Fund, the *department* ~~agency~~ shall contract with, and make grants to, entities *that* ~~which~~ will serve entire catchment areas so that displaced homemaker service programs are available statewide. These catchment areas shall be coterminous with the state's workforce development regions. The *department* ~~agency~~ may give priority to existing displaced homemaker programs when evaluating bid responses to the ~~agency's~~ request for proposals.

2. In order to receive funds under this section, and unless specifically prohibited by law from doing so, an entity that provides displaced homemaker service programs must receive at least 25 percent of its funding from one or more local, municipal, or county sources or nonprofit private sources. In-kind contributions may be evaluated by the *department* ~~agency~~ and counted as part of the required local funding.

3. The *department* ~~agency~~ shall require an entity that receives funds under this section to maintain appropriate data to be compiled in an annual report to the *department* ~~agency~~. Such data shall include, but shall not be limited to, the number of clients served, the units of services provided, designated client-specific information including intake and outcome information specific to each client, costs associated with specific services and program administration, total program revenues by source and other appropriate financial data, and client followup information at specified intervals after the placement of a displaced homemaker in a job.

(c) The *department* ~~agency~~ shall consult and cooperate with the Commissioner of Education, the United States Commissioner of the Social Security Administration, and such other persons in the executive branch of the state government as the *department* ~~agency~~ considers appropriate to facilitate the coordination of multipurpose service programs established under this section with existing programs of a similar nature.

(d) Supervisory, technical, and administrative positions relating to programs established under this section shall, to the maximum extent practicable, be filled by displaced homemakers.

(e) The *department* ~~agency~~ shall adopt rules establishing minimum standards necessary for entities that provide displaced homemaker service programs to receive funds ~~from the agency~~ and any other rules necessary to administer this section.

(4) STATE PLAN.—

(a) The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall develop a 3-year state plan for the displaced homemaker program which shall be updated annually. The plan must address, at a minimum, the need for programs specifically designed to serve displaced homemakers, any necessary service components for such programs in addition to those enumerated in this section, goals of the displaced homemaker program with an analysis of the extent to which those goals are being met, and recommendations for ways to address any unmet program goals. Any request for funds for program expansion must be based on the state plan.

(b) Each annual update must address any changes in the components of the 3-year state plan and a report *that* ~~which~~ must include, but need not be limited to, the following:

1. The scope of the incidence of displaced homemakers;

2. A compilation and report, by program, of data submitted to the *department* ~~agency~~ pursuant to subparagraph 3. by funded displaced homemaker service programs;

3. An identification and description of the programs in the state *which* ~~that~~ receive funding from the *department* ~~agency~~, including funding information; and

4. An assessment of the effectiveness of each displaced homemaker service program based on outcome criteria established by rule of the *department* ~~agency~~.

(c) The 3-year state plan must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor on or before January 1, 2001, and annual updates of the plan must be submitted by January 1 of each subsequent year.

(5) DISPLACED HOMEMAKER TRUST FUND.—

(a) There is established within the State Treasury a Displaced Homemaker Trust Fund to be used by the *Department of Economic Opportunity* ~~agency~~ for its administration of the displaced homemaker program and to fund displaced homemaker service programs according to criteria established under this section.

(b) The trust fund shall receive funds generated from an additional fee on marriage license applications and dissolution of marriage filings as specified in ss. 741.01(3) and 28.101, respectively, and may receive funds from any other public or private source.

(c) Funds that are not expended by the *department* ~~agency~~ at the end of the budget cycle or through a supplemental budget approved by the *department* ~~agency~~ shall revert to the trust fund.

Section 397. Section 446.52, Florida Statutes, is amended to read:

446.52 Confidentiality of information.—Information about displaced homemakers who receive services under ss. 446.50 and 446.51 which is received through files, reports, inspections, or otherwise, by the *Department of Economic Opportunity* ~~division~~ or by *its* authorized employees ~~of the division~~, by persons who volunteer services, or by persons who provide services to displaced homemakers under ss. 446.50 and 446.51 through contracts with the *department* ~~division~~ is confidential and exempt from the provisions of s. 119.07(1). Such information may not be disclosed publicly in such a manner as to identify a displaced homemaker, unless such person or the person's legal guardian provides written consent.

Section 398. Paragraph (a) of subsection (3) of section 448.109, Florida Statutes, is amended to read:

448.109 Notification of the state minimum wage.—

(3)(a) Each year the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall, on or before December 1, create and make available to employers a poster in English and in Spanish which reads substantially as follows:

NOTICE TO EMPLOYEES

The Florida minimum wage is $__(amount)__ per hour, with a minimum wage of at least $__(amount)__ per hour for tipped employees, in addition to tips, for January 1, __(year)__, through December 31, __(year)__.

The rate of the minimum wage is recalculated yearly on September 30, based on the Consumer Price Index. Every year on January 1 the new Florida minimum wage takes effect.

An employer may not retaliate against an employee for exercising his or her right to receive the minimum wage. Rights protected by the State Constitution include the right to:

1. File a complaint about an employer's alleged noncompliance with lawful minimum wage requirements.

2. Inform any person about an employer's alleged noncompliance with lawful minimum wage requirements.

3. Inform any person of his or her potential rights under Section 24, Article X of the State Constitution and to assist him or her in asserting such rights.

An employee who has not received the lawful minimum wage after notifying his or her employer and giving the employer 15 days to resolve any claims for unpaid wages may bring a civil action in a court of law against an employer to recover back wages plus damages and attorney's fees.

An employer found liable for intentionally violating minimum wage requirements is subject to a fine of $1,000 per violation, payable to the state.

The Attorney General or other official designated by the Legislature may bring a civil action to enforce the minimum wage.

For details see Section 24, Article X of the State Constitution.

Section 399. Subsections (2), (4), and (11) of section 448.110, Florida Statutes, are amended to read:

448.110 State minimum wage; annual wage adjustment; enforcement.—

(2) The purpose of this section is to provide measures appropriate for the implementation of s. 24, Art. X of the State Constitution, in accordance with authority granted to the Legislature pursuant to s. 24(f), Art. X of the State Constitution. *To implement s. 24, Art. X of the State Constitution, the Department of Economic Opportunity is designated as the state Agency for Workforce Innovation.*

(4)(a) Beginning September 30, 2005, and annually on September 30 thereafter, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall calculate an adjusted state minimum wage rate by increasing the state minimum wage by the rate of inflation for the 12 months prior to September 1. In calculating the adjusted state minimum wage, the *Department of Economic Opportunity* ~~agency~~ shall use the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for the South Region or a successor index as calculated by the United States Department of Labor. Each adjusted state minimum wage rate shall take effect on the following January 1, with the initial adjusted minimum wage rate to take effect on January 1, 2006.

(b) The ~~Agency for Workforce Innovation and the~~ Department of Revenue *and the Department of Economic Opportunity* shall annually publish the amount of the adjusted state minimum wage and the effective date. Publication shall occur by posting the adjusted state minimum wage rate and the effective date on the Internet home pages of the *Department of Economic Opportunity* ~~agency~~ and the Department *of Revenue* by October 15 of each year. In addition, to the extent funded in the General Appropriations Act, the *Department of Economic Opportunity* ~~agency~~ shall provide written notice of the adjusted rate and the effective date of the adjusted state minimum wage to all employers registered in the most current unemployment compensation database. Such notice shall be mailed by November 15 of each year using the addresses included in the database. Employers are responsible for maintaining current address information in the unemployment compensation database. The *Department of Economic Opportunity is* ~~agency shall~~ not ~~be~~ responsible for failure to provide notice due to incorrect or incomplete address information in the database. The *Department of Economic Opportunity* ~~agency~~ shall provide the Department of Revenue with the adjusted state minimum wage rate information and effective date in a timely manner.

(11) Except for calculating the adjusted state minimum wage and publishing the initial state minimum wage and any annual adjustments thereto, the authority of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ in implementing s. 24, Art. X of the State Constitution, pursuant to this section, shall be limited to that authority expressly granted by the Legislature.

Section 400. Section 450.161, Florida Statutes, is amended to read:

450.161 Chapter not to affect career education of children; other exceptions.—Nothing in this chapter shall prevent minors of any age from receiving career education furnished by the United States, this state, or any county or other political subdivision of this state and duly approved by the Department of Education or other duly constituted authority, nor any apprentice indentured under a plan approved by the *Department of Economic Opportunity* ~~Division of Jobs and Benefits~~, or prevent the employment of any minor 14 years of age or older when such employment is authorized as an integral part of, or supplement to, such a course in career education and is authorized by regulations of the district school board of the district in which such minor is employed, provided the employment is in compliance with the provisions of ss. 450.021(4) and 450.061. Exemptions for the employment of student

learners 16 to 18 years of age are provided in s. 450.061. Such an exemption shall apply when:

(1) The student learner is enrolled in a youth vocational training program under a recognized state or local educational authority.

(2) Such student learner is employed under a written agreement *that* ~~which~~ provides:

(a) That the work of the student learner in the occupation declared particularly hazardous shall be incidental to the training.

(b) That such work shall be intermittent and for short periods of time and under the direct and close supervision of a qualified and experienced person.

(c) That safety instructions shall be given by the school and correlated by the employer with on-the-job training.

(d) That a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

Each such written agreement shall contain the name of the student learner and shall be signed by the employer, the school coordinator and principal, and the parent or legal guardian. Copies of each agreement shall be kept on file by both the school and the employer. This exemption for the employment of student learners may be revoked in any individual situation when it is found that reasonable precautions have not been observed for the safety of minors employed thereunder. A high school graduate may be employed in an occupation in which he or she has completed training as a student learner, as provided in this section, even though he or she is not yet 18 years of age.

Section 401. Paragraph (j) of subsection (1) of section 450.191, Florida Statutes, is amended to read:

450.191 Executive Office of the Governor; powers and duties.—

(1) The Executive Office of the Governor is authorized and directed to:

(j) Cooperate with the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ in the recruitment and referral of migrant laborers and other persons for the planting, cultivation, and harvesting of agricultural crops in Florida.

Section 402. Paragraph (e) of subsection (2) of section 450.31, Florida Statutes, is amended to read:

450.31 Issuance, revocation, and suspension of, and refusal to issue or renew, certificate of registration.—

(2) The department may revoke, suspend, or refuse to issue or renew any certificate of registration when it is shown that the farm labor contractor has:

(e) Failed to pay unemployment compensation taxes as determined by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~; or

Section 403. Subsection (3) of section 468.529, Florida Statutes, is amended to read:

468.529 Licensee's insurance; employment tax; benefit plans.—

(3) A licensed employee leasing company shall within 30 days after initiation or termination notify its workers' compensation insurance carrier, the Division of Workers' Compensation of the Department of Financial Services, and the state agency providing unemployment tax collection services under contract with the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316 of both the initiation or the termination of the company's relationship with any client company.

Section 404. Subsection (21) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(21) The sale, delivery, assembly, or tie-down of lawn storage buildings and storage buildings not exceeding 400 square feet and bearing the insignia of approval from the department ~~of Community Affairs~~ showing compliance with the Florida Building Code.

Section 405. Subsection (3) of section 489.109, Florida Statutes, is amended to read:

489.109 Fees.—

(3) In addition to the fees provided in subsection (1) for application and renewal for certification and registration, all certificateholders and registrants must pay a fee of $4 to the department at the time of application or renewal. The funds must be transferred at the end of each licensing period to the department ~~of Community Affairs~~ to fund projects relating to the building construction industry or continuing education programs offered to persons engaged in the building construction industry in Florida, to be selected by the Florida Building Commission. The board shall, at the time the funds are transferred, advise the department ~~of Community Affairs~~ on the most needed areas of research or continuing education based on significant changes in the industry's practices or on changes in the state building code or on the most common types of consumer complaints or on problems costing the state or local governmental entities substantial waste. The board's advice is not binding on the department ~~of Community Affairs~~. The department ~~of Community Affairs~~ shall ensure the distribution of research reports and the availability of continuing education programs to all segments of the building construction industry to which they relate. The department ~~of Community Affairs~~ shall report to the board in October of each year, summarizing the allocation of the funds by institution and summarizing the new projects funded and the status of previously funded projects.

Section 406. Subsection (3) of section 489.509, Florida Statutes, is amended to read:

489.509 Fees.—

(3) Four dollars of each fee under subsection (1) paid to the department at the time of application or renewal shall be transferred at the end of each licensing period to the department ~~of Community Affairs~~ to fund projects relating to the building construction industry or continuing education programs offered to persons engaged in the building construction industry in Florida. The board shall, at the time the funds are transferred, advise the department ~~of Community Affairs~~ on the most needed areas of research or continuing education based on significant changes in the industry's practices or on the most common types of consumer complaints or on problems costing the state or local governmental entities substantial waste. The board's advice is not binding on the department ~~of Community Affairs~~. The department ~~of Community Affairs~~ shall ensure the distribution of research reports and the availability of continuing education programs to all segments of the building construction industry to which they relate. The department ~~of Community Affairs~~ shall report to the board in October of each year, summarizing the allocation of the funds by institution and summarizing the new projects funded and the status of previously funded projects.

Section 407. Subsection (2) of section 497.271, Florida Statutes, is amended to read:

497.271 Standards for construction and significant alteration or renovation of mausoleums and columbaria.—

(2) The licensing authority shall adopt, by no later than July 1, 1999, rules establishing minimum standards for all newly constructed and significantly altered or renovated mausoleums and columbaria; however, in the case of significant alterations or renovations to existing structures, the rules shall apply only, when physically feasible, to the newly altered or renovated portion of such structures, except as specified in subsection (4). In developing and adopting such rules, the licensing authority may define different classes of structures or construction standards, and may provide for different rules to apply to each of said classes, if the designation of classes and the application of different rules is in the public interest and is supported by findings by the licensing authority based on evidence of industry practices, economic and physical feasibility, location, or intended uses; provided, that the rules shall provide minimum standards applicable to all construction. For example, and without limiting the generality of the foregoing, the licensing authority may determine that a small single-story ground level mausoleum does

not require the same level of construction standards that a large multistory mausoleum might require; or that a mausoleum located in a low-lying area subject to frequent flooding or hurricane threats might require different standards than one located on high ground in an area not subject to frequent severe weather threats. The licensing authority shall develop the rules in cooperation with, and with technical assistance from, the Florida Building Commission ~~of the Department of Community Affairs~~, to ensure that the rules are in the proper form and content to be included as part of the Florida Building Code under part IV of chapter 553. If the Florida Building Commission advises that some of the standards proposed by the licensing authority are not appropriate for inclusion in such building codes, the licensing authority may choose to include those standards in a distinct chapter of its rules entitled "Non-Building-Code Standards for Mausoleums" or "Additional Standards for Mausoleums," or other terminology to that effect. If the licensing authority elects to divide the standards into two or more chapters, all such rules shall be binding on licensees and others subject to the jurisdiction of the licensing authority, but only the chapter containing provisions appropriate for building codes shall be transmitted to the Florida Building Commission pursuant to subsection (3). Such rules may be in the form of standards for design and construction; methods, materials, and specifications for construction; or other mechanisms. Such rules shall encompass, at a minimum, the following standards:

(a) No structure may be built or significantly altered for use for interment, entombment, or inurnment purposes unless constructed of such material and workmanship as will ensure its durability and permanence, as well as the safety, convenience, comfort, and health of the community in which it is located, as dictated and determined at the time by modern mausoleum construction and engineering science.

(b) Such structure must be so arranged that the exterior of any vault, niche, or crypt may be readily examined at any time by any person authorized by law to do so.

(c) Such structure must contain adequate provision for drainage and ventilation. Private or family mausoleums with all crypts bordering an exterior wall must contain pressure relief ventilation from the crypts to the outside of the mausoleum through the exterior wall or roof.

(d) Such structure must be of fire-resistant construction. Notwithstanding the requirements of s. 553.895 and chapter 633, any mausoleum or columbarium constructed of noncombustible materials, as defined in the Standard Building Code, shall not require a sprinkler system.

(e) Such structure must be resistant to hurricane and other storm damage to the highest degree provided under applicable building codes for buildings of that class.

(f) Suitable provisions must be made for securely and permanently sealing each crypt with durable materials after the interment or entombment of human remains, so that no effluvia or odors may escape therefrom except as provided by design and sanitary engineering standards. Panels for permanent seals must be solid and constructed of materials of sufficient weight, permanence, density, imperviousness, and strength as to ensure their durability and continued functioning. Permanent crypt sealing panels must be securely installed and set in with high quality fire-resistant, resilient, and durable materials after the interment or entombment of human remains. The outer or exposed covering of each crypt must be of a durable, permanent, fire-resistant material; however, plastic, fiberglass, and wood are not acceptable materials for such outer or exposed coverings.

(g) Interior and exterior fastenings for hangers, clips, doors, and other objects must be of copper, copper-base alloy, aluminum, or stainless steel of adequate gauges, or other materials established by rule which provide equivalent or better strength and durability, and must be properly installed.

Section 408. Paragraph (a) of subsection (1) of section 526.144, Florida Statutes, is amended to read:

526.144 Florida Disaster Motor Fuel Supplier Program.—

(1)(a) There is created the Florida Disaster Motor Fuel Supplier Program within the *Division of Emergency Management* ~~Department of Community Affairs~~.

Section 409. Paragraph (i) of subsection (4) of section 551.104, Florida Statutes, is amended to read:

551.104 License to conduct slot machine gaming.—

(4) As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, the slot machine licensee shall:

(i) Create and file with the division a written policy for:

1. Creating opportunities to purchase from vendors in this state, including minority vendors.

2. Creating opportunities for employment of residents of this state, including minority residents.

3. Ensuring opportunities for construction services from minority contractors.

4. Ensuring that opportunities for employment are offered on an equal, nondiscriminatory basis.

5. Training for employees on responsible gaming and working with a compulsive or addictive gambling prevention program to further its purposes as provided for in s. 551.118.

6. The implementation of a drug-testing program that includes, but is not limited to, requiring each employee to sign an agreement that he or she understands that the slot machine facility is a drug-free workplace.

The slot machine licensee shall use the Internet-based job-listing system of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ in advertising employment opportunities. Beginning in June 2007, each slot machine licensee shall provide an annual report to the division containing information indicating compliance with this paragraph in regard to minority persons.

Section 410. Subsection (7) of section 553.36, Florida Statutes, is amended to read:

553.36 Definitions.—The definitions contained in this section govern the construction of this part unless the context otherwise requires.

(7) "Department" means the Department of *Business and Professional Regulation* ~~Community Affairs~~.

Section 411. Section 553.382, Florida Statutes, is amended to read:

553.382 Placement of certain housing.—Notwithstanding any other law or ordinance to the contrary, in order to expand the availability of affordable housing in this state, any residential manufactured building that is certified under this chapter by the department ~~of Community Affairs~~ may be placed on a mobile home lot in a mobile home park, recreational vehicle park, or mobile home condominium, cooperative, or subdivision. Any such housing unit placed on a mobile home lot is a mobile home for purposes of chapter 723 and, therefore, all rights, obligations, and duties under chapter 723 apply, including the specifics of the prospectus. However, a housing unit subject to this section may not be placed on a mobile home lot without the prior written approval of the park owner. Each housing unit subject to this section shall be taxed as a mobile home under s. 320.08(11) and is subject to payments to the Florida Mobile Home Relocation Fund under s. 723.06116.

Section 412. Subsection (2) of section 553.512, Florida Statutes, is amended to read:

553.512 Modifications and waivers; advisory council.—

(2) The Accessibility Advisory Council shall consist of the following seven members, who shall be knowledgeable in the area of accessibility for persons with disabilities. The Secretary of *Business and Professional Regulation* ~~Community Affairs~~ shall appoint the following: a representative from the Advocacy Center for Persons with Disabilities, Inc.; a representative from the Division of Blind Services; a representative from the Division of Vocational Rehabilitation; a representative from a statewide organization representing the physically handicapped; a representative from the hearing impaired; a representative from the President, Florida Council of Handicapped Orga-

nizations; and a representative of the Paralyzed Veterans of America. The terms for the first three council members appointed subsequent to October 1, 1991, shall be for 4 years, the terms for the next two council members appointed shall be for 3 years, and the terms for the next two members shall be for 2 years. Thereafter, all council member appointments shall be for terms of 4 years. No council member shall serve more than two 4-year terms subsequent to October 1, 1991. Any member of the council may be replaced by the secretary upon three unexcused absences. Upon application made in the form provided, an individual waiver or modification may be granted by the commission so long as such modification or waiver is not in conflict with more stringent standards provided in another chapter.

Section 413. Section 553.71, Florida Statutes, is amended to read:

553.71 Definitions.—As used in this part, the term:

(1) "Commission" means the Florida Building Commission created by this part.

(2) "Department" means the Department of *Business and Professional Regulation* ~~Community Affairs~~.

(9)~~(3)~~ "State enforcement agency" means the agency of state government with authority to make inspections of buildings and to enforce the codes, as required by this part, which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

(3)~~(4)~~ "Housing code" means any code or rule intending post-construction regulation of structures which would include, but not be limited to: standards of maintenance, condition of facilities, condition of systems and components, living conditions, occupancy, use, and room sizes.

(5) "Local enforcement agency" means an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

(7)~~(6)~~ "Secretary" means the Secretary of *Business and Professional Regulation* ~~Community Affairs~~.

(11)~~(7)~~ "Threshold building" means any building which is greater than three stories or 50 feet in height, or which has an assembly occupancy classification as defined in the Florida Building Code which exceeds 5,000 square feet in area and an occupant content of greater than 500 persons.

(4)~~(8)~~ "Load management control device" means any device installed by any electric utility or its contractors which temporarily interrupts electric service to major appliances, motors, or other electrical systems contained within the buildings or on the premises of consumers for the purpose of reducing the utility's system demand as needed in order to prevent curtailment of electric service in whole or in part to consumers and thereby maintain the quality of service to consumers, provided the device is in compliance with a program approved by the Florida Public Service Commission.

(8)~~(9)~~ "Special inspector" means a licensed architect or registered engineer who is certified under chapter 471 or chapter 481 to conduct inspections of threshold buildings.

(6)~~(10)~~ "Prototype building" means a building constructed in accordance with architectural or engineering plans intended for replication on various sites and which will be updated to comply with the Florida Building Code and applicable laws relating to firesafety, health and sanitation, casualty safety, and requirements for persons with disabilities which are in effect at the time a construction contract is to be awarded.

(10)~~(11)~~ "Temporary" includes, but is not limited to, buildings identified by, but not designated as permanent structures on, an approved development order.

Section 414. Section 553.721, Florida Statutes, is amended to read:

553.721 Surcharge.—In order for the Department of *Business and Professional Regulation* ~~Community Affairs~~ to administer and carry out the purposes of this part and related activities, there is hereby created a surcharge, to be assessed at the rate of 1.5 percent of the permit fees associated with enforcement of the Florida Building Code as defined by the uniform account criteria and specifically the uniform account code for building permits adopted for local government financial reporting pursuant to s. 218.32. The minimum amount collected on any permit issued shall be $2. The unit of government responsible for collecting a permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect such surcharge and electronically remit the funds collected to the department on a quarterly calendar basis beginning not later than December 31, 2010, for the preceding quarter, and continuing each third month thereafter, and such unit of government shall retain 10 percent of the surcharge collected to fund the participation of building departments in the national and state building code adoption processes and to provide education related to enforcement of the Florida Building Code. All funds remitted to the department pursuant to this section shall be deposited in the *Professional Regulation Trust Fund* ~~Operating Trust Fund~~. Funds collected from such surcharge shall be used exclusively for the duties of the Florida Building Commission and the Department of *Business and Professional Regulation* ~~Community Affairs~~ under this chapter and shall not be used to fund research on techniques for mitigation of radon in existing buildings. Funds used by the department as well as funds to be transferred to the Department of Health shall be as prescribed in the annual General Appropriations Act. The department shall adopt rules governing the collection and remittance of surcharges in accordance with chapter 120.

Section 415. Subsection (1) of section 553.74, Florida Statutes, is amended to read:

553.74 Florida Building Commission.—

(1) The Florida Building Commission is created and ~~shall be~~ located within the Department of *Business and Professional Regulation* ~~Community Affairs~~ for administrative purposes. Members shall be appointed by the Governor subject to confirmation by the Senate. The commission shall be composed of 25 members, consisting of the following:

(a) One architect registered to practice in this state and actively engaged in the profession. The American Institute of Architects, Florida Section, is encouraged to recommend a list of candidates for consideration.

(b) One structural engineer registered to practice in this state and actively engaged in the profession. The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.

(c) One air-conditioning or mechanical contractor certified to do business in this state and actively engaged in the profession. The Florida Air Conditioning Contractors Association, the Florida Refrigeration and Air Conditioning Contractors Association, and the Mechanical Contractors Association of Florida are encouraged to recommend a list of candidates for consideration.

(d) One electrical contractor certified to do business in this state and actively engaged in the profession. The Florida Electrical Contractors Association and the National Electrical Contractors Association, Florida Chapter, are encouraged to recommend a list of candidates for consideration.

(e) One member from fire protection engineering or technology who is actively engaged in the profession. The Florida Chapter of the Society of Fire Protection Engineers and the Florida Fire Marshals and Inspectors Association are encouraged to recommend a list of candidates for consideration.

(f) One general contractor certified to do business in this state and actively engaged in the profession. The Associated Builders and Contractors of Florida, the Florida Associated General Contractors Council, and the Union Contractors Association are encouraged to recommend a list of candidates for consideration.

(g) One plumbing contractor licensed to do business in this state and actively engaged in the profession. The Florida Association of Plumbing, Heating, and Cooling Contractors is encouraged to recommend a list of candidates for consideration.

(h) One roofing or sheet metal contractor certified to do business in this state and actively engaged in the profession. The Florida Roofing, Sheet Metal, and Air Conditioning Contractors Association and the Sheet Metal and Air Conditioning Contractors National Association are encouraged to recommend a list of candidates for consideration.

(i) One residential contractor licensed to do business in this state and actively engaged in the profession. The Florida Home Builders Association is encouraged to recommend a list of candidates for consideration.

(j) Three members who are municipal or district codes enforcement officials, one of whom is also a fire official. The Building Officials Association of Florida and the Florida Fire Marshals and Inspectors Association are encouraged to recommend a list of candidates for consideration.

(k) One member who represents the Department of Financial Services.

(l) One member who is a county codes enforcement official. The Building Officials Association of Florida is encouraged to recommend a list of candidates for consideration.

(m) One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in this state.

(n) One member of the manufactured buildings industry who is licensed to do business in this state and is actively engaged in the industry. The Florida Manufactured Housing Association is encouraged to recommend a list of candidates for consideration.

(o) One mechanical or electrical engineer registered to practice in this state and actively engaged in the profession. The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.

(p) One member who is a representative of a municipality or a charter county. The Florida League of Cities and the Florida Association of Counties are encouraged to recommend a list of candidates for consideration.

(q) One member of the building products manufacturing industry who is authorized to do business in this state and is actively engaged in the industry. The Florida Building Material Association, the Florida Concrete and Products Association, and the Fenestration Manufacturers Association are encouraged to recommend a list of candidates for consideration.

(r) One member who is a representative of the building owners and managers industry who is actively engaged in commercial building ownership or management. The Building Owners and Managers Association is encouraged to recommend a list of candidates for consideration.

(s) One member who is a representative of the insurance industry. The Florida Insurance Council is encouraged to recommend a list of candidates for consideration.

(t) One member who is a representative of public education.

(u) One member who is a swimming pool contractor licensed to do business in this state and actively engaged in the profession. The Florida Swimming Pool Association and the United Pool and Spa Association are encouraged to recommend a list of candidates for consideration.

(v) One member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, or a LEED-accredited professional.

(w) One member who shall be the chair.

Any person serving on the commission under paragraph (c) or paragraph (h) on October 1, 2003, and who has served less than two full terms is eligible for reappointment to the commission regardless of whether he or she meets the new qualification.

Section 416. Subsections (2) and (5) of section 553.841, Florida Statutes, are amended to read:

553.841 Building code compliance and mitigation program.—

(2) The Department of *Business and Professional Regulation* ~~Community Affairs~~ shall administer a program, designated as the Florida Building Code Compliance and Mitigation Program, to develop, coordinate, and maintain education and outreach to persons required to comply with the Florida Building Code and ensure consistent education, training, and communication of the code's requirements, including, but not limited to, methods for mitigation of storm-related damage. The program shall also operate a clearinghouse through which design, construction, and building code enforcement licensees, suppliers, and consumers in this state may find others in order to exchange information relating to mitigation and facilitate repairs in the aftermath of a natural disaster.

(5) Each biennium, upon receipt of funds by the Department of *Business and Professional Regulation* ~~Community Affairs~~ from the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board provided under ss. 489.109(3) and 489.509(3), the department shall determine the amount of funds available for the Florida Building Code Compliance and Mitigation Program.

Section 417. Subsections (2) and (3) of section 553.896, Florida Statutes, are amended to read:

553.896 Mitigation grant program guideline.—

(2) Beginning with grant funds approved after July 1, 2005, the construction of new or retrofitted window or door coverings that is funded by a hazard-mitigation grant program or shelter-retrofit program must conform to design drawings that are signed, sealed, and inspected by a structural engineer who is registered in this state. Before the *Division of Emergency Management* ~~Department of Community Affairs~~ forwards payment to a recipient of the grant, an inspection report and attestation or a copy of the signed and sealed plans shall be provided to the department.

(3) If the construction is funded by a hazard mitigation grant or shelter retrofit program, the *Division of Emergency Management* ~~Department of Community Affairs~~ shall advise the county, municipality, or other entity applying for the grant that the cost or price of the project is not the sole criterion for selecting a vendor.

Section 418. Section 553.901, Florida Statutes, is amended to read:

553.901 Purpose of thermal efficiency code.—The Department of *Business and Professional Regulation* ~~Community Affairs~~ shall prepare a thermal efficiency code to provide for a statewide uniform standard for energy efficiency in the thermal design and operation of all buildings statewide, consistent with energy conservation goals, and to best provide for public safety, health, and general welfare. The Florida Building Commission shall adopt the Florida Energy Efficiency Code for Building Construction within the Florida Building Code, and shall modify, revise, update, and maintain the code to implement the provisions of this thermal efficiency code and amendments thereto, in accordance with the procedures of chapter 120. The department shall, at least triennially, determine the most cost-effective energy-saving equipment and techniques available and report its determinations to the commission, which shall update the code to incorporate such equipment and techniques. The proposed changes shall be made available for public review and comment no later than 6 months prior to code implementation. The term "cost-effective," for the purposes of this part, shall be construed to mean cost-effective to the consumer.

Section 419. Section 553.9085, Florida Statutes, is amended to read:

553.9085 Energy performance disclosure for residential buildings.—The energy performance level resulting from compliance with the provisions of this part, for each new residential building, shall be disclosed at the request of the prospective purchaser. In conjunction with the normal responsibilities and duties of this part, the local building official shall require that a complete and accurate energy performance level display card be completed and certified by the builder as accurate and correct before final approval of the building for occupancy. The energy performance level display card shall be included as an addendum to each

sales contract. The display card shall be uniform statewide and developed by the Department of *Business and Professional Regulation* ~~Community Affairs~~. At a minimum, the display card shall list information indicating the energy performance level of the dwelling unit resulting from compliance with the code, shall be signed by the builder, and shall list general information about the energy performance level and the code.

Section 420. Section 553.954, Florida Statutes, is amended to read:

553.954 Adoption of standards.—The Department of *Business and Professional Regulation* ~~Community Affairs~~ shall adopt, modify, revise, update, and maintain the Florida Energy Conservation Standards to implement the provisions of this part and amendments thereto in accordance with the procedures of chapter 120.

Section 421. Subsection (6) of section 553.955, Florida Statutes, is amended to read:

553.955 Definitions.—For purposes of this part:

(6) "Department" means the Department of *Business and Professional Regulation* ~~Community Affairs~~.

Section 422. Subsection (1) of section 553.973, Florida Statutes, is amended to read:

553.973 Enforcement and penalties.—

(1) The Department of *Business and Professional Regulation* ~~Community Affairs~~ shall investigate any complaints received concerning violations of this part and shall report the results of its investigation to the Attorney General or state attorney. The Attorney General or state attorney may institute proceedings to enjoin any person found to be violating the provisions of this part.

Section 423. Section 553.992, Florida Statutes, is amended to read:

553.992 Adoption of rating system.—The Department of *Business and Professional Regulation* ~~Community Affairs~~ shall adopt, update, and maintain a statewide uniform building energy-efficiency rating system to implement the provisions of this part and amendments thereto in accordance with the procedures of chapter 120 and shall, upon the request of any builder, designer, rater, or owner of a building, issue nonbinding interpretations, clarifications, and opinions concerning the application and use of the building energy rating system under rules that the department adopts in accordance with chapter 120.

Section 424. Subsection (4) of section 553.995, Florida Statutes, is amended to read:

553.995 Energy-efficiency ratings for buildings.—

(4) The department shall develop a training and certification program to certify raters. In addition to the department, ratings may be conducted by any local government or private entity, provided that the appropriate persons have completed the necessary training and have been certified by the department. The Department of Management Services shall rate state-owned or state-leased buildings, provided that the appropriate persons have completed the necessary training and have been certified by the Department of *Business and Professional Regulation* ~~Community Affairs~~. A state agency which has building construction regulation authority may rate its own buildings and those it is responsible for, if the appropriate persons have completed the necessary training and have been certified by the Department of *Business and Professional Regulation* ~~Community Affairs~~. The Department of *Business and Professional Regulation* ~~Community Affairs~~ may charge a fee not to exceed the costs for the training and certification of raters. The department shall by rule set the appropriate charges for raters to charge for energy ratings, not to exceed the actual costs.

Section 425. Subsection (10) of section 570.71, Florida Statutes, is amended to read:

570.71 Conservation easements and agreements.—

(10) The department, in consultation with the Department of Environmental Protection, the water management districts, the Department of *Economic Opportunity* ~~Community Affairs~~, and the Florida Fish and Wildlife Conservation Commission, shall adopt rules that establish an application process, a process and criteria for setting priorities for use of funds consistent with the purposes specified in subsection (1) and giving preference to ranch and timber lands managed using sustainable practices, an appraisal process, and a process for title review and compliance and approval of the rules by the Board of Trustees of the Internal Improvement Trust Fund.

Section 426. Section 570.96, Florida Statutes, is amended to read:

570.96 Agritourism.—The Department of Agriculture and Consumer Services may provide marketing advice, technical expertise, promotional support, and product development related to agritourism to assist the following in their agritourism initiatives: *Enterprise Florida, Inc.* ~~the Florida Commission on Tourism~~; convention and visitor bureaus; tourist development councils; economic development organizations; and local governments. In carrying out this responsibility, the department shall focus its agritourism efforts on rural and urban communities.

Section 427. Subsection (1) of section 597.006, Florida Statutes, is amended to read:

597.006 Aquaculture Interagency Coordinating Council.—

(1) CREATION.—The Legislature finds and declares that there is a need for interagency coordination with regard to aquaculture by the following agencies: the Department of Agriculture and Consumer Services; *the Department of Economic Opportunity;* ~~the Office of Tourism, Trade, and Economic Development; the Department of Community Affairs;~~ the Department of Environmental Protection; ~~the Department of Labor and Employment Security;~~ the Fish and Wildlife Conservation Commission; the statewide consortium of universities under the Florida Institute of Oceanography; Florida Agricultural and Mechanical University; the Institute of Food and Agricultural Sciences at the University of Florida; and the Florida Sea Grant Program. It is therefore the intent of the Legislature to hereby create an Aquaculture Interagency Coordinating Council to act as an advisory body as defined in s. 20.03(9).

Section 428. Subsection (2) of section 604.006, Florida Statutes, is amended to read:

604.006 Mapping and monitoring of agricultural lands.—

(2) The Department of *Economic Opportunity* ~~Community Affairs~~ shall develop a program for mapping and monitoring the agricultural lands in the state. The department has the power to adopt rules necessary to carry out the purposes of this section, and it may contract with other agencies for the provision of necessary mapping and information services.

Section 429. Paragraphs (d) and (e) of subsection (2), paragraph (a) of subsection (4), and subsection (5) of section 624.5105, Florida Statutes, are amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—

(2) ELIGIBILITY REQUIREMENTS.—

(d) The project shall be located in an area designated as an enterprise zone or a Front Porch Community ~~pursuant to s. 20.18(6)~~. Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) is exempt from the area requirement of this paragraph.

(e)1. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the *Department of Economic Opportunity,* ~~Office of Tourism, Trade, and Economic Development~~ shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those

projects, the *Department of Economic Opportunity,* ~~office~~ shall grant the tax credits for those applications as follows:

a. If tax credit applications submitted for approved projects of an eligible sponsor do not exceed $200,000 in total, the credits shall be granted in full if the tax credit applications are approved.

b. If tax credit applications submitted for approved projects of an eligible sponsor exceed $200,000 in total, the amount of tax credits granted under sub-subparagraph a. shall be subtracted from the amount of available tax credits, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

2. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the *Department of Economic Opportunity,* ~~office~~ shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the *Department of Economic Opportunity,* ~~office~~ shall grant the tax credits for those applications on a pro rata basis.

(4) ADMINISTRATION.—

(a)1. The *Department of Economic Opportunity may* ~~Office of Tourism, Trade, and Economic Development is authorized to~~ adopt ~~all~~ rules ~~necessary~~ to administer this section, including rules for the approval or disapproval of proposals by insurers.

2. The decision of the director shall be in writing, and, if approved, the proposal shall state the maximum credit allowable to the insurer. A copy of the decision shall be transmitted to the executive director of the Department of Revenue, who shall apply such credit to the tax liability of the insurer.

3. The *Department of Economic Opportunity* ~~office~~ shall monitor all projects periodically, in a manner consistent with available resources to ensure that resources are utilized in accordance with this section; however, each project shall be reviewed no less frequently than once every 2 years.

4. The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall, in consultation with ~~the Department of Community Affairs,~~ the Florida Housing Finance Corporation~~,~~ and the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

(5) DEFINITIONS.—*As used in* ~~For the purpose of~~ this section*, the term*:

(a) "Community contribution" means the grant by an insurer of any of the following items:

1. Cash or other liquid assets.

2. Real property.

3. Goods or inventory.

4. Other physical resources which are identified by the department.

(b) "Director" means the director of the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~.

(c) "Local government" means any county or incorporated municipality in the state.

~~(d) "Office" means the Office of Tourism, Trade, and Economic Development.~~

(d)~~(e)~~ "Project" means an activity as defined in s. 220.03(1)(t).

Section 430. Section 625.3255, Florida Statutes, is amended to read:

625.3255 Capital participation instrument.—An insurer may invest in any capital participation instrument or evidence of indebtedness issued by the *Enterprise Florida, Inc.,* ~~Florida Black Business Investment Board~~ pursuant to the Florida Small and Minority Business Assistance Act.

Section 431. Paragraph (b) of subsection (2) of section 627.0628, Florida Statutes, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; public records exemption; public meetings exemption.—

(2) COMMISSION CREATED.—

(b) The commission shall consist of the following 11 members:

1. The insurance consumer advocate.

2. The senior employee of the State Board of Administration responsible for operations of the Florida Hurricane Catastrophe Fund.

3. The Executive Director of the Citizens Property Insurance Corporation.

4. The Director of the Division of Emergency Management ~~of the Department of Community Affairs~~.

5. The actuary member of the Florida Hurricane Catastrophe Fund Advisory Council.

6. An employee of the office who is an actuary responsible for property insurance rate filings and who is appointed by the director of the office.

7. Five members appointed by the Chief Financial Officer, as follows:

a. An actuary who is employed full time by a property and casualty insurer *that* ~~which~~ was responsible for at least 1 percent of the aggregate statewide direct written premium for homeowner's insurance in the calendar year preceding the member's appointment to the commission.

b. An expert in insurance finance who is a full-time member of the faculty of the State University System and who has a background in actuarial science.

c. An expert in statistics who is a full-time member of the faculty of the State University System and who has a background in insurance.

d. An expert in computer system design who is a full-time member of the faculty of the State University System.

e. An expert in meteorology who is a full-time member of the faculty of the State University System and who specializes in hurricanes.

Section 432. Paragraph (b) of subsection (1) of section 627.0629, Florida Statutes, is amended to read:

627.0629 Residential property insurance; rate filings.—

(1)

(b) ~~By February 1, 2011, the Office of Insurance Regulation, in consultation with the Department of Financial Services and the Department of Community Affairs, shall develop and make publicly available a proposed method for insurers to establish discounts, credits, or other rate differentials for hurricane mitigation measures which directly correlate to the numerical rating assigned to a structure pursuant to the uniform home grading scale adopted by the Financial Services Commission pursuant to s. 215.55865, including any proposed changes to the uniform home grading scale.~~ By October 1, 2011, the commission shall adopt rules requiring insurers to make rate filings for residential property insurance which revise insurers' discounts, credits, or other rate differentials for hurricane mitigation measures so that such rate differentials correlate directly to the uniform home grading scale. The rules may include such changes to the uniform home grading scale as the commission determines are necessary, and may specify the minimum required discounts, credits, or other rate differentials. Such rate differentials must be consistent with generally accepted actuarial principles

and wind-loss mitigation studies. The rules shall allow a period of at least 2 years after the effective date of the revised mitigation discounts, credits, or other rate differentials for a property owner to obtain an inspection or otherwise qualify for the revised credit, during which time the insurer shall continue to apply the mitigation credit that was applied immediately prior to the effective date of the revised credit. Discounts, credits, and other rate differentials established for rate filings under this paragraph shall supersede, after adoption, the discounts, credits, and other rate differentials included in rate filings under paragraph (a).

Section 433. Subsection (7) of section 627.3511, Florida Statutes, is amended to read:

627.3511 Depopulation of Citizens Property Insurance Corporation.—

(7) A minority business, which is at least 51 percent owned by minority persons as described in s. 288.703~~(3)~~, desiring to operate or become licensed as a property and casualty insurer may exempt up to $50 of the escrow requirements of the take-out bonus, as described in this section. Such minority business, which has applied for a certificate of authority to engage in business as a property and casualty insurer, may simultaneously file the business' proposed take-out plan, as described in this section, with the corporation.

Section 434. Subsection (1) of section 641.217, Florida Statutes, is amended to read:

641.217 Minority recruitment and retention plans required.—

(1) Any entity contracting with the Agency for Health Care Administration to provide health care services to Medicaid recipients or state employees on a prepaid or fixed-sum basis must submit to the Agency for Health Care Administration the entity's plan for recruitment and retention of health care practitioners who are *minority persons* ~~minorities~~ as defined in s. 288.703~~(3)~~. The plan must demonstrate an ability to recruit and retain *minority persons* ~~minorities~~ which shall include, but is not limited to, the following efforts:

(a) Establishing and maintaining contacts with various organizations representing the interests and concerns of minority constituencies to seek advice and assistance.

(b) Identifying and recruiting at colleges and universities which primarily serve minority students.

(c) Reviewing and analyzing the organization's workforce as to minority representation.

(d) Other factors identified by the Agency for Health Care Administration by rule.

Section 435. Paragraph (b) of subsection (4) of section 657.042, Florida Statutes, is amended to read:

657.042 Investment powers and limitations.—A credit union may invest its funds subject to the following definitions, restrictions, and limitations:

(4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of the credit union may be invested in any of the following:

(b) Any capital participation instrument or evidence of indebtedness issued by *Enterprise Florida, Inc.,* ~~the Florida Black Business Investment Board~~ pursuant to the Florida Small and Minority Business Assistance Act.

Section 436. Paragraph (g) of subsection (4) of section 658.67, Florida Statutes, is amended to read:

658.67 Investment powers and limitations.—A bank may invest its funds, and a trust company may invest its corporate funds, subject to the following definitions, restrictions, and limitations:

(4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR LESS OF CAPITAL ACCOUNTS.—

(g) Up to 10 percent of the capital accounts of a bank or trust company may be invested in any capital participation instrument or evidence of indebtedness issued by *Enterprise Florida, Inc.,* ~~the Florida Black Business Investment Board~~ pursuant to the Florida Small and Minority Business Assistance Act.

Section 437. Subsection (2) of section 720.403, Florida Statutes, is amended to read:

720.403 Preservation of residential communities; revival of declaration of covenants.—

(2) In order to preserve a residential community and the associated infrastructure and common areas for the purposes described in this section, the parcel owners in a community that was previously subject to a declaration of covenants that has ceased to govern one or more parcels in the community may revive the declaration and the homeowners' association for the community upon approval by the parcel owners to be governed thereby as provided in this act, and upon approval of the declaration and the other governing documents for the association by the Department of *Economic Opportunity* ~~Community Affairs~~ in a manner consistent with this act.

Section 438. Section 720.404, Florida Statutes, is amended to read:

720.404 Eligible residential communities; requirements for revival of declaration.—Parcel owners in a community are eligible to seek approval from the Department of *Economic Opportunity* ~~Community Affairs~~ to revive a declaration of covenants under this act if all of the following requirements are met:

(1) All parcels to be governed by the revived declaration must have been once governed by a previous declaration that has ceased to govern some or all of the parcels in the community;

(2) The revived declaration must be approved in the manner provided in s. 720.405(6); and

(3) The revived declaration may not contain covenants that are more restrictive on the parcel owners than the covenants contained in the previous declaration, except that the declaration may:

(a) Have an effective term of longer duration than the term of the previous declaration;

(b) Omit restrictions contained in the previous declaration;

(c) Govern fewer than all of the parcels governed by the previous declaration;

(d) Provide for amendments to the declaration and other governing documents; and

(e) Contain provisions required by this chapter for new declarations that were not contained in the previous declaration.

Section 439. Subsection (1) of section 720.406, Florida Statutes, is amended to read:

720.406 Department of *Economic Opportunity* ~~Community Affairs~~; submission; review and determination.—

(1) No later than 60 days after the date the proposed revived declaration and other governing documents are approved by the affected parcel owners, the organizing committee or its designee must submit the proposed revived governing documents and supporting materials to the Department of *Economic Opportunity* ~~Community Affairs~~ to review and determine whether to approve or disapprove of the proposal to preserve the residential community. The submission to the department must include:

(a) The full text of the proposed revived declaration of covenants and articles of incorporation and bylaws of the homeowners' association;

(b) A verified copy of the previous declaration of covenants and other previous governing documents for the community, including any amendments thereto;

(c) The legal description of each parcel to be subject to the revived declaration and other governing documents and a plat or other graphic depiction of the affected properties in the community;

(d) A verified copy of the written consents of the requisite number of the affected parcel owners approving the revived declaration and other governing documents or, if approval was obtained by a vote at a meeting of affected parcel owners, verified copies of the notice of the meeting, attendance, and voting results;

(e) An affidavit by a current or former officer of the association or by a member of the organizing committee verifying that the requirements for the revived declaration set forth in s. 720.404 have been satisfied; and

(f) Such other documentation that the organizing committee believes is supportive of the policy of preserving the residential community and operating, managing, and maintaining the infrastructure, aesthetic character, and common areas serving the residential community.

Section 440. Subsection (4) of section 760.854, Florida Statutes, is amended to read:

760.854 Center for Environmental Equity and Justice.—

(4) The Center for Environmental Equity and Justice shall sponsor students to serve as interns at the Department of Health, the Department of Environmental Protection, ~~the Department of Community Affairs,~~ and other relevant state agencies. The center may enter into a memorandum of understanding with these agencies to address environmental equity and justice issues.

Section 441. Paragraph (d) of subsection (2) of section 768.13, Florida Statutes, is amended to read:

768.13 Good Samaritan Act; immunity from civil liability.—

(2)

(d) Any person whose acts or omissions are not otherwise covered by this section and who participates in emergency response activities under the direction of or in connection with a community emergency response team, local emergency management agencies, the Division of Emergency Management ~~of the Department of Community Affairs~~, or the Federal Emergency Management Agency is not liable for any civil damages as a result of care, treatment, or services provided gratuitously in such capacity and resulting from any act or failure to act in such capacity in providing or arranging further care, treatment, or services, if such person acts as a reasonably prudent person would have acted under the same or similar circumstances.

Section 442. Section 943.03101, Florida Statutes, is amended to read:

943.03101 Counter-terrorism coordination.—The Legislature finds that with respect to counter-terrorism efforts and initial responses to acts of terrorism within or affecting this state, specialized efforts of emergency management *which* ~~that~~ are unique to such situations are required and that these efforts intrinsically involve very close coordination of federal, state, and local law enforcement agencies with the efforts of all others involved in emergency-response efforts. In order to best provide this specialized effort ~~with respect to counter-terrorism efforts and responses~~, the Legislature has determined that such efforts should be coordinated by and through the Department of Law Enforcement, working closely with the Division of Emergency Management and others involved in preparation against acts of terrorism in or affecting this state, and in the initial response to such acts, in accordance with the state comprehensive emergency management plan prepared pursuant to s. 252.35(2)(a).

Section 443. Subsection (7) of section 943.0311, Florida Statutes, is amended to read:

943.0311 Chief of Domestic Security; duties of the department with respect to domestic security.—

(7) As used in this section, the term "state agency" includes the Agency for Health Care Administration, ~~the Agency for Workforce Innovation,~~ the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, the Department of Children and Family Services, the Department of Citrus, the Department of *Economic Opportunity* ~~Community Affairs~~, the Department of Corrections, the Department of Education, the Department of Elderly Affairs, *the Division of Emergency Management,* the Department of Environmental Protection, the Department of Financial Services, the Department of Health, the Department of Highway Safety and Motor Vehicles, the Department of Juvenile Justice, the Department of Law Enforcement, the Department of Legal Affairs, the Department of Management Services, the Department of Military Affairs, the Department of Revenue, the Department of State, the Department of the Lottery, the Department of Transportation, the Department of Veterans' Affairs, the Fish and Wildlife Conservation Commission, the Parole Commission, the State Board of Administration, and the Executive Office of the Governor.

Section 444. Paragraph (a) of subsection (1), paragraph (b) of subsection (2), and paragraphs (a) and (b) of subsection (4) of section 943.0313, Florida Statutes, are amended to read:

943.0313 Domestic Security Oversight Council.—The Legislature finds that there exists a need to provide executive direction and leadership with respect to terrorism prevention, preparation, protection, response, and recovery efforts by state and local agencies in this state. In recognition of this need, the Domestic Security Oversight Council is hereby created. The council shall serve as an advisory council pursuant to s. 20.03(7) to provide guidance to the state's regional domestic security task forces and other domestic security working groups and to make recommendations to the Governor and the Legislature regarding the expenditure of funds and allocation of resources related to counter-terrorism and domestic security efforts.

(1) MEMBERSHIP.—

(a) The Domestic Security Oversight Council shall consist of the following voting members:

1. The executive director of the Department of Law Enforcement.

2. The director of the Division of Emergency Management ~~within the Department of Community Affairs~~.

3. The Attorney General.

4. The Commissioner of Agriculture.

5. The State Surgeon General.

6. The Commissioner of Education.

7. The State Fire Marshal.

8. The adjutant general of the Florida National Guard.

9. The state chief information officer.

10. Each sheriff or chief of police who serves as a co-chair of a regional domestic security task force pursuant to s. 943.0312(1)(b).

11. Each of the department's special agents in charge who serve as a co-chair of a regional domestic security task force.

12. Two representatives of the Florida Fire Chiefs Association.

13. One representative of the Florida Police Chiefs Association.

14. One representative of the Florida Prosecuting Attorneys Association.

15. The chair of the Statewide Domestic Security Intelligence Committee.

16. One representative of the Florida Hospital Association.

17. One representative of the Emergency Medical Services Advisory Council.

18. One representative of the Florida Emergency Preparedness Association.

19. One representative of the Florida Seaport Transportation and Economic Development Council.

(2) ORGANIZATION.—

(b) The executive director of the Department of Law Enforcement shall serve as chair of the council, and the director of the Division of Emergency Management ~~within the Department of Community Affairs~~ shall serve as vice chair of the council. In the absence of the chair, the vice chair shall serve as chair. In the absence of the vice chair, the chair may name any member of the council to perform the duties of the chair if such substitution does not extend beyond a defined meeting, duty, or period of time.

(4) EXECUTIVE COMMITTEE.—

(a) The council shall establish an executive committee consisting of the following members:

1. The executive director of the Department of Law Enforcement.

2. The director of the Division of Emergency Management ~~within the Department of Community Affairs~~.

3. The Attorney General.

4. The Commissioner of Agriculture.

5. The State Surgeon General.

6. The Commissioner of Education.

7. The State Fire Marshal.

(b) The executive director of the Department of Law Enforcement shall serve as the chair of the executive committee, and the director of the Division of Emergency Management ~~within the Department of Community Affairs~~ shall serve as the vice chair of the executive committee.

Section 445. Paragraph (h) of subsection (3) of section 944.801, Florida Statutes, is amended to read:

944.801 Education for state prisoners.—

(3) The responsibilities of the Correctional Education Program shall be to:

(h) Develop a written procedure for selecting programs to add to or delete from the vocational curriculum. The procedure shall include labor market analyses *that* ~~which~~ demonstrate the projected demand for certain occupations and the projected supply of potential employees. In conducting these analyses, the department shall evaluate the feasibility of adding vocational education programs *that* ~~which~~ have been identified by *the Department of Economic Opportunity, the Department of Education,* ~~the Agency for Workforce Innovation~~ or a regional coordinating council as being in undersupply in this state. The department shall periodically reevaluate the vocational education programs in major institutions to determine which of the programs support and provide relevant skills to inmates who could be assigned to a correctional work program that is operated as a Prison Industry Enhancement Program.

Section 446. Paragraph (d) of subsection (3) of section 945.10, Florida Statutes, is amended to read:

945.10 Confidential information.—

(3) Due to substantial concerns regarding institutional security and unreasonable and excessive demands on personnel and resources if an inmate or an offender has unlimited or routine access to records of the Department of Corrections, an inmate or an offender who is under the jurisdiction of the department may not have unrestricted access to the department's records or to information contained in the department's records. However, except as to another inmate's or offender's records, the department may permit limited access to its records if an inmate or an offender makes a written request and demonstrates an exceptional need for information contained in the department's records and the information is otherwise unavailable. Exceptional circumstances include, but are not limited to:

(d) The requested records contain information required to process an application or claim by the inmate or offender with the Internal Revenue Service, the Social Security Administration, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, or any other similar application or claim with a state agency or federal agency.

Section 447. Subsection (4) of section 985.601, Florida Statutes, is amended to read:

985.601 Administering the juvenile justice continuum.—

(4) The department shall maintain continuing cooperation with the Department of Education, the Department of Children and Family Services, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, and the Department of Corrections for the purpose of participating in agreements with respect to dropout prevention and the reduction of suspensions, expulsions, and truancy; increased access to and participation in GED, vocational, and alternative education programs; and employment training and placement assistance. The cooperative agreements between the departments shall include an interdepartmental plan to cooperate in accomplishing the reduction of inappropriate transfers of children into the adult criminal justice and correctional systems.

Section 448. Subsections (1) and (2) of section 1002.375, Florida Statutes, are amended to read:

1002.375 Alternative credit for high school courses; pilot project.—

(1) The Commissioner of Education shall implement a pilot project in up to three school districts beginning in the 2008-2009 school year which allows school districts to award alternative course credit for students enrolled in nationally or state-recognized industry certification programs, as defined by the *former* Agency for Workforce Innovation *or the Department of Economic Opportunity,* in accordance with the criteria described in s. 1003.492(2). The Commissioner of Education shall establish criteria for districts that participate in the pilot program. School districts interested in participating in the program must submit a letter of interest by July 15, 2008, to the Commissioner of Education identifying up to five nationally or state-recognized industry certification programs, as defined by the *former* Agency for Workforce Innovation *or the Department of Economic Opportunity,* in accordance with the criteria described in s. 1003.492(2), under which the district would like to award alternative credit for the eligible courses identified in subsection (2). The Commissioner of Education shall select up to three participating school districts by July 30, 2008. The Commissioner of Education shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives identifying the number of students choosing to earn alternative credit, the number of students that received alternative credit, and legislative recommendations for expanding the use of alternative credit for core academic courses required for high school graduation. The report shall be submitted by January 1, 2010.

(2) For purposes of designing and implementing a successful pilot project, eligible alternative credit courses include Algebra 1a, Algebra 1b, Algebra 1, Geometry, and Biology. Alternative credits shall be awarded for courses in which a student is not enrolled, but for which the student may earn academic credit by enrolling in another course or sequence of courses required to earn a nationally or state-recognized industry certificate, as defined by the *former* Agency for Workforce Innovation *or the Department of Economic Opportunity,* in accordance with the criteria described in s. 1003.492(2), of which the majority of the standards-based content in the course description is consistent with the alternative credit course description approved by the Department of Education.

Section 449. Paragraph (b) of subsection (4) and subsection (5) of section 1002.53, Florida Statutes, are amended to read:

1002.53 Voluntary Prekindergarten Education Program; eligibility and enrollment.—

(4)

(b) The application must be submitted on forms prescribed by the *Office of Early Learning* ~~Agency for Workforce Innovation~~ and must be accompanied by a certified copy of the child's birth certificate. The forms must include a certification, in substantially the form provided in s.

1002.71(6)(b)2., that the parent chooses the private prekindergarten provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ may authorize alternative methods for submitting proof of the child's age in lieu of a certified copy of the child's birth certificate.

(5) The early learning coalition shall provide each parent enrolling a child in the Voluntary Prekindergarten Education Program with a profile of every private prekindergarten provider and public school delivering the program within the county where the child is being enrolled. The profiles shall be provided to parents in a format prescribed by the *Office of Early Learning* ~~Agency for Workforce Innovation~~. The profiles must include, at a minimum, the following information about each provider and school:

(a) The provider's or school's services, curriculum, instructor credentials, and instructor-to-student ratio; and

(b) The provider's or school's kindergarten readiness rate calculated in accordance with s. 1002.69, based upon the most recent available results of the statewide kindergarten screening.

Section 450. Paragraphs (e) and (h) of subsection (3) of section 1002.55, Florida Statutes, are amended to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:

(e) A private prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall adopt rules to implement this paragraph which shall include required qualifications of substitute instructors and the circumstances and time limits for which a private prekindergarten provider may assign a substitute instructor.

(h) The private prekindergarten provider must register with the early learning coalition on forms prescribed by the *Office of Early Learning* ~~Agency for Workforce Innovation~~.

Section 451. Subsections (6) and (8) of section 1002.61, Florida Statutes, are amended to read:

1002.61 Summer prekindergarten program delivered by public schools and private prekindergarten providers.—

(6) A public school or private prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall adopt rules to implement this subsection which shall include required qualifications of substitute instructors and the circumstances and time limits for which a public school or private prekindergarten provider may assign a substitute instructor.

(8) Each public school delivering the summer prekindergarten program must also:

(a) Register with the early learning coalition on forms prescribed by the *Office of Early Learning* ~~Agency for Workforce Innovation~~; and

(b) Deliver the Voluntary Prekindergarten Education Program in accordance with this part.

Section 452. Subsections (6) and (8) of section 1002.63, Florida Statutes, are amended to read:

1002.63 School-year prekindergarten program delivered by public schools.—

(6) A public school prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall adopt rules to implement this subsection which shall include required qualifications of substitute instructors and the circumstances and time limits for which a public school prekindergarten provider may assign a substitute instructor.

(8) Each public school delivering the school-year prekindergarten program must:

(a) Register with the early learning coalition on forms prescribed by the *Office of Early Learning* ~~Agency for Workforce Innovation~~; and

(b) Deliver the Voluntary Prekindergarten Education Program in accordance with this part.

Section 453. Subsections (1) and (3) of section 1002.67, Florida Statutes, are amended to read:

1002.67 Performance standards; curricula and accountability.—

(1) ~~By April 1, 2005,~~ The department shall develop and adopt performance standards for students in the Voluntary Prekindergarten Education Program. The performance standards must address the age-appropriate progress of students in the development of:

(a) The capabilities, capacities, and skills required under s. 1(b), Art. IX of the State Constitution; and

(b) Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(3)(a) Each early learning coalition shall verify that each private prekindergarten provider delivering the Voluntary Prekindergarten Education Program within the coalition's county or multicounty region complies with this part. Each district school board shall verify that each public school delivering the program within the school district complies with this part.

(b) If a private prekindergarten provider or public school fails or refuses to comply with this part, or if a provider or school engages in misconduct, the *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall require the early learning coalition to remove the provider, and the Department of Education shall require the school district to remove the school~~,~~ from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds under this part.

(c)1. If the kindergarten readiness rate of a private prekindergarten provider or public school falls below the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6), the early learning coalition or school district, as applicable, shall require the provider or school to submit an improvement plan for approval by the coalition or school district, as applicable, and to implement the plan.

2. If a private prekindergarten provider or public school fails to meet the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6) for 2 consecutive years, the early learning coalition or school district, as applicable, shall place the provider or school on probation and must require the provider or school to take certain corrective actions, including the use of a curriculum approved by the department under paragraph (2)(c) *or a staff development plan to strengthen instruction in language development and phonological awareness approved by the department*.

3. A private prekindergarten provider or public school that is placed on probation must continue the corrective actions required under subparagraph 2., including the use of a curriculum *or a staff development*

plan to strengthen instruction in language development and phonological awareness approved by the department, until the provider or school meets the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6).

4. If a private prekindergarten provider or public school remains on probation for 2 consecutive years and fails to meet the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6) and is not granted a good cause exemption by the department pursuant to s. 1002.69(7), the *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall require the early learning coalition or the Department of Education shall require the school district to remove, as applicable, the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program.

(d) Each early learning coalition, the *Office of Early Learning* ~~Agency for Workforce Innovation~~, and the department shall coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize interagency duplication of activities for monitoring private prekindergarten providers for compliance with requirements of the Voluntary Prekindergarten Education Program under this part, the school readiness programs under s. 411.01, and the licensing of providers under ss. 402.301-402.319.

Section 454. Paragraph (f) of subsection (7) of section 1002.69, Florida Statutes, is amended to read:

1002.69 Statewide kindergarten screening; kindergarten readiness rates.—

(7)

(f) The State Board of Education shall notify the *Office of Early Learning* ~~Agency for Workforce Innovation~~ of any good cause exemption granted to a private prekindergarten provider under this subsection. If a good cause exemption is granted to a private prekindergarten provider who remains on probation for 2 consecutive years, the *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall notify the early learning coalition of the good cause exemption and direct that the coalition, notwithstanding s. 1002.67(3)(c)4., not remove the provider from eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds for the program, if the provider meets all other applicable requirements of this part.

Section 455. Paragraph (c) of subsection (3), subsection (4), paragraph (b) of subsection (5), and subsections (6) and (7) of section 1002.71, Florida Statutes, are amended to read:

1002.71 Funding; financial and attendance reporting.—

(3)

(c) The initial allocation shall be based on estimated student enrollment in each coalition service area. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall reallocate funds among the coalitions based on actual full-time equivalent student enrollment in each coalition service area.

(4) Notwithstanding s. 1002.53(3) and subsection (2):

(a) A child who, for any of the prekindergarten programs listed in s. 1002.53(3), has not completed more than 70 percent of the hours authorized to be reported for funding under subsection (2), or has not expended more than 70 percent of the funds authorized for the child under s. 1002.66, may withdraw from the program for good cause and reenroll in one of the programs. The total funding for a child who reenrolls in one of the programs for good cause may not exceed one full-time equivalent student. Funding for a child who withdraws and reenrolls in one of the programs for good cause shall be issued in accordance with the *Office of Early Learning's* ~~agency's~~ uniform attendance policy adopted pursuant to paragraph (6)(d).

(b) A child who has not substantially completed any of the prekindergarten programs listed in s. 1002.53(3) may withdraw from the program due to an extreme hardship that is beyond the child's or parent's control, reenroll in one of the summer programs, and be reported for funding purposes as a full-time equivalent student in the summer program for which the child is reenrolled.

A child may reenroll only once in a prekindergarten program under this section. A child who reenrolls in a prekindergarten program under this subsection may not subsequently withdraw from the program and reenroll. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall establish criteria specifying whether a good cause exists for a child to withdraw from a program under paragraph (a), whether a child has substantially completed a program under paragraph (b), and whether an extreme hardship exists which is beyond the child's or parent's control under paragraph (b).

(5)

(b) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall adopt procedures for the payment of private prekindergarten providers and public schools delivering the Voluntary Prekindergarten Education Program. The procedures shall provide for the advance payment of providers and schools based upon student enrollment in the program, the certification of student attendance, and the reconciliation of advance payments in accordance with the uniform attendance policy adopted under paragraph (6)(d). The procedures shall provide for the monthly distribution of funds by the *Office of Early Learning* ~~Agency for Workforce Innovation~~ to the early learning coalitions for payment by the coalitions to private prekindergarten providers and public schools. The department shall transfer to the *Office of Early Learning* ~~Agency for Workforce Innovation~~ at least once each quarter the funds available for payment to private prekindergarten providers and public schools in accordance with this paragraph from the funds appropriated for that purpose.

(6)(a) Each parent enrolling his or her child in the Voluntary Prekindergarten Education Program must agree to comply with the attendance policy of the private prekindergarten provider or district school board, as applicable. Upon enrollment of the child, the private prekindergarten provider or public school, as applicable, must provide the child's parent with a copy of the provider's or school district's attendance policy, as applicable.

(b)1. Each private prekindergarten provider's and district school board's attendance policy must require the parent of each student in the Voluntary Prekindergarten Education Program to verify, each month, the student's attendance on the prior month's certified student attendance.

2. The parent must submit the verification of the student's attendance to the private prekindergarten provider or public school on forms prescribed by the *Office of Early Learning* ~~Agency for Workforce Innovation~~. The forms must include, in addition to the verification of the student's attendance, a certification, in substantially the following form, that the parent continues to choose the private prekindergarten provider or public school in accordance with s. 1002.53 and directs that payments for the program be made to the provider or school:

VERIFICATION OF STUDENT'S ATTENDANCE AND CERTIFICATION OF PARENTAL CHOICE

I, (Name of Parent), swear (or affirm) that my child, (Name of Student), attended the Voluntary Prekindergarten Education Program on the days listed above and certify that I continue to choose (Name of Provider or School) to deliver the program for my child and direct that program funds be paid to the provider or school for my child.

(Signature of Parent)

(Date)

3. The private prekindergarten provider or public school must keep each original signed form for at least 2 years. Each private prekindergarten provider must permit the early learning coalition, and each public school must permit the school district, to inspect the original signed forms during normal business hours. The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall adopt procedures for early learning coalitions and school districts to review the original signed forms against the certified student attendance. The review procedures shall provide for the use of selective inspection techniques, including, but not limited to, random sampling. Each early learning coalition and the school districts must comply with the review procedures.

(c) A private prekindergarten provider or school district, as applicable, may dismiss a student who does not comply with the provider's or district's attendance policy. A student dismissed under this paragraph is not removed from the Voluntary Prekindergarten Education Program and may continue in the program through reenrollment with another private prekindergarten provider or public school. Notwithstanding s. 1002.53(6)(b), a school district is not required to provide for the admission of a student dismissed under this paragraph.

(d) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall adopt, for funding purposes, a uniform attendance policy for the Voluntary Prekindergarten Education Program. The attendance policy must apply statewide and apply equally to all private prekindergarten providers and public schools. The attendance policy must include at least the following provisions:

1. ~~Beginning with the 2009-2010 fiscal year for school year programs,~~ A student's attendance may be reported on a pro rata basis as a fractional part of a full-time equivalent student.

2. At a maximum, 20 percent of the total payment made on behalf of a student to a private prekindergarten provider or a public school may be for hours a student is absent.

3. A private prekindergarten provider or public school may not receive payment for absences that occur before a student's first day of attendance or after a student's last day of attendance.

The uniform attendance policy shall be used only for funding purposes and does not prohibit a private prekindergarten provider or public school from adopting and enforcing its attendance policy under paragraphs (a) and (c).

(7) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall require that administrative expenditures be kept to the minimum necessary for efficient and effective administration of the Voluntary Prekindergarten Education Program. Administrative policies and procedures shall be revised, to the maximum extent practicable, to incorporate the use of automation and electronic submission of forms, including those required for child eligibility and enrollment, provider and class registration, and monthly certification of attendance for payment. A school district may use its automated daily attendance reporting system for the purpose of transmitting attendance records to the early learning coalition in a mutually agreed-upon format. In addition, actions shall be taken to reduce paperwork, eliminate the duplication of reports, and eliminate other duplicative activities. Beginning with the 2010-2011 fiscal year, each early learning coalition may retain and expend no more than 4.5 percent of the funds paid by the coalition to private prekindergarten providers and public schools under paragraph (5)(b). Funds retained by an early learning coalition under this subsection may be used only for administering the Voluntary Prekindergarten Education Program and may not be used for the school readiness program or other programs.

Section 456. Subsection (1) of section 1002.72, Florida Statutes, is amended to read:

1002.72 Records of children in the Voluntary Prekindergarten Education Program.—

(1)(a) The records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the *Office of Early Learning* ~~Agency for Workforce Innovation~~, or a Voluntary Prekindergarten Education Program provider are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this section, such records include assessment data, health data, records of teacher observations, and personal identifying information of an enrolled child and his or her parent.

(b) This exemption applies to the records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the *Office of Early Learning* ~~Agency for Workforce Innovation~~, or a Voluntary Prekindergarten Education Program provider before, on, or after the effective date of this exemption.

Section 457. Subsections (1) and (5) of section 1002.77, Florida Statutes, are amended to read:

1002.77 Florida Early Learning Advisory Council.—

(1) There is created the Florida Early Learning Advisory Council within the *Office of Early Learning* ~~Agency for Workforce Innovation~~. The purpose of the advisory council is to submit recommendations to the department ~~and the Agency for Workforce Innovation~~ on the early learning policy of this state, including recommendations relating to administration of the Voluntary Prekindergarten Education Program under this part and the school readiness programs under s. 411.01.

(5) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall provide staff and administrative support for the advisory council.

Section 458. Subsection (2) of section 1002.79, Florida Statutes, is amended to read:

1002.79 Rulemaking authority.—

(2) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of this part conferring duties upon the agency.

Section 459. Section 1002.75, Florida Statutes, is amended to read:

1002.75 *Office of Early Learning* ~~Agency for Workforce Innovation~~; powers and duties; operational requirements.—

(1) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall administer the operational requirements of the Voluntary Prekindergarten Education Program at the state level.

(2) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall adopt procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:

(a) Enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program under s. 1002.53.

(b) Providing parents with profiles of private prekindergarten providers and public schools under s. 1002.53.

(c) Registering private prekindergarten providers and public schools to deliver the program under ss. 1002.55, 1002.61, and 1002.63.

(d) Determining the eligibility of private prekindergarten providers to deliver the program under ss. 1002.55 and 1002.61.

(e) Verifying the compliance of private prekindergarten providers and public schools and removing providers or schools from eligibility to deliver the program due to noncompliance or misconduct as provided in s. 1002.67.

(f) Paying private prekindergarten providers and public schools under s. 1002.71.

(g) Documenting and certifying student enrollment and student attendance under s. 1002.71.

(h) Reconciling advance payments in accordance with the uniform attendance policy under s. 1002.71.

(i) Reenrolling students dismissed by a private prekindergarten provider or public school for noncompliance with the provider's or school district's attendance policy under s. 1002.71.

(3) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall adopt, in consultation with and subject to approval by the department, procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:

(a) Approving improvement plans of private prekindergarten providers and public schools under s. 1002.67.

(b) Placing private prekindergarten providers and public schools on probation and requiring corrective actions under s. 1002.67.

(c) Removing a private prekindergarten provider or public school from eligibility to deliver the program due to the provider's or school's remaining on probation beyond the time permitted under s. 1002.67.

(d) Enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program under s. 1002.66.

(e) Paying specialized instructional services providers under s. 1002.66.

(4) The *Office of Early Learning* ~~Agency for Workforce Innovation~~ shall also adopt procedures for the agency's distribution of funds to early learning coalitions under s. 1002.71.

(5) Except as provided by law, the *Office of Early Learning* ~~Agency for Workforce Innovation~~ may not impose requirements on a private prekindergarten provider or public school that does not deliver the Voluntary Prekindergarten Education Program or receive state funds under this part.

Section 460. Subsections (2) and (3), paragraph (c) of subsection (4), and subsection (5) of section 1003.491, Florida Statutes, are amended to read:

1003.491 Florida Career and Professional Education Act.—The Florida Career and Professional Education Act is created to provide a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.

(2) ~~Beginning with the 2007-2008 school year,~~ Each district school board shall develop, in collaboration with local workforce boards and postsecondary institutions approved to operate in the state, a strategic 5-year plan to address and meet local and regional workforce demands. If involvement of the local workforce board in the strategic plan development is not feasible, the local school board, with the approval of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, shall collaborate with the most appropriate local business leadership board. Two or more school districts may collaborate in the development of the strategic plan and offer a career and professional academy as a joint venture. Such plans must describe in detail provisions for efficient transportation of students, maximum use of shared resources, and access to courses through the Florida Virtual School when appropriate. Each strategic plan shall ~~be completed no later than June 30, 2008, and shall~~ include provisions to have in place at least one operational career and professional academy, pursuant to s. 1003.492~~, no later than the beginning of the 2008-2009 school year~~.

(3) The strategic 5-year plan developed jointly between the local school district, local workforce boards, and state-approved postsecondary institutions shall be constructed and based on:

(a) Research conducted to objectively determine local and regional workforce needs for the ensuing 5 years, using labor projections of the United States Department of Labor and the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~;

(b) Strategies to develop and implement career academies based on those careers determined to be in high demand;

(c) Maximum use of private sector facilities and personnel;

(d) Strategies that ensure instruction by industry-certified faculty and standards and strategies to maintain current industry credentials and for recruiting and retaining faculty to meet those standards;

(e) Alignment to requirements for middle school career exploration and high school redesign;

(f) Provisions to ensure that courses offered through career and professional academies are academically rigorous, meet or exceed appropriate state-adopted subject area standards, result in attainment of industry certification, and, when appropriate, result in postsecondary credit;

(g) Establishment of student eligibility criteria in career and professional academies which include opportunities for students who have been unsuccessful in traditional classrooms but who show aptitude to participate in academies. School boards shall address the analysis of eighth grade student achievement data to provide opportunities for students who may be deemed as potential dropouts to participate in career and professional academies;

(h) Strategies to provide sufficient space within academies to meet workforce needs and to provide access to all interested and qualified students;

(i) Strategies to engage Department of Juvenile Justice students in career and professional academy training that leads to industry certification;

(j) Opportunities for high school students to earn weighted or dual enrollment credit for higher-level career and technical courses;

(k) Promotion of the benefits of the Gold Seal Bright Futures Scholarship;

(l) Strategies to ensure the review of district pupil-progression plans and to amend such plans to include career and professional courses and to include courses that may qualify as substitute courses for core graduation requirements and those that may be counted as elective courses; and

(m) Strategies to provide professional development for secondary guidance counselors on the benefits of career and professional academies.

(4) The State Board of Education shall establish a process for the continual and uninterrupted review of newly proposed core secondary courses and existing courses requested to be considered as core courses to ensure that sufficient rigor and relevance is provided for workforce skills and postsecondary education and aligned to state curriculum standards. The review of newly proposed core secondary courses shall be the responsibility of a curriculum review committee whose membership is approved by the Workforce Florida Board as described in s. 445.004, and shall include:

(c) Three workforce representatives recommended by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~.

(5) The submission and review of newly proposed core courses shall be conducted electronically, and each proposed core course shall be approved or denied within 60 days. All courses approved as core courses for high school graduation purposes shall be immediately added to the Course Code Directory. Approved core courses shall also be reviewed and considered for approval for dual enrollment credit. The Board of Governors and the Commissioner of Education shall jointly recommend an annual deadline for approval of new core courses to be included for purposes of postsecondary admissions and dual enrollment credit the following academic year. The State Board of Education shall establish an appeals process in the event that a proposed course is denied which shall require a consensus ruling by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ and the Commissioner of Education within 15 days. ~~The curriculum review committee must be established and operational no later than September 1, 2007.~~

Section 461. Subsections (2) and (3) of section 1003.492, Florida Statutes, are amended to read:

1003.492 Industry-certified career education programs.—

(2) The State Board of Education shall use the expertise of Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ to develop and adopt rules pursuant to ss. 120.536(1) and 120.54 for implementing an industry certification process. Industry certification shall be defined by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, based upon the highest available national standards for specific industry certification, to ensure student skill proficiency and to address emerging labor market and industry trends. A regional workforce board or a career and professional academy may apply to Workforce Florida, Inc., to request additions to the approved list of industry certifications based on high-demand job requirements in the regional economy. The list of industry certifications approved by Workforce Florida, Inc., and the Department of Education shall be published and updated annually by a date certain, to be included in the adopted rule.

(3) The Department of Education shall collect student achievement and performance data in industry-certified career education programs and shall work with Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ in the analysis of collected data. The data collection and analyses shall examine the performance of participating students over time. Performance factors shall include, but not be limited to, graduation

rates, retention rates, Florida Bright Futures Scholarship awards, additional educational attainment, employment records, earnings, industry certification, and employer satisfaction. The results of this study shall be submitted to the President of the Senate and the Speaker of the House of Representatives annually by December 31.

Section 462. Paragraphs (f), (j), and (k) of subsection (4) of section 1003.493, Florida Statutes, is amended to read:

1003.493 Career and professional academies.—

(4) Each career and professional academy must:

(f) Provide instruction in careers designated as high growth, high demand, and high pay by the local workforce development board, the chamber of commerce, or the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~.

(j) Provide opportunities for students to obtain the Florida Ready to Work Certification pursuant to *s. 445.06* ~~s. 1004.99~~.

(k) Include an evaluation plan developed jointly with the Department of Education and the local workforce board. The evaluation plan must include an assessment tool based on national industry standards, such as the Career Academy National Standards of Practice, and outcome measures, including, but not limited to, achievement of national industry certifications identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education, graduation rates, enrollment in postsecondary education, business and industry satisfaction, employment and earnings, awards of postsecondary credit and scholarships, and student achievement levels and learning gains on statewide assessments administered under s. 1008.22(3)(c). The Department of Education shall use Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ in identifying industry experts to participate in developing and implementing such assessments.

Section 463. Subsection (3) of section 1003.575, Florida Statutes, is amended to read:

1003.575 Assistive technology devices; findings; interagency agreements.—Accessibility, utilization, and coordination of appropriate assistive technology devices and services are essential as a young person with disabilities moves from early intervention to preschool, from preschool to school, from one school to another, and from school to employment or independent living. To ensure that an assistive technology device issued to a young person as part of his or her individualized family support plan, individual support plan, or an individual education plan remains with the individual through such transitions, the following agencies shall enter into interagency agreements, as appropriate, to ensure the transaction of assistive technology devices:

(3) The Voluntary Prekindergarten Education Program administered by the Department of Education and the *Office of Early Learning* ~~Agency for Workforce Innovation~~.

Interagency agreements entered into pursuant to this section shall provide a framework for ensuring that young persons with disabilities and their families, educators, and employers are informed about the utilization and coordination of assistive technology devices and services that may assist in meeting transition needs, and shall establish a mechanism by which a young person or his or her parent may request that an assistive technology device remain with the young person as he or she moves through the continuum from home to school to postschool.

Section 464. Subsection (4) of section 1003.4285, Florida Statutes, is amended to read:

1003.4285 Standard high school diploma designations.—Each standard high school diploma shall include, as applicable:

(4) A designation reflecting a Florida Ready to Work Credential in accordance with *s. 445.06* ~~s. 1004.99~~.

Section 465. Paragraph (c) of subsection (5) of section 1004.226, Florida Statutes, is amended to read:

1004.226 The 21st Century Technology, Research, and Scholarship Enhancement Act.—

(5) THE 21ST CENTURY WORLD CLASS SCHOLARS PROGRAM.—

(c) The board, in consultation with senior administrators of state universities, state university foundation directors, the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~, the board of directors of Enterprise Florida, Inc., and leading members of private industry, shall develop and recommend to the Board of Governors criteria for the 21st Century World Class Scholars Program. Such criteria shall address, at a minimum, the following:

1. The presence of distinguished faculty members, including whether the university has a substantial history of external funding, along with the strong potential for attracting a scholar of national or international eminence.

2. The presence of academically outstanding students, along with the promise and potential for attracting additional highly qualified students.

3. The presence of adequate research and scholarly support services.

4. The existence of an academic environment having appropriate infrastructure, including buildings, classrooms, libraries, laboratories, and specialized equipment, that is conducive to the conduct of the highest quality of scholarship and research.

5. The demonstration of concordance with Florida's strategic plan for economic development or an emphasis on one or more emerging sciences or technologies that could favorably impact the state's economic future.

Section 466. Paragraph (a) of subsection (4) of section 1004.435, Florida Statutes, is amended to read:

1004.435 Cancer control and research.—

(4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL; CREATION; COMPOSITION.—

(a) There is created within the H. Lee Moffitt Cancer Center and Research Institute, Inc., the Florida Cancer Control and Research Advisory Council. The council shall consist of 34 members, which includes the chairperson, all of whom must be residents of this state. All members, except those appointed by the Speaker of the House of Representatives and the President of the Senate, must be appointed by the Governor. At least one of the members appointed by the Governor must be 60 years of age or older. One member must be a representative of the American Cancer Society; one member must be a representative of the Florida Tumor Registrars Association; one member must be a representative of the Sylvester Comprehensive Cancer Center of the University of Miami; one member must be a representative of the Department of Health; one member must be a representative of the University of Florida Shands Cancer Center; one member must be a representative of the Agency for Health Care Administration; one member must be a representative of the Florida Nurses Association; one member must be a representative of the Florida Osteopathic Medical Association; one member must be a representative of the American College of Surgeons; one member must be a representative of the School of Medicine of the University of Miami; one member must be a representative of the College of Medicine of the University of Florida; one member must be a representative of NOVA Southeastern College of Osteopathic Medicine; one member must be a representative of the College of Medicine of the University of South Florida; one member must be a representative of the College of Public Health of the University of South Florida; one member must be a representative of the Florida Society of Clinical Oncology; one member must be a representative of the Florida Obstetric and Gynecologic Society who has had training in the specialty of gynecologic oncology; one member must be a representative of the Florida Medical Association; one member must be a member of the Florida Pediatric Society; one member must be a representative of the Florida Radiological Society; one member must be a representative of the Florida Society of Pathologists; one member must be a representative of the H. Lee Moffitt Cancer Center and Research Institute, Inc.; three members must be representatives of the general public acting as consumer advocates; one member must be a member of the House of Representatives appointed by the Speaker of the House of Representatives; one member must be a member of the Senate appointed by the President of the Senate; one member must be a representative of the Florida Dental Association; one member must be a representative of the Florida Hos-

pital Association; one member must be a representative of the Association of Community Cancer Centers; one member shall be a representative from a statutory teaching hospital affiliated with a community-based cancer center; one member must be a representative of the Florida Association of Pediatric Tumor Programs, Inc.; one member must be a representative of the Cancer Information Service; one member must be a representative of the Florida Agricultural and Mechanical University Institute of Public Health; and one member must be a representative of the Florida Society of Oncology Social Workers. Of the members of the council appointed by the Governor, at least 10 must be individuals who are minority persons as defined by s. 288.703~~(3)~~.

Section 467. Paragraph (g) of subsection (1) of section 1004.46, Florida Statutes, is amended to read:

1004.46 Multidisciplinary Center for Affordable Housing.—

(1) The Multidisciplinary Center for Affordable Housing is established within the School of Building Construction of the College of Architecture of the University of Florida with the collaboration of other related disciplines such as agriculture, business administration, engineering, law, and medicine. The center shall work in conjunction with other state universities. The Multidisciplinary Center for Affordable Housing shall:

(g) Establish a research agenda and general work plan in cooperation with the Department of *Economic Opportunity* ~~Community Affairs~~, which is the state agency responsible for research and planning for affordable housing and for training and technical assistance for providers of affordable housing.

Section 468. Subsection (3) of section 1008.39, Florida Statutes, is amended to read:

1008.39 Florida Education and Training Placement Information Program.—

(3) The Florida Education and Training Placement Information Program must not make public any information that could identify an individual or the individual's employer. The Department of Education must ensure that the purpose of obtaining placement information is to evaluate and improve public programs or to conduct research for the purpose of improving services to the individuals whose social security numbers are used to identify their placement. If an agreement assures that this purpose will be served and that privacy will be protected, the Department of Education shall have access to the unemployment insurance wage reports maintained by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, the files of the Department of Children and Family Services that contain information about the distribution of public assistance, the files of the Department of Corrections that contain records of incarcerations, and the files of the Department of Business and Professional Regulation that contain the results of licensure examination.

Section 469. Subsection (3) of section 1008.41, Florida Statutes, is amended to read:

1008.41 Workforce education; management information system.—

(3) Planning and evaluation of job-preparatory programs shall be based on standard sources of data and use standard occupational definitions and coding structures, including, but not limited to:

(a) The Florida Occupational Information System;

(b) The Florida Education and Training Placement Information Program;

(c) The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~;

(d) The United States Department of Labor; and

(e) Other sources of data developed using statistically valid procedures.

Section 470. Subsections (2), (3), (4), (5), and (6) of section 1011.76, Florida Statutes, are amended to read:

1011.76 Small School District Stabilization Program.—

(2) In order to participate in this program, a school district must be located in a rural area of critical economic concern designated by the Executive Office of the Governor, and the district school board must submit a resolution to the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ requesting participation in the program. A rural area of critical economic concern must be a rural community, or a region composed of such, that has been adversely affected by an extraordinary economic event or a natural disaster or that presents a unique economic development concern or opportunity of regional impact. The resolution must be accompanied with documentation of the economic conditions in the community, provide information indicating the negative impact of these conditions on the school district's financial stability, and the school district must participate in a best financial management practices review to determine potential efficiencies that could be implemented to reduce program costs in the district.

(3) The *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~, in consultation with the Department of Education, shall review the resolution and other information required by subsection (2) and determine whether the school district is eligible to participate in the program. Factors influencing the ~~office's~~ determination *of the Department of Economic Opportunity* may include, but are not limited to, reductions in the county tax roll resulting from business closures or other causes, or a reduction in student enrollment due to business closures or impacts in the local economy.

(4) ~~Effective July 1, 2000, and thereafter,~~ When the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ authorizes a school district to participate in the program, the Legislature may give priority to that district for a best financial management practices review in the school district, subject to approval pursuant to s. 1008.35(7), to the extent that funding is provided annually for such purpose in the General Appropriations Act. The scope of the review shall be as set forth in s. 1008.35.

(5) ~~Effective July 1, 2000, and thereafter,~~ The Department of Education may award the school district a stabilization grant intended to protect the district from continued financial reductions. The amount of the grant will be determined by the Department of Education and may be equivalent to the amount of the decline in revenues projected for the next fiscal year. In addition, the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ may implement a rural economic development initiative to identify the economic factors that are negatively impacting the community and may consult with Enterprise Florida, Inc., in developing a plan to assist the county with its economic transition. The grant will be available to the school district for a period of up to 5 years to the extent that funding is provided for such purpose in the General Appropriations Act.

(6) Based on the availability of funds, the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ or the Department of Education may enter into contracts or issue grants necessary to implement the program.

Section 471. Section 1012.2251, Florida Statutes, is amended to read:

1012.2251 End-of-course examinations for Merit Award Program.—~~Beginning with the 2007-2008 school year,~~ School districts that participate in the Merit Award Program under s. 1012.225 must be able to administer end-of-course examinations based on the Sunshine State Standards in order to measure a student's understanding and mastery of the entire course in all grade groupings and subjects for any year in which the districts participate in the program. The statewide standardized assessment, College Board Advanced Placement Examination, International Baccalaureate examination, Advanced International Certificate of Education examination, or examinations resulting in national *or state* industry certification recognized by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ satisfy the requirements of this section for the respective grade groupings and subjects assessed by these examinations and assessments.

Section 472. Paragraph (a) of subsection (1) of section 1013.37, Florida Statutes, is amended to read:

1013.37 State uniform building code for public educational facilities construction.—

(1) UNIFORM BUILDING CODE.—A uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and community college district boards of trustees shall be adopted by the Florida Building Commission within the Florida Building Code, pursuant to s. 553.73. Included in this code must be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto which are adopted by the Federal Emergency Management Agency. It is also the responsibility of the department to develop, as a part of the uniform building code, standards relating to:

(a) Prefabricated facilities or factory-built facilities that are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms; and do not fall under the provisions of ss. 320.822-320.862. Such standards must permit boards to contract with the Department of *Business and Professional Regulation* ~~Community Affairs~~ for factory inspections by certified building code inspectors to certify conformance with applicable law and rules. The standards must comply with the requirements of s. 1013.20 for relocatable facilities intended for long-term use as classroom space, and the relocatable facilities shall be designed subject to missile impact criteria of s. 423(24)(d)(1) of the Florida Building Code when located in the windborne debris region.

It is not a purpose of the Florida Building Code to inhibit the use of new materials or innovative techniques; nor may it specify or prohibit materials by brand names. The code must be flexible enough to cover all phases of construction so as to afford reasonable protection for the public safety, health, and general welfare. The department may secure the service of other state agencies or such other assistance as it finds desirable in recommending to the Florida Building Commission revisions to the code.

Section 473. Subsections (1) and (2) of section 1013.372, Florida Statutes, are amended to read:

1013.372 Education facilities as emergency shelters.—

(1) The Department of Education shall, in consultation with boards and county and state emergency management offices, include within the standards to be developed under this subsection public shelter design criteria to be incorporated into the Florida Building Code. The new criteria must be designed to ensure that appropriate new educational facilities can serve as public shelters for emergency management purposes. A facility, or an appropriate area within a facility, for which a design contract is entered into after the effective date of the inclusion of the public shelter criteria in the code must be built in compliance with the amended code unless the facility or a part of it is exempted from using the new shelter criteria due to its location, size, or other characteristics by the applicable board with the concurrence of the applicable local emergency management agency or the *Division of Emergency Management* ~~Department of Community Affairs~~. Any educational facility located or proposed to be located in an identified category 1, 2, or 3 evacuation zone is not subject to the requirements of this subsection. If the regional planning council region in which the county is located does not have a hurricane evacuation shelter deficit, as determined by the *Division of Emergency Management* ~~Department of Community Affairs~~, educational facilities within the planning council region are not required to incorporate the public shelter criteria.

(2) By January 31 of each even-numbered year, the *Division of Emergency Management* ~~Department of Community Affairs~~ shall prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval. The plan must identify the general location and square footage of existing shelters, by regional planning council region, and the general location and square footage of needed shelters, by regional planning council region, during the next 5 years. The plan must identify the types of public facilities that should be constructed to comply with emergency-shelter criteria and must recommend an appropriate and available source of funding for the additional cost of constructing emergency shelters within these public facilities. After the approval of the plan, a board may not be required to build more emergency-shelter space than identified as needed in the plan, and decisions pertaining to exemptions pursuant to subsection (1) must be guided by the plan.

Section 474. Subsection (4) of section 1013.74, Florida Statutes, is amended to read:

1013.74 University authorization for fixed capital outlay projects.—

(4) The university board of trustees shall, in consultation with local and state emergency management agencies, assess existing facilities to identify the extent to which each campus has public hurricane evacuation shelter space. The board shall submit to the Governor and the Legislature by August 1 of each year a 5-year capital improvements program that identifies new or retrofitted facilities that will incorporate enhanced hurricane resistance standards and that can be used as public hurricane evacuation shelters. Enhanced hurricane resistance standards include fixed passive protection for window and door applications to provide mitigation protection, security protection with egress, and energy efficiencies that meet standards required in the 130-mile-per-hour wind zone areas. The board must also submit proposed facility retrofit projects to the *Division of Emergency Management* ~~Department of Community Affairs~~ for assessment and inclusion in the annual report prepared in accordance with s. 252.385(3). Until a regional planning council region in which a campus is located has sufficient public hurricane evacuation shelter space, any campus building for which a design contract is entered into subsequent to July 1, 2001, and which has been identified by the board, with the concurrence of the local emergency management agency or the *Division of Emergency Management* ~~Department of Community Affairs~~, to be appropriate for use as a public hurricane evacuation shelter, must be constructed in accordance with public shelter standards.

Section 475. Section 20.505, Florida Statutes, is transferred, renumbered as section 20.605, Florida Statutes, and amended to read:

20.605 ~~20.505~~ Administrative Trust Fund of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~.—

(1) The Administrative Trust Fund is created within the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~.

(2) Funds shall be used for the purpose of supporting the administrative functions of the *department* ~~agency~~ as required by law, pursuant to legislative appropriation or an approved amendment to the *department's* ~~agency's~~ operating budget pursuant to the provisions of chapter 216.

(3) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

Section 476. Section 1004.99, Florida Statutes, is transferred, renumbered as section 445.06, Florida Statutes, and amended to read:

445.06 ~~1004.99~~ Florida Ready to Work Certification Program.—

(1) There is created the Florida Ready to Work Certification Program to enhance the workplace skills of *Floridians* ~~Florida's students~~ to better prepare them for successful employment in specific occupations.

(2) The Florida Ready to Work Certification Program may be conducted in public middle and high schools, community colleges, technical centers, one-stop career centers, vocational rehabilitation centers, and Department of Juvenile Justice educational facilities. The program may be made available to other entities that provide job training. *The Department of Economic Opportunity, in coordination with* the Department of Education*,* shall establish institutional readiness criteria for program implementation.

(3) The Florida Ready to Work Certification Program shall be composed of:

(a) A comprehensive identification of workplace skills for each occupation identified for inclusion in the program by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ and the Department of Education.

(b) A preinstructional assessment that delineates *an individual's* ~~the student's~~ mastery level on the specific workplace skills identified for that occupation.

(c) A targeted instructional program limited to those identified workplace skills in which the *individual* ~~student~~ is not proficient as measured by the preinstructional assessment. Instruction must utilize a web-based program and be customized to meet identified specific needs of local employers.

(d) A Florida Ready to Work Credential and portfolio awarded to *individuals* ~~students~~ upon successful completion of the instruction. Each portfolio must delineate the skills demonstrated by the *individuals* ~~student~~ as evidence of the *individual's* ~~student's~~ preparation for employment.

(4) A Florida Ready to Work Credential shall be awarded to *an individual* ~~a student~~ who successfully passes assessments in Reading for Information, Applied Mathematics, and Locating Information or any other assessments of comparable rigor. Each assessment shall be scored on a scale of 3 to 7. The level of the credential each *individual* ~~student~~ receives is based on the following:

(a) A bronze-level credential requires a minimum score of 3 or above on each of the assessments.

(b) A silver-level credential requires a minimum score of 4 or above on each of the assessments.

(c) A gold-level credential requires a minimum score of 5 or above on each of the assessments.

(5) The *Department of Economic Opportunity* ~~State Board of Education~~, in consultation with the *Department of Education* ~~Agency for Workforce Innovation~~, may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

Section 477. *Section 14.2015, Florida Statutes, is repealed.*

Section 478. *Section 20.18, Florida Statutes, is repealed.*

Section 479. *Section 20.50, Florida Statutes, is repealed.*

Section 480. *Subsection (2) of section 23.22, Florida Statutes, is repealed.*

Section 481. *Paragraph (6) of section 165.031, Florida Statutes, is repealed.*

Section 482. *Section 165.093, Florida Statutes, is repealed.*

Section 483. *Sections 216.235, 216.236, 216.237, and 216.238, Florida Statutes, are repealed.*

Section 484. *Section 287.115, Florida Statutes, is repealed.*

Section 485. *Sections 288.1221, 288.1222, 288.1223, 288.1224, 288.1227, and 288.1229, Florida Statutes, are repealed.*

Section 486. *Section 288.7011, Florida Statutes, is repealed.*

Section 487. *Sections 288.7065, 288.707, 288.708, 288.709, 288.7091, and 288.712, Florida Statutes, are repealed.*

Section 488. *Section 288.12295, Florida Statutes, is repealed.*

Section 489. *Section 288.90151, Florida Statutes, is repealed.*

Section 490. *Section 288.9415, Florida Statutes, is repealed.*

Section 491. *Sections 409.944, 409.945, and 409.946, Florida Statutes, are repealed.*

Section 492. *Section 943.402, Florida Statutes, is repealed.*

Section 493. *Section 42 of chapter 2005-71, Laws of Florida, and Section 1 of chapter 2005-261, Laws of Florida, are repealed.*

Section 494. Section 252.363, Florida Statutes, is created to read:

252.363 Tolling and extension of permits and other authorizations.—

(1)(a) The declaration of a state of emergency by the Governor tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 6 months in addition to the tolled period. This paragraph applies to the following:

1. The expiration of a development order issued by a local government.

2. The expiration of a building permit.

3. The expiration of a permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373.

4. The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted pursuant to s. 380.06(19)(c).

(b) Within 90 days after the termination of the emergency declaration, the holder of the permit or other authorization shall notify the issuing authority of the intent to exercise the tolling and extension granted under paragraph (a). The notice must be in writing and identify the specific permit or other authorization qualifying for extension.

(c) If the permit or other authorization for a phased construction project is extended, the commencement and completion dates for any required mitigation are extended such that the mitigation activities occur in the same timeframe relative to the phase as originally permitted.

(d) This subsection does not apply to:

1. A permit or other authorization for a building, improvement, or development located outside the geographic area for which the declaration of a state of emergency applies.

2. A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

3. The holder of a permit or other authorization who is determined by the authorizing agency to be in significant noncompliance with the conditions of the permit or other authorization through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or an equivalent action.

4. A permit or other authorization that is subject to a court order specifying an expiration date or buildout date that would be in conflict with the extensions granted in this section.

(2) A permit or other authorization that is extended shall be governed by the laws, administrative rules, and ordinances in effect when the permit was issued, unless any party or the issuing authority demonstrates that operating under those laws, administrative rules, or ordinances will create an immediate threat to the public health or safety.

(3) This section does not restrict a county or municipality from requiring property to be maintained and secured in a safe and sanitary condition in compliance with applicable laws, administrative rules, or ordinances.

Section 495. Subsection (6) is added to section 253.02, Florida Statutes, to read:

253.02 Board of trustees; powers and duties.—

(6) The board of trustees shall report to the Legislature its recommendations as to whether any existing multistate compact for mutual aid should be modified or whether the state should enter into a new multistate compact to address the impacts of the Deepwater Horizon event or potentially similar future incidents. The report shall be submitted to the Legislature by February 1, 2012, and updated annually thereafter for 5 years.

Section 496. *Commission on Oil Spill Response Coordination.—*

(1) The Board of Trustees of the Internal Improvement Trust Fund shall appoint a commission consisting of a representative of the office of each board member, a representative of each state agency that directly and materially responded to the Deepwater Horizon disaster, and the chair of the board of county commissioners of each of the following

counties: Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, and Wakulla County. The Governor shall select the chair of the commission from among the appointees.

(2) The commission shall prepare a report for review and approval by the board of trustees which:

(a) Identifies potential changes to state and federal law and regulations which will improve the oversight and monitoring of offshore drilling activities and increase response capabilities to offshore oil spills.

(b) Identifies potential changes to state and federal law and regulations which will improve protections for public health and safety, occupational health and safety, and the environment and natural resources.

(c) Evaluates the merits of the establishment of a federal Gulf-wide disaster relief fund.

(d) Evaluates the need for a unified and uniform advocacy process for damage claims.

(e) Evaluates the need for changes to interstate coordination agreements in order to reduce the potential for damage claims and lawsuits.

(f) Addresses any other related issues as determined by the commission.

(3) The board of trustees shall deliver the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of Environmental Protection, and the executive director of the Department of Economic Opportunity by September 1, 2012.

(4) This section expires September 30, 2012.

Section 497. *(1) For purposes of this section, the term "Disproportionally Affected County" means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.*

(2) When the Department of Economic Opportunity determines it is in the best interest of the public for reasons of facilitating economic development, growth, or new employment opportunities within a Disproportionally Affected County, the department may between July 1, 2011, and June 30, 2014, waive any or all job or wage eligibility requirements under s. 288.063, s. 288.065, s. 288.0655, s. 288.0657, s. 288.0659, s. 288.107, s. 288.108, s. 288.1081, s. 288.1088, or s. 288.1089 up to the cumulative amount of $5 million of all state incentives received per project. Prior to granting such waiver, the executive director of the department shall file with the Governor a written statement of the conditions and circumstances constituting the reason for the waiver.

(3) When the Department of Economic Opportunity determines it is in the best interest of the public for reasons of facilitating economic development, growth, or new employment opportunities within a Disproportionally Affected County, the department may between July 1, 2011, and June 30, 2014, waive any or all job or wage eligibility requirements under s. 288.063, s. 288.065, s. 288.0655, s. 288.0657, s. 288.0659, s. 288.107, s. 288.108, s. 288.1081, s. 288.1088, or s. 288.1089 for cumulative amounts in excess of $5 million but less than $10 million of all state incentives received per project. Prior to granting such waiver, the department shall file with the Governor, the President of the Senate, and the Speaker of the House of Representatives a written statement of the conditions and circumstances constituting the reason for the waiver, and requesting written concurrence within 5 business days to the Governor from the President of the Senate and the Speaker of the House of Representatives. Without such concurrence, the waiver shall not occur.

(4) The Department of Economic Opportunity is not authorized under this paragraph to waive job and wage eligibility requirements under s. 288.063, s. 288.065, s. 288.0655, s. 288.0657, s. 288.0659, s. 288.107, s. 288.108, s. 288.1081, s. 288.1088, or s. 288.1089 for cumulative amounts $10 million or more in state incentives received per project.

Section 498. *(1) For purposes of this section, the term "Disproportionally Affected County" means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.*

(2) There is appropriated for the 2011-2012, 2012-2013, and 2013-2014 fiscal years the sum of $10 million each year in recurring funds from the General Revenue Fund to the Department of Economic Opportunity. The Department of Economic Opportunity shall use these funds to execute a contract for $10 million annually, for a term not to exceed three years, with the Office of Economic Development and Engagement within the University of West Florida for the charitable purpose of developing and implementing an innovative economic development program for promoting research and development, commercialization of research, economic diversification, and job creation in a Disproportionally Affected County.

(3) The contract between the Department of Economic Opportunity and the Office of Economic Development and Engagement within the University of West Florida shall, at a minimum, require the Office of Economic Development and Engagement to report quarterly to the Department of Economic Opportunity and to collaborate with educational entities, economic development organizations, local governments, and relevant state agencies to create a program framework and strategy, including specific criteria governing the expenditure of funds. The criteria for the expenditure of funds shall, at a minimum, require a funding preference for any Disproportionally Affected County and any municipality within a Disproportionally Affected County which provides for expedited permitting in order to promote research and development, commercialization of research, economic diversification, and job creation within their respective jurisdictions. The criteria for the expenditure of funds shall, at a minimum, also require a funding preference for any Disproportionally Affected County and any municipality within a Disproportionally Affected County which combines its permitting processes and expedites permitting in order to promote research and development, commercialization of research, economic diversification, and job creation within their respective jurisdictions.

(4) The funds appropriated in this section shall be placed in reserve by the Executive Office of the Governor, and may be released as authorized by law or the Legislative Budget Commission.

Section 499. *(1) For purposes of this section, the term "Disproportionally Affected County" means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.*

(2) Any funds received by the state from any governmental or private entity for damages caused by the Deepwater Horizon oil spill shall be deposited into the applicable state trust funds and expended pursuant to state law or as approved by the Legislative Budget Commission.

(3) Seventy-five percent of such moneys may be used for:

(a) Scientific research into the impact of the oil spill on fisheries and coastal wildlife and vegetation along any Disproportionally Affected County's shoreline and the development of strategies to implement restoration measures suggested by such research;

(b) Environmental restoration of coastal areas damaged by the oil spill in any Disproportionally Affected County;

(c) Economic incentives directed to any Disproportionally Affected County; and

(d) Initiatives to expand and diversify the economies of any Disproportionally Affected County.

(4) The remaining 25 percent of such moneys may be used for:

(a) Scientific research into the impact of the oil spill on fisheries and coastal wildlife and vegetation along any of the state's shoreline that is not a Disproportionally Affected County's shoreline, and the development of strategies to implement restoration measures suggested by such research;

(b) Environmental restoration of coastal areas damaged by the oil spill in any county other than a Disproportionally Affected County;

(c) Economic incentives directed to any county other than a Disproportionally Affected County; and

(d) Initiatives to expand and diversify the economies of any county other than a Disproportionally Affected County.

(5)(a) The Department of Environmental Protection is the lead agency for expending the funds designated for environmental restoration efforts.

(b) The Department of Economic Opportunity is the lead agency for expending the funds designated for economic incentives and diversification efforts.

Section 500. *The powers, duties, functions, records, personnel, property, pending issues and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds of the Florida Energy and Climate Commission within the Executive Office of the Governor are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Agriculture and Consumer Services.*

Section 501. Subsections (3), (4), (5), and (8) and paragraph (b) of subsection (6) of section 220.192, Florida Statutes, are amended to read:

220.192 Renewable energy technologies investment tax credit.—

(3) CORPORATE APPLICATION PROCESS.—Any corporation wishing to obtain tax credits available under this section must submit to the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ an application for tax credit that includes a complete description of all eligible costs for which the corporation is seeking a credit and a description of the total amount of credits sought. The *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall make a determination on the eligibility of the applicant for the credits sought and certify the determination to the applicant and the Department of Revenue. The corporation must attach the *Department of Agriculture and Consumer Services'* ~~Florida Energy and Climate Commission's~~ certification to the tax return on which the credit is claimed. The *Department of Agriculture and Consumer Services is* ~~Florida Energy and Climate Commission shall be~~ responsible for ensuring that the corporate income tax credits granted in each fiscal year do not exceed the limits provided for in this section. The *Department of Agriculture and Consumer Services may* ~~Florida Energy and Climate Commission is authorized to~~ adopt the necessary rules~~, guidelines,~~ and *forms* ~~application materials~~ for the application process.

(4) TAXPAYER APPLICATION PROCESS.—To claim a credit under this section, each taxpayer must apply to the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ for an allocation of each type of annual credit by the date established by the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~. The application form *adopted* ~~may be established~~ by the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission. The form~~ must include an affidavit from each taxpayer certifying that all information contained in the application, including all records of eligible costs claimed as the basis for the tax credit, are true and correct. Approval of the credits under this section *is* ~~shall be accomplished~~ on a first-come, first-served basis, based upon the date complete applications are received by the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~. A taxpayer *must* ~~shall~~ submit only one complete application based upon eligible costs incurred within a particular state fiscal year. Incomplete placeholder applications will not be accepted and will not secure a place in the first-come, first-served application line. If a taxpayer does not receive a tax credit allocation due to the exhaustion of the annual tax credit authorizations, then such taxpayer may reapply in the following year for those eligible costs and will have priority over other applicants for the allocation of credits.

(5) ADMINISTRATION; AUDIT AUTHORITY; RECAPTURE OF CREDITS.—

(a) In addition to its existing audit and investigation authority, the Department of Revenue may perform any additional financial and technical audits and investigations, including examining the accounts, books, and records of the tax credit applicant, which are necessary to verify the eligible costs included in the tax credit return and to ensure compliance with this section. The *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall provide technical assistance when requested by the Department of Revenue on any technical audits or examinations performed pursuant to this section.

(b) It is grounds for forfeiture of previously claimed and received tax credits if the Department of Revenue determines, as a result of an audit or examination or from information received from the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~, that a taxpayer received tax credits pursuant to this section to which the taxpayer was not entitled. The taxpayer is responsible for returning forfeited tax credits to the Department of Revenue, and such funds shall be paid into the General Revenue Fund of the state.

(c) The *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ may revoke or modify any written decision granting eligibility for tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive tax credits under this section. The *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the taxpayer must notify the Department of Revenue of any change in its tax credit claimed.

(d) The taxpayer shall file with the Department of Revenue an amended return or such other report as the Department of Revenue prescribes by rule and shall pay any required tax and interest within 60 days after the taxpayer receives notification from the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ that previously approved tax credits have been revoked or modified. If the revocation or modification order is contested, the taxpayer shall file an amended return or other report as provided in this paragraph within 60 days after a final order is issued after proceedings.

(e) A notice of deficiency may be issued by the Department of Revenue at any time within 3 years after the taxpayer receives formal notification from the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ that previously approved tax credits have been revoked or modified. If a taxpayer fails to notify the Department of Revenue of any changes to its tax credit claimed, a notice of deficiency may be issued at any time.

(6) TRANSFERABILITY OF CREDIT.—

(b) To perfect the transfer, the transferor shall provide the Department *of Revenue* with a written transfer statement notifying the Department *of Revenue* of the transferor's intent to transfer the tax credits to the transferee; the date the transfer is effective; the transferee's name, address, and federal taxpayer identification number; the tax period; and the amount of tax credits to be transferred. The Department *of Revenue* shall, upon receipt of a transfer statement conforming to the requirements of this section, provide the transferee with a certificate reflecting the tax credit amounts transferred. A copy of the certificate must be attached to each tax return for which the transferee seeks to apply such tax credits.

(8) PUBLICATION.—The *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall determine and publish on a regular basis the amount of available tax credits remaining in each fiscal year.

Section 502. Subsection (9) of section 288.9607, Florida Statutes, is amended to read:

288.9607 Guaranty of bond issues.—

(9) The membership of the corporation is authorized and directed to conduct such investigation as it may deem necessary for promulgation of regulations to govern the operation of the guaranty program authorized by this section. The regulations may include such other additional provisions, restrictions, and conditions as the corporation, after its investigation referred to in this subsection, shall determine to be proper to achieve the most effective utilization of the guaranty program. This may include, without limitation, a detailing of the remedies that must be exhausted by bondholders, a trustee acting on their behalf, or other credit provided before calling upon the corporation to perform under its guaranty agreement and the subrogation of other rights of the corporation with reference to the capital project and its operation or the financing in the event the corporation makes payment pursuant to the applicable guaranty agreement. The regulations promulgated by the corporation to govern the operation of the guaranty program may contain specific provisions with respect to the rights of the corporation to enter, take over, and manage all financed properties upon default. These

regulations shall be submitted by the corporation to the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ for approval.

Section 503. Subsection (5) of section 366.82, Florida Statutes, is amended to read:

366.82 Definition; goals; plans; programs; annual reports; energy audits.—

(5) The *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall be a party in the proceedings to adopt goals and shall file with the commission comments on the proposed goals, including, but not limited to:

(a) An evaluation of utility load forecasts, including an assessment of alternative supply-side and demand-side resource options.

(b) An analysis of various policy options that can be implemented to achieve a least-cost strategy, including nonutility programs targeted at reducing and controlling the per capita use of electricity in the state.

(c) An analysis of the impact of state and local building codes and appliance efficiency standards on the need for utility-sponsored conservation and energy efficiency measures and programs.

Section 504. Subsection (3) of section 366.92, Florida Statutes, is amended to read:

366.92 Florida renewable energy policy.—

(3) The commission shall adopt rules for a renewable portfolio standard requiring each provider to supply renewable energy to its customers directly, by procuring, or through renewable energy credits. In developing the RPS rule, the commission shall consult the Department of Environmental Protection and the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~. The rule shall not be implemented until ratified by the Legislature. The commission shall present a draft rule for legislative consideration by February 1, 2009.

(a) In developing the rule, the commission shall evaluate the current and forecasted levelized cost in cents per kilowatt hour through 2020 and current and forecasted installed capacity in kilowatts for each renewable energy generation method through 2020.

(b) The commission's rule:

1. Shall include methods of managing the cost of compliance with the renewable portfolio standard, whether through direct supply or procurement of renewable power or through the purchase of renewable energy credits. The commission shall have rulemaking authority for providing annual cost recovery and incentive-based adjustments to authorized rates of return on common equity to providers to incentivize renewable energy. Notwithstanding s. 366.91(3) and (4), upon the ratification of the rules developed pursuant to this subsection, the commission may approve projects and power sales agreements with renewable power producers and the sale of renewable energy credits needed to comply with the renewable portfolio standard. In the event of any conflict, this subparagraph shall supersede s. 366.91(3) and (4). However, nothing in this section shall alter the obligation of each public utility to continuously offer a purchase contract to producers of renewable energy.

2. Shall provide for appropriate compliance measures and the conditions under which noncompliance shall be excused due to a determination by the commission that the supply of renewable energy or renewable energy credits was not adequate to satisfy the demand for such energy or that the cost of securing renewable energy or renewable energy credits was cost prohibitive.

3. May provide added weight to energy provided by wind and solar photovoltaic over other forms of renewable energy, whether directly supplied or procured or indirectly obtained through the purchase of renewable energy credits.

4. Shall determine an appropriate period of time for which renewable energy credits may be used for purposes of compliance with the renewable portfolio standard.

5. Shall provide for monitoring of compliance with and enforcement of the requirements of this section.

6. Shall ensure that energy credited toward compliance with the requirements of this section is not credited toward any other purpose.

7. Shall include procedures to track and account for renewable energy credits, including ownership of renewable energy credits that are derived from a customer-owned renewable energy facility as a result of any action by a customer of an electric power supplier that is independent of a program sponsored by the electric power supplier.

8. Shall provide for the conditions and options for the repeal or alteration of the rule in the event that new provisions of federal law supplant or conflict with the rule.

(c) Beginning on April 1 of the year following final adoption of the commission's renewable portfolio standard rule, each provider shall submit a report to the commission describing the steps that have been taken in the previous year and the steps that will be taken in the future to add renewable energy to the provider's energy supply portfolio. The report shall state whether the provider was in compliance with the renewable portfolio standard during the previous year and how it will comply with the renewable portfolio standard in the upcoming year.

Section 505. Section 377.6015, Florida Statutes, is amended to read:

377.6015 *Department of Agriculture and Consumer Services; powers and duties* ~~Florida Energy and Climate Commission~~.—

~~(1) The Florida Energy and Climate Commission is created within the Executive Office of the Governor. The commission shall be comprised of nine members appointed by the Governor, the Commissioner of Agriculture, and the Chief Financial Officer.~~

~~(a) The Governor shall appoint one member from three persons nominated by the Florida Public Service Commission Nominating Council, created in s. 350.031, to each of seven seats on the commission. The Commissioner of Agriculture shall appoint one member from three persons nominated by the council to one seat on the commission. The Chief Financial Officer shall appoint one member from three persons nominated by the council to one seat on the commission.~~

~~1. The council shall submit the recommendations to the Governor, the Commissioner of Agriculture, and the Chief Financial Officer by September 1 of those years in which the terms are to begin the following October or within 60 days after a vacancy occurs for any reason other than the expiration of the term. The Governor, the Commissioner of Agriculture, and the Chief Financial Officer may proffer names of persons to be considered for nomination by the council.~~

~~2. The Governor, the Commissioner of Agriculture, and the Chief Financial Officer shall fill a vacancy occurring on the commission by appointment of one of the applicants nominated by the council only after a background investigation of such applicant has been conducted by the Department of Law Enforcement.~~

~~3. Members shall be appointed to 3 year terms; however, in order to establish staggered terms, for the initial appointments, the Governor shall appoint four members to 3 year terms, two members to 2 year terms, and one member to a 1 year term, and the Commissioner of Agriculture and the Chief Financial Officer shall each appoint one member to a 3 year term and shall appoint a successor when that appointee's term expires in the same manner as the original appointment.~~

~~4. The Governor shall select from the membership of the commission one person to serve as chair.~~

~~5. A vacancy on the commission shall be filled for the unexpired portion of the term in the same manner as the original appointment.~~

~~6. If the Governor, the Commissioner of Agriculture, or the Chief Financial Officer has not made an appointment within 30 consecutive calendar days after the receipt of the recommendations, the council shall initiate, in accordance with this section, the nominating process within 30 days.~~

~~7. Each appointment to the commission shall be subject to confirmation by the Senate during the next regular session after the va-~~

~~cancy occurs. If the Senate refuses to confirm or fails to consider the appointment of the Governor, the Commissioner of Agriculture, or the Chief Financial Officer, the council shall initiate, in accordance with this section, the nominating process within 30 days.~~

~~8. The Governor or the Governor's successor may recall an appointee.~~

~~9. Notwithstanding subparagraph 7. and for the initial appointments to the commission only, each initial appointment to the commission is subject to confirmation by the Senate by the 2010 Regular Session. If the Senate refuses to confirm or fails to consider an appointment made by the Governor, the Commissioner of Agriculture, or the Chief Financial Officer, the council shall initiate, in accordance with this section, the nominating process within 30 days after the Senate's refusal to confirm or failure to consider such appointment. This subparagraph expires July 1, 2010.~~

~~(b) Members must meet the following qualifications and restrictions:~~

~~1. A member must be an expert in one or more of the following fields: energy, natural resource conservation, economics, engineering, finance, law, transportation and land use, consumer protection, state energy policy, or another field substantially related to the duties and functions of the commission. The commission shall fairly represent the fields specified in this subparagraph.~~

~~2. Each member shall, at the time of appointment and at each commission meeting during his or her term of office, disclose:~~

~~a. Whether he or she has any financial interest, other than ownership of shares in a mutual fund, in any business entity that, directly or indirectly, owns or controls, or is an affiliate or subsidiary of, any business entity that may be affected by the policy recommendations developed by the commission.~~

~~b. Whether he or she is employed by or is engaged in any business activity with any business entity that, directly or indirectly, owns or controls, or is an affiliate or subsidiary of, any business entity that may be affected by the policy recommendations developed by the commission.~~

~~(c) The chair may designate the following ex officio, nonvoting members to provide information and advice to the commission at the request of the chair:~~

~~1. The chair of the Florida Public Service Commission, or his or her designee.~~

~~2. The Public Counsel, or his or her designee.~~

~~3. A representative of the Department of Agriculture and Consumer Services.~~

~~4. A representative of the Department of Financial Services.~~

~~5. A representative of the Department of Environmental Protection.~~

~~6. A representative of the Department of Community Affairs.~~

~~7. A representative of the Board of Governors of the State University System.~~

~~8. A representative of the Department of Transportation.~~

~~(2) Members shall serve without compensation but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.~~

~~(3) Meetings of the commission may be held in various locations around the state and at the call of the chair; however, the commission must meet at least six times each year.~~

(1)~~(4)~~ The *department* ~~commission~~ may:

(a) Employ staff and counsel as needed in the performance of its duties.

(b) Prosecute and defend legal actions in its own name.

(c) Form advisory groups consisting of members of the public to provide information on specific issues.

(2)~~(5)~~ The *department* ~~commission~~ shall:

(a) Administer the Florida Renewable Energy and Energy-Efficient Technologies Grants Program pursuant to s. 377.804 to assure a robust grant portfolio.

(b) Develop policy for requiring grantees to provide royalty-sharing or licensing agreements with state government for commercialized products developed under a state grant.

(c) Administer the Florida Green Government Grants Act pursuant to s. 377.808 and set annual priorities for grants.

(d) Administer the information gathering and reporting functions pursuant to ss. 377.601-377.608.

~~(e) Administer petroleum planning and emergency contingency planning pursuant to ss. 377.701, 377.703, and 377.704.~~

(e)~~(f)~~ Represent Florida in the Southern States Energy Compact pursuant to ss. 377.71-377.712.

~~(g) Complete the annual assessment of the efficacy of Florida's Energy and Climate Change Action Plan, upon completion by the Governor's Action Team on Energy and Climate Change pursuant to the Governor's Executive Order 2007-128, and provide specific recommendations to the Governor and the Legislature each year to improve results.~~

(f)~~(h)~~ Administer the provisions of the Florida Energy and Climate Protection Act pursuant to ss. *377.801-377.807* ~~377.801-377.806~~.

(g)~~(i)~~ Advocate for energy and climate change issues and provide educational outreach and technical assistance in cooperation with the state's academic institutions.

(h)~~(j)~~ Be a party in the proceedings to adopt goals and submit comments to the Public Service Commission pursuant to s. 366.82.

(i)~~(k)~~ Adopt rules pursuant to chapter 120 in order to implement all powers and duties described in this section.

Section 506. Subsection (1) and paragraphs (a) and (b) of subsection (2) of section 377.602, Florida Statutes, are amended to read:

377.602 Definitions.—As used in ss. 377.601-377.608:

(1) *"Department"* ~~"Commission"~~ means the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~.

(2) "Energy resources" includes, but shall not be limited to:

(a) Energy converted from solar radiation, wind, hydraulic potential, tidal movements, biomass, geothermal sources, and other energy resources the *department* ~~commission~~ determines to be important to the production or supply of energy.

(b) Propane, butane, motor gasoline, kerosene, home heating oil, diesel fuel, other middle distillates, aviation gasoline, kerosene-type jet fuel, naphtha-type jet fuel, residual fuels, crude oil, and other petroleum products and hydrocarbons as may be determined by the *department* ~~commission~~ to be of importance.

Section 507. Section 377.603, Florida Statutes, is amended to read:

377.603 Energy data collection; powers and duties of the *department* ~~commission~~.—

(1) The *department* ~~commission~~ may collect data on the extraction, production, importation, exportation, refinement, transportation, transmission, conversion, storage, sale, or reserves of energy resources in this state in an efficient and expeditious manner.

(2) The *department* ~~commission~~ may prepare periodic reports of energy data it collects.

(3) The *department* ~~commission~~ may adopt and promulgate such rules and regulations as are necessary to carry out the provisions of ss. 377.601-377.608. Such rules shall be pursuant to chapter 120.

(4) The *department* ~~commission~~ shall maintain internal validation procedures to assure the accuracy of information received.

Section 508. Section 377.604, Florida Statutes, is amended to read:

377.604 Required reports.—Every person who produces, imports, exports, refines, transports, transmits, converts, stores, sells, or holds known reserves of any form of energy resources used as fuel shall report to the *department* ~~commission~~, at the request of and in a manner prescribed by the *department* ~~commission~~, on forms provided by the *department* ~~commission~~. Such forms shall be designed in such a manner as to indicate:

(1) The identity of the person or persons making the report.

(2) The quantity of energy resources extracted, produced, imported, exported, refined, transported, transmitted, converted, stored, or sold except at retail.

(3) The quantity of energy resources known to be held in reserve in the state.

(4) The identity of each refinery from which petroleum products have normally been obtained and the type and quantity of products secured from that refinery for sale or resale in this state.

(5) Any other information which the *department* ~~commission~~ deems proper pursuant to the intent of ss. 377.601-377.608.

Section 509. Section 377.605, Florida Statutes, is amended to read:

377.605 Use of existing information.—The *department* ~~commission~~ may utilize to the fullest extent possible any existing energy information already prepared for state or federal agencies. Every state, county, and municipal agency shall cooperate with the *department* ~~commission~~ and shall submit any information on energy to the *department* ~~commission~~ upon request.

Section 510. Section 377.606, Florida Statutes, is amended to read:

377.606 Records of the *department* ~~commission~~; limits of confidentiality.—The information or records of individual persons, as defined in this section, obtained by the *department* ~~commission~~ as a result of a report, investigation, or verification required by the *department* ~~commission~~ shall be open to the public, except such information the disclosure of which would be likely to cause substantial harm to the competitive position of the person providing such information and which is requested to be held confidential by the person providing such information. Such proprietary information is confidential and exempt from the provisions of s. 119.07(1). Information reported by entities other than the *department* ~~commission~~ in documents or reports open to public inspection shall under no circumstances be classified as confidential by the *department* ~~commission~~. Divulgence of proprietary information as is requested to be held confidential, except upon order of a court of competent jurisdiction or except to an officer of the state entitled to receive the same in his or her official capacity, shall be a misdemeanor of the second degree, punishable as provided in ss. 775.082 and 775.083. ~~Nothing in~~ This section *does not* ~~shall be construed to~~ prohibit the publication or divulgence by other means of data so classified as to prevent identification of particular accounts or reports made to the *department* ~~commission~~ in compliance with s. 377.603 or to prohibit the disclosure of such information to properly qualified legislative committees. The *department* ~~commission~~ shall establish a system which permits reasonable access to information developed.

Section 511. Section 377.608, Florida Statutes, is amended to read:

377.608 Prosecution of cases by state attorney.—The state attorney shall prosecute all cases certified to him or her for prosecution by the *department* ~~commission~~ immediately upon receipt of the evidence transmitted by the *department* ~~commission~~, or as soon thereafter as practicable.

Section 512. Subsections (1), (2), and (3) of section 377.701, Florida Statutes, are amended to read:

377.701 Petroleum allocation.—

(1) The *Division of Emergency Management* ~~Florida Energy and Climate Commission~~ shall assume the state's role in petroleum allocation and conservation, including the development of a fair and equitable petroleum plan. The *Division of Emergency Management* ~~commission~~ shall constitute the responsible state agency for performing the functions of any federal program delegated to the state, which relates to petroleum supply, demand, and allocation.

(2) The *Division of Emergency Management* ~~commission~~ shall, in addition to assuming the duties and responsibilities provided by subsection (1), perform the following:

(a) In projecting available supplies of petroleum, coordinate with the Department of Revenue to secure information necessary to assure the sufficiency and accuracy of data submitted by persons affected by any federal fuel allocation program.

(b) Require such periodic reports from public and private sources as may be necessary to the fulfillment of its responsibilities under this act. Such reports may include: petroleum use; all sales, including end-user sales, except retail gasoline and retail fuel oil sales; inventories; expected supplies and allocations; and petroleum conservation measures.

(c) In cooperation with the Department of Revenue and other relevant state agencies, provide for long-range studies regarding the usage of petroleum in the state in order to:

1. Comprehend the consumption of petroleum resources.

2. Predict future petroleum demands in relation to available resources.

3. Report the results of such studies to the Legislature.

(3) For the purpose of determining accuracy of data, all state agencies shall timely provide the *Division of Emergency Management* ~~commission~~ with petroleum-use information in a format suitable to the needs of the allocation program.

Section 513. Section 377.703, Florida Statutes, is amended to read:

377.703 Additional functions of the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~.—

(1) LEGISLATIVE INTENT.—Recognizing that energy supply and demand questions have become a major area of concern to the state which must be dealt with by effective and well-coordinated state action, it is the intent of the Legislature to promote the efficient, effective, and economical management of energy problems, centralize energy coordination responsibilities, pinpoint responsibility for conducting energy programs, and ensure the accountability of state agencies for the implementation of s. 377.601(2), the state energy policy. It is the specific intent of the Legislature that nothing in this act shall in any way change the powers, duties, and responsibilities assigned by the Florida Electrical Power Plant Siting Act, part II of chapter 403, or the powers, duties, and responsibilities of the Florida Public Service Commission.

(2) ~~FLORIDA ENERGY AND CLIMATE COMMISSION;~~ DUTIES.—The *department* ~~commission~~ shall perform the following functions*, unless as otherwise provided,* consistent with the development of a state energy policy:

(a) The *Division of Emergency Management is responsible for the* ~~commission shall assume the responsibility for~~ development of an energy emergency contingency plan to respond to serious shortages of primary and secondary energy sources. Upon a finding by the Governor, implementation of any emergency program shall be upon order of the Governor that a particular kind or type of fuel is, or that the occurrence of an event which is reasonably expected within 30 days will make the fuel, in short supply. The *Division of Emergency Management* ~~commission~~ shall then respond by instituting the appropriate measures of the contingency plan to meet the given emergency or energy shortage. The Governor may utilize the provisions of s. 252.36(5) to carry out any emergency actions required by a serious shortage of energy sources.

(b) The *department is* ~~commission shall be~~ responsible for performing or coordinating the functions of any federal energy programs delegated to the state, including energy supply, demand, conservation, or allocation.

(c) The *department* ~~commission~~ shall analyze present and proposed federal energy programs and make recommendations regarding those programs to the Governor and the Legislature.

(d) The *department* ~~commission~~ shall coordinate efforts to seek federal support or other support for state energy activities, including energy conservation, research, or development, and *is* ~~shall be~~ responsible for the coordination of multiagency energy conservation programs and plans.

(e) The *department* ~~commission~~ shall analyze energy data collected and prepare long-range forecasts of energy supply and demand in coordination with the Florida Public Service Commission, which *is responsible* ~~shall have responsibility~~ for electricity and natural gas forecasts. To this end, the forecasts shall contain:

1. An analysis of the relationship of state economic growth and development to energy supply and demand, including the constraints to economic growth resulting from energy supply constraints.

2. Plans for the development of renewable energy resources and reduction in dependence on depletable energy resources, particularly oil and natural gas, and an analysis of the extent to which renewable energy sources are being utilized in the state.

3. Consideration of alternative scenarios of statewide energy supply and demand for 5, 10, and 20 years to identify strategies for long-range action, including identification of potential social, economic, and environmental effects.

4. An assessment of the state's energy resources, including examination of the availability of commercially developable and imported fuels, and an analysis of anticipated effects on the state's environment and social services resulting from energy resource development activities or from energy supply constraints, or both.

(f) The *department* ~~commission~~ shall submit an annual report to the Governor and the Legislature reflecting its activities and making recommendations of policies for improvement of the state's response to energy supply and demand and its effect on the health, safety, and welfare of the people of Florida. The report shall include a report from the Florida Public Service Commission on electricity and natural gas and information on energy conservation programs conducted and underway in the past year and shall include recommendations for energy conservation programs for the state, including, but not limited to, the following factors:

1. Formulation of specific recommendations for improvement in the efficiency of energy utilization in governmental, residential, commercial, industrial, and transportation sectors.

2. Collection and dissemination of information relating to energy conservation.

3. Development and conduct of educational and training programs relating to energy conservation.

4. An analysis of the ways in which state agencies are seeking to implement s. 377.601(2), the state energy policy, and recommendations for better fulfilling this policy.

(g) The *department may* ~~commission has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this act.

(h) The *department* ~~commission~~ shall promote the development and use of renewable energy resources, in conformance with the provisions of chapter 187 and s. 377.601, by:

1. Establishing goals and strategies for increasing the use of solar energy in this state.

2. Aiding and promoting the commercialization of solar energy technology, in cooperation with the Florida Solar Energy Center, Enterprise Florida, Inc., and any other federal, state, or local governmental agency which may seek to promote research, development, and demonstration of solar energy equipment and technology.

3. Identifying barriers to greater use of solar energy systems in this state, and developing specific recommendations for overcoming identified barriers, with findings and recommendations to be submitted annually in the report to the Governor and Legislature required under paragraph (f).

4. In cooperation with the Department of Environmental Protection, the Department of Transportation, the Department of Community Affairs, Enterprise Florida, Inc., the Florida Solar Energy Center, and the Florida Solar Energy Industries Association, investigating opportunities, pursuant to the National Energy Policy Act of 1992, the Housing and Community Development Act of 1992, and any subsequent federal legislation, for solar electric vehicles and other solar energy manufacturing, distribution, installation, and financing efforts which will enhance this state's position as the leader in solar energy research, development, and use.

5. Undertaking other initiatives to advance the development and use of renewable energy resources in this state.

In the exercise of its responsibilities under this paragraph, the *department* ~~commission~~ shall seek the assistance of the solar energy industry in this state and other interested parties and is authorized to enter into contracts, retain professional consulting services, and expend funds appropriated by the Legislature for such purposes.

(i) The *department* ~~commission~~ shall promote energy conservation in all energy use sectors throughout the state and shall constitute the state agency primarily responsible for this function. ~~To this end,~~ The *Department of Management Services, in consultation with the department,* ~~commission~~ shall coordinate the energy conservation programs of all state agencies and review and comment on the energy conservation programs of all state agencies.

(j) The *department* ~~commission~~ shall serve as the state clearinghouse for indexing and gathering all information related to energy programs in state universities, in private universities, in federal, state, and local government agencies, and in private industry and shall prepare and distribute such information in any manner necessary to inform and advise the citizens of the state of such programs and activities. This shall include developing and maintaining a current index and profile of all research activities, which shall be identified by energy area and may include a summary of the project, the amount and sources of funding, anticipated completion dates, or, in case of completed research, conclusions, recommendations, and applicability to state government and private sector functions. The *department* ~~commission~~ shall coordinate, promote, and respond to efforts by all sectors of the economy to seek financial support for energy activities. The *department* ~~commission~~ shall provide information to consumers regarding the anticipated energy-use and energy-saving characteristics of products and services in coordination with any federal, state, or local governmental agencies as may provide such information to consumers.

(k) The *department* ~~commission~~ shall coordinate energy-related programs of state government, including, but not limited to, the programs provided in this section. To this end, the *department* ~~commission~~ shall:

1. Provide assistance to other state agencies, counties, municipalities, and regional planning agencies to further and promote their energy planning activities.

2. Require, in cooperation with the Department of Management Services, all state agencies to operate state-owned and state-leased buildings in accordance with energy conservation standards as adopted by the Department of Management Services. Every 3 months, the Department of Management Services shall furnish the *department* ~~commission~~ data on agencies' energy consumption and emissions of greenhouse gases in a format prescribed by the *department* ~~commission~~.

3. Promote the development and use of renewable energy resources, energy efficiency technologies, and conservation measures.

4. Promote the recovery of energy from wastes, including, but not limited to, the use of waste heat, the use of agricultural products as a source of energy, and recycling of manufactured products. Such promotion shall be conducted in conjunction with, and after consultation with, the Department of Environmental Protection and the Florida Public

Service Commission where electrical generation or natural gas is involved, and any other relevant federal, state, or local governmental agency having responsibility for resource recovery programs.

(l) The *department* ~~commission~~ shall develop, coordinate, and promote a comprehensive research plan for state programs. Such plan shall be consistent with state energy policy and shall be updated on a biennial basis.

(m) In recognition of the devastation to the economy of this state and the dangers to the health and welfare of residents of this state caused by severe hurricanes, and the potential for such impacts caused by other natural disasters, the *Division of Emergency Management* ~~commission~~ shall include in its energy emergency contingency plan and provide to the Florida Building Commission for inclusion in the Florida Energy Efficiency Code for Building Construction specific provisions to facilitate the use of cost-effective solar energy technologies as emergency remedial and preventive measures for providing electric power, street lighting, and water heating service in the event of electric power outages.

(3) The *Department of Environmental Protection is* ~~commission shall be~~ responsible for the administration of the Coastal Energy Impact Program provided for and described in Pub. L. No. 94-370, 16 U.S.C. s. 1456a.

Section 514. Paragraph (h) of subsection (5) of section 377.711, Florida Statutes, is amended to read:

377.711 Florida party to Southern States Energy Compact.—The Southern States Energy Compact is enacted into law and entered into by the state as a party, and is of full force and effect between the state and any other states joining therein in accordance with the terms of the compact, which compact is substantially as follows:

(5) POWERS.—The board shall have the power to:

(h) Recommend such changes in, or amendments or additions to, the laws, codes, rules, regulations, administrative procedures and practices, or ordinances of the party states in any of the fields of its interest and competence as in its judgment may be appropriate. Any such recommendation shall be made, in the case of Florida, through the Department of *Agriculture and Consumer Services* ~~Commerce~~.

Section 515. Section 377.801, Florida Statutes, is amended to read:

377.801 Short title.—Sections *377.801-377.807* ~~377.801-377.806~~ may be cited as the "Florida Energy and Climate Protection Act."

Section 516. Section 377.803, Florida Statutes, is amended to read:

377.803 Definitions.—As used in ss. *377.801-377.807* ~~377.801-377.806~~, the term:

(1) "Act" means the Florida Energy and Climate Protection Act.

(2) *"Department"* ~~"Commission"~~ means the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, or any other public or private entity.

(4) "Renewable energy" means electrical, mechanical, or thermal energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen, biomass, as defined in s. 366.91, solar energy, geothermal energy, wind energy, ocean energy, waste heat, or hydroelectric power.

(5) "Renewable energy technology" means any technology that generates or utilizes a renewable energy resource.

(6) "Solar energy system" means equipment that provides for the collection and use of incident solar energy for water heating, space heating or cooling, or other applications that would normally require a conventional source of energy such as petroleum products, natural gas, or electricity that performs primarily with solar energy. In other systems in which solar energy is used in a supplemental way, only those components that collect and transfer solar energy shall be included in this definition.

(7) "Solar photovoltaic system" means a device that converts incident sunlight into electrical current.

(8) "Solar thermal system" means a device that traps heat from incident sunlight in order to heat water.

Section 517. Subsection (1), paragraph (f) of subsection (2), and subsections (3) through (6) of section 377.804, Florida Statutes, are amended to read:

377.804 Renewable Energy and Energy-Efficient Technologies Grants Program.—

(1) The Renewable Energy and Energy-Efficient Technologies Grants Program is established within the *department* ~~commission~~ to provide renewable energy matching grants for demonstration, commercialization, research, and development projects relating to renewable energy technologies and innovative technologies that significantly increase energy efficiency for vehicles and commercial buildings.

(2) Matching grants for projects described in subsection (1) may be made to any of the following:

(f) Other qualified persons, as determined by the *department* ~~commission~~.

(3) The *department* ~~commission~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 to provide for application requirements, provide for ranking of applications, and administer the awarding of grants under this program.

(4) Factors the *department* ~~commission~~ shall consider in awarding grants include, but are not limited to:

(a) The availability of matching funds or other in-kind contributions applied to the total project from an applicant. The *department* ~~commission~~ shall give greater preference to projects that provide such matching funds or other in-kind contributions.

(b) The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

(c) The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

(d) The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

(e) The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

(f) The degree to which a project demonstrates efficient use of energy and material resources.

(g) The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.

(h) The ability to administer a complete project.

(i) Project duration and timeline for expenditures.

(j) The geographic area in which the project is to be conducted in relation to other projects.

(k) The degree of public visibility and interaction.

(5) The *department* ~~commission~~ shall solicit the expertise of state agencies, Enterprise Florida, Inc., and state universities, and may solicit the expertise of other public and private entities it deems appropriate, in evaluating project proposals. State agencies shall cooperate with the *department* ~~commission~~ and provide such assistance as requested.

(6) ~~The commission shall coordinate and actively consult with the Department of Agriculture and Consumer Services during the review and approval process of grants relating to bioenergy projects for re-~~

~~newable energy technology.~~ Factors for consideration in awarding grants *relating to bioenergy projects* may include, but are not limited to, the degree to which:

(a) The project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for bioenergy.

(b) The project produces bioenergy from Florida-grown crops or biomass.

(c) The project demonstrates efficient use of energy and material resources.

(d) The project fosters overall understanding and appreciation of bioenergy technologies.

(e) Matching funds and in-kind contributions from an applicant are available.

(f) The project duration and the timeline for expenditures are acceptable.

(g) The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.

(h) Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market.

Section 518. Subsections (1), (6), and (7) of section 377.806, Florida Statutes, are amended to read:

377.806 Solar Energy System Incentives Program.—

(1) PURPOSE.—The Solar Energy System Incentives Program is established within the *Department of Agriculture and Consumer Services* ~~commission~~ to provide financial incentives for the purchase and installation of solar energy systems. Any resident of the state who purchases and installs a new solar energy system of 2 kilowatts or larger for a solar photovoltaic system, a solar energy system that provides at least 50 percent of a building's hot water consumption for a solar thermal system, or a solar thermal pool heater, from July 1, 2006, through June 30, 2010, is eligible for a rebate on a portion of the purchase price of that solar energy system.

(6) REBATE AVAILABILITY.—The *department* ~~commission~~ shall determine and publish on a regular basis the amount of rebate funds remaining in each fiscal year. The total dollar amount of all rebates issued is subject to the total amount of appropriations in any fiscal year for this program. If funds are insufficient during the current fiscal year, any requests for rebates received during that fiscal year may be processed during the following fiscal year. Requests for rebates received in a fiscal year that are processed during the following fiscal year shall be given priority over requests for rebates received during the following fiscal year.

(7) RULES.—The *department* ~~commission~~ shall adopt rules pursuant to ss. 120.536(1) and 120.54 to develop rebate applications and administer the issuance of rebates.

Section 519. Section 377.807, Florida Statutes, is amended to read:

377.807 Energy-efficient appliance rebate program.—

(1) The *department may* ~~Florida Energy and Climate Commission is authorized to~~ develop and administer a consumer rebate program for residential energy-efficient appliances, consistent with 42 U.S.C. s. 15821 and any federal agency guidance or regulations issued in furtherance of federal law.

(2) The *department* ~~commission~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 designating eligible appliances, rebate amounts, and the administration of the issuance of rebates. The rules shall be consistent with 42 U.S.C. s. 15821 and any subsequent implementing federal regulations or guidance.

(3) The *department may* ~~commission is authorized to~~ enter into contracts or memoranda of agreement with other agencies of the state, public-private partnerships, or other arrangements such that the most efficient means of administering consumer rebates can be achieved.

Section 520. Subsections (2) through (5) of section 377.808, Florida Statutes, are amended to read:

377.808 Florida Green Government Grants Act.—

(2) The *department* ~~Florida Energy and Climate Commission~~ shall use funds specifically appropriated to award grants under this section to assist local governments, including municipalities, counties, and school districts, in the development and implementation of programs that achieve green standards. Green standards shall be determined by the *department* ~~commission~~ and shall provide for cost-efficient solutions, reducing greenhouse gas emissions, improving quality of life, and strengthening the state's economy.

(3) The *department* ~~commission~~ shall adopt rules pursuant to chapter 120 to administer the grants provided for in this section. In accordance with the rules adopted by the *department* ~~commission~~ under this section, the *department* ~~commission~~ may provide grants from funds specifically appropriated for this purpose to local governments for the costs of achieving green standards, including necessary administrative expenses. The rules of the *department* ~~commission~~ shall:

(a) Designate one or more suitable green government standards frameworks from which local governments may develop a greening government initiative and from which projects may be eligible for funding pursuant to this section.

(b) Require that projects that plan, design, construct, upgrade, or replace facilities reduce greenhouse gas emissions and be cost-effective, environmentally sound, permittable, and implementable.

(c) Require local governments to match state funds with direct project cost sharing or in-kind services.

(d) Provide for a scale of matching requirements for local governments on the basis of population in order to assist rural and undeveloped areas of the state with any financial burden of addressing climate change impacts.

(e) Require grant applications to be submitted on appropriate forms developed and adopted by the *department* ~~commission~~ with appropriate supporting documentation and require records to be maintained.

(f) Establish a system to determine the relative priority of grant applications. The system shall consider greenhouse gas reductions, energy savings and efficiencies, and proven technologies.

(g) Establish requirements for competitive procurement of engineering and construction services, materials, and equipment.

(h) Provide for termination of grants when program requirements are not met.

(4) Each local government is limited to not more than two grant applications during each application period announced by the *department* ~~commission~~. However, a local government may not have more than three active projects expending grant funds during any state fiscal year.

(5) The *department* ~~commission~~ shall perform an adequate overview of each grant, which may include technical review, site inspections, disbursement approvals, and auditing to successfully implement this section.

Section 521. Subsections (3) and (6) of section 403.44, Florida Statutes, are amended to read:

403.44 Florida Climate Protection Act.—

(3) The department may adopt rules for a cap-and-trade regulatory program to reduce greenhouse gas emissions from major emitters. When developing the rules, the department shall consult with the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ and the Florida Public Service Commission and may consult with the Governor's Action Team for Energy and Climate Change. The department shall not adopt rules until after January 1, 2010. The rules shall not become effective until ratified by the Legislature.

(6) Recognizing that the international, national, and neighboring state policies and the science of climate change will evolve, prior to submitting the proposed rules to the Legislature for consideration, the department shall submit the proposed rules to the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~, which shall review the proposed rules and submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the department. The report shall address:

(a) The overall cost-effectiveness of the proposed cap-and-trade system in combination with other policies and measures in meeting statewide targets.

(b) The administrative burden to the state of implementing, monitoring, and enforcing the program.

(c) The administrative burden on entities covered under the cap.

(d) The impacts on electricity prices for consumers.

(e) The specific benefits to the state's economy for early adoption of a cap-and-trade system for greenhouse gases in the context of federal climate change legislation and the development of new international compacts.

(f) The specific benefits to the state's economy associated with the creation and sale of emissions offsets from economic sectors outside of the emissions cap.

(g) The potential effects on leakage if economic activity relocates out of the state.

(h) The effectiveness of the combination of measures in meeting identified targets.

(i) The economic implications for near-term periods of short-term and long-term targets specified in the overall policy.

(j) The overall costs and benefits of a cap-and-trade system to the economy of the state.

(k) The impacts on low-income consumers that result from energy price increases.

(l) The consistency of the program with other state and possible federal efforts.

(m) The evaluation of the conditions under which the state should consider linking its trading system to the systems of other states or other countries and how that might be affected by the potential inclusion in the rule of a safety valve.

(n) The timing and changes in the external environment, such as proposals by other states or implementation of a federal program that would spur reevaluation of the Florida program.

(o) The conditions and options for eliminating the Florida program if a federal program were to supplant it.

(p) The need for a regular reevaluation of the progress of other emitting regions of the country and of the world, and whether other regions are abating emissions in a commensurate manner.

(q) The desirability of and possibilities of broadening the scope of the state's cap-and-trade system at a later date to include more emitting activities as well as sinks in Florida, the conditions that would need to be met to do so, and how the program would encourage these conditions to be met, including developing monitoring and measuring techniques for land use emissions and sinks, regulating sources upstream, and other considerations.

Section 522. Section 526.207, Florida Statutes, is amended to read:

526.207 Studies and reports.—

(1) The *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall conduct a study to evaluate and recommend the life-cycle greenhouse gas emissions associated with all renewable fuels, including, but not limited to, biodiesel, renewable diesel, biobutanol, and ethanol derived from any source. In addition, the *department* ~~commission~~ shall evaluate and recommend a requirement that all renewable fuels introduced into commerce in the state, as a result of the renewable fuel standard, shall reduce the life-cycle greenhouse gas emissions by an average percentage. The *department* ~~commission~~ may also evaluate and recommend any benefits associated with the creation, banking, transfer, and sale of credits among fuel refiners, blenders, and importers.

(2) The *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall submit a report containing specific recommendations to the President of the Senate and the Speaker of the House of Representatives no later than December 31, 2010.

Section 523. Subsection (3) of section 570.954, Florida Statutes, is amended to read:

570.954 Farm-to-fuel initiative.—

~~(3) The department shall coordinate with and solicit the expertise of the state energy office within the Department of Environmental Protection when developing and implementing this initiative.~~

Section 524. Section 570.074, Florida Statutes, is amended to read:

570.074 Department of Agriculture and Consumer Services; *energy and* water policy ~~coordination~~.—The commissioner may create an Office of *Energy and* Water ~~Coordination~~ under the supervision of a senior manager exempt under s. 110.205 in the Senior Management Service. The commissioner may designate the bureaus and positions in the various organizational divisions of the department that report to this office relating to any matter over which the department has jurisdiction in matters relating to *energy and* water policy affecting agriculture, application of such policies, and coordination of such matters with state and federal agencies.

Section 525. Sections 1 and 2 of chapter 2010-282, Laws of Florida, are amended to read:

Section 1. (1) As provided in this section and section 2, a portion of the total amount appropriated in this act shall be *used* ~~utilized~~ by the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ to pay rebates to eligible applicants who submit an application pursuant to the Florida ENERGY STAR Residential HVAC Rebate Program administered by the *department* ~~commission~~, as approved by the United States Department of Energy. An applicant is eligible for a rebate under this section if:

(a) A complete application is submitted to the *department* ~~commission~~ on or before November 30, 2010.

(b) The central air conditioner, air source heat pump, or geothermal heat pump system replacement for which the applicant is seeking a rebate was purchased from or contracted for purchase with a Florida-licensed contractor after August 29, 2010, but before September 15, 2010, and fully installed prior to submission of the application for a rebate.

(c) The *department* ~~commission~~ determines that the application complies with this section and any existing agreement with the United States Department of Energy governing the Florida ENERGY STAR Residential HVAC Rebate Program.

(d) The applicant provides the following information to the *department* ~~commission~~ on or before November 30, 2010:

1.a. A copy of the sales receipt indicating a date of purchase after August 29, 2010, but before September 15, 2010, with the make and model number identified and circled along with the name and address of the Florida-licensed contractor who installed the system; or

b. A copy of the contract for the purchase and installation of the system indicating a contract date after August 29, 2010, but before September 15, 2010, and a copy of the sales receipt indicating a date of purchase after August 29, 2010, but on or before November 30, 2010, with the make and model number identified and circled along with the name and address of the Florida-licensed contractor who installed the system.

2. A copy of the mechanical building permit issued by the county or municipality and pulled by the Florida-licensed contractor who installed the system for the residence.

3. A copy of the Air Distribution System Test Report results from a Florida-certified Class 1 energy gauge rater, a Florida-licensed mechanical contractor, or a recognized test and balance agent. The results from the test must indicate the home has no more than 15 percent leakage to the outside as measured by 0.10 Qn.out or less.

4. A copy of the summary of the Manual J program completed for the residence to indicate that the proper methodology for sizing the new system was completed.

(2) The *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall pay a $1,500 rebate to each consumer who submits an application pursuant to the Florida ENERGY STAR Residential HVAC Rebate Program if the application is approved by the *department* ~~commission~~ in accordance with this act. The *department* ~~commission~~ shall pay all rebates authorized in this section prior to paying any rebates authorized in section 2.

Section 2. Notwithstanding s. 377.806(6), Florida Statutes, the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall utilize up to $28,902,623, less any amount in excess of $2,467,244 used to pay rebates pursuant to section 1, to pay a percentage of each unpaid and approved rebate application submitted pursuant to the Solar Energy System Incentives Program established in s. 377.806, Florida Statutes. An applicant is eligible for a rebate under this section if the application submitted complies with s. 377.806, Florida Statutes. The percentage of each approved rebate to be paid shall be derived by dividing the remaining appropriation by the total dollar value of the backlog of final approved solar rebates, pursuant to the authorized limits provided in s. 377.806, Florida Statutes.

Section 526. Subsections (5), (11), (12), and (13) of section 1004.648, Florida Statutes, are amended to read:

1004.648 Florida Energy Systems Consortium.—

(5) The director, whose office *is* ~~shall be~~ located at the University of Florida, shall report to the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission created pursuant to s. 377.6015~~.

(11) The oversight board, in consultation with the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~, shall ensure that the consortium:

(a) Maintains accurate records of any funds received by the consortium.

(b) Meets financial and technical performance expectations, which may include external technical reviews as required.

(12) The steering committee shall consist of the university representatives included in the Centers of Excellence proposals for the Florida Energy Systems Consortium and the Center of Excellence in Ocean Energy Technology-Phase II which were reviewed during the 2007-2008 fiscal year by the Florida Technology, Research, and Scholarship Board created in s. 1004.226(4); a university representative appointed by the President of Florida International University; and *a representative of* the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~. The steering committee *is* ~~shall be~~ responsible for establishing and ensuring the success of the consortium's mission under subsection (9).

(13) By November 1 of each year, the consortium shall submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ regarding its activities, including, but not limited to, education and research related to, and the development and deployment of, alternative energy technologies.

Section 527. *For the 2011-2012 fiscal year only, notwithstanding s. 216.181(2)(b), Florida Statutes, the Department of Agriculture may submit an amendment to the Legislative Budget Commission for increased budget authority for a fixed capital outlay appropriation for federal energy grants. Any such amendment is subject to the review and notice procedures provided in s. 216.177, Florida Statutes.*

Section 528. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to governmental reorganization; transferring the functions and trust funds of the Agency for Workforce Innovation to other agencies; transferring the Office of Early Learning to the Department of Education; transferring the Office of Unemployment Compensation to the Department of Economic Opportunity; transferring the Unemployment Appeals Commission to the Department of Economic Opportunity; transferring the Office of Workforce Services to the Department of Economic Opportunity; requiring the Auditor General to conduct an audit of the Office of Early Learning; transferring the functions and trust funds of the Department of Community Affairs to other agencies; transferring the Florida Housing Finance Corporation to the Department of Economic Opportunity; transferring the Division of Housing and Community Development to the Department of Economic Opportunity; transferring the Division of Community Planning to the Department of Economic Opportunity; transferring the Division of Emergency Management to the Executive Office of the Governor; transferring the Florida Building Commission to the Department of Business and Professional Regulation; transferring the responsibilities under the Florida Communities Trust to the Department of Environmental Protection; transferring the responsibilities under the Stan Mayfield Working Waterfronts Program to the Department of Environmental Protection; transferring functions and trust funds of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor to the Department of Economic Opportunity; transferring the Ready to Work program to the Department of Education; providing legislative intent with respect to the transfer of programs and administrative responsibilities; providing for a transition period; providing for coordination between the Agency for Workforce Innovation, the Department of Community Affairs, the Department of Education, and the Office of Tourism, Trade, and Economic Development and other state agencies to implement the transition; requiring that the Governor appoint a representative to coordinate the transition plan; requiring that the Governor submit information and obtain waivers as required by federal law; authorizing the Governor to transfer funds and positions between agencies upon approval from the Legislative Budget Commission to implement the act; directing the nonprofit entities to enter into a plan for merger; transitioning the Florida Tourism Marketing Corporation d/b/a VISIT Florida to Enterprise Florida, Inc.; providing legislative intent with respect to the merger of Enterprise Florida, Inc., the Florida Sports Foundation Incorporated, and the Florida Black Business Investment Board, Inc., into, and the transition of the Florida Tourism Industry Marketing Corporation d/b/a VISIT Florida to, Enterprise Florida, Inc.; providing for a transition period; requiring that the Governor appoint a representative to coordinate the transition plan; providing for the transfer of any funds held in trust by the entities to be transferred to Enterprise Florida, Inc., to be used for the funds' original purposes; requiring that the Governor submit information and obtain waivers as required by federal law; requiring the Department of Economic Opportunity to submit a business plan by September 1, 2011; specifying report details; requiring the Department of Economic Opportunity to submit a report on streamlining economic development and workforce functions by January 1, 2012; requiring a review of the Department of Economic Opportunity by July 1, 2016; specifying the details of the review; providing a directive to the Division of Statutory Revision to assist substantive committees to prepare conforming legislation; creating s. 14.2016, F.S.; establishing the Division of Emergency Management as a separate budget entity within the Executive Office of the Governor; providing for the director of the division to serve at the pleasure of the Governor; amending s. 20.15, F.S.; establishing the Office of Early Learning as a separate budget entity within the Department of Education; providing for the office to administer the school readiness system and the Voluntary Prekindergarten Education Program; providing for the director of the office to serve at the pleasure of the Governor; creating s. 20.60, F.S.; creating the Department of Economic Opportunity as a new department of state government; providing for the executive director of the Department of Economic Opportunity to be appointed by the Governor and confirmed by the Senate; establishing divisions of the Department of Economic Opportunity and specifying their responsibilities; providing for the Department of Economic Opportunity to serve as the designated agency for the purposes of federal

workforce development grants; authorizing the Department of Economic Opportunity to contract for training for employees of administrative entities and case managers of contracted providers; specifying that the Unemployment Appeals Commission is not subject to control, supervision, or direction from the Department of Economic Opportunity; specifying the responsibilities of the executive director of the Department of Economic Opportunity; requiring an annual report on the business climate and economic development in the state; requiring the Department of Economic Opportunity to establish annual performance standards for public-private partnerships; providing for the Department of Economic Opportunity to have an official seal; providing for the Department of Economic Opportunity to administer the role of state government with respect to laws relating to housing; amending s. 14.32, F.S.; specifying powers and responsibilities of the Chief Inspector General in the Executive Office of the Governor with respect to public-private partnerships; amending s. 201.15, F.S; revising the distribution of excise taxes on documents; providing for specified distributions of funds to the State Economic Enhancement and Development Trust Fund in the Department of Economic Opportunity; amending s. 215.559, F.S.; providing for the Hurricane Loss Mitigation Program to be housed within the Division of Emergency Management; extending the repeal date of the program; deleting an obsolete provision relating to the use of funds for programs to retrofit certain existing hurricane shelters; creating s. 288.005, F.S.; defining the terms "economic benefits," "department," and "executive director"; amending s. 288.061, F.S.; providing for the Department of Economic Opportunity and Enterprise Florida, Inc., to review applications for state economic development incentives; reducing the review and approval period to 10 business days; authorizing the Department of Economic Opportunity to enter into an agreement with an applicant relating to all incentives offered by the state; amending s. 288.095, F.S.; providing for the Department of Economic Opportunity to approve applications for certification or requests for participation in certain economic development programs; amending s. 288.1081, F.S.; providing for the Economic Gardening Business Loan Pilot Program to be administered by the Department of Economic Opportunity; amending s. 288.1082, F.S.; providing for the Economic Gardening Technical Assistance Pilot Program to be administered by the Department of Economic Opportunity; amending s. 288.901, F.S.; creating Enterprise Florida, Inc., as a nonprofit corporation; specifying that Enterprise Florida, Inc., is subject to the provisions of chs. 119 and 286, F.S.; specifying that the board of directors of Enterprise Florida, Inc., is subject to certain requirements in ch. 112, F.S.; specifying the purposes of Enterprise Florida, Inc.; creating the board of directors for Enterprise Florida, Inc.; naming the Governor as chair of the board of directors; specifying appointment procedures, terms of office, selecting a vice chairperson, filling vacancies, and removing board members; providing for the appointment of at-large members to the board of directors; specifying terms; allowing the at-large members to make contributions to Enterprise Florida, Inc.; specifying ex officio, nonvoting members of the board of directors; specifying that members of the board of directors serve without compensation, but are entitled to reimbursement for all reasonable, necessary, and actual expenses as determined by the board of directors; amending s. 288.9015, F.S.; specifying the powers of Enterprise Florida, Inc., and the board of directors; authorizing liberal construction of the statutory powers of Enterprise Florida, Inc.; prohibiting Enterprise Florida, Inc., from pledging the full faith and credit of the state; allowing Enterprise Florida, Inc., to indemnify, purchase, and maintain insurance on its board members, officers, and employees; amending s. 288.903, F.S.; specifying the duties of Enterprise Florida, Inc.; amending s. 288.904, F.S.; providing for legislative appropriations; requiring a private match equal to at least 100 percent of the appropriation of public funds; specifying potential sources of private funding; requiring a one-to-one match for private to public contributions for marketing and advertising activities; directing the board of directors to develop annual budgets; providing for Enterprise Florida, Inc., to enter into an agreement with the Department of Economic Opportunity; requiring performance measures; requiring review of the activities of Enterprise Florida, Inc., as a return on the public's financial investment; amending s. 288.905, F.S.; directing the board of directors of Enterprise Florida, Inc., to hire a president, who serves at the pleasure of the Governor; specifying that the president also be known as the "Secretary of Commerce"; defining the president's role and responsibilities; forbidding an employee of Enterprise Florida, Inc., from earning more than the Governor, but providing for the granting of performance-based incentive payments to employees which may increase their total compensation in excess of the Governor's; amending s. 288.906, F.S.; requiring Enterprise Florida, Inc., to prepare an annual report by December 1 of each year; specifying the content of the annual report; creating s. 288.907, F.S.; requiring Enterprise Florida, Inc., to create an annual incentives report; specifying the required components of the report; creating s. 288.912, F.S.; requiring that certain counties and municipalities annually provide to the partnership an overview of certain local economic development activities; creating s. 288.92, F.S.; authorizing Enterprise Florida, Inc., to create divisions; requiring certain divisions; providing for hiring of staff; creating s. 288.923, F.S.; creating the Division of Tourism Marketing; providing definitions; requiring Enterprise Florida, Inc., to contract with the Florida Tourism Industry Marketing Corporation; specifying the division's responsibilities and duties, including a 4-year marketing plan; requiring an annual report; amending s. 288.1226, F.S.; establishing the Florida Tourism Marketing Corporation as a direct-support organization of Enterprise Florida, Inc.; establishing the membership of the board of directors of the corporation; establishing the membership of the board of directors of the corporation; making changes to conform to the act; amending s. 409.942, F.S.; deleting requirements that Workforce Florida, Inc., establish an electronic transfer benefit program; amending s. 411.0102, F.S.; requiring each participating early learning coalition board to develop a plan for the use of child care purchasing pool funds; amending ss. 11.40, 11.45, 14.20195, 15.182, 16.615, 17.61, 20.181, 39.001, 45.031, 69.041, 112.63, 112.665, 112.3135, 119.071, 120.54, 120.80, 125.045, 159.803, 159.8081, 159.8083, 159.809, 161.142, 161.54, 163.3164, 166.021, 171.204, 175.021, 186.504, 186.505, 189.403, 189.412, 189.413, 189.425, 189.427, 189.4035, 190.009, 190.047, 191.009, 191.015, 202.037, 212.08, 212.096, 212.097, 212.098, 212.20, 213.053, 215.5588, 216.136, 216.292, 216.231, 218.32, 218.37, 218.64, 220.03, 220.181, 220.182, 220.183, 220.1895, 220.1896, 220.1899, 220.191, 222.15, 250.06, 252.34, 252.35, 252.355, 252.371, 252.373, 252.55, 252.60, 252.61, 252.82, 252.83, 252.85, 252.86, 252.87, 252.88, 252.936, 252.937, 252.943, 252.946, 255.042, 255.099, 258.004, 259.035, 259.105, 260.0142, 267.0625, 272.11, 282.34, 282.709, 287.0931, 287.0943, 287.09451, 287.0947, 288.012, 288.017, 288.018, 288.019, 288.021, 288.0251, 288.035, 288.037, 288.041, 288.047, 288.063, 288.065, 288.0655, 288.0656, 288.06561, 288.0657, 288.0658, 288.0659, 288.075, 288.1045, 288.106, 288.107, 288.108, 288.1083, 288.1088, 288.1089, 288.109, 288.1095, 288.1162, 288.11621, 288.1168, 288.1169, 288.1171, 288.1175, 288.122, 288.12265, 288.124, 288.1251, 288.1252, 288.1253, 288.1254, 288.7015, 288.703, 288.705, 288.706, 288.7094, 288.7102, 288.714, 288.773, 288.774, 288.776, 288.7771, 288.816, 288.809, 288.8175, 288.826, 288.95155, 288.955, 288.9604, 288.9605, 288.9606, 288.9624, 288.9625, 288.975, 288.980, 288.984, 288.9913, 288.9914, 288.9916, 288.9917, 288.9918, 288.9919, 288.9920, 288.9921, 290.004, 290.0055, 290.0056, 290.0058, 290.0065, 290.0066, 290.00710, 290.0072, 290.00725, 290.0073, 290.0074, 290.0077, 290.014, 290.4042, 290.043, 290.044, 290.046, 290.047, 290.048, 290.0491, 290.053, 290.06561, 310.0015, 311.09, 311.105, 327.803, 311.11, 311.115, 311.22, 320.08058, 320.63, 331.3051, 331.3081, 332.115, 333.065, 339.135, 339.175, 342.201, 369.303, 369.318, 369.321, 369.322, 369.323, 369.324, 373.199, 373.4149, 373.453, 375.021, 376.60, 376.86, 377.809, 378.411, 379.2291, 380.031, 380.06, 380.061, 380.0677, 380.285, 380.503, 380.504, 380.5115, 381.0054, 381.0086, 381.0303, 381.7354, 383.14, 393.067, 395.1055, 395.1056, 397.321, 397.801, 400.23, 400.497, 400.506, 400.605, 400.935, 400.967, 401.245, 402.281, 402.45, 402.56, 403.0752, 403.42, 403.507, 403.508, 403.524, 403.526, 403.527, 403.757, 403.7032, 403.941, 403.9411, 403.973, 404.056, 404.0617, 409.017, 409.1451, 409.2576, 409.508, 409.509, 410.502, 411.01, 411.0101, 411.01013, 411.01014, 411.01015, 411.0103, 411.0104, 411.0105, 411.0106, 411.011, 411.226, 411.227, 414.24, 414.40, 414.295, 414.411, 418.12, 420.0003, 420.0004, 420.0005, 420.101, 420.111, 420.36, 420.424, 420.503, 420.504, 420.506, 420.5095, 420.602, 402.609, 420.622, 420.631, 420.635, 421.001, 422.001, 423.001, 427.012, 429.41, 429.907, 429.929, 440.12, 440.15, 440.45, 422.001, 473.3065, 440.381, 443.012, 443.036, 443.041, 443.051, 443.071, 443.091, 443.101, 443.111, 443.1113, 443.1115, 443.1116, 443.1215, 443.1216, 443.1217, 443.131, 443.1312, 443.1313, 443.1315, 443.1316, 443.1317, 443.141, 443.151, 443.163, 443.171, 443.1715, 443.181, 443.191, 443.211, 443.221, 445.002, 445.003, 445.004, 445.007, 445.009, 445.016, 445.024, 445.0325, 445.038, 445.045, 445.048, 445.049, 445.051, 445.056, 450.261, 446.41, 446.50, 446.52, 448.109, 448.110, 450.161, 450.191, 450.31, 468.529, 489.103, 489.109, 489.509, 497.271, 526.144, 551.104, 553.36, 553.382, 553.512, 553.71, 553.721, 553.74, 553.841, 553.896, 553.901, 553.9085, 553.954, 553.955, 553.973, 553.992, 553.995, 570.71, 570.96, 597.006, 604.006, 624.5105, 625.3255, 627.0628, 627.0629, 627.3511, 641.217, 657.042, 658.67, 720.403, 720.404, 720.406, 760.854, 768.13, 943.03101, 943.0311, 943.0313, 944.801, 945.10, 985.601, 1002.375, 1002.53, 1002.55, 1002.61, 1002.63, 1002.67, 1002.69, 1002.71, 1002.72, 1002.77, 1002.79, 1002.75, 1003.491, 1003.492,

1003.493, 1003.575, 1003.4285, 1004.226, 1004.435, 1004.46, 1008.39, 1008.41, 1011.76, 1012.2251, 1013.37, 1013.372, and 1013.74, F.S.; conforming provisions to changes made by the act; conforming cross-references; deleting obsolete provisions; amending s. 288.012, F.S.; creating the state protocol officer; amending s. 411.01, F.S.; providing that the Department of Education provides preservation of parental choice; amending s. 1002.67, F.S.; providing for private prekindergarten providers or public schools that are on probation to use a staff development plan to strengthen instruction in language development and phonological awareness approved by the department; transferring, renumbering, and amending ss. 20.505 and 1004.99, F.S.; conforming provisions to changes made by the act; repealing s. 14.2015, F.S., relating to the creation of the Office of Tourism, Trade, and Economic Development; repealing s. 20.18, F.S., relating to the creation of the Department of Community Affairs; repealing s. 20.50, F.S., relating to the creation of the Agency for Workforce Innovation; repealing 23.22(2), F.S., to conform a cross-reference; repealing 165.031(6), F.S., which includes the Department of Community Affairs in a definition; repealing 165.093, F.S., relating to the directing of all state and local agencies to cooperate in administering ch. 165, F.S.; repealing ss. 216.235, 216.236, 216.237, and 216.238, F.S., relating to the Innovation Investment Program, the selection of review boards to evaluate innovative investment projects, the appointment of the State Innovation Committee and approval of such projects, the funding, recordkeeping, and reporting for such projects, the establishment by state agencies of internal innovations funds, and the adoption of rules by the Department of Management Services for the program; repealing s. 287.115, F.S., relating to a requirement for the Chief Financial Officer to submit a report on contractual service contracts disallowed; repealing ss. 288.1221, 288.1222, 288.1223, 288.1224, 288.1227, and 288.1229, F.S., relating to the Florida Commission on Tourism and the Florida Tourism Industry Marketing Corporation; repealing s. 288.7011, F.S., relating to contracts between the Office of Tourism, Trade, and Economic Development and a certain nonprofit statewide development corporation; repealing ss. 288.7065, 288.707, 288.708, 288.709, 288.7091, and 288.712, F.S., relating to the Black Business Investment Board; repealing s. 288.12295, F.S., relating to a public-records exemption for donors for a direct-support organization on promotion and development of sports-related industries and amateur athletics; repealing s. 288.90151, F.S., relating to return on investment from activities of Enterprise Florida, Inc.; repealing s. 288.9415, F.S., relating to Enterprise Florida, Inc., and international trade grants; repealing ss. 409.944, 409.945, and 409.946, F.S., relating to the Inner City Redevelopment Assistance Grants Program, eligibility criteria for the program, and the membership of the Inner City Redevelopment Review Panel; repealing s. 943.402, F.S., relating to transfer of the criminal justice program of the Department of Community Affairs to the Department of Law Enforcement; repealing s. 42, ch. 2005-71, and s. 1, ch. 2005-261, Laws of Florida, relating to the authorization for funding certain dredging projects, to delete obsolete provisions; amending s. 220.191, F.S.; waiving the requirement that a facility located in a Disproportionally Affected County be in a high-impact sector in order to qualify for the capital investment tax credit; amending s. 288.106, F.S.; creating a process for the Department of Economic Opportunity to waive wage or local financial support eligibility requirements; providing a special incentive under the tax refund program for a limited time for a qualified target industry business that relocates from another state to a Disproportionally Affected County; creating s. 252.363, F.S.; tolling and extending the expiration dates of certain building permits or other authorizations following the declaration of a state of emergency by the Governor; providing exceptions; providing for the laws, administrative rules, and ordinances in effect when the permit was issued to apply to activities described in a permit or other authorization; providing an exception; amending s. 253.02, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to recommend to the Legislature whether existing multistate compacts for mutual aid should be modified or if a new multistate compact is necessary to address the Deepwater Horizon event or similar future incidents; requiring that the Board of Trustees of the Internal Improvement Trust Fund appoint members to the Commission on Oil Spill Response Coordination; providing for the designation of the chair of the commission by the Governor; requiring the commission to prepare a report for review and approval by the board of trustees; specifying the subject matter of the report; providing for future expiration; defining the term "Disproportionally Affected County"; creating a process for the Department of Economic Opportunity to waive any or all job or wage eligibility requirements under certain circumstances when in the best interest of the public; defining the term "Disproportionally Affected County"; providing an appropriation to the Department of Economic Opportunity to contract with the Office of Economic Development and Engagement within the University of West Florida in order to develop and implement an economic development program for a Disproportionally Affected County; specifying a preference for a Disproportionally Affected County or municipalities within a Disproportionally Affected County which provide for expedited or combined permitting for certain purposes; providing for the appropriation to be placed in reserve by the Executive Office of the Governor for release as authorized by law or the Legislative Budget Commission; defining the term "Disproportionally Affected County"; providing for the deposit of funds received by entities involved in the Deepwater Horizon oil spill into applicable state trust funds; specifying permissible uses of such funds; designating the Department of Environmental Protection as the lead agency for expending funds for environmental restoration; designating the Department of Economic Opportunity as the lead agency for funds designated for economic incentives and diversification efforts; providing for a type two transfer of the Florida Energy and Climate Commission within the Executive Office of the Governor to the Department of Agriculture and Consumer Services; amending ss. 220.192, 288.9607, 366.82, 366.92, 377.6015, 377.602, 377.603, 377.604, 377.605, 377.606, 377.608, F.S.; eliminating the Florida Energy and Climate Commission and transferring its duties to the Department of Agriculture and Consumer Services; conforming provisions to changes made by the act; amending s. 377.701; transferring the duties of petroleum allocation from the Florida Energy and Climate Commission to the Division of Emergency Management; amending s. 377.703; conforming provisions to changes made by the act; transferring energy emergency contingency plans to the Division of Emergency Management; providing that the Department of Management Services shall coordinate the energy conservation programs of all state agencies; transferring administration of the Coastal Energy Impact Program to the Department of Environmental Protection; amending ss. 377.711, 377.801, 377.803, 377.804, 377.806, 377.807, 377.808, 403.44, 526.207, 570.954, and 1004.648, F.S; conforming provisions to changes made by the act; amending s. 570.074, F.S.; providing for the creation of the Office of Energy and Water within the Department of Agriculture and Consumer Services; amending chapter 2010-282, Laws of Florida; conforming provisions to changes made by the act; authorizing the Department of Agriculture and Consumer Services to submit a budget amendment for a fixed capital outlay appropriation for federal energy grants; providing an effective date.

On motion by Senator Hays, the Conference Committee Report on **SB 2156** was adopted. **SB 2156** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—33

Mr. President	Flores	Negron
Alexander	Gaetz	Norman
Altman	Garcia	Oelrich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Dean	Jones	Simmons
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Storms
Evers	Margolis	Thrasher
Fasano	Montford	Wise

Nays—6

Braynon	Joyner	Siplin
Dockery	Rich	Sobel

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2144

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2144, same being:

An act relating to Medicaid.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Committee Chair
Gary Aubuchon, At Large
Richard Corcoran
s/ Jose Felix Diaz
s/ Gayle B. Harrell
Mia L. Jones
s/ John Legg, At Large
s/ Seth McKeel, At Large
s/ William L. "Bill" Proctor, At Large
Franklin Sands, At Large
s/ Robert C. "Rob" Schenck, At Large
Will W. Weatherford, At Large
s/ Dana D. Young

s/ Matt Hudson
Chair
Charles S. "Chuck" Chestnut IV
s/ Daniel Davis
James C. "Jim" Frishe
s/ Dorothy L. Hukill, At Large
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
Mark S. Pafford
Kenneth L. "Ken" Roberson
s/ Darryl Ervin Rouson, At Large
Ron Saunders, At Large
s/ William D. Snyder, At Large
s/ W. Gregory "Greg" Steube
John Wood

Managers on the part of the House

The Conference Committee Amendment for SB 2144, 1st Eng., relating to Medicaid, provides for the following:

- Modifies the nursing home staffing requirements to allow for a combined direct care staffing requirement of 3.6 hours per resident per day and modifies the formula for calculating the direct care subcomponent of the nursing home reimbursement.
- Modifies the requirements for the Agency for Health Care Administration to deny licensure and renewal requests.
- Repeals the sunset of the Medically Needy for adults and the Medicaid Aged and Disabled (MEDS-AD) waiver, which will sunset June 30, 2011.
- Eliminates a requirement for a hospitalist program in non-teaching hospitals.
- Modifies the formula used for calculating reimbursements to providers of prescribed drugs.
- Repeals the sunset date for the freeze on Medicaid institutional unit cost; and deletes obsolete workgroups and reporting requirements.
- Provides for the allowed aggregated amount of assessments for all nursing home facilities to increase to conform to federal regulations and revises the criteria for exempting qualified public, non-state-owned or operated nursing home facilities from quality assessments.
- Repeals the sunset of the quality assessment on privately operated intermediate care facilities for the developmentally disabled.
- Revises the years of audited data used in determining Medicaid and charity care days for hospitals in the Disproportionate Share Hospital (DSH) Program; and changes the distribution criteria for Medicaid DSH payments to implement funding decisions for the DSH program.
- Eliminates the requirement to implement a wireless handheld clinical pharmacology drug information database for practitioners; and allowing electronic access to certain pharmacology drug information.
- Authorizes the implementation of a home delivery of pharmacy products program; establishes the requirements for the procurement and the program; and eliminates the requirement for the expansion of the mail-order-pharmacy diabetes-supply program.
- Eliminates certain specific components of the prescription drug management system program.
- Authorizes an additional Program of All-inclusive Care for the Elderly (PACE) site in Palm Beach County and approves up to 150 initial enrollees, subject to a specific appropriation.
- Authorizes the agency in conjunction with the specialty behavioral health plan to develop a clinically effective, evidence-based alternatives as downward substitution for the statewide inpatient psychiatric program and similar residential care and institutional services
- Deletes a provision that sunsets the ability of tobacco companies to deposit a limited amount of security with the Florida Supreme Court.
- Authorizes the use of a managing entity in the Medipass program in certain counties to implement program initiatives to improve care coordination, patient outcomes, and reduce costs.
- Assigns Medicaid program recipients diagnosed with HIV/AIDS residing in Broward, Miami-Dade, or Palm Beach counties to an HIV/AIDS specialty plan.
- Exempts from Insurance Premiums Tax the premiums, contributions, and assessments received under a contract with Medicaid to solely provide services to Medicaid recipients by a prepaid limited health service organization (PLHSO) licensed under chapter 636, Florida Statute. Provides that the provisions within the bill will operate prospectively and does not provide a basis for an assessment of taxes not paid, or a basis for determining any right to a refund of taxes paid, prior to the effective date.
- The amendment has an effective date of July 1, 2011.

Conference Committee Amendment (784096)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (3) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(3)(a)1. The agency shall adopt rules providing minimum staffing requirements for nursing *home facilities* ~~homes~~. These requirements *must* ~~shall~~ include, for each ~~nursing home~~ facility:

a. A minimum weekly average of certified nursing assistant and licensed nursing staffing combined of *3.6* ~~3.9~~ hours of direct care per resident per day. As used in this sub-subparagraph, a week is defined as Sunday through Saturday.

b. A minimum certified nursing assistant staffing of *2.5* ~~2.7~~ hours of direct care per resident per day. A facility may not staff below one certified nursing assistant per 20 residents.

c. A minimum licensed nursing staffing of 1.0 hour of direct care per resident per day. A facility may not staff below one licensed nurse per 40 residents.

2. Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants ~~only~~ if their job responsibilities include only nursing-assistant-related duties.

3. Each nursing home *facility* must document compliance with staffing standards as required under this paragraph and post daily the names of staff on duty for the benefit of facility residents and the public.

4. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants *if*~~, provided that~~ the *nursing home* facility otherwise meets the minimum staffing requirements for licensed nurses and ~~that~~ the licensed nurses are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted toward the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and not also be counted toward the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. ~~In no event may~~ The hours of a licensed nurse with dual job responsibilities *may not* be counted twice.

Section 2. Section 408.815, Florida Statutes, is amended to read:

408.815 License or application denial; revocation.—

(1) In addition to the grounds provided in authorizing statutes, grounds that may be used by the agency for denying and revoking a license or change of ownership application include any of the following actions by a controlling interest:

(a) False representation of a material fact in the license application or omission of any material fact from the application.

(b) An intentional or negligent act materially affecting the health or safety of a client of the provider.

(c) A violation of this part, authorizing statutes, or applicable rules.

(d) A demonstrated pattern of deficient performance.

(e) The applicant, licensee, or controlling interest has been or is currently excluded, suspended, or terminated from participation in the state Medicaid program, the Medicaid program of any other state, or the Medicare program.

(2) If a licensee lawfully continues to operate while a denial or revocation is pending in litigation, the licensee must continue to meet all other requirements of this part, authorizing statutes, and applicable rules and ~~must~~ file subsequent renewal applications for licensure and pay all licensure fees. The provisions of ss. 120.60(1) and 408.806(3)(c) *do* ~~shall~~ not apply to renewal applications filed during the time period in which the litigation of the denial or revocation is pending until that litigation is final.

(3) An action under s. 408.814 or denial of the license of the transferor may be grounds for denial of a change of ownership application of the transferee.

(4) *Unless an applicant is determined by the agency to satisfy the provisions of subsection (5) for the action in question, the agency shall deny an application for a license or license renewal based upon any of the following actions of an applicant, a controlling interest of the applicant, or any entity in which a controlling interest of the applicant was an owner or officer when the following actions occurred* ~~In addition to the grounds provided in authorizing statutes, the agency shall deny an application for a license or license renewal if the applicant or a person having a controlling interest in an applicant has been~~:

(a) *A conviction or* ~~Convicted of, or enters~~ a plea of guilty or nolo contendere to, regardless of adjudication, a felony under chapter 409, chapter 817, chapter 893, 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, *Medicaid fraud, Medicare fraud, or insurance fraud,* unless the sentence and any subsequent period of probation for such convictions or plea ended more than 15 years *before* ~~prior to~~ the date of the application; *or*

(b) *Termination* ~~Terminated~~ for cause from the *Medicare* ~~Florida Medicaid~~ program *or a state Medicaid program* ~~pursuant to s. 409.913~~, unless the applicant has been in good standing with *the Medicare program or a state* ~~the Florida~~ Medicaid program for the most recent 5 years *and the termination occurred at least 20 years before the date of the application.*~~; or~~

~~(c) Terminated for cause, pursuant to the appeals procedures established by the state or Federal Government, from the federal Medicare program or from any other state Medicaid program, unless the applicant has been in good standing with a state Medicaid program or the federal Medicare program for the most recent 5 years and the termination occurred at least 20 years prior to the date of the application.~~

(5) For any application subject to denial under subsection (4), the agency may consider mitigating circumstances as applicable, including, but not limited to:

(a) Completion or lawful release from confinement, supervision, or sanction, including the terms of probation, and full restitution;

(b) Execution of a compliance plan with the agency;

(c) Compliance with an integrity agreement or compliance plan with another government agency;

(d) Determination by any state Medicaid program or the Medicare program that the controlling interest or entity in which the controlling interest was an owner or officer is currently allowed to participate in the state Medicaid program or the Medicare program, directly as a provider or indirectly as an owner or officer of a provider entity;

(e) Continuation of licensure by the controlling interest or entity in which the controlling interest was an owner or officer, directly as a licensee or indirectly as an owner or officer of a licensed entity in the state where the action occurred;

(f) Overall impact upon the public health, safety, or welfare; or

(g) Determination that a license denial is not commensurate with the prior action taken by the Medicare or state Medicaid program.

After considering the circumstances set forth in this subsection, the agency shall grant the license, with or without conditions, grant a provisional license for a period of no more than the licensure cycle, with or without conditions, or deny the license.

(6) In order to ensure the health, safety, and welfare of clients when a license has been denied, revoked, or is set to terminate, the agency may extend the license expiration date for up to 30 days for the sole purpose of allowing the safe and orderly discharge of clients. The agency may impose conditions on the extension, including, but not limited to, prohibiting or limiting admissions, expedited discharge planning, required status reports, and mandatory monitoring by the agency or third parties. When

imposing these conditions, the agency shall consider the nature and number of clients, the availability and location of acceptable alternative placements, and the ability of the licensee to continue providing care to the clients. The agency may terminate the extension or modify the conditions at any time. This authority is in addition to any other authority granted to the agency under chapter 120, this part, and authorizing statutes but creates no right or entitlement to an extension of a license expiration date.

Section 3. Subsections (1) and (2) of section 409.904, Florida Statutes, are amended to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1) ~~Effective January 1, 2006, and~~ Subject to federal waiver approval, a person who is age 65 or older or is determined to be disabled, whose income is at or below 88 percent of the federal poverty level, whose assets do not exceed established limitations, and who is not eligible for Medicare or, if eligible for Medicare, is also eligible for and receiving Medicaid-covered institutional care services, hospice services, or home and community-based services. The agency shall seek federal authorization through a waiver to provide this coverage. ~~This subsection expires June 30, 2011.~~

(2)~~(a)~~ A family, a pregnant woman, a child under age 21, a person age 65 or over, or a blind or disabled person, who would be eligible under any group listed in s. 409.903(1), (2), or (3), except that the income or assets of such family or person exceed established limitations. For a family or person in one of these coverage groups, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. A family or person eligible under the coverage known as the "medically needy," is eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled. ~~This paragraph expires June 30, 2011.~~

~~(b) Effective July 1, 2011, a pregnant woman or a child younger than 21 years of age who would be eligible under any group listed in s. 409.903, except that the income or assets of such group exceed established limitations. For a person in one of these coverage groups, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. A person eligible under the coverage known as the "medically needy" is eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled.~~

Section 4. Paragraphs (d), (e), and (f) of subsection (5) of section 409.905, Florida Statutes, are amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Mandatory services rendered by providers in mobile units to Medicaid recipients may be restricted by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(5) HOSPITAL INPATIENT SERVICES.—The agency shall pay for all covered services provided for the medical care and treatment of a recipient who is admitted as an inpatient by a licensed physician or dentist to a hospital licensed under part I of chapter 395. However, the agency shall limit the payment for inpatient hospital services for a Medicaid recipient 21 years of age or older to 45 days or the number of days necessary to comply with the General Appropriations Act.

~~(d) The agency shall implement a hospitalist program in nonteaching hospitals, select counties, or statewide. The program shall require hospitalists to manage Medicaid recipients' hospital admissions and lengths of stay. Individuals who are dually eligible for Medicare and Medicaid are exempted from this requirement. Medicaid participating physicians and other practitioners with hospital admitting privileges shall coordinate and review admissions of Medicaid recipients with the hospitalist. The agency may competitively bid a contract for selection of a single qualified organization to provide hospitalist services. The agency may procure hospitalist services by individual county or may combine counties in a single procurement. The qualified organization shall contract with or employ board eligible physicians in Miami-Dade, Palm Beach, Hillsborough, Pasco, and Pinellas Counties. The agency is authorized to seek federal waivers to implement this program.~~

(d)~~(e)~~ The agency shall implement a comprehensive utilization management program for hospital neonatal intensive care stays in certain high-volume participating hospitals, select counties, or statewide, and ~~shall~~ replace existing hospital inpatient utilization management programs for neonatal intensive care admissions. The program shall be designed to manage the lengths of stay for children being treated in neonatal intensive care units and must seek the earliest medically appropriate discharge to the child's home or other less costly treatment setting. The agency may competitively bid a contract for *the* selection of a qualified organization to provide neonatal intensive care utilization management services. The agency *may* ~~is authorized to~~ seek ~~any~~ federal waivers to implement this initiative.

(e)~~(f)~~ The agency may develop and implement a program to reduce the number of hospital readmissions among the non-Medicare population eligible in areas 9, 10, and 11.

Section 5. Paragraph (b) of subsection (2) and subsections (14) and (23) of section 409.908, Florida Statutes, are amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)

(b) Subject to any limitations or directions ~~provided for~~ in the General Appropriations Act, the agency shall establish and implement a *state* ~~Florida~~ Title XIX Long-Term Care Reimbursement Plan ~~(Medicaid)~~ for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling, and the indirect care subcomponent may be limited by the lower of the cost-based

class ceiling, the target rate class ceiling, or the individual provider target.

2. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, ~~minimum data set, and care plan coordinators,~~ staff development, ~~and~~ staffing coordinator*, and the administrative portion of the minimum data set and care plan coordinators*.

3. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. ~~There shall be no~~ Costs *may not be allocated* directly or indirectly ~~allocated~~ to the direct care subcomponent from a home office or management company.

4. On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.

5. In order to offset the cost of general and professional liability insurance, the agency shall amend the plan to allow for interim rate adjustments to reflect increases in the cost of general or professional liability insurance for nursing homes. This provision shall be implemented to the extent existing appropriations are available.

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

(14) A provider of prescribed drugs shall be reimbursed the least of the amount billed by the provider, the provider's usual and customary charge, or the Medicaid maximum allowable fee established by the agency, plus a dispensing fee. The Medicaid maximum allowable fee for ingredient cost *must* ~~will~~ be based on the *lowest* ~~lower~~ of: *the* average wholesale price (AWP) minus 16.4 percent, *the* wholesaler acquisition cost (WAC) plus *1.5* ~~4.75~~ percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

(a) Medicaid providers *must* ~~are required to~~ dispense generic drugs if available at lower cost and the agency has not determined that the branded product is more cost-effective, unless the prescriber has requested and received approval to require the branded product.

(b) The agency *shall* ~~is directed to~~ implement a variable dispensing fee for ~~payments for~~ prescribed medicines while ensuring continued access for Medicaid recipients. The variable dispensing fee may be based upon, but not limited to, either or both the volume of prescriptions dispensed by a specific pharmacy provider, the volume of prescriptions dispensed to an individual recipient, and dispensing of preferred-drug-list products.

(c) The agency may increase the pharmacy dispensing fee authorized by statute and in the ~~annual~~ General Appropriations Act by $0.50 for the dispensing of a Medicaid preferred-drug-list product and reduce the pharmacy dispensing fee by $0.50 for the dispensing of a Medicaid product that is not included on the preferred drug list.

(d) The agency may establish a supplemental pharmaceutical dispensing fee to be paid to providers returning unused unit-dose packaged medications to stock and crediting the Medicaid program for the ingredient cost of those medications if the ingredient costs to be credited exceed the value of the supplemental dispensing fee.

(e) The agency *may* ~~is authorized to~~ limit reimbursement for prescribed medicine in order to comply with any limitations or directions provided ~~for~~ in the General Appropriations Act, which may include implementing a prospective or concurrent utilization review program.

(23)(a) The agency shall establish rates at a level that ensures no increase in statewide expenditures resulting from a change in unit costs ~~for 2 fiscal years~~ effective July 1, *2011* ~~2009~~. Reimbursement rates ~~for the 2 fiscal years~~ shall be as provided in the General Appropriations Act.

(b) This subsection applies to the following provider types:

1. Inpatient hospitals.

2. Outpatient hospitals.

3. Nursing homes.

4. County health departments.

5. Community intermediate care facilities for the developmentally disabled.

6. Prepaid health plans.

(c) The agency shall apply the effect of this subsection to the reimbursement rates for nursing home diversion programs.

~~(e) The agency shall create a workgroup on hospital reimbursement, a workgroup on nursing facility reimbursement, and a workgroup on managed care plan payment. The workgroups shall evaluate alternative reimbursement and payment methodologies for hospitals, nursing facilities, and managed care plans, including prospective payment methodologies for hospitals and nursing facilities. The nursing facility workgroup shall also consider price-based methodologies for indirect care and acuity adjustments for direct care. The agency shall submit a report on the evaluated alternative reimbursement methodologies to the relevant committees of the Senate and the House of Representatives by November 1, 2009.~~

~~(d) This subsection expires June 30, 2011.~~

Section 6. Subsection (2) and paragraph (d) of subsection (3) of section 409.9082, Florida Statutes, are amended to read:

409.9082 Quality assessment on nursing home facility providers; exemptions; purpose; federal approval required; remedies.—

(2) Effective April 1, 2009, *a quality assessment* ~~there~~ is imposed upon each nursing home facility ~~a quality assessment~~. The aggregated amount of assessments for all nursing home facilities in a given year shall be an amount not exceeding *the maximum percentage allowed under federal law* ~~5.5 percent~~ of the total aggregate net patient service revenue of assessed facilities. The agency shall calculate the quality assessment rate annually on a per-resident-day basis, exclusive of those resident days funded by the Medicare program, as reported by the facilities. The per-resident-day assessment rate *must* ~~shall~~ be uniform except as prescribed in subsection (3). Each facility shall report monthly to the agency its total number of resident days, exclusive of Medicare Part A resident days, and ~~shall~~ remit an amount equal to the assessment rate times the reported number of days. The agency shall collect, and each facility shall pay, the quality assessment each month. The agency shall collect the assessment from nursing home facility providers by ~~no later than~~ the 15th *day* of the next succeeding calendar month. The agency shall notify providers of the quality assessment and provide a standardized form to complete and submit with payments. The collection of the nursing home facility quality assessment shall commence no sooner than 5 days after the agency's initial payment of the Medicaid rates containing the elements prescribed in subsection (4). Nursing home facilities may not create a separate line-item charge for the purpose of passing ~~through~~ the assessment *through* to residents.

(3)

(d) Effective July 1, *2011* ~~2009~~, the agency may exempt from the quality assessment or apply a lower quality assessment rate to a qualified public, nonstate-owned or operated nursing home facility whose total annual indigent census days are greater than *20* ~~25~~ percent of the facility's total annual census days.

Section 7. Subsection (8) of section 409.9083, Florida Statutes, is amended to read:

409.9083 Quality assessment on privately operated intermediate care facilities for the developmentally disabled; exemptions; purpose; federal approval required; remedies.—

~~(8) This section is repealed October 1, 2011.~~

Section 8. Paragraph (a) of subsection (2) of section 409.911, Florida Statutes, is amended, and paragraph (d) is added to subsection (4) of that section, to read:

409.911 Disproportionate share program.—Subject to specific allocations established within the General Appropriations Act and any limitations established pursuant to chapter 216, the agency shall distribute, pursuant to this section, moneys to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(2) The Agency for Health Care Administration shall use the following actual audited data to determine the Medicaid days and charity care to be used in calculating the disproportionate share payment:

(a) The average of the *2004, 2005, and 2006* ~~2003, 2004, and 2005~~ audited disproportionate share data to determine each hospital's Medicaid days and charity care for the *2011-2012* ~~2010-2011~~ state fiscal year.

(4) The following formulas shall be used to pay disproportionate share dollars to public hospitals:

(d) Any nonstate government owned or operated hospital eligible for payments under this section on July 1, 2011, remains eligible for payments during the 2011-2012 state fiscal year.

Section 9. Section 409.9112, Florida Statutes, is amended to read:

409.9112 Disproportionate share program for regional perinatal intensive care centers.—In addition to the payments made under s. 409.911, the agency shall design and implement a system for making disproportionate share payments to those hospitals that participate in the regional perinatal intensive care center program established pursuant to chapter 383. The system of payments must conform to federal requirements and distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. For the *2011-2012* ~~2010-2011~~ state fiscal year, the agency may not distribute moneys under the regional perinatal intensive care centers disproportionate share program.

(1) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the regional perinatal intensive care center program:

TAE = HDSP/THDSP

Where:

TAE = total amount earned by a regional perinatal intensive care center.

HDSP = the prior state fiscal year regional perinatal intensive care center disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year total regional perinatal intensive care center disproportionate share payments to all hospitals.

(2) The total additional payment for hospitals that participate in the regional perinatal intensive care center program shall be calculated by the agency as follows:

TAP = TAE x TA

Where:

TAP = total additional payment for a regional perinatal intensive care center.

TAE = total amount earned by a regional perinatal intensive care center.

TA = total appropriation for the regional perinatal intensive care center disproportionate share program.

(3) In order to receive payments under this section, a hospital must be participating in the regional perinatal intensive care center program pursuant to chapter 383 and must meet the following additional requirements:

(a) Agree to conform to all departmental and agency requirements to ensure high quality in the provision of services, including criteria adopted by departmental and agency rule concerning staffing ratios, medical records, standards of care, equipment, space, and such other standards and criteria as the department and agency deem appropriate as specified by rule.

(b) Agree to provide information to the Department *of Health* and *the* agency, in a form and manner ~~to be~~ prescribed by rule of the department and agency, concerning the care provided to all patients in neonatal intensive care centers and high-risk maternity care.

(c) Agree to accept all patients for neonatal intensive care and high-risk maternity care, regardless of ability to pay, on a functional space-available basis.

(d) Agree to develop arrangements with other maternity and neonatal care providers in the hospital's region for the appropriate receipt and transfer of patients in need of specialized maternity and neonatal intensive care services.

(e) Agree to establish and provide a developmental evaluation and services program for certain high-risk neonates, as prescribed and defined by rule of the department.

(f) Agree to sponsor a program of continuing education in perinatal care for health care professionals within the region of the hospital, as specified by rule.

(g) Agree to provide backup and referral services to the county health departments and other low-income perinatal providers within the hospital's region, including the development of written agreements between these organizations and the hospital.

(h) Agree to arrange for transportation for high-risk obstetrical patients and neonates in need of transfer from the community to the hospital or from the hospital to another more appropriate facility.

(4) Hospitals *that* ~~which~~ fail to comply with any of the conditions in subsection (3) or the applicable rules of the Department *of Health* and *the* agency may not receive any payments under this section until full compliance is achieved. A hospital *that* ~~which~~ is not in compliance in two or more consecutive quarters may not receive its share of the funds. Any forfeited funds shall be distributed by the remaining participating regional perinatal intensive care center program hospitals.

Section 10. Section 409.9113, Florida Statutes, is amended to read:

409.9113 Disproportionate share program for teaching hospitals.—In addition to the payments made under ss. 409.911 and 409.9112, the agency shall make disproportionate share payments to ~~statutorily defined~~ teaching hospitals*, as defined in s. 408.07,* for their increased costs associated with medical education programs and for tertiary health care services provided to the indigent. This system of payments must conform to federal requirements and distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. For the *2011-2012* ~~2010-2011~~ state fiscal year, the agency shall distribute the moneys provided in the General Appropriations Act to statutorily defined teaching hospitals and family practice teaching hospitals*, as defined in s. 395.805, pursuant to this section* ~~under the teaching hospital disproportionate share program~~. The funds provided for statutorily defined teaching hospitals shall be distributed ~~in the same proportion as the state fiscal year 2003-2004 teaching hospital disproportionate share funds were distributed or~~ as ~~otherwise~~ provided in the General Appropriations Act. The funds pro-

vided for family practice teaching hospitals shall be distributed equally among family practice teaching hospitals.

(1) On or before September 15 of each year, the agency shall calculate an allocation fraction to be used for distributing funds to ~~state~~ statutory teaching hospitals. Subsequent to the end of each quarter of the state fiscal year, the agency shall distribute to each statutory teaching hospital~~, as defined in s. 408.07,~~ an amount determined by multiplying one-fourth of the funds appropriated for this purpose by the Legislature times such hospital's allocation fraction. The allocation fraction for each such hospital shall be determined by the sum of the following three primary factors, divided by three:

(a) The number of nationally accredited graduate medical education programs offered by the hospital, including programs accredited by the Accreditation Council for Graduate Medical Education and the combined Internal Medicine and Pediatrics programs acceptable to both the American Board of Internal Medicine and the American Board of Pediatrics at the beginning of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of programs, where the total is computed for all ~~state~~ statutory teaching hospitals.

(b) The number of full-time equivalent trainees in the hospital, which comprises two components:

1. The number of trainees enrolled in nationally accredited graduate medical education programs, as defined in paragraph (a). Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of full-time equivalent trainees enrolled in accredited graduate programs, where the total is computed for all ~~state~~ statutory teaching hospitals.

2. The number of medical students enrolled in accredited colleges of medicine and engaged in clinical activities, including required clinical clerkships and clinical electives. Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the course of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total number of full-time equivalent students enrolled in accredited colleges of medicine, where the total is computed for all ~~state~~ statutory teaching hospitals.

The primary factor for full-time equivalent trainees is computed as the sum of these two components, divided by two.

(c) A service index that comprises three components:

1. The Agency for Health Care Administration Service Index, computed by applying the standard Service Inventory Scores established by the agency to services offered by the given hospital, as reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total ~~Agency for Health Care Administration Service~~ index values, where the total is computed for all ~~state~~ statutory teaching hospitals.

2. A volume-weighted service index, computed by applying the standard Service Inventory Scores established by the agency ~~for Health Care Administration~~ to the volume of each service, expressed in terms of the standard units of measure reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation factor is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total volume-weighted service index values, where the total is computed for all ~~state~~ statutory teaching hospitals.

3. Total Medicaid payments to each hospital for direct inpatient and outpatient services during the fiscal year preceding the date on which the allocation factor is calculated. This includes payments made to each hospital for such services by Medicaid prepaid health plans, whether the plan was administered by the hospital or not. The numerical value of this factor is the fraction that each hospital represents of the total of such Medicaid payments, where the total is computed for all ~~state~~ statutory teaching hospitals.

The primary factor for the service index is computed as the sum of these three components, divided by three.

(2) By October 1 of each year, the agency shall use the following formula to calculate the maximum additional disproportionate share payment for *statutory* ~~statutorily defined~~ teaching hospitals:

TAP = THAF x A

Where:

TAP = total additional payment.

THAF = teaching hospital allocation factor.

A = amount appropriated for a teaching hospital disproportionate share program.

Section 11. Section 409.9117, Florida Statutes, is amended to read:

409.9117 Primary care disproportionate share program.—For the *2011-2012* ~~2010-2011~~ state fiscal year, the agency shall not distribute moneys under the primary care disproportionate share program.

(1) If federal funds are available for disproportionate share programs in addition to those otherwise provided by law, ~~there shall be created~~ a primary care disproportionate share program *shall be established*.

(2) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the primary care disproportionate share program:

TAE = HDSP/THDSP

Where:

TAE = total amount earned by a hospital participating in the primary care disproportionate share program.

HDSP = the prior state fiscal year primary care disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year total primary care disproportionate share payments to all hospitals.

(3) The total additional payment for hospitals that participate in the primary care disproportionate share program shall be calculated by the agency as follows:

TAP = TAE x TA

Where:

TAP = total additional payment for a primary care hospital.

TAE = total amount earned by a primary care hospital.

TA = total appropriation for the primary care disproportionate share program.

(4) In *establishing* ~~the establishment~~ and funding ~~of~~ this program, the agency shall use the following criteria in addition to those specified in s. 409.911, and payments may not be made to a hospital unless the hospital agrees to:

(a) Cooperate with a Medicaid prepaid health plan, if one exists in the community.

(b) Ensure the availability of primary and specialty care physicians to Medicaid recipients who are not enrolled in a prepaid capitated arrangement and who are in need of access to such physicians.

(c) Coordinate and provide primary care services free of charge, except copayments, to all persons with incomes up to 100 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, and to provide such services based on a sliding fee scale to all persons with incomes up

to 200 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, except that eligibility may be limited to persons who reside within a more limited area, as agreed to by the agency and the hospital.

(d) Contract with any federally qualified health center, if one exists within the agreed geopolitical boundaries, concerning the provision of primary care services, in order to guarantee delivery of services in a nonduplicative fashion, and to provide for referral arrangements, privileges, and admissions, as appropriate. The hospital shall agree to provide ~~at an onsite or offsite facility~~ primary care services within 24 hours *at an onsite or offsite facility* to which all Medicaid recipients and persons eligible under this paragraph who do not require emergency room services are referred during normal daylight hours.

(e) Cooperate with the agency, the county, and other entities to ensure the provision of certain public health services, case management, referral and acceptance of patients, and sharing of epidemiological data, as the agency and the hospital find mutually necessary and desirable to promote and protect the public health within the agreed geopolitical boundaries.

(f) In cooperation with the county in which the hospital resides, develop a low-cost, outpatient, prepaid health care program to persons who are not eligible for the Medicaid program, and who reside within the area.

(g) Provide inpatient services to residents within the area who are not eligible for Medicaid or Medicare, and who do not have private health insurance, regardless of ability to pay, on the basis of available space, except that hospitals may not be prevented from establishing bill collection programs based on ability to pay.

(h) Work with the Florida Healthy Kids Corporation, the Florida Health Care Purchasing Cooperative, and business health coalitions, as appropriate, to develop a feasibility study and plan to provide a low-cost comprehensive health insurance plan to persons who reside within the area and who do not have access to such a plan.

(i) Work with public health officials and other experts to provide community health education and prevention activities designed to promote healthy lifestyles and appropriate use of health services.

(j) Work with the local health council to develop a plan for promoting access to affordable health care services for all persons who reside within the area, including, but not limited to, public health services, primary care services, inpatient services, and affordable health insurance generally.

Any hospital that fails to comply with any of the provisions of this subsection, or any other contractual condition, may not receive payments under this section until full compliance is achieved.

Section 12. Paragraph (b) of subsection (4), paragraph (b) of subsection (16), and paragraph (a) of subsection (39) of section 409.912, Florida Statutes, are amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(4) The agency may contract with:

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such entity must be licensed under chapter 624, chapter 636, or chapter 641, or authorized under paragraph (c) or paragraph (d), and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The Secretary of the Department of Children and Family Services shall approve provisions of procurements related to children in the department's care or custody before enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing The behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. Except as provided in subparagraph 8., and except in counties where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211, the agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients not enrolled in a Medicaid managed care plan authorized under s. 409.91211, a provider service network authorized under paragraph (d), or a Medicaid health maintenance organization in an AHCA area. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and are subject to this paragraph. Each entity must offer a sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network shall include all public mental health hospitals. To ensure unimpaired access to behavioral health care services by Medicaid recipients, all contracts issued pursuant to this paragraph must require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations and capitated provider service networks, to be expended for the provision of behavioral

health care services. If the managed care plan expends less than 80 percent of the capitation paid for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the plan with a certification letter indicating the amount of capitation paid during each calendar year for behavioral health care services pursuant to this section. The agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. By January 1, 2001, The agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance abuse treatment services.

2. By July 1, 2003, the agency and the Department of Children and Family Services shall execute a written agreement that requires collaboration and joint development of all policy, budgets, procurement documents, contracts, and monitoring plans that have an impact on the state and Medicaid community mental health and targeted case management programs.

3. Except as provided in subparagraph 8., by July 1, 2006, the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization, a provider service network authorized under paragraph (d), or a Medicaid capitated managed care plan authorized under s. 409.91211. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid capitated managed care plan authorized under s. 409.91211, a provider service network authorized under paragraph (d), or a Medicaid health maintenance organization in AHCA areas where the eligible population exceeds 150,000. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and shall be subject to this paragraph. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations are eligible to compete. Managed care plans contracting with the agency under subsection (3) or paragraph (d), shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA rules, including handbooks incorporated by reference. In AHCA area 11, the agency shall contract with at least two comprehensive behavioral health care providers to provide behavioral health care to recipients in that area who are enrolled in, or assigned to, the MediPass program. One of the behavioral health care contracts must be with the existing provider service network pilot project, as described in paragraph (d), for the purpose of demonstrating the cost-effectiveness of the provision of quality mental health services through a public hospital-operated managed care model. Payment shall be at an agreed-upon capitated rate to ensure cost savings. Of the recipients in area 11 who are assigned to MediPass under s. 409.9122(2)(k), a minimum of 50,000 of those MediPass-enrolled recipients shall be assigned to the existing provider service network in area 11 for their behavioral care.

4. By October 1, 2003, the agency and the department shall submit a plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides for the full implementation of capitated prepaid behavioral health care in all areas of the state.

a. Implementation shall begin in 2003 in those AHCA areas of the state where the agency is able to establish sufficient capitation rates.

b. If the agency determines that the proposed capitation rate in any area is insufficient to provide appropriate services, the agency may adjust the capitation rate to ensure that care will be available. The agency and the department may use existing general revenue to address any additional required match but may not over-obligate existing funds on an annualized basis.

c. Subject to any limitations provided in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures that allow for certification of local and state funds.

5. Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider may not be included in a behavioral health care prepaid health plan or any other Medicaid managed care plan pursuant to this paragraph.

6. In converting to a prepaid system of delivery, the agency shall in its procurement document require an entity providing only comprehensive behavioral health care services to prevent the displacement of indigent care patients by enrollees in the Medicaid prepaid health plan providing behavioral health care services from facilities receiving state funding to provide indigent behavioral health care, to facilities licensed under chapter 395 which do not receive state funding for indigent behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.

7. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

8. All Medicaid-eligible children, except children in area 1 and children in Highlands County, Hardee County, Polk County, or Manatee County of area 6, that are open for child welfare services in the HomeSafeNet system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies through a single agency or formal agreements among several agencies. *The agency shall work with the specialty plan to develop clinically effective, evidence-based alternatives as a downward substitution for the statewide inpatient psychiatric program and similar residential care and institutional services.* The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms to maximize state and local revenues. The specialty prepaid plan shall be developed by the agency and the Department of Children and Family Services. The agency may seek federal waivers to implement this initiative. Medicaid-eligible children whose cases are open for child welfare services in the HomeSafeNet system and who reside in AHCA area 10 are exempt from the specialty prepaid plan upon the development of a service delivery mechanism for children who reside in area 10 as specified in s. 409.91211(3)(dd).

(16)

(b) The responsibility of the agency under this subsection *includes* ~~shall include~~ the development of capabilities to identify actual and optimal practice patterns; patient and provider educational initiatives; methods for determining patient compliance with prescribed treatments; fraud, waste, and abuse prevention and detection programs; and beneficiary case management programs.

1. The practice pattern identification program shall evaluate practitioner prescribing patterns based on national and regional practice guidelines, comparing practitioners to their peer groups. The agency and its Drug Utilization Review Board shall consult with the Department of Health and a panel of practicing health care professionals consisting of the following: the Speaker of the House of Representatives and the President of the Senate shall each appoint three physicians licensed under chapter 458 or chapter 459; and the Governor shall appoint two pharmacists licensed under chapter 465 and one dentist licensed under chapter 466 who is an oral surgeon. Terms of the panel members shall expire at the discretion of the appointing official. The advisory panel shall be responsible for evaluating treatment guidelines and recommending ways to incorporate their use in the practice pattern identification program. Practitioners who are prescribing inappropriately or inefficiently, as determined by the agency, may have their prescribing of certain drugs subject to prior authorization or may be terminated from all participation in the Medicaid program.

2. The agency shall also develop educational interventions designed to promote the proper use of medications by providers and beneficiaries.

3. The agency shall implement a pharmacy fraud, waste, and abuse initiative that may include a surety bond or letter of credit requirement for participating pharmacies, enhanced provider auditing practices, the use of additional fraud and abuse software, recipient management programs for beneficiaries inappropriately using their benefits, and other steps that ~~will~~ eliminate provider and recipient fraud, waste, and abuse. The initiative shall address enforcement efforts to reduce the number and use of counterfeit prescriptions.

4. ~~By September 30, 2002,~~ The agency *may* ~~shall~~ contract with an entity in the state to *provide Medicaid providers with electronic access to Medicaid prescription refill data and information relating to the Medicaid preferred drug list* ~~implement a wireless handheld clinical pharmacology drug information database for practitioners~~. The initiative shall be designed to enhance the agency's efforts to reduce fraud, abuse, and errors in the prescription drug benefit program and to otherwise further the intent of this paragraph.

5. ~~By April 1, 2006,~~ The agency shall contract with an entity to design a database of clinical utilization information or electronic medical records for Medicaid providers. *The database* ~~This system~~ must be web-based and allow providers to review on a real-time basis the utilization of Medicaid services, including, but not limited to, physician office visits, inpatient and outpatient hospitalizations, laboratory and pathology services, radiological and other imaging services, dental care, and patterns of dispensing prescription drugs in order to coordinate care and identify potential fraud and abuse.

6. The agency may apply for any federal waivers needed to administer this paragraph.

(39)(a) The agency shall implement a Medicaid prescribed-drug spending-control program that includes the following components:

1. A Medicaid preferred drug list, which shall be a listing of cost-effective therapeutic options recommended by the Medicaid Pharmacy and Therapeutics Committee established pursuant to s. 409.91195 and adopted by the agency for each therapeutic class on the preferred drug list. At the discretion of the committee, and when feasible, the preferred drug list should include at least two products in a therapeutic class. The agency may post the preferred drug list and updates to the ~~preferred drug~~ list on an Internet website without following the rulemaking procedures of chapter 120. Antiretroviral agents are excluded from the preferred drug list. The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply unless the drug products' smallest marketed package is greater than a 34-day supply, or the drug is determined by the agency to be a maintenance drug in which case a 100-day maximum supply may be authorized. The agency *may* ~~is authorized to~~ seek any federal waivers necessary to implement these cost-control programs and to continue participation in the federal Medicaid rebate program, or alternatively to negotiate state-only manufacturer rebates. The agency may adopt rules to *administer* ~~implement~~ this subparagraph. The agency shall continue to provide unlimited contraceptive drugs and items. The agency must establish procedures to ensure that:

a. There is a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation; and

b. A 72-hour supply of the drug prescribed is provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the *lowest* ~~lesser~~ of: the average wholesale price (AWP) minus 16.4 percent, the wholesaler acquisition cost (WAC) plus *1.5* ~~4.75~~ percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

3. The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment *if* ~~when~~ it is determined that it has a sufficient number of Medicaid-participating providers. The agency must allow dispensing practitioners to participate as a part of the Medicaid pharmacy network regardless of the practitioner's proximity to any other entity that is dispensing prescription drugs under the Medicaid program. A dispensing practitioner must meet all credentialing requirements applicable to his or her practice, as determined by the agency.

5. The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

7. The agency may establish a preferred drug list as described in this subsection, and, pursuant to the establishment of such preferred drug list, ~~it is authorized to~~ negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 14 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage ~~will~~ guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug list. However, a pharmaceutical manufacturer is not guaranteed placement on the preferred drug list by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency *may* ~~is authorized to~~ contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. ~~Effective July 1, 2004,~~ Value-added programs as a substitution for supplemental rebates are prohibited. The agency *may* ~~is authorized to~~ seek any federal waivers to implement this initiative.

8. The agency ~~for Health Care Administration~~ shall expand home delivery of pharmacy products. *The agency may amend the state plan and issue a procurement, as necessary, in order to implement this program. The procurements must include agreements with a pharmacy or pharmacies located in the state to provide mail order delivery services at no cost to the recipients who elect to receive home delivery of pharmacy products. The procurement must focus on serving recipients with chronic*

diseases for which pharmacy expenditures represent a significant portion of Medicaid pharmacy expenditures or which impact a significant portion of the Medicaid population. ~~To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail order pharmacy diabetes supply program to include all generic and brand name drugs used by Medicaid patients with diabetes. Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract.~~ The agency may seek and implement any federal waivers necessary to implement this subparagraph.

9. The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

10.a. The agency may implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. The agency *may* ~~is authorized to~~ seek federal waivers to implement this program.

b. The agency, in conjunction with the Department of Children and Family Services, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program may include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

11.~~a.~~ The agency shall implement a Medicaid prescription drug management system.

a. The agency may contract with a vendor that has experience in operating prescription drug management systems in order to implement this system. Any management system that is implemented in accordance with this subparagraph must rely on cooperation between physicians and pharmacists to determine appropriate practice patterns and clinical guidelines to improve the prescribing, dispensing, and use of drugs in the Medicaid program. The agency may seek federal waivers to implement this program.

b. The drug management system must be designed to improve the quality of care and prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid prescription drugs. The program must:

(I) Provide for the ~~development and~~ adoption of best practice guidelines for the prescribing and use of drugs in the Medicaid program, including translating best practice guidelines into practice; reviewing prescriber patterns and comparing them to indicators that are based on national standards and practice patterns of clinical peers in their community, statewide, and nationally; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid recipients who are outliers in their use of a single or multiple prescription drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of prescription drugs.

(IV) Alert prescribers to *recipients* ~~patients~~ who fail to refill prescriptions in a timely fashion, are prescribed multiple drugs that may be redundant or contraindicated, or may have other potential medication problems.

~~(V) Track spending trends for prescription drugs and deviation from best practice guidelines.~~

~~(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.~~

~~(VII) Disseminate electronic and published materials.~~

~~(VIII) Hold statewide and regional conferences.~~

~~(IX) Implement disease management programs in cooperation with physicians and pharmacists, along with a model quality based medication component for individuals having chronic medical conditions.~~

12. The agency *may* ~~is authorized to~~ contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

13. The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

14. The agency may require prior authorization for Medicaid-covered prescribed drugs. The agency may~~, but is not required to,~~ prior-authorize the use of a product:

a. For an indication not approved in labeling;

b. To comply with certain clinical guidelines; or

c. If the product has the potential for overuse, misuse, or abuse.

The agency may require the prescribing professional to provide information about the rationale and supporting medical evidence for the use of a drug. The agency may post prior authorization criteria and protocol and updates to the list of drugs that are subject to prior authorization on an Internet website without amending its rule or engaging in additional rulemaking.

15. The agency, in conjunction with the Pharmaceutical and Therapeutics Committee, may require age-related prior authorizations for certain prescribed drugs. The agency may preauthorize the use of a drug for a recipient who may not meet the age requirement or may exceed the length of therapy for use of this product as recommended by the manufacturer and approved by the Food and Drug Administration. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the use of a drug.

16. The agency shall implement a step-therapy prior authorization approval process for medications excluded from the preferred drug list. Medications listed on the preferred drug list must be used within the previous 12 months *before* ~~prior to~~ the alternative medications that are not listed. The step-therapy prior authorization may require the prescriber to use the medications of a similar drug class or for a similar medical indication unless contraindicated in the Food and Drug Administration labeling. The trial period between the specified steps may vary according to the medical indication. The step-therapy approval process shall be developed in accordance with the committee as stated in s. 409.91195(7) and (8). A drug product may be approved without meeting the step-therapy prior authorization criteria if the prescribing physician provides the agency with additional written medical or clinical documentation that the product is medically necessary because:

a. There is not a drug on the preferred drug list to treat the disease or medical condition which is an acceptable clinical alternative;

b. The alternatives have been ineffective in the treatment of the beneficiary's disease; or

c. Based on historic evidence and known characteristics of the patient and the drug, the drug is likely to be ineffective, or the number of doses have been ineffective.

The agency shall work with the physician to determine the best alternative for the patient. The agency may adopt rules waiving the requirements for written clinical documentation for specific drugs in limited clinical situations.

17. The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a $5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner. The agency shall determine if the program has reduced the amount of Medicaid prescription drugs which are destroyed on an annual basis and if there are additional ways to ensure more prescription drugs are not destroyed which could safely be reused. ~~The agency's conclusion and recommendations shall be reported to the Legislature by December 1, 2005.~~

Section 13. Paragraph (m) is added to subsection (2) and subsection (15) is added to section 409.9122, Florida Statutes, to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(2)

(m) If the Medicaid recipient is diagnosed with HIV/AIDS and resides in Broward, Miami-Dade, or Palm Beach counties, the agency shall assign the recipient to a managed care plan that is a health maintenance organization authorized under Chapter 641, under contract with the agency on July 1, 2011, and which offers a delivery system through a university-based teaching and research-oriented organization that specializes in providing health care services and treatment for individuals diagnosed with HIV/AIDS.

(15) The agency shall contract with a single provider service network to function as a managing entity for the MediPass program in all counties with fewer than two prepaid plans. The contractor shall be responsible for implementing preauthorization procedures, case management programs, and utilization management initiatives in order to improve care coordination and patient outcomes while reducing costs. The contractor may earn an administrative fee if the fee is less than any savings as determined by the reconciliation process under s. 409.912(4)(d)1.

Section 14. Section 636.0145, Florida Statutes, is amended to read:

636.0145 Certain entities contracting with Medicaid.—Notwithstanding the requirements of s. 409.912(4)(b), an entity that is providing comprehensive inpatient and outpatient mental health care services to certain Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties through a capitated, prepaid arrangement pursuant to the federal waiver provided for in s. 409.905(5) must become licensed under chapter 636 by December 31, 1998. Any entity licensed under this chapter which provides services solely to Medicaid recipients under a contract with Medicaid *is* ~~shall be~~ exempt from ss. 636.017, 636.018, 636.022, 636.028, ~~and~~ 636.034*, and 636.066(1)*.

Section 15. *The amendments to s. 636.0145, Florida Statutes, under this act shall operate prospectively and do not provide a basis for relief from or assessment of taxes not paid, or for determining any denial of or right to a refund of taxes paid before the effective date of the act.*

Section 16. *(1) The Legislature finds that hundreds of millions of dollars appropriated annually in support of the state's Medicaid program and other critical health programs come directly from revenues resulting from the settlement in State of Florida v. American Tobacco Co., No. 95-1466AH (Fla. 15th Cir. Ct.), that maintaining those revenues is critical to the health of this state's residents, that s. 569.23(3), Florida Statutes, protects the continued receipt of those revenues, that the sunset of s. 569.23(3), Florida Statutes, will undermine financial support for the state's Medicaid and other critical health programs, and that the sunset of that subsection should therefore be repealed.*

(2) Paragraph (f) of subsection (3) of section 569.23, Florida Statutes, is repealed.

Section 17. *Notwithstanding s. 430.707, Florida Statutes, and subject to federal approval of the application to be a site for the Program of All-inclusive Care for the Elderly, the Agency for Health Care Administration shall contract with one private health care organization, the sole member of which is a private, not-for-profit corporation that owns and manages health care organizations which provide comprehensive long-term care services, including nursing home, assisted living, independent housing, home care, adult day care, and care management, with a board-certified, trained geriatrician as the medical director. This organization shall provide these services to frail and elderly persons who reside in Palm Beach County. The organization is exempt from the requirements of chapter 641, Florida Statutes. The agency, in consultation with the Department of Elderly Affairs and subject to an appropriation, shall approve up to 150 initial enrollees in the Program of All-inclusive Care for the Elderly established by this organization to serve elderly persons who reside in Palm Beach County.*

Section 18. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Medicaid; amending s. 400.23, F.S.; revising the minimum staffing requirements for nursing homes; amending s. 408.815, F.S.; requiring that the Agency for Health Care Administration deny an application for a license or license renewal of an applicant, a controlling interest of the applicant, or any entity in which a controlling interest of the applicant was an owner or officer during the occurrence of certain actions; authorizing the agency to consider certain mitigating circumstances; authorizing the agency to extend a license expiration date under certain circumstances; amending s. 409.904, F.S.; repealing the sunset of provisions authorizing the federal waiver for certain persons age 65 and older or who have a disability; repealing the sunset of provisions authorizing a specified medically needy program; eliminating the limit to services placed on the medically needy program for pregnant women and children younger than age 21; amending s. 409.905, F.S.; deleting provisions requiring that the agency implement hospitalist programs; amending s. 409.908, F.S.; revising the factors that are excluded from the direct care subcomponent of the long-term care reimbursement plan for nursing home care; revising the factors for calculating the maximum allowable fee for pharmaceutical ingredient costs; continuing the requirement that the Agency for Health Care Administration set certain institutional provider reimbursement rates in a manner that results in no automatic cost-based statewide expenditure increase; deleting an obsolete requirement to establish workgroups to evaluate alternate reimbursement and payment methods; eliminating the repeal date of the suspension of the use of cost data to set certain institutional provider reimbursement rates; amending s. 409.9082, F.S.; revising the aggregated amount of the quality assessment for nursing home facilities; exempting certain nursing home facilities from the quality assessment; amending s. 409.9083, F.S.; eliminating the repeal date of the quality assessment on privately operated intermediate care facilities for the developmentally disabled; amending s. 409.911, F.S.; updating references to data to be used for the disproportionate share

program; providing that certain hospitals eligible for payments remain eligible for payments during the next fiscal year; amending s. 409.9112, F.S.; extending the prohibition against distributing moneys under the regional perinatal intensive care centers disproportionate share program for another year; amending s. 409.9113, F.S.; extending the disproportionate share program for teaching hospitals for another year; amending s. 409.9117, F.S.; extending the prohibition against distributing moneys under the primary care disproportionate share program for another year; amending s. 409.912, F.S.; providing for alternatives to the statewide inpatient psychiatric program; allowing the agency to continue to contract for electronic access to certain pharmacology drug information; eliminating the requirement to implement a wireless handheld clinical pharmacology drug information database for practitioners; revising the factors for calculating the maximum allowable fee for pharmaceutical ingredient costs; deleting obsolete provisions; authorizing the agency to seek federal approval and to issue a procurement in order to implement a home delivery of pharmacy products program; establishing the provisions for the procurement and the program; eliminating the requirement for the expansion of the mail-order-pharmacy diabetes-supply program; eliminating certain provisions of the Medicaid prescription drug management program; amending s. 409.9122, F.S.; requiring the agency to assign Medicaid recipients with HIV/AIDS in certain counties to a certain type of managed care plan; requiring the agency to contract with a single provider service network to manage the MediPass program in certain counties; amending s. 636.0145, F.S.; exempting certain entities providing services solely to Medicaid recipients under a Medicaid contract from being subject to the premium tax imposed on premiums, contributions, and assessments received by prepaid limited health service organizations; providing for prospective operation and specifying that the act does not provide a basis for relief from or assessment of taxes not paid, or for determining any denial of or right to a refund of taxes paid, before the effective date of the act; providing legislative intent with respect to the need to maintain revenues that support critical health programs; repealing s. 569.23(3)(f), F.S.; abrogating the repeal of provisions requiring that appellants of tobacco settlement agreement judgments provide specified security; authorizing the agency to contract with an organization to provide certain benefits under a federal program in Palm Beach County; providing an exemption from ch. 641, F.S., for the organization; authorizing, subject to appropriation, enrollment slots for the Program of All-inclusive Care for the Elderly in Palm Beach County; providing an effective date.

On motion by Senator Negron, the Conference Committee Report on **SB 2144** was adopted. **SB 2144** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—24

Mr. President	Evers	Negron
Alexander	Flores	Norman
Altman	Gaetz	Oelrich
Benacquisto	Garcia	Richter
Bennett	Gardiner	Simmons
Bogdanoff	Hays	Storms
Dean	Latvala	Thrasher
Detert	Lynn	Wise

Nays—15

Braynon	Jones	Ring
Diaz de la Portilla	Joyner	Sachs
Dockery	Margolis	Siplin
Fasano	Montford	Smith
Hill	Rich	Sobel

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2094

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2094, same being:

An act relating to state employees.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Chair
s/ Ben Albritton
Gary Aubuchon, At Large
Leonard L. Bembry
Mack Bernard
Jeffrey "Jeff" Brandes
s/ Douglas Vaughn "Doug" Broxson
Charles S. "Chuck" Chestnut IV, At Large
s/ Fredrick W. "Fred" Costello
s/ Daniel Davis
Chris Dorworth
s/ Clay Ford
James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
Eduardo "Eddy" Gonzalez
James W. "J.W." Grant
s/ Doug Holder
s/ Mike Horner
s/ Dorothy L. Hukill, At Large
Mia L. Jones
Martin David "Marty" Kiar
s/ John Legg, At Large
Debbie Mayfield
s/ Seth McKeel, At Large
s/ Peter Nehr
Jeanette M. Nunez
Mark S. Pafford

s/ Janet H. Adkins
s/ Larry Ahern
s/ Frank Artiles
s/ Dennis K. Baxley
Lori Berman
Michael Bileca
s/ Jason T. Brodeur
s/ Matthew H. "Matt" Caldwell
Daphne D. Campbell
s/ Marti Coley
s/ Richard Corcoran
s/ Steve Crisafulli
s/ Jose Felix Diaz
Brad Drake
s/ Erik Fresen
s/ Matt Gaetz
s/ Richard "Rich" Glorioso
s/ Tom Goodson
s/ Gayle B. Harrell
s/ Ed Hooper
s/ Matt Hudson
s/ Clay Ingram
John Patrick Julien
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Larry Metz
s/ Bryan Nelson
s/ H. Marlene O'Toole
s/ Jimmy Patronis

s/ W. Keith Perry
Scott Plakon
s/ Stephen L. Precourt
s/ Lake Ray
Betty Reed
Hazelle P. "Hazel" Rogers
Darryl Ervin Rouson, At Large
Ron Saunders, At Large
Irving "Irv" Slosberg
s/ Jimmie T. Smith
Darren Soto
s/ W. Gregory "Greg" Steube
Will W. Weatherford, At Large
s/ Trudi K. Williams
Ritch Workman
s/ Ray Pilon
Elizabeth W. Porter
s/ William L. "Bill" Proctor, At Large
Kenneth L. "Ken" Roberson
s/ Patrick Rooney, Jr.
Franklin Sands, At Large
s/ Robert C. "Rob" Schenck, At Large
s/ William D. Snyder, At Large
Kelli Stargel
s/ Carlos Trujillo
Alan B. Williams
John Wood
s/ Dana D. Young

Managers on the part of the House

The Conference Committee Amendment for SB 2094, relating to state employees, provides for the following:

Resolves the noneconomic collective bargaining issues at impasse between the State of Florida and the bargaining representatives for state employees for the 2011-2012 fiscal year.

The Conference Committee Amendment does not change substantive law.

Conference Committee Amendment (580948)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *All collective bargaining issues at impasse for the 2011-2012 fiscal year between the State of Florida and the certified representatives of the bargaining units for state employees shall be resolved as follows:*

(1) Collective bargaining issues at impasse between the State of Florida and the Florida State Fire Service Association regarding Article 3 "Dues Checkoff," Article 13 "Health and Welfare," and Article 16 "Retirement" shall be resolved pursuant to the state's last offer dated February 10, 2011.

(2) Collective bargaining issues at impasse between the State of Florida and the American Federation of State, County and Municipal Employees, Florida Council 79, regarding Article 3 "Dues Checkoff," Article 16 "Payroll Checkoff," Article 27 "Health Insurance," and Article 30 "Prevailing Rights" shall be resolved pursuant to the state's last offer dated February 10, 2011.

(3) Collective bargaining issues at impasse between the State of Florida and the Police Benevolent Association – Law Enforcement Unit regarding Article 3 "Dues Checkoff," Article 14 "Performance Review," and Article 27 "Insurance Benefits" shall be resolved pursuant to the state's last offer dated February 10, 2011. Article 6 "Grievance Procedure" and Article 24 "On-Call Assignment, Call-Back and Court Appearance" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

(4) Collective bargaining issues at impasse between the State of Florida and the Police Benevolent Association – Special Agent Unit regarding Article 3 "Dues Checkoff" and Article 27 "Insurance Benefits" shall be resolved pursuant to the state's last offer dated February 10, 2011. Article 23 "Workday, Workweek, and Overtime" and Article 24 "On-Call Assignment, Call-Back and Court Appearance" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

(5) Collective bargaining issues at impasse between the State of Florida and the Federation of Physicians and Dentists – State Employees Attorneys Guild regarding Article 3 "Dues Checkoff," Article 19 "Insurance Benefits," and Article 22 "Prevailing Rights" shall be resolved pursuant to the state's last offer dated February 10, 2011. Article 5 "Employee Rights, Management, and Union Communications," Article 7 "Employee Standards of Conduct and Performance," Article 11 "Classification Review and Professional Practice Scope," and Article 17 "Training and Education" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

(6) Collective bargaining issues at impasse between the State of Florida and the Florida Nurses Association regarding Article 3 "Dues Checkoff," Article 23 "Hours of Work/Compensatory Time," Article 27 "Insurance Benefits," and Article 31 "Prevailing Rights" shall be resolved pursuant to the state's last offer dated February 10, 2011. Article 8 "Work Force Reduction," Article 24 "On-Call Assignment," and Article 26 "Differential Pay" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

(7) Collective bargaining issues at impasse between the State of Florida and the Federation of Physicians and Dentists – SES Physicians Unit regarding Article 3 "Dues Checkoff," Article 7 "Employee Standards of Conduct and Performance," Article 19 "Insurance Benefits," and Article 22 "Prevailing Rights" shall be resolved pursuant to the state's last offer dated February 10, 2011. Article 5 "Employee Rights, Management, and Union Communications," Article 6 "Grievance Procedure," Article 8 "Termination Due to a Reduction in Force and Recall," Article 16 "Leaves of Absence, Hours of Work," and Article 17 "Training and Education" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

(8) Collective bargaining issues at impasse between the State of Florida and the Federation of Physicians and Dentists – SES Supervisory Non-Professional Unit regarding Article 3 "Dues Checkoff," Article 23 "Insurance Benefits," and Article 27 "Prevailing Rights" shall be resolved pursuant to the state's last offer dated February 10, 2011. Article 5 "Union Activities and Employee Representation" and Article 15 "Scope of Professional Responsibilities" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

(9) Collective bargaining issues at impasse between the State of Florida and the Police Benevolent Association – Security Services Unit regarding Article 3 "Dues Checkoff," Article 14 "Performance Evaluations," Article 27 "Insurance Benefits," and Article 30 "Prevailing Rights" shall be resolved pursuant to the state's last offer dated February 10, 2011. Article 21 "Out of Title Work" shall be resolved pursuant to the state's last offer dated March 18, 2011. Article 6 "Grievance Procedure," Article 9 "Reassignment, Transfer, Change in Duty Station," Article 18 "Leaves of Absence," Article 23 "Hours of Work/Overtime," and Article 24 "On-Call Assignment and Call-Back" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

(10) Collective bargaining issues at impasse between the State of Florida and the Police Benevolent Association – Florida Highway Patrol Unit regarding Article 3 "Dues Checkoff," Article 16 "Employment Outside State Government," Article 18 "Hours of Work, Leave and Job-Connected Disability," and Article 27 "Insurance Benefits" shall be resolved pursuant to the state's last offer dated February 10, 2011. Article 6 "Grievance Procedure" and Article 24 "On-Call Assignment, Call-Back and Court Appearance" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

(11) Collective bargaining issues at impasse between the Florida Department of Lottery and the Federation of Public Employees regarding Article 3 "Dues Checkoff" and Article 17 "Insurance and Benefits" shall be resolved pursuant to the state's last offer dated February 14, 2011.

All other mandatory collective bargaining issues at impasse for the 2011-2012 fiscal year which are not addressed by this act or the General Appropriations Act for the 2011-2012 fiscal year shall be resolved consistent with the personnel rules in effect on May 1, 2011, and by otherwise maintaining the status quo under the language of the applicable current collective bargaining agreements.

Section 2. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state employees; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing for all other mandatory collective bargaining issues that are at impasse and that are not addressed by the act or the General Appropriations Act to be resolved consistent with personnel rules or by otherwise maintaining the status quo; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2094** was adopted. **SB 2094** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—29

Mr. President	Fasano	Negron
Alexander	Flores	Norman
Altman	Gaetz	Oelrich
Benacquisto	Garcia	Richter
Bennett	Gardiner	Simmons
Bogdanoff	Hays	Sobel
Dean	Jones	Storms
Detert	Latvala	Thrasher
Diaz de la Portilla	Lynn	Wise
Evers	Margolis	

Nays—9

Braynon	Joyner	Ring
Dockery	Montford	Sachs
Hill	Rich	Smith

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 5303, as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

CONFERENCE COMMITTEE REPORT ON HB 5303

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 5303, same being:

An act relating to biomedical research.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

s/ Denise Grimsley
Committee Chair
Gary Aubuchon, At Large
Richard Corcoran
s/ Jose Felix Diaz
s/ Gayle B. Harrell
Mia L. Jones
s/ John Legg, At Large
s/ Seth McKeel, At Large
s/ William L. "Bill" Proctor, At Large
Franklin Sands, At Large
s/ Robert C. "Rob" Schenck, At Large
Will W. Weatherford, At Large
s/ Dana D. Young

s/ Matt Hudson
Chair
Charles S. "Chuck" Chestnut IV
s/ Daniel Davis
James C. "Jim" Frishe
s/ Dorothy L. Hukill, At Large
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
Mark S. Pafford
Kenneth L. "Ken" Roberson
s/ Darryl Ervin Rouson, At Large
Ron Saunders, At Large
s/ William D. Snyder, At Large
s/ W. Gregory "Greg" Steube
John Wood

Managers on the part of the House

The Conference Committee Amendment for HB 5303, relating to biomedical research, provides for the following:

- Revises provisions of s. 216.5602, F.S. (12) as follows:
  - Modifies the amount of revenue from the cigarette surcharge deposited in the Health Care Trust Fund to be reserved and subsequently transferred to the Biomedical Research Trust Fund within the Department of Health from $50 million to $25 million beginning in the 2011-2012 fiscal year .
  - Decreases the amount of funding provided to the James and Esther King Biomedical Research Program from $20 to $5 million subject to an annual appropriation in the General Appropriations Act.
  - Decreases the amount of funding provided to the William G. "Bill" Bankhead Coley Cancer Research Program from $20 to $5 million subject to an annual appropriation in the General Appropriations Act.
  - Decreases the amount of funding provided to the H. Lee Moffitt Cancer Center and Research Program from $10 to $5 million subject to an annual appropriation in the General Appropriations Act.
  - Provides $5 million for the Sylvester Cancer Center at the University of Miami subject to an annual appropriation in the General Appropriations Act.
  - Provides $5 million for the Shands Cancer Hospital at the University of Florida subject to an annual appropriation in the General Appropriations Act.
- The bill provides an effective date of July 1, 2011.

Conference Committee Amendment (704097)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (12) of section 215.5602, Florida Statutes, is amended to read:

215.5602 James and Esther King Biomedical Research Program.—

(12) From funds appropriated to accomplish the goals of this section, up to $250,000 shall be available for the operating costs of the Florida Center for Universal Research to Eradicate Disease. Beginning in the *2011-2012* ~~2010-2011~~ fiscal year and thereafter, *$25* ~~$50~~ million from the revenue deposited into the Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7) shall be reserved for research of tobacco-related or cancer-related illnesses. Of the revenue deposited in the Health Care Trust Fund pursuant to this section, *$25* ~~$50~~ million shall be transferred to the Biomedical Research Trust Fund within the Department of Health. Subject to annual appropriations in the General Appropriations Act, *$5* ~~$20~~ million shall be appropriated to the James and Esther King Biomedical Research Program, *$5* ~~$20~~ million shall be ap-

propriated to the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program created under s. 381.922, *$5* ~~and $10~~ million shall be appropriated to the H. Lee Moffitt Cancer Center and Research Institute established under s. 1004.43*, $5 million shall be appropriated to the Sylvester Comprehensive Cancer Center of the University of Miami, and $5 million shall be appropriated to the University of Florida Shands Cancer Center*.

Section 2. This act shall take effect July 1, 2011.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to biomedical research; amending s. 215.5602, F.S.; revising provisions that specify amounts of revenue to be appropriated to the James and Esther King Biomedical Research Program, the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program, and the H. Lee Moffitt Cancer Center and Research Institute; specifying amounts of revenue to be appropriated to the Sylvester Comprehensive Cancer Center of the University of Miami and the University of Florida Shands Cancer Center; providing an effective date.

On motion by Senator Negron, the Conference Committee Report on **HB 5303** was adopted. **HB 5303** passed as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—31

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Simmons
Bogdanoff	Hill	Siplin
Dean	Jones	Storms
Detert	Latvala	Thrasher
Diaz de la Portilla	Lynn	Wise
Evers	Montford	
Fasano	Negron	

Nays—7

Braynon	Margolis	Sobel
Dockery	Rich	
Joyner	Smith	

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 5401, as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

CONFERENCE COMMITTEE REPORT ON HB 5401

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 5401, same being:

An act relating to the Cybercrime Office.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.

2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Committee Chair
Gary Aubuchon, At Large
Charles S. "Chuck" Chestnut IV, At Large
s/ Dorothy L. Hukill, At Large
s/ John Legg, At Large
s/ Charles McBurney
s/ Larry Metz
s/ W. Keith Perry
s/ William L. "Bill" Proctor, At Large
Ron Saunders, At Large
Irving "Irv" Slosberg
s/ William D. Snyder, At Large
Will W. Weatherford, At Large

s/ Richard "Rich" Glorioso
Chair
s/ Dennis K. Baxley
James W. "J.W." Grant
s/ Doug Holder
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Seth McKeel, At Large
s/ Peter Nehr
s/ Ray Pilon
s/ Darryl Ervin Rouson
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
Darren Soto

Managers on the part of the House

The Conference Committee Amendment for HB 5401, relating to the Cybercrime Office, provides for the following:

The amendment repeals s. 16.61, F.S., and creates s. 943.0415, F.S., transferring the Cybercrime Office from the Department of Legal Affairs to the Department of Law Enforcement.

Conference Committee Amendment (479575)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. *Section 16.61, Florida Statutes, is repealed.*

Section 2. Section 943.0415, Florida Statutes, is created to read:

943.0415 Cybercrime Office.—There is created within the Department of Law Enforcement the Cybercrime Office. The office may investigate violations of state law pertaining to the sexual exploitation of children which are facilitated by or connected to the use of any device capable of storing electronic data.

Section 3. *All powers, duties, functions, records, personnel, property, pending issues and existing contracts, administrative authority, and unexpended balances of appropriations, allocations, and other funds for the administration of the Cybercrime Office are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Legal Affairs to the Department of Law Enforcement.*

Section 4. This act shall take effect July 1, 2011.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to criminal justice; repealing s. 16.61, F.S., relating to the Cybercrime Office within the Department of Legal Affairs; creating s. 943.0415, F.S.; creating the Cybercrime Office within the Department of Law Enforcement to investigate certain violations of state law pertaining to the sexual exploitation of children; transferring and reassigning functions and responsibilities of the Cybercrime Office from the Department of Legal Affairs to the Department of Law Enforcement; providing an effective date.

On motion by Senator Fasano, the Conference Committee Report on **HB 5401** was adopted. **HB 5401** passed as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 5405, as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

CONFERENCE COMMITTEE REPORT ON HB 5405

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 5405, same being:

An act relating to trust funds of the state courts system.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Committee Chair
Gary Aubuchon, At Large
Charles S. "Chuck" Chestnut IV, At Large
s/ Dorothy L. Hukill, At Large
s/ John Legg, At Large
s/ Charles McBurney
s/ Larry Metz
s/ W. Keith Perry
s/ William L. "Bill" Proctor, At Large
Ron Saunders, At Large
Irving "Irv" Slosberg
s/ William D. Snyder, At Large
Will W. Weatherford, At Large
s/ Richard "Rich" Glorioso
Chair
s/ Dennis K. Baxley
James W. "J.W." Grant
s/ Doug Holder
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Seth McKeel, At Large
s/ Peter Nehr
s/ Ray Pilon
s/ Darryl Ervin Rouson
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
Darren Soto

Managers on the part of the House

The Conference Committee Amendment for HB 5405, relating to trust funds of the state courts system, provides for the following:

The bill amends ss. 28.241, 34.041, 35.22, and 44.108, F.S., to redirect moneys generated from filing fees from the state courts' Mediation and Arbitration Trust Fund to the State Courts Revenue Trust Fund. The moneys credited to the trust fund include fees for trial and appellate proceedings, filing fees from any civil action, suit, or proceeding in county court, clerk of district court filing fees, and a filing fee of $1 on all proceedings in the circuit or county courts.

Conference Committee Amendment (419467)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (1) of section 28.241, Florida Statutes, is amended to read:

28.241 Filing fees for trial and appellate proceedings.—

(1)(a)1.a. Except as provided in sub-subparagraph b. and subparagraph 2., the party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a filing fee of up to $395 in all cases in which there are not more than five defendants and an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first *$280* ~~$265~~ in filing fees, $80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, *$195* ~~$180~~ must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, $3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission and used to fund the Florida Clerks of Court Operations Corporation created in s. 28.35, and $1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services. ~~The next $15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund.~~ One third of any filing fees collected by the clerk of the circuit court in excess of $100 shall be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission.

b. The party instituting any civil action, suit, or proceeding in the circuit court under chapter 39, chapter 61, chapter 741, chapter 742, chapter 747, chapter 752, or chapter 753 shall pay to the clerk of that

court a filing fee of up to $295 in all cases in which there are not more than five defendants and an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first *$180* ~~$165~~ in filing fees, $80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, *$95* ~~$80~~ must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, $3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission and used to fund the Florida Clerks of Court Operations Corporation created in s. 28.35, and $1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services. ~~The next $15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund.~~

c. An additional filing fee of $4 shall be paid to the clerk. The clerk shall remit $3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission to fund clerk education. An additional filing fee of up to $18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to $85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. No additional fees, charges, or costs shall be added to the filing fees imposed under this section, except as authorized in this section or by general law.

2.a. Notwithstanding the fees prescribed in subparagraph 1., a party instituting a civil action in circuit court relating to real property or mortgage foreclosure shall pay a graduated filing fee based on the value of the claim.

b. A party shall estimate in writing the amount in controversy of the claim upon filing the action. For purposes of this subparagraph, the value of a mortgage foreclosure action is based upon the principal due on the note secured by the mortgage, plus interest owed on the note and any moneys advanced by the lender for property taxes, insurance, and other advances secured by the mortgage, at the time of filing the foreclosure. The value shall also include the value of any tax certificates related to the property. In stating the value of a mortgage foreclosure claim, a party shall declare in writing the total value of the claim, as well as the individual elements of the value as prescribed in this sub-subparagraph.

c. In its order providing for the final disposition of the matter, the court shall identify the actual value of the claim. The clerk shall adjust the filing fee if there is a difference between the estimated amount in controversy and the actual value of the claim and collect any additional filing fee owed or provide a refund of excess filing fee paid.

d. The party shall pay a filing fee of:

(I) Three hundred and ninety-five dollars in all cases in which the value of the claim is $50,000 or less and in which there are not more than five defendants. The party shall pay an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first *$280* ~~$265~~ in filing fees, $80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, *$195* ~~$180~~ must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, $3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission and used to fund the Florida Clerks of Court Operations Corporation created in s. 28.35, and $1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services~~. The next $15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund~~;

(II) Nine hundred dollars in all cases in which the value of the claim is more than $50,000 but less than $250,000 and in which there are not more than five defendants. The party shall pay an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first *$785* ~~$770~~ in filing fees, $80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, *$700* ~~$685~~ must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, $3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission and used to fund the Florida Clerks of Court Operations Corporation described in s. 28.35, and $1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services~~. The next $15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund~~; or

(III) One thousand nine hundred dollars in all cases in which the value of the claim is $250,000 or more and in which there are not more than five defendants. The party shall pay an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first *$1,785* ~~$1,770~~ in filing fees, $80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, *$1,700* ~~$1,685~~ must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, $3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission to fund the Florida Clerks of Court Operations Corporation created in s. 28.35, and $1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services. ~~The next $15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund.~~

e. An additional filing fee of $4 shall be paid to the clerk. The clerk shall remit $3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission to fund clerk education. An additional filing fee of up to $18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to $85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. No additional fees, charges, or costs shall be added to the filing fees imposed under this section, except as authorized in this section or by general law.

Section 2. Paragraph (b) of subsection (1) of section 34.041, Florida Statutes, is amended to read:

34.041 Filing fees.—

(1)

(b) The first $80 of the filing fee collected under subparagraph (a)4. shall be remitted to the Department of Revenue for deposit into the General Revenue Fund. The next $15 of the filing fee collected under subparagraph (a)4., and the first $10 of the filing fee collected under subparagraph (a)7., shall be deposited in the *State Courts Revenue* ~~state courts' Mediation and Arbitration~~ Trust Fund. An additional filing fee of $4 shall be paid to the clerk. The clerk shall transfer $3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall transfer 50 cents to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission to fund clerk education. Postal charges incurred by the clerk of the county court in making service by mail on defendants or other parties shall be paid by the party at whose instance service is made. Except as provided herein, filing fees and service charges for performing duties of the clerk relating to the county court shall be as provided in ss. 28.24 and 28.241. Except as otherwise provided herein, all filing fees shall be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission. Filing fees imposed by this section may not be added to any penalty imposed by chapter 316 or chapter 318.

Section 3. Subsection (7) of section 35.22, Florida Statutes, is amended to read:

35.22 Clerk of district court; appointment; compensation; assistants; filing fees; teleconferencing.—

(7) The clerk of the district court of appeal is authorized to collect a fee from the parties to an appeal reflecting the actual cost of conducting the proceeding through teleconferencing where the parties have re-

quested that an oral argument or mediation be conducted through teleconferencing. The fee collected for this purpose shall be used to offset the expenses associated with scheduling the teleconference and shall be deposited in the *State Courts Revenue* ~~Mediation/Arbitration~~ Trust Fund.

Section 4. Section 44.108, Florida Statutes, is amended to read:

44.108 Funding of mediation and arbitration.—

(1) Mediation and arbitration should be accessible to all parties regardless of financial status. A filing fee of $1 is levied on all proceedings in the circuit or county courts to fund mediation and arbitration services which are the responsibility of the Supreme Court pursuant to the provisions of s. 44.106. The clerk of the court shall forward the moneys collected to the Department of Revenue for deposit in the *State Courts Revenue* ~~state courts' Mediation and Arbitration~~ Trust Fund.

(2) When court-ordered mediation services are provided by a circuit court's mediation program, the following fees, unless otherwise established in the General Appropriations Act, shall be collected by the clerk of court:

(a) One-hundred twenty dollars per person per scheduled session in family mediation when the parties' combined income is greater than $50,000, but less than $100,000 per year;

(b) Sixty dollars per person per scheduled session in family mediation when the parties' combined income is less than $50,000; or

(c) Sixty dollars per person per scheduled session in county court cases.

No mediation fees shall be assessed under this subsection in residential eviction cases, against a party found to be indigent, or for any small claims action. Fees collected by the clerk of court pursuant to this section shall be remitted to the Department of Revenue for deposit into the *State Courts Revenue* ~~state courts' Mediation and Arbitration~~ Trust Fund to fund court-ordered mediation. The clerk of court may deduct $1 per fee assessment for processing this fee. The clerk of the court shall submit to the chief judge of the circuit and to the Office of the State Courts Administrator, no later than 30 days after the end of each quarter of the fiscal year, ~~beginning July 1, 2008,~~ a report specifying the amount of funds collected and remitted to the *State Courts Revenue* ~~state courts' Mediation and Arbitration~~ Trust Fund under this section and any other section during the previous quarter of the fiscal year. In addition to identifying the total aggregate collections and remissions from all "statutory sources, the report must identify collections and remissions by each statutory source.

~~(3) For the 2010-2011 fiscal year only and notwithstanding any other provision of law to the contrary, moneys in the Mediation and Arbitration Trust Fund may be used as specified in the General Appropriations Act. This subsection expires July 1, 2011.~~

Section 5. This act shall take effect June 1, 2011.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to trust funds of the state courts system; amending s. 28.241, F.S.; redirecting proceeds from part of a filing fee from the state courts' Mediation and Arbitration Trust Fund to the State Courts Revenue Trust Fund; amending s. 34.041, F.S.; redirecting the proceeds from a part of a filing fee from the state courts' Mediation and Arbitration Trust Fund to the State Courts Revenue Trust Fund; amending s. 35.22, F.S.; redirecting the proceeds from a fee from the Mediation/Arbitration Trust Fund to the State Courts Revenue Trust Fund; amending s. 44.108, F.S.; redirecting the proceeds from a part of specified fees from the state courts' Mediation and Arbitration Trust Fund to the State Courts Revenue Trust Fund; deleting an obsolete provision relating to use of moneys in the Mediation and Arbitration Trust Fund; providing an effective date.

On motion by Senator Fasano, the Conference Committee Report on **HB 5405** was adopted. **HB 5405** passed by the required constitutional three-fifths vote of the membership as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 7205, as amended by the Conference Committee Report and by the required constitutional three-fifths vote of the membership.

Robert L. "Bob" Ward, Clerk

CONFERENCE COMMITTEE REPORT ON HB 7205

The Honorable Mike Haridopolos May 5. 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 7205, same being:

An act relating to trust funds.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Chair
Charles S. "Chuck" Chestnut IV, At Large
s/ John Legg, At Large
s/ Seth McKeel, At Large
s/ Darryl Ervin Rouson, At Large
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
Will W. Weatherford, At Large

Gary Aubuchon
Lead House Manager
s/ Dorothy L. Hukill, At Large
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ William L. "Bill" Proctor, At Large
Ron Saunders, At Large
s/ William D. Snyder, At Large

Managers on the part of the House

The Conference Committee Amendment for HB 7205, relating to the State Economic Enhancement and Development Trust Fund, provides for the following:

This bill creates the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. Moneys deposited in the trust fund shall be used for infrastructure and job creation opportunities and for the following purposes or programs:

- Transportation facilities that meet a strategic and essential state interest with respect to the economic development of the state;
- Affordable housing programs and projects in accordance with chapter 420, Florida Statutes;
- Economic development incentives for job creation and capital investment;
- Workforce training associated with locating a new business or expanding an existing business; and
- Tourism promotion and marketing services, functions, and programs.

The trust fund is established for use as a depository for funds credited to the trust fund, to consist of documentary stamp tax proceeds as specified in law, local financial support funds, interest earnings, and cash advances from other trust funds.

In accordance with s. 19(f)(2), Article III of the State Constitution, the trust fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).

The effective date of this act is July 1, 2011.

Conference Committee Amendment (302017)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 288.120, Florida Statutes, is created to read:

288.120 State Economic Enhancement and Development Trust Fund.—

(1) There is created within the Department of Economic Opportunity the State Economic Enhancement and Development Trust Fund. Moneys deposited in the trust fund shall be used for infrastructure and job creation opportunities and for the following purposes or programs:

(a) Transportation facilities that meet a strategic and essential state interest with respect to the economic development of the state;

(b) Affordable housing programs and projects in accordance with chapter 420;

(c) Economic development incentives for job creation and capital investment;

(d) Workforce training associated with locating a new business or expanding an existing business; and

(e) Tourism promotion and marketing services, functions, and programs.

(2) The trust fund is established for use as a depository for funds to be used for the purposes specified in subsection (1). Moneys to be credited to the trust fund shall consist of documentary stamp tax proceeds as specified in law, local financial support funds, interest earnings, and cash advances from other trust funds. Funds shall be expended only pursuant to legislative appropriation or an approved amendment to the department's operating budget pursuant to the provisions of chapter 216.

(3) Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

(4) In accordance with s. 19(f)(2), Article III of the State Constitution, the trust fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).

Section 2. This act shall take effect July 1, 2011, but this act shall not take effect unless it is enacted by a three-fifths vote of the membership of each house of the Legislature.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to trust funds; creating s. 288.120, F.S.; creating the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity; providing for the purpose of the trust fund and sources of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

On motion by Senator Gaetz, the Conference Committee Report on **HB 7205** was adopted. **HB 7205** passed as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Jones	Simmons
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—5

Braynon	Joyner	Smith
Hill	Siplin	

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed CS for CS for HB 1255 as further amended, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for HB 1255—A bill to be entitled An act relating to education accountability; amending s. 1001.20, F.S.; deleting a provision that requires the Florida Virtual School to be administratively housed within the Office of Technology and Information Services within the Office of the Commissioner of Education; amending s. 1001.42, F.S.; revising the powers and duties of district school boards relating to student access to Florida Virtual School courses; creating s. 1001.421, F.S.;

prohibiting district school board members and their relatives from soliciting or accepting certain gifts; amending s. 1002.37, F.S.; conforming provisions to changes made by the act; amending s. 1002.38, F.S.; providing that school grades shall be based on statewide assessments for purposes of the Opportunity Scholarship Program; amending s. 1002.39, F.S.; providing requirements for determining the end of the term of a John M. McKay Scholarship; amending s. 1002.45, F.S.; revising provisions relating to virtual instruction program provider qualifications; amending s. 1002.66, F.S.; providing an additional instructional service for children with disabilities in the Voluntary Prekindergarten Education Program; amending s. 1002.67, F.S.; requiring that the State Board of Education periodically review and revise the performance standards for the statewide kindergarten screening; amending s. 1002.69, F.S.; authorizing nonpublic schools to administer the statewide kindergarten screening to kindergarten students who were enrolled in the Voluntary Prekindergarten Education Program; revising provisions relating to the minimum kindergarten readiness rate and criteria for good cause exemptions from meeting the requirement; requiring prekindergarten enrollment screening and post-assessment under certain circumstances; amending s. 1002.71, F.S.; providing that a child may reenroll more than once in a prekindergarten program if granted a good cause exemption; amending s. 1002.73, F.S.; requiring the Department of Education to adopt procedures relating to prekindergarten enrollment screening, the standardized post-assessment, and reporting of the results of readiness measures; amending s. 1003.01, F.S.; providing an additional special education service; amending s. 1003.4156, F.S.; revising the general requirements for middle grades promotion; providing that a student with a disability may have end-of-course assessment results waived under certain circumstances; providing that a middle grades student may be exempt from reading remediation requirements under certain circumstances; creating s. 1003.4203, F.S.; authorizing each district school board to develop and implement a digital curriculum for students in grades 6 through 12; requiring the Department of Education to develop a model digital curriculum; authorizing partnerships with private businesses and consultants; amending s. 1003.428, F.S.; revising provisions relating to the general requirements for high school graduation; providing that a high school student may be exempt from reading remediation requirements under certain circumstances; amending s. 1003.491, F.S.; revising provisions relating to the development, contents, and approval of the strategic plan to address workforce needs; amending s. 1003.493, F.S.; revising requirements for career and professional academies and enrollment of students; creating s. 1003.4935, F.S.; requiring each district school board to develop a plan to implement a career and professional academy in at least one middle school; providing requirements for middle school career and professional academies and academy courses; amending s. 1003.575, F.S.; providing requirements for completion of an assistive technology assessment; amending s. 1008.22, F.S.; revising provisions relating to the student assessment program for public schools; requiring that the Commissioner of Education direct school districts to participate in certain international assessment programs; authorizing a school principal to exempt certain students from the end-of-course assessment in civics education; revising provisions relating to administration and reporting of results of assessments; amending s. 1008.30, F.S.; revising provisions relating to evaluation of college readiness and providing for postsecondary preparatory instruction; requiring the State Board of Education to adopt certain rules; amending s. 1008.33, F.S.; revising provisions relating to public school improvement; requiring the Department of Education to categorize public schools based on a school's grade that relies on statewide assessments; amending s. 1008.34, F.S.; revising the basis for the designation of school grades; including achievement scores and learning gains for students who are hospital or homebound; amending s. 1011.01, F.S.; revising provisions relating to the annual operating budgets of district school boards and Florida College System institution boards of trustees; amending s. 1011.03, F.S.; revising provisions relating to adopted district school board budgets; creating s. 1011.035, F.S.; requiring each school district to post budgetary information on its website; amending s. 1011.62, F.S.; revising provisions relating to the funding model for exceptional student education programs; requiring the Department of Education to revise the descriptions of services and to implement the revisions; amending s. 1012.39, F.S.; revising provisions relating to the qualifications for nondegreed teachers of career education; providing effective dates.

House Amendment 1 to Senate Amendment 1 (643243)—Remove lines 188-193 and insert: *this state which can teach children who have obtained an implant or assistive hearing device, using faculty certified as listening and*

House Amendment 2 to Senate Amendment 1 (510789) (with title amendment)—Remove lines 1520-1552 and insert:

(f) By September 1, *2011* ~~2009~~, the department shall approve *and a district may select* acceptable premethods and postmethods for measuring student learning gains, including standardized assessments, diagnostic assessments, criterion-referenced and skills-based assessments, or other applicable methods appropriate for each grade level, for use by supplemental educational services providers and local school districts in determining student learning gains. Each method must be able to measure student progress toward mastering the benchmarks or access points set forth in the Sunshine State Standards and the student's supplemental educational services plan. The use of a diagnostic and assessment instrument, which is aligned to a provider's curriculum, is an acceptable premethod and postmethod if the provider can demonstrate that the assessment meets the requirements in this paragraph and is not deemed unreliable or invalid by the department.

And the title is amended as follows:

Remove lines 2018-2023 and insert: measuring student learning gains; amending s.

House Amendment 3 to Senate Amendment 1 (816693)—Remove line 1810 and insert: *before the beginning of the 2012-2013 school year.*

On motion by Senator Wise, the Senate concurred in the House amendments to the Senate amendment.

CS for CS for HB 1255 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Fasano	Negron
Alexander	Flores	Norman
Altman	Gaetz	Oelrich
Benacquisto	Garcia	Richter
Bennett	Gardiner	Ring
Bogdanoff	Hays	Sachs
Dean	Jones	Simmons
Detert	Latvala	Siplin
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise

Nays—5

Hill	Rich	Sobel
Joyner	Smith	

Vote after roll call:

Yea to Nay—Montford

By direction of the President the following Conference Committee Report was read:

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for HB 5005, as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

CONFERENCE COMMITTEE REPORT ON CS for HB 5005

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for HB 5005, same being:

An act relating to the deregulation of professions and occupations.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Chair
Gary Aubuchon, At Large
s/ Paige Kreegel, At Large
s/ John Legg, At Large
s/ Seth McKeel, At Large
s/ Darryl Ervin Rouson, At Large
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
Will W. Weatherford, At Large

s/ Dorothy L. Hukill
Lead House Manager
Charles S. "Chuck" Chestnut IV, At Large
s/ Carlos Lopez-Cantera, At Large
s/ William L. "Bill" Proctor, At Large
Ron Saunders, At Large
s/ William D. Snyder, At Large

Managers on the part of the House

The Conference Committee Amendment for CS for HB 5005, relating to the deregulation of professions and occupations, provides for the following:

- Removes the requirement for auctioneer apprenticeship licensure.
- Provides that out-of-state auctioneers may conduct motor vehicle auctions held for the purpose of sanctioned contests in this state.
- Repeal the registration requirement for the hair braider, hair wrapper, and body wrapper specialties.
- Deregulates the practice of interior design.
- Removes the license classification of rooming house.
- Repeals registration and regulatory requirements on sellers of "business opportunities," as defined in s. 559.801(1), F.S.
- Removes the requirements relating to access to and from public roads and other requirements that specifically apply to outdoor theatres.
- Removes the requirement that a contract to solicit orders within this state between a principal and a commissioned sales representative be in writing and specify the terms of the commission.
- Removes the requirement that cathode ray tubes (CRT, or television picture tubes) be correctly labeled to indicate the new and used components and materials in such picture tubes.
- Provides an effective date of July 1, 2011.

Conference Committee Amendment (518261)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (4) of section 20.165, Florida Statutes, is amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(4)(a) The following boards and programs are established within the Division of Professions:

1. Board of Architecture ~~and Interior Design~~, created under part I of chapter 481.

2. Florida Board of Auctioneers, created under part VI of chapter 468.

3. Barbers' Board, created under chapter 476.

4. Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.

5. Construction Industry Licensing Board, created under part I of chapter 489.

6. Board of Cosmetology, created under chapter 477.

7. Electrical Contractors' Licensing Board, created under part II of chapter 489.

8. Board of Employee Leasing Companies, created under part XI of chapter 468.

9. Board of Landscape Architecture, created under part II of chapter 481.

10. Board of Pilot Commissioners, created under chapter 310.

11. Board of Professional Engineers, created under chapter 471.

12. Board of Professional Geologists, created under chapter 492.

13. Board of Veterinary Medicine, created under chapter 474.

14. Home inspection services licensing program, created under part XV of chapter 468.

15. Mold-related services licensing program, created under part XVI of chapter 468.

Section 2. Section 468.381, Florida Statutes, is amended to read:

468.381 Purpose.—The Legislature finds that unqualified auctioneers ~~and apprentices~~ and unreliable auction businesses present a significant threat to the public. It is the intent of the Legislature to protect the public by creating a board to regulate auctioneers~~, apprentices,~~ and auction businesses ~~and~~ by requiring a license to operate.

Section 3. Subsection (10) is added to section 468.383, Florida Statutes, to read:

468.383 Exemptions.—This act does not apply to the following:

(10) Motor vehicle auctions, as defined in s. 320.27(1)(c)4., conducted by auctioneers licensed in other states and held for the purpose of con-

ducting sanctioned contests among auctioneers, if an auctioneer licensed pursuant to this part is on site to monitor the sanctioned contest.

Section 4. Subsection (3) of section 468.384, Florida Statutes, is amended to read:

468.384 Florida Board of Auctioneers.—

(3) The board shall receive and act upon applications for auctioneer~~, apprentice,~~ and auction business licenses and shall have the power to issue, suspend, and revoke such licenses and to take such other action as is necessary to carry out the provisions of this act.

Section 5. Subsections (3), (5), (6), (7), and (8) of section 468.385, Florida Statutes, are amended to read:

468.385 Licenses required; qualifications; examination.—

(3) *A* ~~No~~ person *may not* ~~shall~~ be licensed as an auctioneer ~~or apprentice~~ if he or she:

(a) Is under 18 years of age; or

(b) Has committed any act or offense in this state or any other jurisdiction which would constitute a basis for disciplinary action under s. 468.389.

(5) Each apprentice *shall work under the supervision of* ~~application and license shall name~~ a licensed auctioneer who has agreed to serve as the supervisor of the apprentice. *An* ~~No~~ apprentice may *not* conduct, or contract to conduct, an auction without the express approval of his or her supervisor. The supervisor shall regularly review the apprentice's records, which are required by the board to be maintained, to determine if such records are accurate and current.

(6) *A* ~~No~~ person *may not* ~~shall~~ be licensed as an auctioneer unless he or she:

(a) Has ~~held an apprentice license and has~~ served as an apprentice for 1 year or more, or has completed a course of study, consisting of not less than 80 classroom hours of instruction, that meets standards adopted by the board;

(b) Has passed the required examination; and

(c) Is approved by the board.

(7)(a) Any auction that is subject to ~~the provisions of~~ this part must be conducted by an auctioneer who has an active license or an apprentice who *is actively supervised by a licensed sponsor* ~~has an active apprentice auctioneer license and who has received prior written sponsor consent~~.

(b) *A* ~~No~~ business *may not* ~~shall~~ auction or offer to auction any property in this state unless it is licensed as an auction business by the board or is exempt from licensure under this act. Each application for licensure shall include the names of the owner and the business, the business mailing address and location, and any other information which the board may require. The owner of an auction business shall report to the board within 30 days *after* ~~of~~ any change in this required information.

(8) A license issued by the department to an auctioneer~~, apprentice,~~ or auction business is not transferable.

Section 6. Present subsections (5) through (10) of section 468.3855, Florida Statutes, are amended, and a new subsection (9) is added to that section, to read:

468.3855 Apprenticeship training requirements.—

~~(5) Each apprentice and sponsor shall file reports as required by board rule.~~

(5)~~(6)~~ A sponsor may not authorize an apprentice to conduct an auction or act as principal auctioneer unless the sponsor has determined that the apprentice has received adequate training to do so.

(6)~~(7)~~ The sponsor *is* ~~shall be~~ responsible for any acts or omissions of the apprentice which constitute a violation of law in relation to the conduct of an auction.

~~(8) All apprentice applications shall be valid for a period of 6 months after board approval. Any applicant who fails to complete the licensure process within that time shall be required to make application as a new applicant.~~

(7)~~(9)~~ Any ~~licensed~~ apprentice who wishes to change the sponsor under whom he or she is *supervised* ~~licensed must submit a new application and application fee. However, a new license fee shall not be required and credit~~ shall be awarded *credit* for training received or any period of apprenticeship served under the previous sponsor.

(8)~~(10)~~ Credit for training received or any period of apprenticeship served *is* ~~shall~~ not ~~be~~ allowed unless it occurred under the supervision of the sponsor ~~under whose supervision the apprentice is licensed~~.

(9) An apprentice must submit verification of his or her apprenticeship signed by the sponsor or sponsors on a form prescribed by the department at the time of submitting the application for an auctioneer license.

Section 7. Subsection (4) and paragraph (b) of subsection (11) of section 468.388, Florida Statutes, are amended to read:

468.388 Conduct of an auction.—

(4) Each auction must be conducted by an auctioneer who has an active license or by an apprentice ~~who has an active apprentice auctioneer license and~~ who has received prior written sponsor consent. Each auction must be conducted under the auspices of a licensed auction business. Any auctioneer or apprentice auctioneer conducting an auction, and any auction business under whose auspices such auction is held, shall be responsible for determining that any auctioneer, apprentice, or auction business with whom they are associated in conducting such auction has an active Florida auctioneer~~, apprentice,~~ or auction business license.

(11)

(b) *A* ~~No~~ licensed auctioneer, ~~apprentice, or~~ *licensed* auction business*, or apprentice* may *not* disseminate or cause to be disseminated any advertisement or advertising which is false, deceptive, misleading, or untruthful. Any advertisement or advertising *is* ~~shall be deemed to be~~ false, deceptive, misleading, or untruthful if it:

1. Contains misrepresentations of facts.

2. Is misleading or deceptive because, in its content or in the context in which it is presented, it makes only a partial disclosure of relevant facts.

3. Creates false or unjustified expectations of the services to be performed.

4. Contains any representation or claim which the advertising licensee fails to perform.

5. Fails to include the name and license number of the principal auctioneer and the auction business.

6. Fails to include the name and license number of the sponsor if an apprentice is acting as the principal auctioneer.

7. Advertises an auction as absolute without specifying any and all items to be sold with reserve or with minimum bids.

8. Fails to include the percentage amount of any buyer's premium or surcharge which is a condition to sale.

Section 8. Section 468.391, Florida Statutes, is amended to read:

468.391 Penalty.—Any auctioneer, apprentice, or auction business or any owner or manager thereof, or, in the case of corporate ownership, any substantial stockholder of the corporation owning the auction business, who operates without an active license *or written sponsorship consent* or violates any provision of the prohibited acts listed under s. 468.389 commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 9. Section 477.0132, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 477.0132, F.S., for present text.)

477.0132 Hair braiding, hair wrapping, and body wrapping; application of chapter.—This chapter does not apply to a person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping.

Section 10. Subsection (7) of section 477.019, Florida Statutes, is amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.—

(7)(a) The board shall prescribe by rule continuing education requirements intended to ensure protection of the public through updated training of licensees and registered specialists, not to exceed 16 hours biennially, as a condition for renewal of a license or registration as a specialist under this chapter. Continuing education courses shall include, but *is* not ~~be~~ limited to, the following subjects as they relate to the practice of cosmetology: human immunodeficiency virus and acquired immune deficiency syndrome; Occupational Safety and Health Administration regulations; workers' compensation issues; state and federal laws and rules as they pertain to cosmetologists, cosmetology, salons, specialists, specialty salons, and booth renters; chemical makeup as it pertains to hair, skin, and nails; and environmental issues. Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the board.

~~(b) Any person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping is exempt from the continuing education requirements of this subsection.~~

(b)~~(c)~~ The board may, by rule, require any licensee in violation of a continuing education requirement to take a refresher course or refresher course and examination in addition to any other penalty. The number of hours for the refresher course may not exceed 48 hours.

Section 11. Paragraph (f) of subsection (1) of section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

~~(f) For hair braiders, hair wrappers, and body wrappers, fees for registration shall not exceed $25.~~

Section 12. Paragraph (g) of subsection (1) of section 477.0265, Florida Statutes, is amended to read:

477.0265 Prohibited acts.—

(1) It is unlawful for any person to:

(g) Advertise or imply that skin care services ~~or body wrapping~~, as performed under this chapter, have any relationship to the practice of massage therapy as defined in s. 480.033(3), except those practices or activities defined in s. 477.013.

Section 13. Paragraph (a) of subsection (1) of section 477.029, Florida Statutes, is amended to read:

477.029 Penalty.—

(1) It is unlawful for any person to:

(a) Hold himself or herself out as a cosmetologist *or*~~,~~ specialist, ~~hair wrapper, hair braider, or body wrapper~~ unless duly licensed*,* ~~or~~ registered, or otherwise authorized~~,~~ as provided in this chapter.

Section 14. Section 481.201, Florida Statutes, is amended to read:

481.201 Purpose.—The primary legislative purpose for enacting this part is to ensure that every architect practicing in this state meets minimum requirements for safe practice. It is the legislative intent that architects who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state. ~~The Legislature further finds that it is in the interest of the public to limit the practice of interior design to interior designers or architects who have the design education and training required by this part or to persons who are exempted from the provisions of this part.~~

Section 15. Section 481.203, Florida Statutes, is amended to read:

481.203 Definitions.—As used in this part*, the term*:

(1)~~(3)~~ "Architect" or "registered architect" means a natural person who is licensed under this part to engage in the practice of architecture.

(2)~~(6)~~ "Architecture" means the rendering or offering to render services in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. These services include planning, providing preliminary study designs, drawings and specifications, job-site inspection, and administration of construction contracts.

(3)~~(1)~~ "Board" means the Board of Architecture ~~and Interior Design~~.

(4)~~(5)~~ "Certificate of authorization" means a certificate issued by the department to a corporation or partnership to practice architecture ~~or interior design~~.

(5)~~(4)~~ "Certificate of registration" means a license issued by the department to a natural person to engage in the practice of architecture ~~or interior design~~.

(6)~~(2)~~ "Department" means the Department of Business and Professional Regulation.

(7)~~(8)~~ "Interior design" means designs, consultations, studies, drawings, specifications, and administration of design construction contracts relating to nonstructural interior elements of a building or structure. "Interior design" includes, but is not limited to, reflected ceiling plans, space planning, furnishings, and the fabrication of nonstructural elements within and surrounding interior spaces of buildings. "Interior design" specifically excludes the design of or the responsibility for architectural and engineering *interior construction relating to the building systems* ~~work~~, except for specification of fixtures and their location within interior spaces. As used in this subsection, "architectural and engineering interior construction relating to the building systems" includes, but is not limited to, construction of structural, mechanical, plumbing, heating, air-conditioning, ventilating, electrical, or vertical transportation systems, or construction which materially affects life-safety systems ~~pertaining to firesafety protection~~ such as fire-rated separations between interior spaces, fire-rated vertical shafts in multistory structures, fire-rated protection of structural elements, smoke evacuation and compartmentalization, emergency ingress or egress systems, and emergency alarm systems.

(8)~~(10)~~ "Nonstructural *interior* element" means an element which does not require structural bracing and which is something other than a load-bearing wall, load-bearing column, or other load-bearing element of a building or structure which is essential to the structural integrity of the building.

(9)~~(11)~~ "Reflected ceiling plan" means a ceiling design plan which is laid out as if it were projected downward and which may include lighting and other elements.

~~(9) "Registered interior designer" or "interior designer" means a natural person who is licensed under this part.~~

(10)~~(16)~~ "Responsible supervising control" means the exercise of direct personal supervision and control throughout the preparation of documents, instruments of service, or any other work requiring the seal and signature of a licensee under this part.

(11)~~(12)~~ "Space planning" means the analysis, programming, or design of spatial requirements, including preliminary space layouts and final planning.

(12)~~(7)~~ "Townhouse" is a single-family dwelling unit not exceeding three stories in height which is constructed in a series or group of attached units with property lines separating such units. Each townhouse shall be considered a separate building and shall be separated from adjoining townhouses by the use of separate exterior walls meeting the

requirements for zero clearance from property lines as required by the type of construction and fire protection requirements; or shall be separated by a party wall; or may be separated by a single wall meeting the following requirements:

(a) Such wall shall provide not less than 2 hours of fire resistance. Plumbing, piping, ducts, or electrical or other building services shall not be installed within or through the 2-hour wall unless such materials and methods of penetration have been tested in accordance with the Standard Building Code.

(b) Such wall shall extend from the foundation to the underside of the roof sheathing, and the underside of the roof shall have at least 1 hour of fire resistance for a width not less than 4 feet on each side of the wall.

(c) Each dwelling unit sharing such wall shall be designed and constructed to maintain its structural integrity independent of the unit on the opposite side of the wall.

~~(13) "Common area" means an area that is held out for use by all tenants or owners in a multiple-unit dwelling, including, but not limited to, a lobby, elevator, hallway, laundry room, clubhouse, or swimming pool.~~

~~(14) "Diversified interior design experience" means experience which substantially encompasses the various elements of interior design services set forth under the definition of "interior design" in subsection (8).~~

~~(15) "Interior decorator services" includes the selection or assistance in selection of surface materials, window treatments, wallcoverings, paint, floor coverings, surface-mounted lighting, surface-mounted fixtures, and loose furnishings not subject to regulation under applicable building codes.~~

Section 16. Subsection (1) and paragraph (a) of subsection (3) of section 481.205, Florida Statutes, are amended to read:

481.205 Board of Architecture ~~and Interior Design~~.—

(1) The Board of Architecture ~~and Interior Design~~ is created within the Department of Business and Professional Regulation. The board shall consist of *seven* ~~11~~ members. Five members must be registered architects who have been engaged in the practice of architecture for at least 5 years~~; three members must be registered interior designers who have been offering interior design services for at least 5 years and who are not also registered architects;~~ and *two* ~~three~~ members must be laypersons who are not, and have never been, architects~~, interior designers,~~ or members of any closely related profession or occupation. At least one member of the board must be 60 years of age or older.

(3)(a) Notwithstanding ~~the provisions of~~ ss. 455.225, 455.228, and 455.32, the duties and authority of the department to receive complaints and investigate and discipline persons licensed under this part, including the ability to determine legal sufficiency and probable cause; to initiate proceedings and issue final orders for summary suspension or restriction of a license pursuant to s. 120.60(6); to issue notices of noncompliance, notices to cease and desist, subpoenas, and citations; to retain legal counsel, investigators, or prosecutorial staff in connection with the licensed practice of architecture ~~and interior design~~; and to investigate and deter the unlicensed practice of architecture ~~and interior design~~ as provided in s. 455.228 are delegated to the board. All complaints and any information obtained pursuant to an investigation authorized by the board are confidential and exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).

Section 17. Section 481.207, Florida Statutes, is amended to read:

481.207 Fees.—The board, by rule, may establish ~~separate~~ fees for architects ~~and interior designers~~, to be paid for applications, examination, reexamination, licensing and renewal, delinquency, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount that covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee is nonrefundable. The fee for initial application and examination for architects ~~and interior designers~~ may not exceed $775 plus the actual per applicant cost to the department for purchase of the examination from the National Council of Architectural Registration Boards ~~or the National Council of Interior Design Qualifications, respectively,~~ or similar national organizations. The biennial renewal fee for architects may not exceed $200. ~~The biennial renewal fee for interior designers may not exceed $500.~~ The delinquency fee may not exceed the biennial renewal fee established by the board for an active license. The board shall establish fees that are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department which are allocated to the regulation of architects ~~and interior designers~~. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of architects ~~and interior designers~~.

Section 18. Section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

~~(1)~~ A person desiring to be licensed as a registered architect shall apply to the department to take the licensure examination. The department shall administer the licensure examination for architects to each applicant who the board certifies:

(1)~~(a)~~ Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination;

(2)(a)~~(b)1.~~ Is a graduate of a school or college of architecture accredited by the National Architectural Accreditation Board; or

(b)~~2.~~ Is a graduate of an approved architectural curriculum, evidenced by a degree from an unaccredited school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of architecture and courses of architectural study based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States; and

(3)~~(c)~~ Has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).

~~(2) A person desiring to be licensed as a registered interior designer shall apply to the department for licensure. The department shall administer the licensure examination for interior designers to each applicant who has completed the application form and remitted the application and examination fees specified in s. 481.207 and who the board certifies:~~

~~(a) Is a graduate from an interior design program of 5 years or more and has completed 1 year of diversified interior design experience;~~

~~(b) Is a graduate from an interior design program of 4 years or more and has completed 2 years of diversified interior design experience;~~

~~(c) Has completed at least 3 years in an interior design curriculum and has completed 3 years of diversified interior design experience; or~~

~~(d) Is a graduate from an interior design program of at least 2 years and has completed 4 years of diversified interior design experience.~~

~~Subsequent to October 1, 2000, for the purpose of having the educational qualification required under this subsection accepted by the board, the applicant must complete his or her education at a program, school, or college of interior design whose curriculum has been approved by the board as of the time of completion. Subsequent to October 1, 2003, all of the required amount of educational credits shall have been obtained in a program, school, or college of interior design whose curriculum has been approved by the board, as of the time each educational credit is gained. The board shall adopt rules providing for the review and approval of programs, schools, and colleges of interior design and courses of interior design study based on a review and inspection by the board of the curriculum of programs, schools, and colleges of interior design in the United States, including those programs, schools, and colleges accredited by the Foundation for Interior Design Education Research. The board shall adopt rules providing for the review and approval of diversified interior design experience required by this subsection.~~

Section 19. Subsection (2) of section 481.211, Florida Statutes, is amended to read:

481.211 Architecture internship required.—

(2) Each applicant for licensure shall complete 1 year of the internship experience required by this section subsequent to graduation from a school or college of architecture as defined in s. 481.209~~(1)~~.

Section 20. Subsections (1) through (4) of section 481.213, Florida Statutes, are amended to read:

481.213 Licensure.—

(1) The department shall license *as an architect* any applicant who the board certifies is qualified for licensure and who has paid the initial licensure fee. ~~Licensure as an architect under this section shall be deemed to include all the rights and privileges of licensure as an interior designer under this section.~~

(2) The board shall certify for licensure *as an architect* by examination any applicant who passes the prescribed licensure examination and satisfies the requirements of ss. 481.209 and 481.211~~, for architects, or the requirements of s. 481.209, for interior designers~~.

(3) The board shall certify as qualified for a license by endorsement as an architect ~~or as an interior designer~~ an applicant who:

(a) Qualifies to take the prescribed licensure examination, and has passed the prescribed licensure examination or a substantially equivalent examination in another jurisdiction, as set forth in s. 481.209 ~~for architects or interior designers, as applicable~~, and has satisfied the internship requirements set forth in s. 481.211 ~~for architects~~;

(b) Holds a valid license to practice architecture ~~or interior design~~ issued by another jurisdiction of the United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria that existed in this state at the time the license was issued~~; provided, however, that an applicant who has been licensed for use of the title "interior design" rather than licensed to practice interior design shall not qualify hereunder~~; or

(c) Has passed the prescribed licensure examination and holds a valid certificate issued by the National Council of Architectural Registration Boards, and holds a valid license to practice architecture issued by another state or jurisdiction of the United States. For the purposes of this paragraph, any applicant licensed in another state or jurisdiction after June 30, 1984, must also hold a degree in architecture and such degree must be equivalent to that required in s. 481.209*(2)*~~(1)(b)~~. Also for the purposes of this paragraph, any applicant licensed in another state or jurisdiction after June 30, 1985, must have completed an internship equivalent to that required by s. 481.211 and any rules adopted with respect thereto.

(4) The board may refuse to certify any applicant who has violated any of the provisions of s. 481.223~~,~~ *or* s. 481.225, ~~or s. 481.2251,~~ as applicable.

Section 21. Section 481.2131, Florida Statutes, is amended to read:

481.2131 Interior design~~; practice requirements; disclosure of compensation for professional services~~.—

(1) *The practice of interior design does not require licensure* ~~A registered interior designer is authorized to perform "interior design" as defined in s. 481.203~~.

(2) Interior design documents ~~prepared by a registered interior designer~~ shall contain a statement that the document is not an architectural or engineering study, drawing, specification, or design and is not to be used for construction of any load-bearing columns, load-bearing framing or walls of structures, or issuance of any building permit, except as otherwise provided by law. Interior design documents ~~that are prepared and sealed by a registered interior designer~~ may, if required by a permitting body, be submitted for the issuance of a building permit for interior construction excluding design of any structural, mechanical, plumbing, heating, air-conditioning, ventilating, electrical, or vertical transportation systems or that materially affect lifesafety systems ~~pertaining to firesafety protection~~ such as fire-rated separations between interior spaces, fire-rated vertical shafts in multistory structures, fire-rated protection of structural elements, smoke evacuation and compartmentalization, emergency ingress or egress systems, and emergency alarm systems.

~~(2) An interior designer shall, before entering into a contract, verbal or written, clearly determine the scope and nature of the project and the method or methods of compensation. The interior designer may offer professional services to the client as a consultant, specifier, or supplier on the basis of a fee, percentage, or markup. The interior designer shall have the responsibility of fully disclosing to the client the manner in which all compensation is to be paid. Unless the client knows and agrees, the interior designer shall not accept any form of compensation from a supplier of goods and services in cash or in kind.~~

Section 22. Subsections (3) and (5) of section 481.215, Florida Statutes, are amended to read:

481.215 Renewal of license.—

(3) *A* ~~No~~ license renewal *may not* ~~shall~~ be issued to an architect ~~or an interior designer~~ by the department until the licensee submits proof satisfactory to the department that, during the 2 years *before* ~~prior to~~ application for renewal, the licensee participated per biennium in not less than 20 hours of at least 50 minutes each per biennium of continuing education approved by the board. The board shall approve only continuing education that builds upon the basic knowledge of architecture ~~or interior design~~. The board may make exception from the requirements of continuing education in emergency or hardship cases.

(5) The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part IV of chapter 553, relating to the licensee's ~~respective~~ area of practice.

Section 23. Subsection (1) of section 481.217, Florida Statutes, is amended to read:

481.217 Inactive status.—

(1) The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license for a registered architect may not exceed 12 contact hours for each year the license was inactive. ~~The minimum continuing education requirement for reactivating a license for a registered interior designer shall be those of the most recent biennium plus one-half of the requirements in s. 481.215 for each year or part thereof during which the license was inactive. The board shall only approve continuing education that builds upon the basic knowledge of interior design.~~

Section 24. Section 481.219, Florida Statutes, is amended to read:

481.219 Certification of partnerships, limited liability companies, and corporations.—

(1) The practice of or the offer to practice architecture ~~or interior design~~ by licensees through a corporation, limited liability company, or partnership offering architectural ~~or interior design~~ services to the public, or by a corporation, limited liability company, or partnership offering architectural ~~or interior design~~ services to the public through licensees under this part as agents, employees, officers, or partners, is permitted, subject to ~~the provisions of~~ this section.

(2) For the purposes of this section, a certificate of authorization *is* ~~shall be~~ required for a corporation, limited liability company, partnership, or person practicing under a fictitious name, offering architectural services to the public jointly or separately. However, when an individual is practicing architecture in her or his own name, she or he *is* ~~shall~~ not ~~be~~ required to be certified under this section. ~~Certification under this subsection to offer architectural services shall include all the rights and privileges of certification under subsection (3) to offer interior design services.~~

~~(3) For the purposes of this section, a certificate of authorization shall be required for a corporation, limited liability company, partnership, or person operating under a fictitious name, offering interior design services to the public jointly or separately. However, when an individual is practicing interior design in her or his own name, she or he shall not be required to be certified under this section.~~

(3)~~(4)~~ All final construction documents and instruments of service which include drawings, specifications, plans, reports, or other papers or

documents involving the practice of architecture which are prepared or approved for the use of the corporation, limited liability company, or partnership and filed for public record within the state shall bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.

~~(5) All drawings, specifications, plans, reports, or other papers or documents prepared or approved for the use of the corporation, limited liability company, or partnership by an interior designer in her or his professional capacity and filed for public record within the state shall bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.~~

(4)~~(6)~~ The department shall issue a certificate of authorization to any applicant who the board certifies as qualified for a certificate of authorization and who has paid the fee set in s. 481.207.

(5)~~(7)~~ The board shall certify an applicant as qualified for a certificate of authorization to offer architectural ~~or interior design~~ services, provided that~~:~~

~~(a)~~ one or more of the principal officers of the corporation or limited liability company, or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act in its behalf in this state as architects, are registered as provided by this part~~; or~~

~~(b) One or more of the principal officers of the corporation or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act in its behalf in this state as interior designers, are registered as provided by this part~~.

(6)~~(8)~~ The department shall adopt rules establishing a procedure for the biennial renewal of certificates of authorization.

(7)~~(9)~~ The department shall renew a certificate of authorization upon receipt of the renewal application and biennial renewal fee.

(8)~~(10)~~ Each partnership, limited liability company, and corporation certified under this section shall notify the department within 30 days *after* ~~of~~ any change in the information contained in the application upon which the certification is based. Any registered architect ~~or interior designer~~ who qualifies the corporation, limited liability company, or partnership as provided in subsection *(5)* ~~(7)~~ shall be responsible for ensuring responsible supervising control of projects of the entity and upon termination of her or his employment with a partnership, limited liability company, or corporation certified under this section shall notify the department of the termination within 30 days.

(9)~~(11)~~ *A* ~~No~~ corporation, limited liability company, or partnership *may not* ~~shall~~ be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section. However, the architect who signs and seals the construction documents and instruments of service *is* ~~shall be~~ liable for the professional services performed~~, and the interior designer who signs and seals the interior design drawings, plans, or specifications shall be liable for the professional services performed~~.

(10)~~(12)~~ Disciplinary action against a corporation, limited liability company, or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered architect ~~or interior designer, respectively~~.

(11)~~(13)~~ ~~Nothing in~~ This section *does not* ~~shall be construed to~~ mean that a certificate of registration to practice architecture ~~or interior design~~ shall be held by a corporation, limited liability company, or partnership. ~~Nothing in~~ This section *does not prohibit* ~~prohibits~~ corporations, limited liability companies, and partnerships from joining together to offer architectural, engineering, ~~interior design,~~ surveying and mapping, and landscape architectural services, or any combination of such services, to the public, provided that each corporation, limited liability company, or partnership otherwise meets the requirements of law.

~~(14) Corporations, limited liability companies, or partnerships holding a valid certificate of authorization to practice architecture shall be permitted to use in their title the term "interior designer" or "registered interior designer."~~

Section 25. Section 481.221, Florida Statutes, is amended to read:

481.221 Seals; display of certificate number.—

(1) The board shall prescribe, by rule, one or more forms of seals to be used by registered architects holding valid certificates of registration.

(2) Each registered architect shall obtain one seal in a form approved by rule of the board and may, in addition, register her or his seal electronically in accordance with ss. 668.001-668.006. All final construction documents and instruments of service which include drawings, plans, specifications, or reports prepared or issued by the registered architect and being filed for public record shall bear the signature and seal of the registered architect who prepared or approved the document and the date on which they were sealed. The signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Final plans, specifications, or reports prepared or issued by a registered architect may be transmitted electronically and may be signed by the registered architect, dated, and sealed electronically with the seal in accordance with ss. 668.001-668.006.

~~(3) The board shall adopt a rule prescribing the distinctly different seals to be used by registered interior designers holding valid certificates of registration. Each registered interior designer shall obtain a seal as prescribed by the board, and all drawings, plans, specifications, or reports prepared or issued by the registered interior designer and being filed for public record shall bear the signature and seal of the registered interior designer who prepared or approved the document and the date on which they were sealed. The signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Final plans, specifications, or reports prepared or issued by a registered interior designer may be transmitted electronically and may be signed by the registered interior designer, dated, and sealed electronically with the seal in accordance with ss. 668.001-668.006.~~

(3)~~(4)~~ *A* ~~No~~ registered architect *may not* ~~shall~~ affix, or permit to be affixed, her or his seal or signature to any final construction document or instrument of service which includes any plan, specification, drawing, or other document which depicts work which she or he is not competent to perform.

~~(5) No registered interior designer shall affix, or permit to be affixed, her or his seal or signature to any plan, specification, drawing, or other document which depicts work which she or he is not competent or licensed to perform.~~

(4)~~(6)~~ *A* ~~No~~ registered architect *may not* ~~shall~~ affix her or his signature or seal to any final construction document or instrument of service which includes drawings, plans, specifications, or architectural documents which were not prepared by her or him or under her or his responsible supervising control or by another registered architect and reviewed, approved, or modified and adopted by her or him as her or his own work according to rules adopted by the board.

~~(7) No registered interior designer shall affix her or his signature or seal to any plans, specifications, or other documents which were not prepared by her or him or under her or his responsible supervising control or by another registered interior designer and reviewed, approved, or modified and adopted by her or him as her or his own work according to rules adopted by the board.~~

(5)~~(8)~~ Final construction documents or instruments of service which include plans, drawings, specifications, or other architectural documents prepared by a registered architect as part of her or his architectural practice shall be of a sufficiently high standard to clearly and accurately indicate or illustrate all essential parts of the work to which they refer.

~~(9) Studies, drawings, specifications, and other related documents prepared by a registered interior designer in providing interior design services shall be of a sufficiently high standard to clearly and accurately indicate all essential parts of the work to which they refer.~~

(6)~~(10)~~ Each registered architect ~~or interior designer~~, and each corporation, limited liability company, or partnership holding a certificate of authorization, shall include its certificate number in any newspaper, telephone directory, or other advertising medium used by the registered architect, ~~interior designer,~~ corporation, limited liability company, or partnership. A corporation, limited liability company, or partnership is not required to display the certificate number of individual registered

architects ~~or interior designers~~ employed by or working within the corporation, limited liability company, or partnership.

(7)~~(11)~~ When the certificate of registration of a registered architect ~~or interior designer~~ has been revoked or suspended by the board, the registered architect ~~or interior designer~~ shall surrender her or his seal to the secretary of the board within a period of 30 days after the revocation or suspension has become effective. If the certificate of the registered architect ~~or interior designer~~ has been suspended for a period of time, her or his seal shall be returned to her or him upon expiration of the suspension period.

(8)~~(12)~~ A person may not sign and seal by any means any final plan, specification, or report after her or his certificate of registration has expired or is suspended or revoked. A registered architect ~~or interior designer~~ whose certificate of registration is suspended or revoked shall, within 30 days after the effective date of the suspension or revocation, surrender her or his seal to the executive director of the board and confirm in writing to the executive director the cancellation of the registered architect's ~~or interior designer's~~ electronic signature in accordance with ss. 668.001-668.006. When a registered architect's ~~or interior designer's~~ certificate of registration is suspended for a period of time, her or his seal shall be returned upon expiration of the period of suspension.

Section 26. Section 481.222, Florida Statutes, is amended to read:

481.222 Architects performing building code inspection services.—Notwithstanding any other provision of law, a person who is currently licensed to practice as an architect under this part may provide building code inspection services described in s. 468.603(6) and (7) to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors Board under part XII of chapter 468. With respect to the performance of such building code inspection services, the architect is subject to the disciplinary guidelines of this part and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of an architect's performance of building code inspection services shall be conducted by the Board of Architecture ~~and Interior Design~~ rather than the Florida Building Code Administrators and Inspectors Board. An architect may not perform plans review as an employee of a local government upon any job that the architect or the architect's company designed.

Section 27. Section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties; injunctive relief.—

(1) A person may not knowingly:

(a) Practice architecture unless the person is an architect or a registered architect; however, a licensed architect who has been licensed by the board and who chooses to relinquish or not to renew his or her license may use the title "Architect, Retired" but may not otherwise render any architectural services.

~~(b) Practice interior design unless the person is a registered interior designer unless otherwise exempted herein; however, an interior designer who has been licensed by the board and who chooses to relinquish or not to renew his or her license may use the title "Interior Designer, Retired" but may not otherwise render any interior design services.~~

(b)~~(c)~~ Use the name or title "architect" or "registered architect," ~~or "interior designer" or "registered interior designer,"~~ or words to that effect, when the person is not then the holder of a valid license issued pursuant to this part.

(c)~~(d)~~ Present as his or her own the license of another.

(d)~~(e)~~ Give false or forged evidence to the board or a member thereof.

(e)~~(f)~~ Use or attempt to use an architect ~~or interior designer~~ license that has been suspended, revoked, or placed on inactive or delinquent status.

(f)~~(g)~~ Employ unlicensed persons to practice architecture ~~or interior design~~.

(g)~~(h)~~ Conceal information relative to violations of this part.

(2) Any person who violates any provision of subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) Notwithstanding chapter 455 or any other law to the contrary, an affected person may maintain an action for injunctive relief to restrain or prevent a person from violating paragraph (1)(a)~~, paragraph (1)(b),~~ or paragraph (1)*(b)*~~(c)~~. The prevailing party is entitled to actual costs and attorney's fees.

(b) For purposes of this subsection, the term "affected person" means a person directly affected by the actions of a person suspected of violating paragraph (1)(a)~~, paragraph (1)(b),~~ or paragraph (1)*(b)*~~(c)~~ and includes, but is not limited to, the department, any person who received services from the alleged violator, or any private association composed primarily of members of the profession the alleged violator is practicing or offering to practice or holding himself or herself out as qualified to practice.

Section 28. *Section 481.2251, Florida Statutes, is repealed.*

Section 29. Subsections (5) through (8) of section 481.229, Florida Statutes, are amended to read:

481.229 Exceptions; exemptions from licensure.—

~~(5)(a) Nothing contained in this part shall prevent a registered architect or a partnership, limited liability company, or corporation holding a valid certificate of authorization to provide architectural services from performing any interior design service or from using the title "interior designer" or "registered interior designer."~~

~~(b) Notwithstanding any other provision of this part, all persons licensed as architects under this part shall be qualified for interior design licensure upon submission of a completed application for such license and a fee not to exceed $30. Such persons shall be exempt from the requirements of s. 481.209(2). For architects licensed as interior designers, satisfaction of the requirements for renewal of licensure as an architect under s. 481.215 shall be deemed to satisfy the requirements for renewal of licensure as an interior designer under that section. Complaint processing, investigation, or other discipline related legal costs related to persons licensed as interior designers under this paragraph shall be assessed against the architects' account of the Regulatory Trust Fund.~~

~~(c) Notwithstanding any other provision of this part, any corporation, partnership, or person operating under a fictitious name which holds a certificate of authorization to provide architectural services shall be qualified, without fee, for a certificate of authorization to provide interior design services upon submission of a completed application therefor. For corporations, partnerships, and persons operating under a fictitious name which hold a certificate of authorization to provide interior design services, satisfaction of the requirements for renewal of the certificate of authorization to provide architectural services under s. 481.219 shall be deemed to satisfy the requirements for renewal of the certificate of authorization to provide interior design services under that section.~~

~~(6) This part shall not apply to:~~

~~(a) A person who performs interior design services or interior decorator services for any residential application, provided that such person does not advertise as, or represent himself or herself as, an interior designer. For purposes of this paragraph, "residential applications" includes all types of residences, including, but not limited to, residence buildings, single family homes, multifamily homes, townhouses, apartments, condominiums, and domestic outbuildings appurtenant to one-family or two family residences. However, "residential applications" does not include common areas associated with instances of multiple unit dwelling applications.~~

~~(b) An employee of a retail establishment providing "interior decorator services" on the premises of the retail establishment or in the furtherance of a retail sale or prospective retail sale, provided that such employee does not advertise as, or represent himself or herself as, an interior designer.~~

(5)~~(7)~~ ~~Nothing in~~ This part *may not* ~~shall~~ be construed as authorizing or permitting an interior designer to engage in the business of, or to act as, a contractor within the meaning of chapter 489, unless registered or certified as a contractor pursuant to chapter 489.

(6)~~(8)~~ A manufacturer of commercial food service equipment or the manufacturer's representative, distributor, or dealer or an employee thereof, who prepares designs, specifications, or layouts for the sale or installation of such equipment is exempt from licensure as an architect ~~or interior designer~~, if:

(a) The designs, specifications, or layouts are not used for construction or installation that may affect structural, mechanical, plumbing, heating, air conditioning, ventilating, electrical, or vertical transportation systems.

(b) The designs, specifications, or layouts do not materially affect lifesafety systems pertaining to firesafety protection, smoke evacuation and compartmentalization, and emergency ingress or egress systems.

(c) Each design, specification, or layout document prepared by a person or entity exempt under this subsection contains a statement on each page of the document that the designs, specifications, or layouts are not architectural~~, interior design,~~ or engineering designs, specifications, or layouts and not used for construction unless reviewed and approved by a licensed architect or engineer.

Section 30. Subsection (1) of section 481.231, Florida Statutes, is amended to read:

481.231 Effect of part locally.—

(1) ~~Nothing in~~ This part *does not* ~~shall be construed to~~ repeal, amend, limit, or otherwise affect any specific provision of any local building code or zoning law or ordinance that has been duly adopted, now or hereafter enacted, which is more restrictive, with respect to the services of registered architects ~~or registered interior designers~~, than ~~the provisions of~~ this part~~; provided, however, that a licensed architect shall be deemed licensed as an interior designer for purposes of offering or rendering interior design services to a county, municipality, or other local government or political subdivision~~.

Section 31. Paragraph (c) of subsection (5) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

(5)

(c) The architect or engineer of record may act as the special inspector provided she or he is on the Board of Professional Engineers' or the Board of *Architecture's* ~~Architecture and Interior Design's~~ list of persons qualified to be special inspectors. School boards may utilize employees as special inspectors provided such employees are on one of the professional licensing board's list of persons qualified to be special inspectors.

Section 32. Subsection (7) of section 558.002, Florida Statutes, is amended to read:

558.002 Definitions.—As used in this chapter, the term:

(7) "Design professional" means a person, as defined in s. 1.01, licensed in this state as an architect, ~~interior designer,~~ landscape architect, engineer, or surveyor.

Section 33. Subsection (1) of section 509.242, Florida Statutes, is amended to read:

509.242 Public lodging establishments; classifications.—

(1) A public lodging establishment shall be classified as a hotel, motel, resort condominium, nontransient apartment, transient apartment, ~~roominghouse,~~ bed and breakfast inn, or resort dwelling if the establishment satisfies the following criteria:

(a) Hotel.—A hotel is any public lodging establishment containing sleeping room accommodations for 25 or more guests and providing the services generally provided by a hotel and recognized as a hotel in the community in which it is situated or by the industry.

(b) Motel.—A motel is any public lodging establishment which offers rental units with an exit to the outside of each rental unit, daily or weekly rates, offstreet parking for each unit, a central office on the property with specified hours of operation, a bathroom or connecting bathroom for each rental unit, and at least six rental units, and which is recognized as a motel in the community in which it is situated or by the industry.

(c) Resort condominium.—A resort condominium is any unit or group of units in a condominium, cooperative, or timeshare plan which is rented more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented for periods of less than 30 days or 1 calendar month, whichever is less.

(d) Nontransient apartment ~~or roominghouse~~.—A nontransient apartment ~~or roominghouse~~ is a building or complex of buildings in which 75 percent or more of the units are available for rent to nontransient tenants.

(e) Transient apartment ~~or roominghouse~~.—A transient apartment ~~or roominghouse~~ is a building or complex of buildings in which more than 25 percent of the units are advertised or held out to the public as available for transient occupancy.

~~(f) Roominghouse. A roominghouse is any public lodging establishment that may not be classified as a hotel, motel, resort condominium, nontransient apartment, bed and breakfast inn, or transient apartment under this section. A roominghouse includes, but is not limited to, a boardinghouse.~~

(f)~~(g)~~ Resort dwelling.—A resort dwelling is any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit which is rented more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented for periods of less than 30 days or 1 calendar month, whichever is less.

(g)~~(h)~~ Bed and breakfast inn.—A bed and breakfast inn is a family home structure, with no more than 15 sleeping rooms, which has been modified to serve as a transient public lodging establishment, which provides the accommodation and meal services generally offered by a bed and breakfast inn, and which is recognized as a bed and breakfast inn in the community in which it is situated or by the hospitality industry.

Section 34. Subsection (9) of section 509.221, Florida Statutes, is amended to read:

509.221 Sanitary regulations.—

(9) Subsections (2), (5), and (6) do not apply to any facility or unit classified as a resort condominium, nontransient apartment, or resort dwelling as described in s. 509.242(1)(c), (d), and *(f)*~~(g)~~.

Section 35. *Chapter 555, Florida Statutes, consisting of sections 555.01, 555.02, 555.03, 555.04, 555.05, 555.07, and 555.08, is repealed.*

Section 36. *Part VIII of chapter 559, Florida Statutes, consisting of sections 559.80, 559.801, 559.802, 559.803, 559.805, 559.807, 559.809, 559.811, 559.813, and 559.815, is repealed.*

Section 37. Section 205.1971, Florida Statutes, is amended to read:

205.1971 Sellers of travel; consumer protection.—A county or municipality may not issue or renew a business tax receipt to engage in business as a seller of travel pursuant to part *X* ~~XI~~ of chapter 559 unless such business exhibits a current registration or letter of exemption from the Department of Agriculture and Consumer Services.

Section 38. Subsection (20) of section 501.604, Florida Statutes, is amended to read:

501.604 Exemptions.—The provisions of this part, except ss. 501.608 and 501.616(6) and (7), do not apply to:

(20) A person who is registered pursuant to part *X* ~~XI~~ of chapter 559 and who is soliciting within the scope of the registration.

Section 39. Paragraph (d) of subsection (3) of section 721.11, Florida Statutes, is amended to read:

721.11 Advertising materials; oral statements.—

(3) The term "advertising material" does not include:

(d) Any audio, written, or visual publication or material relating to the promotion of the availability of any accommodations or facilities, or both, for transient rental, including any arrangement governed by part *X* ~~XI~~ of chapter 559, so long as a mandatory tour of a timeshare plan or attendance at a mandatory sales presentation is not a term or condition of the availability of such accommodations or facilities, or both, and so long as the failure of any transient renter to take a tour of a timeshare plan or attend a sales presentation does not result in the transient renter receiving less than what was promised to the transient renter in such materials.

Section 40. *Section 686.201, Florida Statutes, is repealed.*

Section 41. *Section 817.559, Florida Statutes, is repealed.*

Section 42. *The Legislature recognizes that there is a need to conform the Florida Statutes to the policy decisions reflected in the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services is requested to provide the relevant substantive committees and subcommittees of the Senate and the House of Representatives with assistance, upon request, to enable such committees or subcommittees to prepare draft legislation to conform the Florida Statutes to the provisions of this act.*

Section 43. This act shall take effect July 1, 2011.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to the deregulation of professions and occupations; amending s. 20.165, F.S.; renaming the Board of Architecture and Interior Design, to conform to changes made by the act; amending s. 468.385, F.S.; deleting licensure requirements for auctioneer apprentices; amending ss. 468.381, 468.384, 468.3855, 468.388, and 468.391, F.S., to conform; amending s. 468.383, F.S.; exempting certain auctioneers conducting motor vehicle auction contests from licensure; amending s. 477.0132, F.S.; deleting provisions requiring the registration of persons whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping; providing that the Florida Cosmetology Act does not apply to such persons; amending ss. 477.019, 477.026, 477.0265, and 477.029, F.S., to conform; amending s. 481.2131, F.S.; deleting provisions relating to the registration of interior designers and the regulation of interior design; providing that the practice of interior design does not require licensure; repealing s. 481.2251, F.S., relating to the disciplinary proceedings against registered interior designers; amending s. 481.201, F.S.; deleting legislative findings relating to the practice of interior design, to conform; amending s. 481.203, F.S.; revising definitions relating to the practice of architecture and the practice of interior design; amending s. 481.205, F.S.; renaming the Board of Architecture and Interior Design, to conform; revising membership of the board; conforming provisions; amending ss. 481.207, 481.209, 481.211, 481.213, 481.215, and 481.217, F.S., to conform; amending s. 481.219, F.S.; deleting provisions permitting the practice of or offer to practice interior design through certain business organizations; deleting provisions requiring certificates of authorization for certain business organizations offering interior design services to the public; conforming provisions; amending ss. 481.221, 481.222, 481.223, 481.229, 481.231, and 553.79, F.S., to conform; amending s. 558.002, F.S.; revising the definition of "design professional" for purposes of provisions relating to alternative dispute resolution of construction defects, to conform; amending s. 509.242, F.S.; revising the license classifications of public lodging establishments for purposes of provisions regulating such establishments; amending s. 509.221, F.S.; conforming a cross-reference; repealing chapter 555, F.S., relating to the regulation of outdoor theaters in which audiences view performances from parked vehicles; repealing part VIII of chapter 559, F.S., relating to the Sale of Business Opportunities Act and the regulation of certain business opportunities; amending ss. 205.1971, 501.604, and 721.11, F.S.; conforming a cross-reference; repealing s. 686.201, F.S., relating to contracts with sales representatives involving commissions; repealing s. 817.559, F.S., relating to the labeling of television picture tubes; providing a directive to the Division of Statutory Revision; providing an effective date.

On motion by Senator Hays, the Conference Committee Report on **CS for HB 5005** was adopted. **CS for HB 5005** as amended by the Conference Committee Report failed. The action of the Senate was certified to the House. The vote was:

Yeas—6

Mr. President	Gaetz	Negron
Alexander	Gardiner	Thrasher

Nays—32

Altman	Garcia	Rich
Benacquisto	Hays	Richter
Bennett	Hill	Ring
Bogdanoff	Jones	Sachs
Braynon	Joyner	Simmons
Dean	Latvala	Siplin
Detert	Lynn	Smith
Diaz de la Portilla	Margolis	Sobel
Dockery	Montford	Storms
Evers	Norman	Wise
Fasano	Oelrich	

By direction of the President the following Conference Committee Report was read:

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for HB 5007, as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

CONFERENCE COMMITTEE REPORT ON CS for HB 5007

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for HB 5007, same being:

An act relating to reducing and streamlining regulations.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter

s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Chair
Gary Aubuchon, At Large
s/ Paige Kreegel, At Large
s/ John Legg, At Large
s/ Seth McKeel, At Large
s/ Darryl Ervin Rouson, At Large
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
Will W. Weatherford, At Large
s/ Dorothy L. Hukill
Lead House Manager
Charles S. "Chuck" Chestnut IV, At Large
s/ Carlos Lopez-Cantera, At Large
s/ William L. "Bill" Proctor, At Large
Ron Saunders, At Large
William D. Snyder, At Large

Managers on the part of the House

The Conference Committee Amendment for CS for HB 5007, relating to reducing and streamlining regulations, provides for the following:

- Authorizes the Department of Highway Safety and Motor Vehicles to provide copies of driver licenses to the Department of Business and Professional Regulation (DBPR) to assist in investigations of unlicensed activity.

- Authorizes the DBPR to grant fee waivers for financial hardship or because of errors caused by the department.

- Provides that inactive license holders may only be required to complete one full cycle of continuing education requirements, regardless of how many years they have been inactive.

- Authorizes the Board of Architecture and Interior Design to contract for services.

- Decriminalizes rule violations for real estate and cosmetology related professionals.

- Removes references to the Uniform Professional Appraisal Practice and replaces it with professional practices established by board rule.

- Extends the effective date for the regulation of appraisal management companies, from July 1, 2011, to July 1, 2014.

- Amends the grandfather provision for home inspector licensees to permit Division I contractors and building code inspectors to qualify for licensure. The grandfather provision is extended from March 1, 2011 until July 1, 2012.

- Reduces education requirements for persons licensed as mold assessors or mold remediators to require that the applicant have a high school diploma or its equivalent rather than college coursework. The amendment eliminates the requirement for mold related professionals to have documented coursework in water, mold, and respiratory protection.

- Amends the grandfather provision for mold related services to permit persons with at least one year of experience who have completed at least 10 remediations or assessments to qualify for license. The grandfather provision is extended from March 1, 2011 to July 2012.

- Eliminates the requirement for a licensed asbestos consultant or asbestos contractor to obtain an additional license when operating a sole proprietorship.

- Authorizes accountants with a Masters degree from an accredited state college or university to be licensed without course reviews.

- Authorizes an accountant licensed in another state to become licensed in Florida if the accountant has five years of experience and all applicable fees are paid, regardless of the scope of the out-of-state applicant's coursework.

- Revises the post-licensure education requirements for real estate brokers and sales associates, to provide that the post-licensure requirements do not apply if the broker or associate has received a bachelor's or higher degree in real estate from an accredited institution.

- Eliminates the requirement for a licensed architect to obtain an additional license when operating a sole proprietorship.

- Authorizes landscape designers to submit plans to governmental agencies for approval.

- Preempts to the state matters related to nutritional content and marketing of foods offered by public lodging establishments and public food service establishments.

- Requires public food service establishments that have violated ch. 509, F.S., to complete remedial food safety training from a provider whose program has been approved by the Division of Hotels and Restaurants within the DBPR.

- Increases the inactive license period from two to eight years for Fire Sprinkler Installers.

- Transfers the Department of Agriculture and Consumer Services' responsibilities under the Motor Vehicle Warranty Enforcement Act (or "Lemon Law") to the Attorney General.

- Deletes the authority for the Department of Agriculture and Consumer Services to enforce the prohibition against unconscionable prices relating to the rental or sale of essential commodities during a declared state of emergency (also known as the statutory "Price Gouging" restriction). In addition, the amendment allows consideration of "regional" commodity trends, in addition to the national and international commodity trends, which may be relied upon for legally pricing commodities during declared emergencies.

- Creates a regulatory system for cottage food operations, to exempt from permitting by the Department of Agriculture and Consumer Services a cottage food operation that sells less than $15,000 annually, and provides for labeling requirements of cottage food products.

- Amends ch. 493, F.S., to allow application fees for firearms instructors, managers, recovery agents, private investigators, and others to be paid by electronic funds transfer and deletes authority to pay fees by certified checks.

- Requires the Department of Financial Services to review the merits of consolidating the regulatory structure of the title insurance industry – agents and agencies, as well as title insurance companies – under the department.

- Provides an effective date of July 1, 2011.

Conference Committee Amendment (774853)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 320.90, Florida Statutes, is amended to read:

320.90 Notification of consumer's rights.—The department shall develop a motor vehicle consumer's rights pamphlet which shall be distributed free of charge by the Department of *Legal Affairs* ~~Agriculture and Consumer Services~~ to the motor vehicle owner upon request. Such pamphlet must contain information relating to odometer fraud and provide a summary of the rights and remedies available to all purchasers of motor vehicles.

Section 2. Subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record are exempt from the provisions of s. 119.07(1) and shall be made and issued only for departmental administrative purposes; for the issuance

of duplicate licenses; in response to law enforcement agency requests; to the Department of Business and Professional Regulation pursuant to an interagency agreement for the purpose of accessing digital images for reproduction of licenses issued by the Department of Business and Professional Regulation *or for the purpose of identifying subjects under investigation for unlicensed activity pursuant to s. 455.228*; to the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075; to the Department of Revenue pursuant to an interagency agreement for use in establishing paternity and establishing, modifying, or enforcing support obligations in Title IV-D cases; to the Department of Children and Family Services pursuant to an interagency agreement to conduct protective investigations under part III of chapter 39 and chapter 415; to the Department of Children and Family Services pursuant to an interagency agreement specifying the number of employees in each of that department's regions to be granted access to the records for use as verification of identity to expedite the determination of eligibility for public assistance and for use in public assistance fraud investigations; or to the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims.

Section 3. Subsection (12) is added to section 455.213, Florida Statutes, to read:

455.213 General licensing provisions.—

(12) The department may grant a fee waiver for a license renewal to a licensee on a case-by-case basis due to financial hardship or an error caused by the department.

Section 4. Section 468.8324, Florida Statutes, is amended to read:

468.8324 Grandfather clause.—

(1) A person who performs home inspection services may qualify for licensure as a home inspector under this part if the person submits an application to the department postmarked on or before July 1, 2012, which shows that the applicant:

(a) Possesses certification as a one- and two-family dwelling inspector issued by the International Code Council or the Southern Building Code Congress International;

(b) Has been certified as a one- and two-family dwelling inspector by the Florida Building Code Administrators and Inspectors Board under part XII of this chapter; or

(c) Possesses a Division I contractor license issued under part I of chapter 489.

~~(1) A person who performs home inspection services as defined in this part may qualify for licensure by the department as a home inspector if the person submits an application to the department postmarked on or before March 1, 2011, which shows that the applicant:~~

~~(a) Is certified as a home inspector by a state or national association that requires, for such certification, successful completion of a proctored examination on home inspection services and completes at least 14 hours of verifiable education on such services; or~~

~~(b) Has at least 3 years of experience as a home inspector at the time of application and has completed 14 hours of verifiable education on home inspection services. To establish the 3 years of experience, an applicant must submit at least 120 home inspection reports prepared by the applicant.~~

~~(2) The department may investigate the validity of a home inspection report submitted under paragraph (1)(b) and, if the applicant submits a false report, may take disciplinary action against the applicant under s. 468.832(1)(e) or (g).~~

(2)~~(3)~~ An applicant may not qualify for licensure under this section if he or she has had a home inspector license or a license in any related field revoked at any time or suspended within the previous 5 years or has been assessed a fine that exceeds $500 within the previous 5 years. For purposes of this subsection, a license in a related field includes, but is not limited to, licensure in real estate, construction, mold-related services, or building code administration or inspection.

(3)~~(4)~~ An applicant for licensure under this section must comply with the criminal history, good moral character, and insurance requirements of this part.

Section 5. Subsections (4) through (6) of section 468.8413, Florida Statutes, are renumbered as subsections (3) through (5), respectively, and present subsections (2) and (3) of that section are amended to read:

468.8413 Examinations.—

(2) An applicant may practice in this state as a mold assessor or mold remediator if he or she passes the required examination, is of good moral character, and *possesses a high school diploma or its equivalent* ~~completes one of the following requirements:~~

~~(a)1. For a mold remediator, at least a 2-year associate of arts degree, or the equivalent, with at least 30 semester hours in microbiology, engineering, architecture, industrial hygiene, occupational safety, or a related field of science from an accredited institution and a minimum of 1 year of documented field experience in a field related to mold remediation; or~~

~~2. A high school diploma or the equivalent with a minimum of 4 years of documented field experience in a field related to mold remediation~~.

~~(b)1. For a mold assessor, at least a 2-year associate of arts degree, or the equivalent, with at least 30 semester hours in microbiology, engineering, architecture, industrial hygiene, occupational safety, or a related field of science from an accredited institution and a minimum of 1 year of documented field experience in conducting microbial sampling or investigations; or~~

~~2. A high school diploma or the equivalent with a minimum of 4 years of documented field experience in conducting microbial sampling or investigations.~~

~~(3) The department shall review and approve courses of study in mold assessment and mold remediation.~~

Section 6. Subsections (2) and (3) of section 468.8414, Florida Statutes, are amended to read:

468.8414 Licensure.—

(2) The department shall certify for licensure any applicant who satisfies the requirements of s. 468.8413 *and passes*~~, who has passed~~ the licensing examination~~, and who has documented training in water, mold, and respiratory protection~~. The department may refuse to certify any applicant who has violated any *provision* ~~of the provisions~~ of this part.

(3) The department shall certify as qualified for a license by endorsement an applicant who is of good moral character, who has the insurance coverage required under s. 468.8421, and who:

(a) Is qualified to take the examination as set forth in s. 468.8413 and has passed a certification examination offered by a nationally recognized *or state-recognized* organization that certifies persons in the specialty of mold assessment or mold remediation that has been approved by the department as substantially equivalent to the requirements of this part and s. 455.217; or

(b) Holds a valid license to practice mold assessment or mold remediation issued by another state or territory of the United States if the criteria for issuance of the license were substantially the same as the licensure criteria that is established by this part as determined by the department.

Section 7. Paragraphs (b) through (h) of subsection (1) of section 468.8419, Florida Statutes, are redesignated as paragraphs (a) through (g), respectively, paragraphs (b) through (g) of subsection (2) are redesignated as paragraphs (a) through (f), respectively, and present paragraph (a) of subsection (1), present paragraph (a) of subsection (2), and subsection (4) of that section are amended to read:

468.8419 Prohibitions; penalties.—

(1) A person may not:

~~(a) Effective July 1, 2011, perform or offer to perform any mold assessment unless the mold assessor has documented training in water, mold, and respiratory protection under s. 468.8414(2).~~

(2) A mold remediator, a company that employs a mold remediator, or a company that is controlled by a company that also has a financial interest in a company employing a mold remediator may not:

~~(a) Perform or offer to perform any mold remediation unless the remediator has documented training in water, mold, and respiratory protection under s. 468.8414(2).~~

(4) This section does not apply to unlicensed activity as described in ~~paragraph (1)(a),~~ paragraph (1)*(a)*~~(b),~~ or s. 455.228 that occurs before July 1, 2011.

Section 8. Subsection (1) of section 468.8423, Florida Statutes, is amended to read:

468.8423 Grandfather clause.—

(1) A person who performs mold assessment or mold remediation as defined in this part may qualify for licensure by the department as a mold assessor or mold remediator if the person submits his or her application to the department by *July 1, 2012* ~~March 1, 2011~~, whether postmarked or delivered by that date, and if the person:

(a) Is certified as a mold assessor or mold remediator by a state or national association that requires, for such certification, successful completion of a proctored examination on mold assessment or mold remediation, as applicable~~, and completes at least 60 hours of education on mold assessment or at least 30 hours of education on mold remediation, as applicable~~; or

(b) At the time of application, has at least *1 year* ~~3 years~~ of experience as a mold assessor or mold remediator. To establish the *1 year* ~~3 years~~ of experience, an applicant must submit at least *10* ~~40~~ mold assessments or remediation invoices prepared by the applicant.

Section 9. Subsection (1) of section 469.006, Florida Statutes, is amended to read:

469.006 Licensure of business organizations; qualifying agents.—

(1) If an individual proposes to engage in consulting or contracting in that individual's own name, *or a fictitious name under which the individual is doing business as a sole proprietorship,* the license may be issued only to that individual.

Section 10. Paragraphs (r) and (s) of subsection (1) of section 475.611, Florida Statutes, are redesignated as paragraphs (q) and (r), respectively, and present paragraph (q) of that subsection is amended to read:

475.611 Definitions.—

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

~~(q) "Uniform Standards of Professional Appraisal Practice" means the most recent standards approved and adopted by the Appraisal Standards Board of the Appraisal Foundation.~~

Section 11. Effective July 1, 2014, paragraphs (w) and (x) of subsection (1) of section 475.611, Florida Statutes, as amended by chapter 2010-84, Laws of Florida, and this act, are redesignated as paragraphs (v) and (w), respectively, and paragraph (v) of that subsection is amended to read:

475.611 Definitions.—

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

~~(v) "Uniform Standards of Professional Appraisal Practice" means the most recent standards approved and adopted by the Appraisal Standards Board of the Appraisal Foundation.~~

Section 12. Paragraph (c) of subsection (5) of section 373.461, Florida Statutes, is amended to read:

373.461 Lake Apopka improvement and management.—

(5) PURCHASE OF AGRICULTURAL LANDS.—

(c) The district shall explore the availability of funding from all sources, including any federal, state, regional, and local land acquisition funding programs, to purchase the agricultural lands described in paragraph (a). It is the ~~Legislature's~~ intent *of the Legislature* that, if such funding sources can be identified, acquisition of the lands described in paragraph (a) may be undertaken by the district to purchase these properties from willing sellers. However, the purchase price paid for acquisition of such lands that were in active cultivation during 1996 *may* ~~shall~~ not exceed the highest appraisal obtained by the district for these lands from a state-certified general appraiser following the ~~Uniform~~ standards of professional ~~Appraisal~~ practice *established by rule of the Florida Real Estate Appraisal Board, including standards for the development or communication of a real estate appraisal*. This maximum purchase price limitation *does* ~~shall~~ not include, *and does not apply* ~~nor be applicable~~ to, that portion of the purchase price attributable to consideration of income described in paragraph (b), or that portion attributable to related facilities, or closing costs.

Section 13. Subsection (5) of section 475.615, Florida Statutes, is amended to read:

475.615 Qualifications for registration or certification.—

(5) At the time of filing an application for registration or certification, the applicant must sign a pledge *that, upon registration or certification, she or he will* ~~to~~ comply with the ~~Uniform~~ standards of professional ~~Appraisal~~ practice *established by board rule, including standards for the development or communication of a real estate appraisal,* ~~upon registration or certification~~ and must *also* indicate in writing that she or he understands the types of misconduct for which disciplinary proceedings may be initiated. The application shall expire 1 year after the date received *by the department*.

Section 14. Subsection (4) of section 475.6235, Florida Statutes, is amended to read:

475.6235 Registration of appraisal management companies required.—

(4) At the time of filing an application for registration of an appraisal management company, each person listed in paragraph (2)(f) must sign a pledge *that, upon registration, she or he will* ~~to~~ comply with the ~~Uniform~~ standards of professional ~~Appraisal~~ practice *established by board rule, including standards for the development or communication of a real estate appraisal,* ~~upon registration~~ and must *also* indicate in writing that she or he understands the types of misconduct for which disciplinary proceedings may be initiated. The application shall expire 1 year after the date received *by the department*.

Section 15. Subsection (1), paragraph (b) of subsection (2), and paragraph (b) of subsection (3) of section 475.617, Florida Statutes, are amended to read:

475.617 Education and experience requirements.—

(1) To be registered as a trainee appraiser, an applicant must present evidence satisfactory to the board that she or he has successfully completed at least 100 hours of approved academic courses in subjects related to real estate appraisal, which *must* ~~shall~~ include coverage of the Uniform Standards of Professional Appraisal Practice *or equivalent standards established by board rule* from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. The board may increase the required number of hours to not more than 125 hours. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved on an hour-for-hour basis.

(2) To be certified as a residential appraiser, an applicant must present satisfactory evidence to the board that she or he has met the minimum education and experience requirements prescribed by rule of the board. The board shall prescribe by rule education and experience requirements that meet or exceed the following real property appraiser

qualification criteria adopted on February 20, 2004, by the Appraisal Qualifications Board of the Appraisal Foundation:

(b) Has successfully completed at least 200 classroom hours, inclusive of examination, of approved academic courses in subjects related to real estate appraisal, which *must* ~~shall~~ include a 15-hour *course on the* ~~National~~ Uniform Standards of Professional Appraisal Practice *or equivalent standards established by board rule* ~~course~~ from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved by the board and substituted on an hour-for-hour basis.

(3) To be certified as a general appraiser, an applicant must present evidence satisfactory to the board that she or he has met the minimum education and experience requirements prescribed by rule of the board. The board shall prescribe education and experience requirements that meet or exceed the following real property appraiser qualification criteria adopted on February 20, 2004, by the Appraisal Qualifications Board of the Appraisal Foundation:

(b) Has successfully completed at least 300 classroom hours, inclusive of examination, of approved academic courses in subjects related to real estate appraisal, which *must* ~~shall~~ include a 15-hour *course on the* ~~National~~ Uniform Standards of Professional Appraisal Practice *or equivalent standards established by board rule* ~~course~~ from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved by the board and substituted on an hour-for-hour basis.

Section 16. Subsection (1) of section 475.6175, Florida Statutes, is amended to read:

475.6175 Registered trainee appraiser; postlicensure education required.—

(1) The board shall prescribe postlicensure educational requirements in order for a person to maintain a valid registration as a registered trainee appraiser. If prescribed, the postlicensure educational requirements consist of one or more courses which total no more than the total educational hours required to qualify as a state certified residential appraiser. Such courses must be in subjects related to real estate appraisal and *must* ~~shall~~ include coverage of the Uniform Standards of Professional Appraisal Practice *or equivalent standards established by board rule*. Such courses are provided by a nationally or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451.

Section 17. Paragraph (t) of subsection (1) of section 475.25, Florida Statutes, is amended to read:

475.25 Discipline.—

(1) The commission may deny an application for licensure, registration, or permit, or renewal thereof; may place a licensee, registrant, or permittee on probation; may suspend a license, registration, or permit for a period not exceeding 10 years; may revoke a license, registration, or permit; may impose an administrative fine not to exceed $5,000 for each count or separate offense; and may issue a reprimand, and any or all of the foregoing, if it finds that the licensee, registrant, permittee, or applicant:

(t) Has violated any standard *of professional practice establish by rule of the Florida Real Estate Appraisal Board, including any standard* for the development or communication of a real estate appraisal ~~or other provision of the Uniform Standards of Professional Appraisal Practice, as defined in s. 475.611,~~ as approved and adopted by the Appraisal Standards Board of the Appraisal Foundation, as defined in s. 475.611. This paragraph does not apply to a real estate broker or sales associate who, in the ordinary course of business, performs a comparative market analysis, gives a broker price opinion, or gives an opinion of value of real estate. However, in no event may this comparative market analysis, broker price opinion, or opinion of value of real estate be referred to as an appraisal, as defined in s. 475.611.

Section 18. Subsection (14) of section 475.624, Florida Statutes, is amended to read:

475.624 Discipline.—The board may deny an application for registration or certification; may investigate the actions of any appraiser registered, licensed, or certified under this part; may reprimand or impose an administrative fine not to exceed $5,000 for each count or separate offense against any such appraiser; and may revoke or suspend, for a period not to exceed 10 years, the registration, license, or certification of any such appraiser, or place any such appraiser on probation, if it finds that the registered trainee, licensee, or certificateholder:

(14) Has violated any standard *of professional practice established by board rule, including any standard* for the development or communication of a real estate appraisal ~~or other provision of the Uniform Standards of Professional Appraisal Practice~~.

Section 19. Effective July 1, 2014, subsection (14) of section 475.624, Florida Statutes, as amended by chapter 2010-84, Laws of Florida, and this act, is amended to read:

475.624 Discipline of appraisers.—The board may deny an application for registration or certification of an appraiser; may investigate the actions of any appraiser registered, licensed, or certified under this part; may reprimand or impose an administrative fine not to exceed $5,000 for each count or separate offense against any such appraiser; and may revoke or suspend, for a period not to exceed 10 years, the registration, license, or certification of any such appraiser, or place any such appraiser on probation, if the board finds that the registered trainee, licensee, or certificateholder:

(14) Has violated any standard *of professional practice established by board rule, including any standard* for the development or communication of a real estate appraisal ~~or other provision of the Uniform Standards of Professional Appraisal Practice~~.

Section 20. Paragraph (n) of subsection (1) of section 475.6245, Florida Statutes, is amended to read:

475.6245 Discipline of appraisal management companies.—

(1) The board may deny an application for registration of an appraisal management company; may investigate the actions of any appraisal management company registered under this part; may reprimand or impose an administrative fine not to exceed $5,000 for each count or separate offense against any such appraisal management company; and may revoke or suspend, for a period not to exceed 10 years, the registration of any such appraisal management company, or place any such appraisal management company on probation, if the board finds that the appraisal management company or any person listed in s. 475.6235(2)(f):

(n) Has instructed an appraiser to violate any standard *of professional practice established by board rule, including any standard* for the development or communication of a real estate appraisal ~~or other provision of the Uniform Standards of Professional Appraisal Practice~~.

Section 21. Section 475.628, Florida Statutes, is amended to read:

475.628 Professional standards for appraisers registered, licensed, or certified under this part.—*The board shall adopt rules establishing standards of professional practice that meet or exceed nationally recognized standards of appraisal practice, including those standards developed by the Appraisal Standards Board of the Appraisal Foundation.* Each appraiser registered, licensed, or certified under this part *must* ~~shall~~ comply with the *rules* ~~Uniform Standards of Professional Appraisal Practice~~. Statements on appraisal standards which may be issued for the purpose of clarification, interpretation, explanation, or elaboration through the Appraisal Foundation*, upon adoption by board rule,* shall also be binding on any appraiser registered, licensed, or certified under this part.

Section 22. Paragraphs (f) through (o) of subsection (1) of section 475.42, Florida Statutes, are redesignated as paragraphs (e) through (n), respectively, and present paragraph (e) of that subsection is amended to read:

475.42 Violations and penalties.—

(1) VIOLATIONS.—

~~(c) A person may not violate any lawful order or rule of the commission which is binding upon her or him.~~

Section 23. Paragraphs (d) through (g) of subsection (1) of section 475.626, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, and present paragraphs (b) and (c) of that subsection are amended to read:

475.626 Violations and penalties.—

(1) VIOLATIONS.—

~~(b) No person shall violate any lawful order or rule of the board which is binding upon her or him.~~

~~(c) No person shall commit any conduct or practice set forth in s. 475.624.~~

Section 24. Effective July 1, 2014, paragraphs (d) through (h) of subsection (1) of section 475.626, Florida Statutes, as amended by chapter 2010-84, Laws of Florida, and this act, are redesignated as paragraphs (b) through (f), respectively, and paragraphs (b) and (c) of that subsection are amended to read:

475.626 Violations and penalties.—

(1) A person may not:

~~(b) Violate any lawful order or rule of the board which is binding upon her or him.~~

~~(c) If a registered trainee appraiser or a licensed or certified appraiser, commit any conduct or practice set forth in s. 475.624.~~

Section 25. Paragraphs (d) through (h) of subsection (1) of section 477.0265, Florida Statutes, are redesignated as paragraphs (c) through (g), respectively, and present paragraph (c) of that subsection is amended to read:

477.0265 Prohibited acts.—

(1) It is unlawful for any person to:

~~(c) Engage in willful or repeated violations of this chapter or of any rule adopted by the board.~~

Section 26. Subsection (10) of section 455.271, Florida Statutes, is amended to read:

455.271 Inactive and delinquent status.—

(10) *The board, or the department when there is no board, may not require* ~~Before reactivation,~~ an inactive or delinquent licensee*, except for a licensee under chapter 473 or chapter 475, to complete more than one renewal cycle of* ~~shall meet the same~~ continuing education *to reactivate a license* ~~requirements, if any, imposed on an active status licensee for all biennial licensure periods in which the licensee was inactive or delinquent. This subsection does not apply to persons regulated under chapter 473.~~

Section 27. Subsection (2) of section 468.8317, Florida Statutes, is amended to read:

468.8317 Inactive license.—

(2) A license that *becomes* ~~has become~~ inactive may be reactivated upon application to the department. The department may prescribe by rule continuing education requirements as a condition of reactivating a license. The *rules may not require more than one renewal cycle of* continuing education *to reactivate* ~~requirements for reactivating~~ a license ~~may not exceed 14 hours for each year the license was inactive~~.

Section 28. Subsection (2) of section 468.8417, Florida Statutes, is amended to read:

468.8417 Inactive license.—

(2) A license that *becomes* ~~has become~~ inactive may be reactivated upon application to the department. The department may prescribe by rule continuing education requirements as a condition of reactivating a license. The *rules may not require more than one renewal cycle of* continuing education *to reactivate* ~~requirements for reactivating~~ a license ~~may not exceed 14 hours for each year the license was inactive~~.

Section 29. Subsection (2) of section 477.0212, Florida Statutes, is amended to read:

477.0212 Inactive status.—

(2) The board shall *adopt* ~~promulgate~~ rules relating to licenses *that* ~~which have~~ become inactive and for the renewal of inactive licenses. *The rules may not require more than one renewal cycle of continuing education to reactivate a license.* The board shall prescribe by rule a fee not to exceed $50 for the reactivation of an inactive license and a fee not to exceed $50 for the renewal of an inactive license.

Section 30. Subsection (1) of section 481.217, Florida Statutes, is amended to read:

481.217 Inactive status.—

(1) The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The *rules may not require more than one renewal cycle of* continuing education *to reactivate* ~~requirements for reactivating~~ a license for a registered architect *or* ~~may not exceed 12 contact hours for each year the license was inactive. The minimum continuing education requirement for reactivating a license for a registered~~ interior designer ~~shall be those of the most recent biennium plus one half of the requirements in s. 481.215 for each year or part thereof during which the license was inactive~~. The board *may* ~~shall~~ only approve continuing education *for an interior designer which* ~~that~~ builds upon the basic knowledge of interior design.

Section 31. Subsection (1) of section 481.315, Florida Statutes, is amended to read:

481.315 Inactive status.—

(1) A license that has become inactive or delinquent may be reactivated under this section upon application to the department and payment of any applicable biennial renewal or delinquency fee, or both, and a reactivation fee. *The board may not require a licensee to complete more than one renewal cycle of continuing education requirements* ~~The board may prescribe by rule continuing education requirements as a condition of reactivating the license. The continuing education requirements for reactivating a license may not exceed 12 classroom hours for each year the license was inactive~~.

Section 32. Subsections (3) and (6) of section 489.116, Florida Statutes, are amended to read:

489.116 Inactive and delinquent status; renewal and cancellation notices.—

(3) An inactive status certificateholder or registrant may change to active status at any time *if*~~, provided~~ the certificateholder or registrant meets all requirements for active status, pays any additional licensure fees necessary to equal those imposed on an active status certificateholder or registrant, ~~and~~ pays any applicable late fees*, and meets all continuing education requirements prescribed by the board*.

(6) *The board may not require* an inactive certificateholder or registrant *to complete more than one renewal cycle of* ~~shall comply with the same~~ continuing education *for reactivating a certificate or registration* ~~requirements, if any, that are imposed on an active status certificateholder or registrant~~.

Section 33. Subsection (1) of section 489.519, Florida Statutes, is amended to read:

489.519 Inactive status.—

(1) A certificate or registration that *becomes* ~~has become~~ inactive may be reactivated under s. 489.517 upon application to the department. The board may *not require a licensee to complete more than one renewal cycle of* ~~prescribe, by rule,~~ continuing education *to reactivate* ~~require-~~

~~ments as a condition of reactivating~~ a certificate or registration. ~~The continuing education requirements for reactivating a certificate or registration may not exceed 12 classroom hours for each year the certificate or registration was inactive.~~

Section 34. Subsection (3), paragraph (a) of subsection (4), and paragraph (b) of subsection (7) of section 473.308, Florida Statutes, are amended to read:

473.308 Licensure.—

(3) An applicant for licensure must*:*

(a) Complete ~~have~~ at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university, with a concentration in accounting and business in the total educational program to the extent specified by the board*; or*

(b) Graduate from an accredited university in the state with a master's degree in accounting or its equivalent.

(4)(a) An applicant for licensure after December 31, 2008, must show that he or she has had 1 year of *relevant* work experience. This experience *must* ~~shall~~ include providing any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills, all of which must be verified by a certified public accountant who is licensed by a state or territory of the United States and who has supervised the applicant. This experience is acceptable if it was gained through employment in government, industry, academia, or public practice; constituted a substantial part of the applicant's duties; and was under the supervision of a certified public accountant licensed by a state or territory of the United States. The board shall adopt rules specifying standards and providing for the review and approval of the work experience required by this section.

(7) The board shall certify as qualified for a license by endorsement an applicant who:

(b)1.a. Holds a valid license to practice public accounting issued by another state or territory of the United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria that existed in this state at the time the license was issued; or

b. Holds a valid license to practice public accounting issued by another state or territory of the United States but the criteria for issuance of such license did not meet the requirements of sub-subparagraph a.; has met the requirements of this section for ~~education, work experience, and~~ good moral character; *has at least 5 years of work experience that meets the requirements of subsection (4) or at least 5 years of experience in the practice of public accountancy or its equivalent that meets the requirements of subsection (8);* and has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306; and

2. Has completed continuing education courses that are equivalent to the continuing education requirements for a Florida certified public accountant licensed in this state during the 2 years immediately preceding her or his application for licensure by endorsement.

Section 35. Subsection (6) of section 475.17, Florida Statutes, is amended to read:

475.17 Qualifications for practice.—

(6)*(a) The education course requirements for initial licensure as a sales associate, and* the postlicensure education requirements of this section, ~~and the education course requirements for one to become initially licensed,~~ do not apply to *any applicant or licensed sales associate who has received a bachelor's or higher degree in real estate from an accredited institution of higher education.*

(b) The education course requirements for initial licensure as a broker do not apply to any applicant ~~or licensee~~ who has received a *bachelor's or higher* ~~4-year~~ degree in real estate from an accredited institution of higher education.

Section 36. Subsection (4) of section 481.205, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to that section to read:

481.205 Board of Architecture and Interior Design.—

(4) In addition to the authority granted in subsection (3), the board may contract for all other services pursuant to s. 455.32.

Section 37. Subsection (2) of section 481.219, Florida Statutes, is amended to read:

481.219 Certification of partnerships, limited liability companies, and corporations.—

(2) For the purposes of this section, a certificate of authorization *is* ~~shall be~~ required for a corporation, limited liability company, partnership, or person practicing under a fictitious name, offering architectural services to the public jointly or separately. However, when an individual is practicing architecture in her or his own name, *or in a fictitious name under which the individual is doing business as a sole proprietorship,* she or he *is* ~~shall~~ not ~~be~~ required to be certified under this section. Certification under this subsection to offer architectural services shall include all the rights and privileges of certification under subsection (3) to offer interior design services.

Section 38. Subsection (5) of section 481.329, Florida Statutes, is amended to read:

481.329 Exceptions; exemptions from licensure.—

(5) *This* ~~Nothing in this~~ part *does not prohibit* ~~prohibits~~ any person from engaging in the practice of landscape design~~,~~ as defined in s. 481.303(7) *or from submitting such plans to governmental agencies for approval*. Persons providing landscape design services shall not use the title, term, or designation "landscape architect," "landscape architectural," "landscape architecture," "L.A.," "landscape engineering," or any description tending to convey the impression that she or he is a landscape architect unless she or he is registered as provided in this part.

Section 39. Subsection (3) of section 493.6107, Florida Statutes, is amended to read:

493.6107 Fees.—

(3) The fees set forth in this section must be paid by ~~certified~~ check or money order or, at the discretion of the department, by *electronic funds transfer* ~~agency check~~ at the time the application is approved, except that the applicant for a Class "G" or Class "M" license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee shall not be refunded.

Section 40. Subsection (3) of section 493.6202, Florida Statutes, is amended to read:

493.6202 Fees.—

(3) The fees set forth in this section must be paid by ~~certified~~ check or money order or, at the discretion of the department, by *electronic funds transfer* ~~agency check~~ at the time the application is approved, except that the applicant for a Class "G," Class "C," Class "CC," Class "M," or Class "MA" license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee shall not be refunded.

Section 41. Subsections (7) and (8) of section 493.6401, Florida Statutes, are amended to read:

493.6401 Classes of licenses.—

(7) Any person who operates a *recovery agent* ~~repossessor~~ school or training facility or who conducts an Internet-based training course or a correspondence training course must have a Class "RS" license.

(8) Any individual who teaches or instructs at a Class "RS" *recovery agent* ~~repossessor~~ school or training facility shall have a Class "RI" license.

Section 42. Paragraphs (f) and (g) of subsection (1) and subsection (3) of section 493.6402, Florida Statutes, are amended to read:

493.6402 Fees.—

(1) The department shall establish by rule biennial license fees which shall not exceed the following:

(f) Class "RS" license—*recovery agent* ~~repossessor~~ school or training facility: $60.

(g) Class "RI" license—*recovery agent* ~~repossessor~~ school or training facility instructor: $60.

(3) The fees set forth in this section must be paid by ~~certified~~ check or money order~~,~~ or, at the discretion of the department, by *electronic funds transfer* ~~agency check~~ at the time the application is approved, except that the applicant for a Class "E," Class "EE," or Class "MR" license must pay the license fee at the time the application is made. If a license is revoked or denied, or if an application is withdrawn, the license fee shall not be refunded.

Section 43. Section 493.6406, Florida Statutes, is amended to read:

493.6406 *Recovery agent* ~~Repossession services~~ school or training facility.—

(1) Any school, training facility, or instructor who offers the training outlined in s. 493.6403(2) for *Class "E" or* Class "EE" applicants shall, before licensure of such school, training facility, or instructor, file with the department an application accompanied by an application fee in an amount to be determined by rule, not to exceed $60. The fee shall not be refundable. This training may be offered as face-to-face training, Internet-based training, or correspondence training.

(2) The application *must* ~~shall~~ be signed and *verified by the applicant under oath as provided in s. 92.525* ~~notarized~~ and shall contain, at a minimum, the following information:

(a) The name and address of the school or training facility and, if the applicant is an individual, his or her name, address, and social security or alien registration number.

(b) The street address of the place at which the training is to be conducted or the street address of the Class "RS" school offering Internet-based or correspondence training.

(c) A copy of the training curriculum and final examination to be administered.

(3) The department shall adopt rules establishing the criteria for approval of schools, training facilities, and instructors.

Section 44. Paragraphs (j) through (z) of subsection (1) of section 500.03, Florida Statutes, are redesignated as paragraphs (l) through (bb), respectively, present paragraphs (n) and (p) are amended, and new paragraphs (j) and (k) are added to that subsection, to read:

500.03 Definitions; construction; applicability.—

(1) For the purpose of this chapter, the term:

(j) "Cottage food operation" means a natural person who produces or packages cottage food products at his or her residence and sells such products in accordance with s. 500.80.

(k) "Cottage food product" means food that is not a potentially hazardous food as defined by department rule which is sold by a cottage food operation in accordance with s. 500.80.

(p)~~(n)~~ "Food establishment" means any factory, food outlet, or any other facility manufacturing, processing, packing, holding, or preparing food or selling food at wholesale or retail. The term does not include any business or activity that is regulated under *s. 500.80,* chapter 509*,* or chapter 601. The term includes tomato packinghouses and repackers but does not include any other establishments that pack fruits and vegetables in their raw or natural states, including those fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled, natural form before they are marketed.

(r)~~(p)~~ "Food service establishment" means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes delicatessens that offer prepared food in individual service portions. The term does not include schools, institutions, fraternal organizations, private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, *cottage food operations,* and supply vehicles, nor does the term include a research and development test kitchen limited to the use of employees and which is not open to the general public.

Section 45. Subsection (1) of section 500.121, Florida Statutes, is amended to read:

500.121 Disciplinary procedures.—

(1) In addition to the suspension procedures provided in s. 500.12, *if applicable,* the department may impose a fine not *to exceed* ~~exceeding~~ $5,000 against any retail food store*,* ~~or~~ food establishment*, or cottage food operation* that *violates* ~~has violated~~ this chapter, which fine, when imposed and paid, shall be deposited by the department into the General Inspection Trust Fund. The department may revoke or suspend the permit of any such retail food store or food establishment if it is satisfied that the retail food store or food establishment has:

(a) Violated any of the provisions of this chapter.

(b) Violated or aided or abetted in the violation of any law of this state governing or applicable to retail food stores or food establishments or any lawful rules of the department.

(c) Knowingly committed, or been a party to, any material fraud, misrepresentation, conspiracy, collusion, trick, scheme, or device whereby any other person, lawfully relying upon the word, representation, or conduct of a retail food store or food establishment, acts to her or his injury or damage.

(d) Committed any act or conduct of the same or different character than that enumerated which constitutes fraudulent or dishonest dealing.

Section 46. Section 500.80, Florida Statutes, is created to read:

500.80 Cottage food operations.—

(1)(a) A cottage food operation must comply with the applicable requirements of this chapter but is exempt from the permitting requirements of s. 500.12 if the cottage food operation complies with this section and has annual gross sales of cottage food products that do not exceed $15,000.

(b) For purposes of this subsection, a cottage food operation's annual gross sales include all sales of cottage food products at any location, regardless of the types of products sold or the number of persons involved in the operation. A cottage food operation must provide the department, upon request, with written documentation to verify the operation's annual gross sales.

(2) A cottage food operation may not sell or offer for sale cottage food products over the Internet, by mail order, or at wholesale. Cottage food products that are resold must meet the requirements of subsection (3).

(3) Cottage food products may only be sold if they are prepackaged with a label affixed that contains the following information:

(a) The name and address of the cottage food operation.

(b) The name of the cottage food product.

(c) The ingredients of the cottage food product, in descending order of predominance by weight.

(d) The net weight or net volume of the cottage food product.

(e) Allergen information as specified by federal labeling requirements.

(f) If any nutritional claim is made, appropriate nutritional information as specified by federal labeling requirements.

(g) The following statement printed in at least 10-point type in a color that provides a clear contrast to the background of the label: "Made in a

home kitchen that is not subject to routine inspection by the Department of Agriculture and Consumer Services."

(4) A cottage food operation may only sell cottage food products that it stores on the premises of the cottage food operation.

(5) This section does not exempt a cottage food operation from any state or federal tax law, rule, regulation, or certificate that applies to all cottage food operations.

(6) A cottage food operation must comply with all applicable county and municipal laws and ordinances regulating the preparation, processing, storage, and sale of cottage food products by a cottage food operation or from a person's residence.

(7)(a) The department may investigate any complaint which alleges that a cottage food operation has violated an applicable provision of this chapter or rule adopted under this chapter.

(b) Only upon receipt of a complaint, the department's authorized officer or employee may enter and inspect the premises of a cottage food operation to determine compliance with this chapter and department rules, as applicable. A cottage food operation's refusal to permit the department's authorized officer or employee entry to the premises or to conduct the inspection is grounds for disciplinary action pursuant to s. 500.121.

(8) This section does not apply to a person operating under a food permit issued pursuant to s. 500.12.

Section 47. Paragraph (b) of subsection (1) and subsection (8) of section 501.160, Florida Statutes, are amended to read:

501.160 Rental or sale of essential commodities during a declared state of emergency; prohibition against unconscionable prices.—

(1) As used in this section:

(b) It is prima facie evidence that a price is unconscionable if:

1. The amount charged represents a gross disparity between the price of the commodity or rental or lease of any dwelling unit or self-storage facility that is the subject of the offer or transaction and the average price at which that commodity or dwelling unit or self-storage facility was rented, leased, sold, or offered for rent or sale in the usual course of business during the 30 days immediately *before* ~~prior to~~ a declaration of a state of emergency, *unless* ~~and~~ the increase in the amount charged is ~~not~~ attributable to additional costs incurred in connection with the rental or sale of the commodity or rental or lease of any dwelling unit or self-storage facility, or *regional,* national*,* or international market trends; or

2. The amount charged grossly exceeds the average price at which the same or similar commodity was readily obtainable in the trade area during the 30 days immediately *before* ~~prior to~~ a declaration of a state of emergency, *unless* ~~and~~ the increase in the amount charged is ~~not~~ attributable to additional costs incurred in connection with the rental or sale of the commodity or rental or lease of any dwelling unit or self-storage facility, or *regional,* national*,* or international market trends.

(8) Any violation of this section may be enforced by the ~~Department of Agriculture and Consumer Services, the~~ office of the state attorney~~,~~ or the Department of Legal Affairs.

Section 48. Subsection (7) of section 509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(7) PREEMPTION AUTHORITY.—The regulation of public lodging establishments and public food service establishments, including, but not limited to, ~~the inspection of public lodging establishments and public food service establishments for compliance with the~~ sanitation standards*, inspections* ~~adopted under this section~~, ~~and the regulation of food safety protection standards for required~~ training and testing of ~~food service establishment~~ personnel*, and matters related to the nutritional content and marketing of foods offered in such establishments,* are preempted to the state. This subsection does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code~~,~~ pursuant to ss. 553.80 and 633.022.

Section 49. Subsection (1) of section 509.261, Florida Statutes, is amended to read:

509.261 Revocation or suspension of licenses; fines; procedure.—

(1) Any public lodging establishment or public food service establishment that has operated or is operating in violation of this chapter or the rules of the division, operating without a license, or operating with a suspended or revoked license may be subject by the division to:

(a) Fines not to exceed $1,000 per offense;

(b) Mandatory *completion* ~~attendance~~, at personal expense, *of a remedial* ~~at an~~ educational program *administered* ~~sponsored~~ by *a food safety training program provider whose program is approved by the division as provided in s. 509.049* ~~the Hospitality Education Program~~; and

(c) The suspension, revocation, or refusal of a license issued pursuant to this chapter.

Section 50. Subsection (2) of section 633.537, Florida Statutes, is amended to read:

633.537 Certificate; expiration; renewal; inactive certificate; continuing education.—

(2) A person who holds a valid certificate may maintain such certificate in an inactive status during which time she or he may not engage in contracting. An inactive status certificate shall be void after *four* ~~a~~ 2-year *periods* ~~period~~. The biennial renewal fee for an inactive status certificate shall be $75. An inactive status certificate may be reactivated upon application to the State Fire Marshal and payment of the initial application fee.

Section 51. Subsections (8) through (23) of section 681.102, Florida Statutes, are renumbered as subsections (7) through (22), respectively, and present subsection (7) of that section is amended to read:

681.102 Definitions.—As used in this chapter, the term:

~~(7) "Division" means the Division of Consumer Services of the Department of Agriculture and Consumer Services.~~

Section 52. Subsection (3) of section 681.103, Florida Statutes, is amended to read:

681.103 Duty of manufacturer to conform a motor vehicle to the warranty.—

(3) At the time of acquisition, the manufacturer shall inform the consumer clearly and conspicuously in writing how and where to file a claim with a certified procedure if such procedure has been established by the manufacturer pursuant to s. 681.108. The nameplate manufacturer of a recreational vehicle shall, at the time of vehicle acquisition, inform the consumer clearly and conspicuously in writing how and where to file a claim with a program pursuant to s. 681.1096. The manufacturer shall provide to the dealer and, at the time of acquisition, the dealer shall provide to the consumer a written statement that explains the consumer's rights under this chapter. The written statement shall be prepared by the Department of Legal Affairs and shall contain a toll-free number for the *department which* ~~division that~~ the consumer can contact to obtain information regarding the consumer's rights and obligations under this chapter or to commence arbitration. If the manufacturer obtains a signed receipt for timely delivery of sufficient quantities of this written statement to meet the dealer's vehicle sales requirements, it shall constitute prima facie evidence of compliance with this subsection by the manufacturer. The consumer's signed acknowledgment of receipt of materials required under this subsection shall constitute prima facie evidence of compliance by the manufacturer and dealer. The form of the acknowledgments shall be approved by the Department of Legal Affairs, and the dealer shall maintain the consumer's signed acknowledgment for 3 years.

Section 53. Section 681.108, Florida Statutes, is amended to read:

681.108 Dispute-settlement procedures.—

(1) If a manufacturer has established a procedure *that*~~, which~~ the *department* ~~division~~ has certified as substantially complying with the provisions of 16 C.F.R. part 703, in effect October 1, 1983, and with the provisions of this chapter and the rules adopted under this chapter, and has informed the consumer how and where to file a claim with such procedure pursuant to s. 681.103(3), the provisions of s. 681.104(2) apply to the consumer only if the consumer has first resorted to such procedure. The decisionmakers for a certified procedure shall, in rendering decisions, take into account all legal and equitable factors germane to a fair and just decision, including, but not limited to, the warranty; the rights and remedies conferred under 16 C.F.R. part 703, in effect October 1, 1983; the provisions of this chapter; and any other equitable considerations appropriate under the circumstances. Decisionmakers and staff of a procedure shall be trained in the provisions of this chapter and in 16 C.F.R. part 703, in effect October 1, 1983. In an action brought by a consumer concerning an alleged nonconformity, the decision that results from a certified procedure is admissible in evidence.

(2) A manufacturer may apply to the *department* ~~division~~ for certification of its procedure. After receipt and evaluation of the application, the *department* ~~division~~ shall certify the procedure or notify the manufacturer of any deficiencies in the application or the procedure.

(3) A certified procedure or a procedure of an applicant seeking certification shall submit to the *department* ~~division~~ a copy of each settlement approved by the procedure or decision made by a decisionmaker within 30 days after the settlement is reached or the decision is rendered. The decision or settlement must contain at a minimum the:

(a) Name and address of the consumer;

(b) Name of the manufacturer and address of the dealership from which the motor vehicle was purchased;

(c) Date the claim was received and the location of the procedure office that handled the claim;

(d) Relief requested by the consumer;

(e) Name of each decisionmaker rendering the decision or person approving the settlement;

(f) Statement of the terms of the settlement or decision;

(g) Date of the settlement or decision; and

(h) Statement of whether the decision was accepted or rejected by the consumer.

(4) Any manufacturer establishing or applying to establish a certified procedure must file with the *department* ~~division~~ a copy of the annual audit required under the provisions of 16 C.F.R. part 703, in effect October 1, 1983, together with any additional information required for purposes of certification, including the number of refunds and replacements made in this state pursuant to the provisions of this chapter by the manufacturer during the period audited.

(5) The *department* ~~division~~ shall review each certified procedure at least annually, prepare an annual report evaluating the operation of certified procedures established by motor vehicle manufacturers and procedures of applicants seeking certification, and, for a period not to exceed 1 year, shall grant certification to, or renew certification for, those manufacturers whose procedures substantially comply with the provisions of 16 C.F.R. part 703, in effect October 1, 1983, and with the provisions of this chapter and rules adopted under this chapter. If certification is revoked or denied, the *department* ~~division~~ shall state the reasons for such action. The reports and records of actions taken with respect to certification shall be public records.

(6) A manufacturer whose certification is denied or revoked is entitled to a hearing pursuant to chapter 120.

(7) If federal preemption of state authority to regulate procedures occurs, the provisions of subsection (1) concerning prior resort do not apply.

(8) The *department may* ~~division shall~~ adopt rules to *administer* ~~implement~~ this section.

Section 54. Section 681.109, Florida Statutes, is amended to read:

681.109 Florida New Motor Vehicle Arbitration Board; dispute eligibility.—

(1) If a manufacturer has a certified procedure, a consumer claim arising during the Lemon Law rights period must be filed with the certified procedure no later than 60 days after the expiration of the Lemon Law rights period. If a decision is not rendered by the certified procedure within 40 days of filing, the consumer may apply to the *department* ~~division~~ to have the dispute removed to the board for arbitration.

(2) If a manufacturer has a certified procedure, a consumer claim arising during the Lemon Law rights period must be filed with the certified procedure no later than 60 days after the expiration of the Lemon Law rights period. If a consumer is not satisfied with the decision or the manufacturer's compliance therewith, the consumer may apply to the *department* ~~division~~ to have the dispute submitted to the board for arbitration. A manufacturer may not seek review of a decision made under its procedure.

(3) If a manufacturer *does not have a* ~~has no~~ certified procedure or if *the* ~~a~~ certified procedure does not have jurisdiction to resolve the dispute, a consumer may apply directly to the *department* ~~division~~ to have the dispute submitted to the board for arbitration.

(4) A consumer must request arbitration before the board with respect to a claim arising during the Lemon Law rights period no later than 60 days after the expiration of the Lemon Law rights period, or within 30 days after the final action of a certified procedure, whichever date occurs later.

(5) The *department* ~~division~~ shall screen all requests for arbitration before the board to determine eligibility. The consumer's request for arbitration before the board shall be made on a form prescribed by the department. The *department* ~~division~~ shall forward to the board all disputes that the *department* ~~division~~ determines are potentially entitled to relief under this chapter.

(6) The *department* ~~division~~ may reject a dispute that it determines to be fraudulent or outside the scope of the board's authority. Any dispute deemed by the *department* ~~division~~ to be ineligible for arbitration by the board due to insufficient evidence may be reconsidered upon the submission of new information regarding the dispute. Following a second review, the *department* ~~division~~ may reject a dispute if the evidence is clearly insufficient to qualify for relief. *If the department rejects a dispute, the department must provide notice of the rejection and a brief explanation of the reason for rejection* ~~Any dispute rejected by the division shall be forwarded to the department and a copy shall be sent by registered mail~~ to the consumer and the manufacturer~~, containing a brief explanation as to the reason for rejection~~.

(7) If the *department* ~~division~~ rejects a dispute, the consumer may file a lawsuit to enforce the remedies provided under this chapter. In any civil action arising under this chapter and relating to a matter considered by the *department* ~~division~~, any determination made to reject a dispute is admissible in evidence.

(8) The department *may* ~~shall have the authority to~~ adopt ~~reasonable~~ rules to *administer* ~~carry out the provisions of~~ this section.

Section 55. Subsections (2), (3), (4), (5), (9), (11), and (12) of section 681.1095, Florida Statutes, are amended, and subsection (17) is added to that section, to read:

681.1095 Florida New Motor Vehicle Arbitration Board; creation and function.—

(2) The *board* ~~boards~~ shall hear cases in various locations throughout the state so any consumer whose dispute is approved for arbitration by the *department* ~~division~~ may attend an arbitration hearing at a reasonably convenient location and present a dispute orally. Hearings shall be conducted by panels of three board members assigned by the department. A majority vote of the three-member board panel shall be

required to render a decision. Arbitration proceedings under this section shall be open to the public on reasonable and nondiscriminatory terms.

(3) Each region of the board shall consist of up to eight members. The members of the board shall construe and apply the provisions of this chapter, and rules adopted *under this chapter* ~~thereunder~~, in making their decisions. An administrator and a secretary shall be assigned to each *region of the* board by the Department of Legal Affairs. At least one member of *the* ~~each~~ board *in each region* must *have* ~~be a person with~~ expertise in motor vehicle mechanics. A member *may* ~~must~~ not be employed by a manufacturer or a franchised motor vehicle dealer or be a staff member, a decisionmaker, or a consultant for a procedure. Board members shall be trained in the application of this chapter and any rules adopted under this chapter. *Members of the board*~~,~~ shall be ~~reimbursed for travel expenses pursuant to s. 112.061, and shall be~~ compensated at a rate ~~or wage~~ prescribed by the Attorney General *and are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061*.

(4) Before filing a civil action on a matter subject to s. 681.104, the consumer must first submit the dispute to the *department* ~~division~~, and to the board if such dispute is deemed eligible for arbitration.

(5) Manufacturers shall submit to arbitration conducted by the board if such arbitration is requested by a consumer and the dispute is deemed eligible for arbitration by the *department* ~~division~~ pursuant to s. 681.109.

(9) The decision of the board shall be sent by *any method providing a delivery confirmation* ~~registered mail~~ to the consumer and the manufacturer, and shall contain written findings of fact and rationale for the decision. If the decision is in favor of the consumer, the manufacturer must, within 40 days after receipt of the decision, comply with the terms of the decision. Compliance occurs on the date the consumer receives delivery of an acceptable replacement motor vehicle or the refund specified in the arbitration award. In any civil action arising under this chapter and relating to a dispute arbitrated before the board, any decision by the board is admissible in evidence.

(11) *The* ~~All~~ provisions *of* ~~in~~ this section and s. 681.109 pertaining to compulsory arbitration before the board, the dispute eligibility screening by the *department* ~~division~~, the proceedings and decisions of the board, and any appeals thereof~~,~~ are exempt from ~~the provisions of~~ chapter 120.

(12) An appeal of a decision by the board to the circuit court by a consumer or a manufacturer shall be by trial de novo. In a written petition to appeal a decision by the board, the appealing party must state the action requested and the grounds relied upon for appeal. Within *15* ~~30~~ days *after* ~~of~~ final disposition of the appeal, the appealing party shall furnish the department with ~~notice of such disposition and, upon request, shall furnish the department with~~ a copy of the *settlement or the* order or judgment of the court.

(17) The department may adopt rules to administer this section.

Section 56. Subsections (2) and (4) of section 681.1096, Florida Statutes, are amended to read:

681.1096 RV Mediation and Arbitration Program; creation and qualifications.—

(2) Each manufacturer of a recreational vehicle involved in a dispute that is determined eligible under this chapter, including chassis and component manufacturers which separately warrant the chassis and components and which otherwise meet the definition of manufacturer ~~set forth~~ in s. 681.102~~(14)~~, shall participate in a mediation and arbitration program that is deemed qualified by the department.

(4) The department shall monitor the program for compliance with this chapter. If the program is determined not qualified or if qualification is revoked, then disputes shall be subject to the provisions of ss. 681.109 and 681.1095. If the program is determined not qualified or if qualification is revoked as to a manufacturer, all those manufacturers potentially involved in the eligible consumer dispute shall be required to submit to arbitration conducted by the board if such arbitration is requested by a consumer and the dispute is deemed eligible for arbitration by the *department* ~~division~~ pursuant to s. 681.109. A consumer having a dispute involving one or more manufacturers for which the program has been determined not qualified, or for which qualification has been revoked, is not required to submit the dispute to the program irrespective of whether the program may be qualified as to some of the manufacturers potentially involved in the dispute.

Section 57. Subsection (2) of section 681.112, Florida Statutes, is amended to read:

681.112 Consumer remedies.—

(2) An action brought under this chapter must be commenced within 1 year after the expiration of the Lemon Law rights period, or, if a consumer resorts to an informal dispute-settlement procedure or submits a dispute to the *department* ~~division~~ or board, within 1 year after the final action of the procedure, *department* ~~division~~, or board.

Section 58. Subsection (1) of section 681.117, Florida Statutes, is amended to read:

681.117 Fee.—

(1) A $2 fee shall be collected by a motor vehicle dealer, or by a person engaged in the business of leasing motor vehicles, from the consumer at the consummation of the sale of a motor vehicle or at the time of entry into a lease agreement for a motor vehicle. Such fees shall be remitted to the county tax collector or private tag agency acting as agent for the Department of Revenue. If the purchaser or lessee removes the motor vehicle from the state for titling and registration outside this state, the fee shall be remitted to the Department of Revenue. All fees, less the cost of administration, shall be transferred monthly to the Department of Legal Affairs for deposit into the Motor Vehicle Warranty Trust Fund. ~~The Department of Legal Affairs shall distribute monthly an amount not exceeding one-fourth of the fees received to the Division of Consumer Services of the Department of Agriculture and Consumer Services to carry out the provisions of ss. 681.108 and 681.109. The Department of Legal Affairs shall contract with the Division of Consumer Services for payment of services performed by the division pursuant to ss. 681.108 and 681.109.~~

Section 59. (1) Effective upon this act becoming a law, section 10 of chapter 2010-84, Laws of Florida, is amended to read:

Section 10. This act shall take effect July 1, *2014* ~~2011~~.

(2) If this act becomes a law after June 30, 2011, this section shall operate retroactively to June 30, 2011.

Section 60. *The Department of Financial Services shall conduct a review of the regulatory structure for the state's title insurance industry, whereby title insurance agents and agencies are regulated by the Department of Financial Services and title insurance companies are regulated by the Office of Insurance Regulation of the Financial Services Commission. By December 31, 2011, the Department of Financial Services shall submit a report of its findings and recommendations to the Speaker of the House of Representatives and the President of the Senate. The report shall determine whether effective and efficient oversight may be provided under the existing regulatory structure or whether consolidation of all aspects of title insurance regulation under the Department of Financial Services would provide a more effective and viable method of regulation. The Office of Insurance Regulation shall cooperate with the Department of Financial Services in the department's conduct of this review.*

Section 61. *The Legislature recognizes that there is a need to conform the Florida Statutes to the policy decisions reflected in this act. The Division of Statutory Revision of the Office of Legislative Services is requested to provide the relevant substantive committees and subcommittees of the Senate and the House of Representatives with assistance, upon request, to enable such committees or subcommittees to prepare draft legislation to conform the Florida Statutes to the provisions of this act.*

Section 62. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2011.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to reducing and streamlining regulations; amending s. 320.90, F.S.; transferring the responsibility for distribution of a motor vehicle

consumer's rights pamphlet to a motor vehicle owner from the Department of Agriculture and Consumer Services to the Department of Legal Affairs; amending s. 322.142, F.S.; providing for the release of certain driver license information by the Department of Highway Safety and Motor Vehicles to the Department of Business and Professional Regulation under certain circumstances; amending s. 455.213, F.S.; authorizing the Department of Business and Professional Regulation to grant waivers of license renewal fees under certain circumstances; amending s. 468.8324, F.S.; providing alternative criteria for obtaining a home inspector's license; removing certain application requirements for a person who performs home inspection services and who qualifies for licensure on or before a specified date; amending ss. 468.8413 and 468.8414, F.S.; revising licensing requirements for mold assessors and remediators; deleting certain training requirements; amending s. 468.8419, F.S.; revising prohibitions and penalties for mold assessors and remediators, to conform; conforming a cross-reference; amending s. 468.8423, F.S.; revising alternative criteria for obtaining a mold assessor's or mold remediator's license; deleting certain education requirements; amending s. 469.006, F.S.; authorizing an asbestos consultant or contractor doing business as a sole proprietorship to be licensed under his or her fictitious name; amending s. 475.611, F.S.; deleting the definition of the term "Uniform Standards of Professional Appraisal Practice"; amending s. 373.461, F.S.; revising requirements for the standards of professional practice followed by appraisers providing appraisals to the St. Johns River Water Management District for certain agricultural lands discharging to Lake Apopka for purposes of a limit on the purchase price of such lands, to conform; amending ss. 475.615 and 475.6235, F.S.; revising the application requirements for registered or certified appraisers, and registered appraisal management companies, to conform; amending ss. 475.617 and 475.6175, F.S.; revising the education requirements for registered trainee appraisers, to conform; amending ss. 475.25, 475.624, and 475.6245, F.S.; revising the grounds for discipline of licensed real estate brokers and sales associates, registered brokerage firms, real estate school permittees, registered or certified appraisers, registered appraisal management companies, and applicants for licensure, registration, certification, or permit, to which penalties apply; prohibiting violations of the standards of professional practice established by the Florida Real Estate Appraisal Board; prohibiting an appraisal management company from instructing an appraiser to violate the standards of professional practice; conforming provisions; amending s. 475.628, F.S.; authorizing the board to adopt rules establishing standards of professional practice; requiring registered, licensed, and certified appraisers to comply with the rules; amending ss. 475.42, 475.626, and 477.0265, F.S.; deleting criminal penalties for persons who violate orders or rules of the Florida Real Estate Commission, persons who violate orders or rules of the Florida Real Estate Appraisal Board or related grounds for disciplinary action, and persons who commit certain violations of the Florida Cosmetology Act or rules of the Board of Cosmetology; amending ss. 455.271, 468.8317, 468.8417, 477.0212, 481.217, 481.315, 489.116, and 489.519, F.S.; revising the continuing education requirements for reactivating a license, certificate, or registration to practice certain regulated professions and occupations; amending s. 473.308, F.S.; revising licensure requirements for certified public accountants and firms; revising licensure requirements for certain persons licensed to practice public accounting in another state or territory; amending s. 475.17, F.S.; revising the education requirements for licensed real estate brokers and sales associates; amending s. 481.205, F.S.; authorizing the Board of Architecture and Interior Design to contract for services under the Management Privatization Act; amending s. 481.219, F.S.; providing that a certificate of authorization is not required for an architect doing business as a sole proprietorship under his or her fictitious name; amending s. 481.329, F.S.; providing for applicability of provisions regulating the practice of landscape architecture; amending ss. 493.6107 and 493.6202, F.S.; revising requirements for the method of payment of certain fees; amending s. 493.6401, F.S.; revising terminology for repossessor schools and training facilities; amending s. 493.6402, F.S.; conforming terminology; revising requirements for the method of payment of certain fees; amending s. 493.6406, F.S.; revising the license application requirements for recovery agent schools, training facilities, and instructors; conforming terminology; amending s. 500.03, F.S.; providing and revising definitions for purposes of the Florida Food Safety Act; amending s. 500.121, F.S.; providing penalties for food safety violations committed by cottage food operations; creating s. 500.80, F.S.; exempting cottage food operations from food permitting requirements; limiting the annual gross sales of cottage food operations and the methods by which cottage food products may be sold or offered for sale; requiring certain packaging and labeling of cottage food products; requiring cottage food products that are resold to meet the packaging and labeling requirements; providing for application; authorizing the Department of Agriculture and Consumer Services to investigate complaints and enter into the premises of a cottage food operation; amending s. 501.160, F.S.; revising the conditions to establish prima facie evidence that prices charged during a declared state of emergency are unconscionable; deleting authority for the department to enforce certain prohibitions against unconscionable practices during a declared state of emergency; amending s. 509.032, F.S.; revising which matters relating to the regulation of public lodging establishments and public food service establishments are preempted to the state; amending s. 509.261, F.S.; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to require certain public lodging establishments and public food service establishments to complete certain remedial educational programs; amending s. 633.537, F.S.; revising the validity period for inactive status certificates of fire protection system contractors; amending ss. 681.102, 681.103, 681.108, and 681.109, F.S.; deleting a definition; transferring certain responsibilities of the Division of Consumer Services for the Motor Vehicle Warranty Enforcement Act to the Department of Legal Affairs; conforming provisions; amending s. 681.1095, F.S.; authorizing that notices of rejected Lemon Law disputes and decisions of the Florida New Motor Vehicle Arbitration Board be provided by methods other than registered mail; authorizing the Department of Legal Affairs to adopt rules; conforming provisions; amending ss. 681.1096 and 681.112, F.S.; conforming a cross-reference; conforming provisions; amending s. 681.117, F.S.; deleting provisions providing for the transfer of certain fees and interagency contracting between the Department of Legal Affairs and the Division of Consumer Services, to conform; amending s. 10, ch. 2010-84, Laws of Florida; revising the effective date of provisions relating to the regulation of real estate appraisers and appraisal management companies; providing for retroactive operation under certain circumstances; directing the Department of Financial Services to submit a report to the Legislature on the regulatory structure for the title insurance industry; providing a directive to the Division of Statutory Revision; providing effective dates.

On motion by Senator Hays, the Conference Committee Report on **CS for HB 5007** was adopted. **CS for HB 5007** as amended by the Conference Committee Report failed. The action of the Senate was certified to the House. The vote was:

Yeas—18

Mr. President	Detert	Norman
Alexander	Fasano	Oelrich
Altman	Gaetz	Richter
Bennett	Gardiner	Simmons
Bogdanoff	Hays	Thrasher
Dean	Negron	Wise

Nays—21

Benacquisto	Hill	Rich
Braynon	Jones	Ring
Diaz de la Portilla	Joyner	Sachs
Dockery	Latvala	Siplin
Evers	Lynn	Smith
Flores	Margolis	Sobel
Garcia	Montford	Storms

Vote after roll call:

Nay to Yea—Benacquisto

By direction of the President the following Conference Committee Report was read:

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 5305, as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

CONFERENCE COMMITTEE REPORT ON HB 5305

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 5305, same being:

An act relating to the Correctional Medical Authority.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Committee Chair
Gary Aubuchon, At Large
Richard Corcoran
s/ Jose Felix Diaz
s/ Gayle B. Harrell
Mia L. Jones
s/ John Legg, At Large
s/ Seth McKeel, At Large
s/ William L. "Bill" Proctor, At Large
Franklin Sands, At Large
s/ Robert C. "Rob" Schenck, At Large
Will W. Weatherford, At Large
s/ Dana D. Young

s/ Matt Hudson
Chair
Charles S. "Chuck" Chestnut IV
s/ Daniel Davis
James C. "Jim" Frishe
s/ Dorothy L. Hukill, At Large
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
Mark S. Pafford
Kenneth L. "Ken" Roberson
s/ Darryl Ervin Rouson, At Large
Ron Saunders, At Large
s/ William D. Snyder, At Large
s/ W. Gregory "Greg" Steube
John Wood

Managers on the part of the House

The Conference Committee Amendment for HB 5305, relating to the Correctional Medical Authority, provides for the following:

- Repeals sections of statute creating and establishing the duties of the Correctional Medical Authority.
- Eliminates 6 FTE and $717,680 in General Revenue Funds.
- Amends s. 381.90, F.S., statute to remove the Executive Director of the Correctional Medical Authority from serving as a member of the Health Information Systems Council.
- Amends s. 766.101, F.S., to remove the reference to the Correctional Medical Authority as it relates to the term "medical review committee" or "committee."
- Amends s. 944.8041, F.S., to remove the Correctional Medical Authority from the requirement that the CMA and the Department of Corrections submit an annual report on the status and treatment of elderly offenders in state and private correctional systems.
- Amends s. 945.35, F.S., to remove the Correctional Medical Authority from the requirement for education on human immunodeficiency virus, acquired immune deficiency syndrome, and other communicable diseases.
- Amends s. 945.6032, F.S.; to remove the reference to the Correctional Medical Authority as it relates to the "medical review committee" responsibilities.
- Amends s. 945.6034, F.S., to remove the Correctional Medical Authority from the requirement that the Department of Corrections submit all health care standards to the CMA for review prior to adoption and for the CMA to determine whether they conform to the standard of care generally accepted in the professional health care community.
- Amends s. 951.27, F.S., to remove reference to the recommendations of the Correctional Medical Authority concerning blood tests of inmates.
- Provides an effective date of July 1, 2011.

Conference Committee Amendment (799681)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. *Sections 945.601, 945.602, 945.603, 945.6031, 945.6035, and 945.6036, Florida Statutes, are repealed.*

Section 2. Subsection (3) of section 381.90, Florida Statutes, is amended to read:

381.90 Health Information Systems Council; legislative intent; creation, appointment, duties.—

(3) The council shall be composed of the following members or their senior executive-level designees:

(a) The State Surgeon General;

(b) The Executive Director of the Department of Veterans' Affairs;

(c) The Secretary of Children and Family Services;

(d) The Secretary of Health Care Administration;

(e) The Secretary of Corrections;

(f) The Attorney General;

~~(g) The Executive Director of the Correctional Medical Authority;~~

(g)~~(h)~~ Two members representing county health departments, one from a small county and one from a large county, appointed by the Governor;

(h)~~(i)~~ A representative from the Florida Association of Counties;

(i)~~(j)~~ The Chief Financial Officer;

(j)~~(k)~~ A representative from the Florida Healthy Kids Corporation;

(k)~~(l)~~ A representative from a school of public health chosen by the Commissioner of Education;

(l)~~(m)~~ The Commissioner of Education;

(m)~~(n)~~ The Secretary of Elderly Affairs; and

(n)~~(o)~~ The Secretary of Juvenile Justice.

Representatives of the Federal Government may serve without voting rights.

Section 3. Paragraph (a) of subsection (1) of section 766.101, Florida Statutes, is amended to read:

766.101 Medical review committee, immunity from liability.—

(1) As used in this section:

(a) The term "medical review committee" or "committee" means:

1.a. A committee of a hospital or ambulatory surgical center licensed under chapter 395 or a health maintenance organization certificated under part I of chapter 641;~~,~~

b. A committee of a physician-hospital organization, a provider-sponsored organization, or an integrated delivery system;~~,~~

c. A committee of a state or local professional society of health care providers;~~,~~

d. A committee of a medical staff of a licensed hospital or nursing home, provided the medical staff operates pursuant to written bylaws that have been approved by the governing board of the hospital or nursing home;~~,~~

e. A committee of the Department of Corrections ~~or the Correctional Medical Authority as created under s. 945.602,~~ or employees, agents, or consultants of ~~either~~ the department~~; or the authority or both,~~

f. A committee of a professional service corporation formed under chapter 621 or a corporation organized under chapter 607 or chapter 617, which is formed and operated for the practice of medicine as defined in s. 458.305(3), and which has at least 25 health care providers who routinely provide health care services directly to patients;~~,~~

g. A committee of the Department of Children and Family Services which includes employees, agents, or consultants to the department as deemed necessary to provide peer review, utilization review, and mortality review of treatment services provided pursuant to chapters 394, 397, and 916;~~,~~

h. A committee of a mental health treatment facility licensed under chapter 394 or a community mental health center as defined in s. 394.907, provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency;~~,~~

i. A committee of a substance abuse treatment and education prevention program licensed under chapter 397 provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency;~~,~~

j. A peer review or utilization review committee organized under chapter 440;~~,~~

k. A committee of the Department of Health, a county health department, healthy start coalition, or certified rural health network, when reviewing quality of care, or employees of these entities when reviewing mortality records;~~,~~ or

l. A continuous quality improvement committee of a pharmacy licensed pursuant to chapter 465,

which committee is formed to evaluate and improve the quality of health care rendered by providers of health service, to determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care, or that the cost of health care rendered was considered reasonable by the providers of professional health services in the area; or

2. A committee of an insurer, self-insurer, or joint underwriting association of medical malpractice insurance, or other persons conducting review under s. 766.106.

Section 4. Section 944.8041, Florida Statutes, is amended to read:

944.8041 Elderly offenders; annual review.—For the purpose of providing information to the Legislature on elderly offenders within the correctional system, the department ~~and the Correctional Medical Authority~~ shall ~~each~~ submit annually a report on the status and treatment of elderly offenders in the state-administered and private state correctional systems and the department's geriatric facilities and dorms. ~~In order to adequately prepare the reports, the department and the Department of Management Services shall grant access to the Correctional Medical Authority that includes access to the facilities, offenders, and any information the agencies require to complete their reports.~~ The *report* ~~review~~ shall ~~also~~ include an examination of promising geriatric policies, practices, and programs currently implemented in other correctional systems within the United States. The *report* ~~reports~~, with specific findings and recommendations for implementation, shall be submitted to the President of the Senate and the Speaker of the House of Representatives on or before December 31 of each year.

Section 5. Subsections (3) and (9) of section 945.35, Florida Statutes, are amended to read:

945.35 Requirement for education on human immunodeficiency virus, acquired immune deficiency syndrome, and other communicable diseases.—

(3) When there is evidence that an inmate, while in the custody of the department, has engaged in behavior which places the inmate at a high risk of transmitting or contracting a human immunodeficiency disorder or other communicable disease, the department may begin a testing program which is consistent with guidelines of the Centers for Disease Control and Prevention ~~and recommendations of the Correctional Medical Authority~~. For purposes of this subsection, "high-risk behavior" includes:

(a) Sexual contact with any person.

(b) An altercation involving exposure to body fluids.

(c) The use of intravenous drugs.

(d) Tattooing.

(e) Any other activity medically known to transmit the virus.

(9) The department shall establish policies consistent with guidelines of the Centers for Disease Control and Prevention ~~and recommendations of the Correctional Medical Authority~~ on the housing, physical contact, dining, recreation, and exercise hours or locations for inmates with immunodeficiency disorders as are medically indicated and consistent with the proper operation of its facilities.

Section 6. Section 945.6032, Florida Statutes, is amended to read:

945.6032 *Medical review committee; records and meetings exemption* ~~Quality management program requirements~~.—

~~(1) The authority shall appoint a medical review committee pursuant to s. 766.101 to provide oversight for the Department of Corrections' inmate health care quality management program. The authority shall also designate one of its members to serve on the Department of Corrections' medical review committee in order to ensure coordination between the department and the authority with regard to issues of quality management and to enhance the authority's oversight of the Department of Corrections' quality management system.~~

~~(2) The authority's medical review committee shall review amendments to the Department of Corrections' inmate health care quality management program prior to implementation by the department.~~

~~(3)~~ The findings and recommendations of a medical review committee created by ~~the authority or~~ the department pursuant to s. 766.101 are confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and any proceedings of the committee are exempt from ~~the provisions of~~ s. 286.011 and s. 24(b), Art. I of the State Constitution.

Section 7. Subsections (2) and (3) of section 945.6034, Florida Statutes, are amended to read:

945.6034 Minimum health care standards.—

~~(2) The department shall submit all health care standards to the authority for review prior to adoption. The authority shall review all department health care standards to determine whether they conform to the standard of care generally accepted in the professional health community at large.~~

(2)~~(3)~~ The department shall comply with all adopted department health care standards. Failure of the department to comply with the standards ~~may result in a dispute resolution proceeding brought by the authority pursuant to s. 945.6035, but~~ shall not create a cause of action for any third parties, including inmates or former inmates.

Section 8. Subsection (1) of section 951.27, Florida Statutes, is amended to read:

951.27 Blood tests of inmates.—

(1) Each county and each municipal detention facility shall have a written procedure developed, in consultation with the facility medical provider, establishing conditions under which an inmate will be tested for infectious disease, including human immunodeficiency virus pursuant to s. 775.0877, which procedure is consistent with guidelines of the Centers for Disease Control and Prevention ~~and recommendations of the Correctional Medical Authority~~. It is not unlawful for the person receiving the test results to divulge the test results to the sheriff or chief correctional officer.

Section 9. This act shall take effect July 1, 2011.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to the Correctional Medical Authority; repealing ss. 945.601, 945.602, 945.603, 945.6031, 945.6035, and 945.6036, F.S., relating to the Correctional Medical Authority definitions, creation, powers and duties, reports and surveys, dispute resolution, and enforcement, respectively; amending ss. 381.90, 766.101, 944.8041, 945.35, 945.6032, 945.6034, and 951.27, F.S.; conforming provisions to changes made by the act; providing an effective date.

On motion by Senator Negron, the Conference Committee Report on **HB 5305** was adopted.

On motion by Senator Negron, further consideration of **HB 5305** as amended by the Conference Committee report was deferred.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2000

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2000, same being:

An act relating to appropriations.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
s/ Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Chair
s/ Ben Albritton
Gary Aubuchon, At Large
Leonard L. Bembry
Mack Bernard
s/ Jeffrey "Jeff" Brandes
s/ Douglas Vaughn "Doug" Broxson
Charles S. "Chuck" Chestnut IV, At Large
s/ Fredrick W. "Fred" Costello
s/ Daniel Davis
Chris Dorworth
s/ Clay Ford
James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
Eduardo "Eddy" Gonzalez
James W. "J.W." Grant
s/ Doug Holder
s/ Mike Horner
s/ Dorothy L. Hukill, At Large
Mia L. Jones
Martin David "Marty" Kiar
s/ John Legg, At Large
Debbie Mayfield
s/ Seth McKeel, At Large
s/ Peter Nehr
Jeanette M. Nunez
Mark S. Pafford
s/ W. Keith Perry
Scott Plakon
s/ Stephen L. Precourt
s/ Lake Ray
Betty Reed
Hazelle P. "Hazel" Rogers
Darryl Ervin Rouson, At Large
Ron Saunders, At Large
Irving "Irv" Slosberg
s/ Jimmie T. Smith
Darren Soto
s/ W. Gregory "Greg" Steube
Will W. Weatherford, At Large
s/ Trudi K. Williams
Ritch Workman

s/ Janet H. Adkins
s/ Larry Ahern
s/ Frank Artiles
s/ Dennis K. Baxley
Lori Berman
Michael Bileca
s/ Jason T. Brodeur
s/ Matthew H. "Matt" Caldwell
Daphne D. Campbell
s/ Marti Coley
Richard Corcoran
s/ Steve Crisafulli
s/ Jose Felix Diaz
Brad Drake
s/ Erik Fresen
s/ Matt Gaetz
s/ Richard "Rich" Glorioso
Tom Goodson
s/ Gayle B. Harrell
s/ Ed Hooper
s/ Matt Hudson
s/ Clay Ingram
John Patrick Julien
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Larry Metz
s/ Bryan Nelson
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Ray Pilon
Elizabeth W. Porter
s/ William L. "Bill" Proctor, At Large
Kenneth L. "Ken" Roberson
s/ Patrick Rooney, Jr.
Franklin Sands, At Large
s/ Robert C. "Rob" Schenck, At Large
William D. Snyder, At Large
Kelli Stargel
s/ Carlos Trujillo
Alan B. Williams
John Wood
s/ Dana D. Young

Managers on the part of the House

Conference Committee Amendment (500186)(with title amendment)—Delete everything after the enacting clause and insert: The moneys contained herein are appropriated from the named funds for Fiscal Year 2011-2012 to the state agency indicated, as the amounts to be used to pay the salaries, other operational expenditures, and fixed capital outlay of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes.

SECTION 1 - EDUCATION ENHANCEMENT
SPECIFIC
APPROPRIATION

A bill to be entitled

An act making appropriations; providing moneys for the annual period beginning July 1, 2011, and ending June 30, 2012, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

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

The moneys contained herein are appropriated from the named funds for Fiscal Year 2011-2012 to the state agency indicated, as the amounts to be used to pay the salaries, other operational expenditures, and fixed capital outlay of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes.

SECTION 1 - EDUCATION ENHANCEMENT "LOTTERY" TRUST FUND

The moneys contained herein are appropriated from the Education Enhancement "Lottery" Trust Fund to the state agencies indicated.

EDUCATION, DEPARTMENT OF

Funds provided in sections 1 and 2 of this act as Grants and Aids-Special Categories or as Grants and Aids-Aid to Local Governments may be advanced quarterly throughout the fiscal year based on projects, grants, contracts, and allocation conference documents. Of the funds provided in Specific Appropriations 3, 4, 5, 48, 53, 56 through 65, and 126, 60 percent shall be released at the beginning of the first quarter and the balance at the beginning of the third quarter.

PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY

1 FIXED CAPITAL OUTLAY
CLASSROOMS FIRST AND 1997 SCHOOL CAPITAL
OUTLAY BOND PROGRAMS - OPERATING FUNDS AND
DEBT SERVICE
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 162,109,596

Funds in Specific Appropriation 1 are for the cash and debt service requirements of the Classrooms First and 1997 School Capital Outlay Bond programs established in Chapter 97-384, Laws of Florida.

Funds in Specific Appropriation 1 shall be transferred using nonoperating budget authority into the Lottery Capital Outlay and Debt Service Trust Fund, pursuant to section 1013.71, Florida Statutes, for the payment of debt service and projects. There is appropriated from the Lottery Capital Outlay and Debt Service Trust Fund, an amount sufficient to enable the payment of debt service resulting from these transfers.

2 FIXED CAPITAL OUTLAY
DEBT SERVICE - CLASS SIZE REDUCTION
LOTTERY CAPITAL OUTLAY PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 154,883,241

Funds provided in Specific Appropriation 2 shall be transferred using nonoperating budget authority to the Lottery Capital Outlay and Debt Service Trust Fund, pursuant to section 1013.71, Florida Statutes, for the payment of debt service. There is appropriated from the Lottery Capital Outlay and Debt Service Trust Fund, an amount sufficient to enable the payment of debt service resulting from these transfers.

Funds provided in Specific Appropriation 2 are for Fiscal Year 2011-2012 debt service on all bonds authorized pursuant to section 1013.737, Florida Statutes, including any other continuing payments necessary or incidental to the repayment of the bonds. These funds may be used to refinance any or all bond series if it is in the best interest of the state as determined by the Division of Bond Finance.

SECTION 1 - EDUCATION ENHANCEMENT
SPECIFIC
APPROPRIATION

2A FIXED CAPITAL OUTLAY
EDUCATIONAL FACILITIES
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 3,500,000

Funds in Specific Appropriation 2A for educational facilities are provided for debt service requirements associated with bond proceeds from Lottery Capital Outlay and Debt Service Trust Funds included in Specific Appropriations 15C, 15D and 17C and are authorized pursuant to section 1013.737, Florida Statutes. Funds in Specific Appropriation 2A shall be transferred, using nonoperating budget authority, to the Lottery Capital Outlay and Debt Service Trust Fund.

TOTAL: PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY
FROM TRUST FUNDS 320,492,837

TOTAL ALL FUNDS 320,492,837

OFFICE OF STUDENT FINANCIAL ASSISTANCE

PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE

3 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA'S BRIGHT FUTURES
SCHOLARSHIP PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 350,000,000

From the funds in Specific Appropriation 3 the award per credit hour or credit hour equivalent enrolled for the 2011-2012 academic year shall be as follows:

Four-Year Institutions
Academic Scholars Award..... $101
Medallion Scholars Award..... $ 76
Gold Seal Vocational Scholars Award..... $ 76

Two-Year Institutions
Academic Scholars Award..... $ 62
Medallion Scholars Award..... $ 62
Gold Seal Vocational Scholars Award..... $ 47

Upper-Division Programs Offered by Florida Colleges
Academic Scholars Award..... $ 70
Medallion Scholars Award..... $ 52
Gold Seal Vocational Scholars Award..... $ 52

The additional stipend for Top Scholars shall be $43 per credit hour.

4 SPECIAL CATEGORIES
FIRST GENERATION IN COLLEGE MATCHING GRANT
PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 5,588,066

From the funds provided in Specific Appropriation 4, $1,397,017 shall be allocated to First Generation in College Matching Grant Programs at Florida colleges for need based financial assistance as provided in section 1009.701, Florida Statutes, as amended. If required matching funds are not raised by participating Florida colleges or state universities by December 1, 2011, the remaining funds shall be reallocated to First Generation in College Matching Grant Programs at Florida colleges or state universities that have remaining unmatched private contributions.

5 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 45,100,892

The funds in Specific Appropriation 5 are provided for the Florida Student Assistance Grant (FSAG) public full-time and part-time program and are allocated in Specific Appropriation 59.

SECTION 1 - EDUCATION ENHANCEMENT
SPECIFIC
APPROPRIATION
TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE
FROM TRUST FUNDS 400,688,958

TOTAL ALL FUNDS 400,688,958

PUBLIC SCHOOLS, DIVISION OF

PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP

6 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA EDUCATIONAL
FINANCE PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 12,327,001

Funds provided in Specific Appropriation 6 are allocated in Specific Appropriation 68.

7 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CLASS SIZE REDUCTION
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 103,776,356

Funds in Specific Appropriations 7 and 69 are provided to implement the requirements of sections 1003.03 and 1011.685, Florida Statutes. The class size reduction allocation factor for grades prekindergarten to grade 3 shall be $1,322.25, for grades 4 to 8 shall be $901.91, and for grades 9 to 12 shall be $904.09. The class size reduction allocation shall be recalculated based on enrollment through the October 2011 FTE survey except as provided in section 1003.03(4), Florida Statutes. If the total class size reduction allocation is greater than the appropriation in Specific Appropriations 7 and 69, funds shall be prorated to the level of the appropriation based on each district's calculated amount. The Commissioner of Education may withhold disbursement of these funds until a district is in compliance with reporting information required for class size reduction implementation.

8 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISTRICT LOTTERY AND
SCHOOL RECOGNITION PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 119,596,643

Funds in Specific Appropriation 8 are provided for the Florida School Recognition Program to be allocated as awards of up to $70 per student to qualified schools pursuant to section 1008.36, Florida Statutes.

If there are funds remaining after payment to qualified schools, up to $5 per unweighted student shall be allocated to be used at the discretion of the school advisory council pursuant to sections 24.121 (5) and 1001.452, Florida Statutes. If funds are insufficient to provide $5 per student, the available funds shall be prorated.

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP
FROM TRUST FUNDS 235,700,000

TOTAL ALL FUNDS 235,700,000

PROGRAM: WORKFORCE EDUCATION

9 AID TO LOCAL GOVERNMENTS
WORKFORCE DEVELOPMENT
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 35,127,799

Funds in Specific Appropriation 9 are provided for school district workforce education programs as defined in section 1004.02(26), Florida Statutes, and are allocated in Specific Appropriation 96.

FLORIDA COLLEGES, DIVISION OF

PROGRAM: FLORIDA COLLEGES

SECTION 1 - EDUCATION ENHANCEMENT
SPECIFIC
APPROPRIATION
10 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGE
LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 130,359,158

Funds provided in Specific Appropriation 10 shall be allocated as follows:

Brevard Community College	4,674,534
Broward College	9,023,684
College of Central Florida	2,533,963
Chipola College	1,242,123
Daytona State College	6,289,087
Edison State College	3,234,398
Florida State College at Jacksonville	9,513,278
Florida Keys Community College	745,360
Gulf Coast State College	2,264,242
Hillsborough Community College	6,228,773
Indian River State College	5,645,754
Florida Gateway College	1,586,332
Lake Sumter Community College	1,391,305
State College of Florida, Manatee-Sarasota	2,765,064
Miami Dade College	21,163,760
North Florida Community College	790,999
Northwest Florida State College	2,276,357
Palm Beach State College	6,493,050
Pasco-Hernando Community College	2,512,940
Pensacola State College	4,260,543
Polk State College	3,167,763
Saint Johns River State College	2,134,024
Saint Petersburg College	8,056,423
Santa Fe College	4,380,306
Seminole State College of Florida	4,599,030
South Florida Community College	1,950,124
Tallahassee Community College	3,621,417
Valencia College	7,814,525

UNIVERSITIES, DIVISION OF

PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

Funds in Specific Appropriations 11 through 15 shall be expended in accordance with operating budgets which must be approved by each university's board of trustees.

11 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EDUCATION AND GENERAL
ACTIVITIES
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 226,187,387

Funds in Specific Appropriation 11 shall be allocated as follows:

University of Florida	41,712,833
Florida State University	34,659,274
Florida A&M University	13,454,359
University of South Florida	30,235,075
University of South Florida, St. Petersburg	1,544,203
University of South Florida, Sarasota/Manatee	1,204,201
University of South Florida, Polytechnic	709,343
Florida Atlantic University	18,199,057
University of West Florida	7,153,393
University of Central Florida	31,808,710
Florida International University	26,950,631
University of North Florida	11,153,244
Florida Gulf Coast University	6,386,402
New College of Florida	1,016,662

Each university board of trustees may allocate the institution's Educational Enhancement Trust Funds across the Education and General Activities category and other program categories. Each board of trustees shall provide to the Board of Governors the allocation by grants and aids category prior to October 1, 2011.

SECTION 1 - EDUCATION ENHANCEMENT
SPECIFIC
APPROPRIATION
From the funds in Specific Appropriation 11, $500,000 in nonrecurring funding is provided to the FAMU Public Health Entomology Research and Education Center (PHEREC) in the Panama City State Mosquito Control Research Lab.

12 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - IFAS (INSTITUTE OF FOOD AND AGRICULTURAL SCIENCE)
FROM EDUCATIONAL ENHANCEMENT TRUST FUND 12,533,877

13 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER
FROM EDUCATIONAL ENHANCEMENT TRUST FUND 9,301,290

14 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - UNIVERSITY OF FLORIDA HEALTH CENTER
FROM EDUCATIONAL ENHANCEMENT TRUST FUND 5,796,416

15 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA STATE UNIVERSITY MEDICAL SCHOOL
FROM EDUCATIONAL ENHANCEMENT TRUST FUND 605,115

TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES
FROM TRUST FUNDS 254,424,085

TOTAL ALL FUNDS 254,424,085

TOTAL OF SECTION 1

FROM TRUST FUNDS 1,376,792,837

TOTAL ALL FUNDS 1,376,792,837

SECTION 2 - EDUCATION (ALL OTHER FUNDS)

The moneys contained herein are appropriated from the named funds to the Department of Education as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay.

EDUCATION, DEPARTMENT OF

PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY

The Legislature hereby finds and determines that the items and sums designated in Specific Appropriations 15A through 17C from the Public Education Capital Outlay and Debt Service Trust Fund constitute authorized capital outlay projects within the meaning and as required by section 9(a)(2), Article XII of the State Constitution, as amended, and any other law. In accordance therewith, the moneys in the following items are authorized to be expended for the enumerated authorized capital outlay projects.

The sum designated for each project is the maximum sum to be expended for each specified phase of the project from funds accruing under section 9(a)(2), Article XII of the State Constitution. The scope of each project shall be planned so that the amounts specified shall not be exceeded, or any excess in costs shall be funded by sources other than this appropriation. Such excess costs may be funded from the Public Education Capital Outlay and Debt Service Trust Fund only as a result of fund transfers pursuant to section 216.292 (4)(c), Florida Statutes. Each project shall be constructed on the site specified. If existing facilities and acquisition of new sites are a part of these projects, each such building and site must be certified to be free of contamination, asbestos, and other hazardous materials before the facility or site may be acquired. The provisions of section 216.301 (2), Florida Statutes, shall apply to all capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund for

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
the Fiscal Year 2011-2012 appropriation, and shall also apply to the funds appropriated in Specific Appropriations 15A through 17C.

The Governor's Office of Policy and Budget shall establish Fixed Capital Outlay budget authority within appropriate accounts to enable expenditure of funds appropriated for the state universities, the Florida School for the Deaf and the Blind, public school districts, Florida colleges, public broadcasting, and the Division of Blind Services.

15A FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIR, RENOVATION, AND REMODELING
FROM GENERAL REVENUE FUND 25,831,020
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 51,314,086

Funds in Specific Appropriation 15A shall be allocated in accordance with section 1013.64(1), Florida Statutes, as follows:

Florida College System..... 8,088,000
State University System..... 13,848,000
Charter Schools..... 55,209,106

Funds in Specific Appropriation 15A for charter schools shall be distributed pursuant to section 1013.62(1)(b), Florida Statutes.

15B FIXED CAPITAL OUTLAY
SURVEY RECOMMENDED NEEDS - PUBLIC SCHOOLS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 4,367,627

From the funds in Specific Appropriation 15B, up to $4,367,627 shall be distributed to university developmental research schools and allocated in accordance with section 1002.32(9)(e), Florida Statutes. The remaining funds shall be transferred from Specific Appropriation 15B to Specific Appropriation 15A by the Executive Office of the Governor and the funds shall be allocated to charter schools in accordance with section 1013.62(b), Florida Statutes.

15C FIXED CAPITAL OUTLAY
COMMUNITY COLLEGE PROJECTS
FROM GENERAL REVENUE FUND 1,440,000
FROM LOTTERY CAPITAL OUTLAY AND DEBT SERVICES TRUST FUND 18,776,420
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 82,648,517

Funds in Specific Appropriation 15C shall be allocated as follows:

BREVARD COMMUNITY COLLEGE
Gen ren/rem, infrastruct, site improvement & acquisition... 1,429,812
Public Safety Institute (sp)..... 7,500,000
BROWARD COLLEGE
Gen ren/rem, infrastruct, site improvement & acquisition... 1,653,406
COLLEGE OF CENTRAL FLORIDA
Gen ren/rem, infrastruct, site improvement & acquisition... 579,514
Construct Levy Co. Center Ph I (pce) part..... 4,800,000
CHIPOLA COLLEGE
Gen ren/rem, infrastruct, site improvement & acquisition... 316,117
DAYTONA STATE COLLEGE
Gen ren/rem, infrastruct, site improvement & acquisition... 1,032,459
Remodel/Addition - News Journal Center Building part..... 7,800,000
Rem/Add Bldg 220 - Stu Svc/Clsrm/Office - Daytona..... 2,400,000
Rem/Add Bldg 314 - Thermal Storage..... 3,012,000
EDISON STATE COLLEGE
Gen ren/rem, infrastruct, site improvement & acquisition... 636,914
Rem/Ren Bldgs. 1,2,3,4,6,7,9,10,29,30,32,34-Lee..... 6,749,585
Rem/Ren Collier - Bldgs 1,5,10 - Collier..... 956,481
FLORIDA GATEWAY COLLEGE
Gen ren/rem, infrastruct, site improvement & acquisition... 327,571
FLORIDA STATE COLLEGE AT JACKSONVILLE
Gen ren/rem, infrastruct, site improvement & acquisition... 1,776,231
Aircraft Coating Education Facility - Cecil comp..... 1,440,000

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

FLORIDA KEYS COMMUNITY COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	269,727
GULF COAST STATE COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	294,738
HILLSBOROUGH COMMUNITY COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	708,230
INDIAN RIVER STATE COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	649,032
LAKE SUMTER COMMUNITY COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	269,726
STATE COLLEGE OF FLORIDA, MANATEE-SARASOTA	
Gen ren/rem, infrastruct, site improvement & acquisition...	599,976
Rem/Ren/ Add Bldg 8 & 9 Library - Bradenton part.....	5,000,000
MIAMI DADE COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	3,624,269
Rem/ren/add Clsrms/Labs/Supp Svcs Fac 2-Hialeah part.....	6,700,000
NORTH FLORIDA COMMUNITY COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	269,727
NORTHWEST FLORIDA STATE COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	362,639
PALM BEACH STATE COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	1,198,964
Multipurp Clsrm/Admin Bldg, site - West Central part.....	7,300,000
PASCO-HERNANDO COMMUNITY COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	269,727
Clsrms/Labs/Sup Svcs - Wesley Chapel Center (ce).....	6,935,170
PENSACOLA STATE COLLEGE	
Gen ren/rem, Const Clsrms-Main, Infrastruct & Site Imp.....	965,992
POLK STATE COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	483,037
Institute for Public Safety - Winter Haven part.....	2,000,000
ST. JOHNS RIVER STATE COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	376,517
ST. PETERSBURG COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	1,301,772
SANTA FE COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	682,752
Law Enforcement Labs & Library-Kirkpatrick (p).....	750,000
SEMINOLE STATE COLLEGE OF FLORIDA	
Gen ren/rem, infrastruct, site improvement & acquisition...	586,700
Site/Facilities Acquisition-Alt Springs (sp).....	7,500,000
SOUTH FLORIDA COMMUNITY COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	299,241
Rem/Ren Fire Fighting - Main comp.....	2,514,241
TALLAHASSEE COMMUNITY COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	623,911
VALENCIA COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	1,008,285
Library & High Tech Bldg 4 - Osceola (ce) comp.....	4,191,590
Maj Ren/Rem,Emg repl-Chill w/loop infrastr-East comp.....	2,718,884

Funds in Specific Appropriation 15C for Aircraft Coating Education Facility - Cecil are from General Revenue for the purpose of matching private contributions pursuant to the provisions of section 1011.32, Florida Statutes.

15D	FIXED CAPITAL OUTLAY	
	STATE UNIVERSITY SYSTEM PROJECTS	
	FROM LOTTERY CAPITAL OUTLAY AND DEBT SERVICES TRUST FUND	15,772,995
	FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND	107,634,714

Funds in Specific Appropriation 15D shall be allocated as follows:

UNIVERSITY OF FLORIDA	
Utilities/Infrastructure/Capital Renewal/Roofs.....	5,297,085
Lake Nona Research and Academic Facility.....	6,000,000
FLORIDA STATE UNIVERSITY	
Applied Sciences Building (ce).....	6,000,000
Utilities/Infrastructure/Capital Renewal/Roofs.....	1,827,644
FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY	
Utilities/Infrastructure/Capital Renewal/Roofs.....	2,014,769

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
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APPROPRIATION

UNIVERSITY OF SOUTH FLORIDA	
Utilities/Infrastructure/Capital Renewal/Roofs.....	2,549,206
USF Polytechnic New Campus Phase I.....	35,000,000
USF Health School of Pharmacy @ Polytechnic.....	10,000,000
USF Polytechnic Interdisciplinary Center for Excellence...	1,000,000
USF Sarasota/Manatee Utilities/Infrastructure/Capital Renewal/Roofs (pce).....	162,723
USF-St. Pete Utilities/Infrastructure/Capital Renewal/Roofs (pce).....	173,571
FLORIDA ATLANTIC UNIVERSITY	
Utilities/Infrastructure/Capital Renewal/Roofs.....	3,251,463
UNIVERSITY OF WEST FLORIDA	
Utilities/Infrastructure/Capital Renewal/Roofs.....	1,771,079
UNIVERSITY OF CENTRAL FLORIDA	
Utilities/Infrastructure/Capital Renewal/Roofs.....	2,277,804
Physics Bldg.....	3,877,895
Engineering Bldg.....	3,620,723
Classroom Building II (ce).....	5,241,445
Interdisc, Research and Incubator Facility.....	6,328,564
FLORIDA INTERNATIONAL UNIVERSITY	
Utilities/Infrastructure/Capital Renewal/Roofs.....	1,676,584
Satellite Chiller Plant Expansion-MMC.....	6,000,000
UNIVERSITY OF NORTH FLORIDA	
Utilities/Infrastructure/Capital Renewal/Roofs.....	1,972,294
FLORIDA GULF COAST UNIVERSITY	
Utilities/Infrastructure/Capital Renewal/Roofs.....	1,529,524
Classrooms/Offices/Labs Academic 8 (ce).....	4,500,000
Innovation Hub Research.....	5,000,000
NEW COLLEGE	
Utilities/Infrastructure/Capital Renewal/Roofs.....	1,685,336
Caples Mechanical Renovation, Remodeling.....	4,650,000

16	FIXED CAPITAL OUTLAY	
	DEBT SERVICE	
	FROM CAPITAL IMPROVEMENTS FEE TRUST FUND	27,282,443
	FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND	1,002,923,283
	FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND	106,980,326

Funds in Specific Appropriation 16 from the School District and Community College District Capital Outlay and Debt Service Trust Fund are for Fiscal Year 2011-2012 debt service on bonds authorized pursuant to the School Capital Outlay Amendment, subsection (d), section 9, Article XII of the State Constitution, and any other continuing payments necessary or incidental to the repayment of the bonds. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service appropriated for this program in Specific Appropriation 16 is insufficient due to interest rate changes, issuance timing, or other circumstances, the amount of the insufficiency is appropriated from the School District and Community College District Capital Outlay and Debt Service Trust Fund.

17	FIXED CAPITAL OUTLAY	
	GRANTS AND AIDS - SCHOOL DISTRICT AND COMMUNITY COLLEGE	
	FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND	28,000,000

17A	FIXED CAPITAL OUTLAY		
	FLORIDA SCHOOL FOR THE DEAF AND BLIND - CAPITAL PROJECTS		
	FROM GENERAL REVENUE FUND	2,000,000	
	FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND		3,151,271

Funds in Specific Appropriation 17A shall be allocated as specified below and are based on the Florida School for the Deaf and the Blind revised Legislative Budget Request as approved by the Board of Trustees on June 14, 2010. The projects and purposes for the funds are specified

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
in the currently approved Florida School for the Deaf and the Blind Master Facilities Plan and the Five-Year Educational Plant Survey.

Building Maintenance..... 2,843,071
Campus-Wide Site Infrastructure..... 308,200
Major Renovations and New Construction..... 2,000,000

17B FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING PROJECTS
FROM PUBLIC EDUCATION CAPITAL
OUTLAY AND DEBT SERVICE TRUST FUND 162,750

Funds in Specific Appropriation 17B are provided for Satellite Operations Center, Tallahassee -Uplink Equipment Replacement as requested in the Department of Education's Fiscal Year 2011-2012 Legislative Budget Request.

17C FIXED CAPITAL OUTLAY
LIBERTY COUNTY PUBLIC SCHOOL
FROM LOTTERY CAPITAL OUTLAY AND
DEBT SERVICES TRUST FUND 150,000

TOTAL: PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 29,271,020
FROM TRUST FUNDS 1,449,164,432

TOTAL ALL FUNDS 1,478,435,452

VOCATIONAL REHABILITATION

APPROVED SALARY RATE 35,795,924

18 SALARIES AND BENEFITS POSITIONS 951.00
FROM GENERAL REVENUE FUND 9,606,247
FROM ADMINISTRATIVE TRUST FUND . . . 201,137
FROM FEDERAL REHABILITATION TRUST
FUND 36,464,017
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 1,520,303

For funds in Specific Appropriations 18 through 30A for the Vocational Rehabilitation Program, the Department of Education is the designated state agency for purposes of compliance with the Federal Rehabilitation Act of 1973, as amended.

If the department identifies additional resources that may be used to maximize federal matching funds for the Vocational Rehabilitation Program, the department shall submit a budget amendment prior to the expenditure of the funds, in accordance with the provisions of chapter 216, Florida Statutes.

19 OTHER PERSONAL SERVICES
FROM FEDERAL REHABILITATION TRUST
FUND 819,103
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 83,745

20 EXPENSES
FROM GENERAL REVENUE FUND 6,686
FROM FEDERAL REHABILITATION TRUST
FUND 9,895,543
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 200,236

21 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULTS WITH DISABILITIES
FUNDS
FROM GENERAL REVENUE FUND 11,757,040

Funds provided in Specific Appropriation 21 shall be distributed to Florida colleges and school districts for programs serving adults with disabilities. Programs that were funded in Fiscal Year 2010-2011 will be eligible for continuation funding if the program has made satisfactory progress and the application reflects effective use of

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
resources as defined by the Department of Education. The department has the authority to redistribute any funds due to unsatisfactory progress, ineffective use of resources, or discontinued programs.

From the funds in Specific Appropriation 21, provided that satisfactory progress was made during the 2010-2011 fiscal year, $10,726,210 is provided for school district programs and shall be allocated as follows:

Alachua..... 50,000
Baker..... 161,293
Bay..... 144,155
Bradford..... 52,335
Brevard..... 356,238
Broward..... 1,084,015
Charlotte..... 51,979
Citrus..... 112,227
Collier..... 50,000
Columbia..... 50,000
De Soto..... 200,000
Escambia..... 200,000
Flagler..... 630,461
Gadsden..... 320,057
Gulf..... 50,000
Hardee..... 50,000
Hernando..... 75,137
Hillsborough..... 337,510
Jackson..... 1,199,114
Jefferson..... 57,101
Lake..... 50,000
Leon..... 677,073
Martin..... 242,797
Miami-Dade..... 1,323,776
Monroe..... 77,480
Orange..... 328,880
Osceola..... 50,000
Palm Beach..... 894,684
Pasco..... 50,000
Pinellas..... 440,396
Polk..... 200,000
St. Johns..... 101,176
Santa Rosa..... 50,000
Sarasota..... 515,161
Sumter..... 50,000
Suwannee..... 70,836
Taylor..... 70,033
Union..... 77,142
Wakulla..... 50,000
Washington..... 175,154

From the funds provided in Specific Appropriation 21, provided that satisfactory progress was made during the 2011-2012 fiscal year, $1,030,830 is provided for Florida college programs and shall be allocated as follows:

College of Central Florida..... 50,000
Daytona State College..... 200,000
Florida State College at Jacksonville..... 200,000
Indian River State College..... 114,042
Pensacola State College..... 50,000
Saint Johns River State College..... 50,000
Santa Fe College..... 62,076
Seminole State College of Florida..... 54,712
South Florida Community College..... 200,000
Tallahassee Community College..... 50,000

22 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA ENDOWMENT
FOUNDATION FOR VOCATIONAL REHABILITATION
FROM GENERAL REVENUE FUND 315,160

23 OPERATING CAPITAL OUTLAY
FROM FEDERAL REHABILITATION TRUST
FUND 480,986

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 29,928

24 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 444,415
FROM FEDERAL REHABILITATION TRUST
FUND 10,628,234
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 279,118

25 SPECIAL CATEGORIES
INDEPENDENT LIVING SERVICES
FROM GENERAL REVENUE FUND 1,232,004
FROM FEDERAL REHABILITATION TRUST
FUND 4,582,359

Funds provided in Specific Appropriation 25 shall be allocated to the Centers for Independent Living and shall be distributed according to the formula in the 2005-2007 State Plan for Independent Living. From the Federal Rehabilitation Trust Fund allocation, $3,472,193 shall be funded from Social Security reimbursements (program income) provided that the Social Security reimbursements are available.

26 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM GENERAL REVENUE FUND 20,861,275
FROM FEDERAL REHABILITATION TRUST
FUND 83,441,814
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 430,376

27 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FEDERAL REHABILITATION TRUST
FUND 342,737
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 30,495

27A SPECIAL CATEGORIES
TENANT BROKER COMMISSIONS
FROM FEDERAL REHABILITATION TRUST
FUND 35,366

28 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 65,604
FROM FEDERAL REHABILITATION TRUST
FUND 245,301
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 29,004

29 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 154,316
FROM FEDERAL REHABILITATION TRUST
FUND 515,762

30 DATA PROCESSING SERVICES
EDUCATION TECHNOLOGY AND INFORMATION
SERVICES
FROM FEDERAL REHABILITATION TRUST
FUND 324,732
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 1,817

30A DATA PROCESSING SERVICES
NORTHWEST REGIONAL DATA CENTER (NWRDC)
FROM FEDERAL REHABILITATION TRUST
FUND 145,450

TOTAL: VOCATIONAL REHABILITATION

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 44,442,747
FROM TRUST FUNDS 150,727,563

TOTAL POSITIONS 951.00
TOTAL ALL FUNDS 195,170,310

BLIND SERVICES, DIVISION OF

APPROVED SALARY RATE 9,987,280

31 SALARIES AND BENEFITS POSITIONS 299.75
FROM GENERAL REVENUE FUND 4,109,411
FROM ADMINISTRATIVE TRUST FUND . . . 364,576
FROM FEDERAL REHABILITATION TRUST
FUND 9,279,866

32 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 145,801
FROM FEDERAL REHABILITATION TRUST
FUND 290,354
FROM GRANTS AND DONATIONS TRUST
FUND 10,047

33 EXPENSES
FROM GENERAL REVENUE FUND 416,456
FROM ADMINISTRATIVE TRUST FUND . . . 25,774
FROM FEDERAL REHABILITATION TRUST
FUND 2,562,340
FROM GRANTS AND DONATIONS TRUST
FUND 44,395

34 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY REHABILITATION
FACILITIES
FROM GENERAL REVENUE FUND 847,347
FROM FEDERAL REHABILITATION TRUST
FUND 4,522,207

35 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 54,294
FROM FEDERAL REHABILITATION TRUST
FUND 235,198

36 FOOD PRODUCTS
FROM FEDERAL REHABILITATION TRUST
FUND 200,000

37 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FEDERAL REHABILITATION TRUST
FUND 100,000

38 SPECIAL CATEGORIES
GRANTS AND AIDS - CLIENT SERVICES
FROM GENERAL REVENUE FUND 8,522,011
FROM FEDERAL REHABILITATION TRUST
FUND 16,506,496
FROM GRANTS AND DONATIONS TRUST
FUND 252,746

39 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 56,140
FROM FEDERAL REHABILITATION TRUST
FUND 425,000

40 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,326
FROM FEDERAL REHABILITATION TRUST
FUND 322,681

41 SPECIAL CATEGORIES
LIBRARY SERVICES

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

FROM GENERAL REVENUE FUND	89,735	
FROM GRANTS AND DONATIONS TRUST FUND		100,000

42 SPECIAL CATEGORIES
VENDING STANDS - EQUIPMENT AND SUPPLIES

FROM FEDERAL REHABILITATION TRUST FUND		1,500,000
FROM GRANTS AND DONATIONS TRUST FUND		595,000

42A SPECIAL CATEGORIES
TENANT BROKER COMMISSIONS

FROM FEDERAL REHABILITATION TRUST FUND		11,150

43 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

FROM GENERAL REVENUE FUND	3,799	
FROM ADMINISTRATIVE TRUST FUND . . .		2,933
FROM FEDERAL REHABILITATION TRUST FUND		95,929

44 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES

FROM FEDERAL REHABILITATION TRUST FUND		686,842

45 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM

FROM FEDERAL REHABILITATION TRUST FUND		5,838

46 DATA PROCESSING SERVICES
EDUCATION TECHNOLOGY AND INFORMATION SERVICES

FROM FEDERAL REHABILITATION TRUST FUND		168,689

46A DATA PROCESSING SERVICES
NORTHWEST REGIONAL DATA CENTER (NWRDC)

FROM FEDERAL REHABILITATION TRUST FUND		182,460

TOTAL: BLIND SERVICES, DIVISION OF		
FROM GENERAL REVENUE FUND	14,253,320	
FROM TRUST FUNDS		38,490,521
TOTAL POSITIONS	299.75	
TOTAL ALL FUNDS		52,743,841

PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES

Prior to the disbursement of funds in Specific Appropriations 47, 49 through 52, 54, and 55, each institution shall submit a proposed expenditure plan to the Department of Education pursuant to the requirements of section 1011.521, Florida Statutes.

47 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL TRAINING AND SIMULATION LABORATORY
FROM GENERAL REVENUE FUND 2,777,493

48 SPECIAL CATEGORIES
ABLE GRANTS (ACCESS TO BETTER LEARNING AND EDUCATION)
FROM GENERAL REVENUE FUND 2,419,439

Funds in Specific Appropriation 48 are provided to support 3,013 students at $803 per student and shall be administered pursuant to section 1009.891, Florida Statutes. The Office of Student Financial Assistance may prorate the award and provide a lesser amount in the second term if the funds appropriated are insufficient to provide a full award to all eligible students. The Office of Student Financial Assistance may also reallocate funds between institutions if an eligible institution fails to reach its 2011-12 enrollment.

49 SPECIAL CATEGORIES
GRANTS AND AIDS - HISTORICALLY BLACK PRIVATE COLLEGES
FROM GENERAL REVENUE FUND 8,773,331

Funds in Specific Appropriation 49 from the General Revenue Fund shall be allocated as follows:

Bethune-Cookman University	3,242,702
Edward Waters College	2,576,766
Florida Memorial University	2,841,536
Library Resources	112,327

Funds provided in Specific Appropriation 49 shall only be expended for student access and retention or direct instruction purposes.

Funds in Specific Appropriation 49 for Library Resources shall be used for the purchase of books, electronic library resources, and other related library materials pursuant to section 1006.59, Florida Statutes. Funds shall be allocated equally to Bethune-Cookman University, Edward Waters College, and Florida Memorial University.

50 SPECIAL CATEGORIES
GRANTS AND AIDS - FIRST ACCREDITED MEDICAL SCHOOL UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 5,835,409

Funds in Specific Appropriation 50 from the General Revenue Fund shall be allocated as follows:

Cancer Research	1,213,765
PhD Program in Biomedical Science	700,249
College of Medicine	3,921,395

Funds provided in Specific Appropriation 50 for the University of Miami College of Medicine are to support a minimum of 500 Florida residents enrolled in the College of Medicine. The university shall submit enrollment information to the Department of Education prior to January 1, 2012.

51 SPECIAL CATEGORIES
GRANTS AND AIDS - ACADEMIC PROGRAM CONTRACTS
FROM GENERAL REVENUE FUND 796,374

Funds in Specific Appropriation 51 from the General Revenue Fund shall be allocated as follows:

University of Miami - Rosenstiel Marine Science	107,921
University of Miami - BS and MFA in Motion Pictures	191,861
Florida Institute of Technology - BS Engineering and Science Education	155,131
Barry University - BS Nursing and MSW Social Work	84,215
Barry University - School of Podiatry	100,000
Barry University - Juvenile Justice Program	100,000
Nova/Southeastern University - MS Speech Pathology	47,246
University of Miami - Institute for Cuban American Studies	10,000

Each institution shall submit enrollment information, by program, to the Department of Education prior to January 1, 2012.

52 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL DIABETES CENTER - UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 305,015

53 SPECIAL CATEGORIES
FLORIDA RESIDENT ACCESS GRANT

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 80,761,255

From the funds provided in Specific Appropriation 53, $76,375,269 shall be used for tuition assistance for qualified Florida residents at 2010-11 eligible institutions. These funds are provided to support 35,529 students at $2,149 per student.

From the funds provided in Specific Appropriation 53, $4,385,986 shall be used for tuition assistance for qualified Florida residents at newly eligible institutions. These funds are provided to support 5,462 students at $803 per student.

The Office of Student Financial Assistance may prorate the award and provide a lesser amount in the second term if the funds appropriated are insufficient to provide a full award to all eligible students. The Office of Student Financial Assistance may also reallocate funds between institutions if an eligible institution fails to reach its 2011-12 enrollment.

54 SPECIAL CATEGORIES
GRANTS AND AIDS - NOVA SOUTHEASTERN UNIVERSITY - HEALTH PROGRAMS
FROM GENERAL REVENUE FUND 4,260,832

From the funds provided in Specific Appropriation 54, $4,175,615 from the General Revenue Fund is provided to support Florida residents enrolled in the Osteopathic Medicine, Optometry, Pharmacy, or Nursing programs. The university shall submit student enrollment information, by program, to the Department of Education prior to January 1, 2012. The amount of $85,217 from the General Revenue Fund is to support rural and unmet needs in these programs.

55 SPECIAL CATEGORIES
GRANTS AND AIDS - LECOM / FLORIDA - HEALTH PROGRAMS
FROM GENERAL REVENUE FUND 925,500

Funds in Specific Appropriation 55 shall be used to support Florida residents who are enrolled in the Osteopathic Medicine or Pharmacy Program at the Lake Erie College of Osteopathic Medicine/Bradenton. The college shall submit enrollment information for Florida residents to the Department of Education prior to January 1, 2012.

TOTAL: PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES
FROM GENERAL REVENUE FUND 106,854,648

TOTAL ALL FUNDS 106,854,648

OFFICE OF STUDENT FINANCIAL ASSISTANCE

PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE

56 SPECIAL CATEGORIES
PREPAID TUITION SCHOLARSHIPS
FROM GENERAL REVENUE FUND 4,618,528

57 SPECIAL CATEGORIES
GRANTS AND AIDS - MINORITY TEACHER SCHOLARSHIP PROGRAM
FROM GENERAL REVENUE FUND 985,468

58 FINANCIAL ASSISTANCE PAYMENTS
MARY MCLEOD BETHUNE SCHOLARSHIP
FROM GENERAL REVENUE FUND 178,708
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 111,363

59 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM GENERAL REVENUE FUND 87,584,410
FROM STUDENT LOAN OPERATING TRUST FUND 1,419,414

The funds in Specific Appropriations 5 and 59 are provided pursuant

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
to the following guidelines:

Florida Student Assistance Grant - Public Full & Part Time.	100,404,923
Florida Student Assistance Grant - Private	16,166,037
Florida Student Assistance Grant - Postsecondary	11,268,807
Florida Student Assistance Grant - Career Education	2,192,251
Children/Spouses of Deceased/Disabled Veterans	2,442,776
Florida Work Experience	1,569,922
Rosewood Family Scholarships	60,000

From the funds provided in Specific Appropriations 5 and 59, the maximum grant to any student from the Florida Public, Private, Career Education, and Postsecondary Assistance Grant Programs shall be $2,413.

Any institution that receives state funding in the form of scholarships or grants for students administered by the Office of Student Financial Assistance shall report to the Department of Education, prior to September 1, 2011 for funds received in the 2010-11 fiscal year, the following federal loan information: total loan amounts disbursed and total number of students receiving loan funds by institution in the format specified by the Department of Education.

60 FINANCIAL ASSISTANCE PAYMENTS
JOSE MARTI SCHOLARSHIP CHALLENGE GRANT
FROM GENERAL REVENUE FUND 55,000
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 27,500

61 FINANCIAL ASSISTANCE PAYMENTS
TRANSFER TO THE FLORIDA EDUCATION FUND
FROM GENERAL REVENUE FUND 2,000,000

TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE
FROM GENERAL REVENUE FUND 95,422,114
FROM TRUST FUNDS 1,558,277

TOTAL ALL FUNDS 96,980,391

PROGRAM: STUDENT FINANCIAL AID PROGRAM - FEDERAL

62 SPECIAL CATEGORIES
GRANT AND AIDS - COLLEGE ACCESS CHALLENGE GRANT PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 7,011,133

63 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM FEDERAL GRANTS TRUST FUND . . . 2,563,089

64 FINANCIAL ASSISTANCE PAYMENTS
TRANSFER DEFAULT FEES TO THE STUDENT LOAN GUARANTY RESERVE TRUST FUND
FROM STUDENT LOAN OPERATING TRUST FUND 100,000

65 FINANCIAL ASSISTANCE PAYMENTS
ROBERT C. BYRD HONORS SCHOLARSHIP
FROM FEDERAL GRANTS TRUST FUND . . . 2,391,530

TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - FEDERAL
FROM TRUST FUNDS 12,065,752

TOTAL ALL FUNDS 12,065,752

EARLY LEARNING

PREKINDERGARTEN EDUCATION

66 SPECIAL CATEGORIES
TRANSFER VOLUNTARY PREKINDERGARTEN FUNDS TO AGENCY FOR WORKFORCE INNOVATION
FROM GENERAL REVENUE FUND 384,606,382

Funds in Specific Appropriation 66 are provided for transfer to the

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

Agency for Workforce Innovation to implement the Voluntary Prekindergarten Education Program as provided in sections 1002.51 through 1002.79, Florida Statutes, and shall be initially allocated to Early Learning Coalitions as indicated below. Pursuant to the provisions of section 1002.71 (3) (a), Florida Statutes, for Fiscal Year 2011-2012, the base student allocation per full-time equivalent student for the school year program shall be $2,383 and the base student allocation for the summer program shall be $2,026. The allocation includes 4.0 percent in addition to the base student allocation to fund administrative and other program costs of the Early Learning Coalitions related to the Voluntary Prekindergarten Education Program.

The funds in Specific Appropriation 66 shall be allocated as follows:

Alachua	3,934,147
Bay, Calhoun, Gulf, Franklin, Washington, Holmes, Jackson	4,963,988
Brevard	11,441,338
Broward	38,077,198
Charlotte, DeSoto, Highlands, Hardee	5,392,317
Clay, Nassau, Baker, Bradford	6,910,719
Columbia, Hamilton, Lafayette, Union, Suwannee	2,453,305
Dade, Monroe	56,161,613
Dixie, Gilchrist, Levy, Citrus, Sumter	4,058,351
Duval	25,259,339
Escambia	5,526,535
Hendry, Glades, Collier, Lee	19,779,465
Hillsborough	27,055,175
Lake	5,824,258
Leon, Gadsden, Jefferson, Liberty, Madison, Wakulla, Taylor	7,249,866
Manatee	7,035,608
Marion	5,421,117
Martin, Okeechobee, Indian River	5,898,660
Okaloosa, Walton	4,996,270
Orange	27,445,613
Osceola	6,596,116
Palm Beach	27,901,899
Pasco, Hernando	11,990,023
Pinellas	14,430,809
Polk	10,342,678
Putnam, St. Johns	4,996,669
St. Lucie	6,236,831
Santa Rosa	2,412,145
Sarasota	4,887,611
Seminole	9,331,766
Volusia, Flagler	10,594,953

67 SPECIAL CATEGORIES
GRANTS AND AIDS- EARLY LEARNING STANDARDS AND ACCOUNTABILITY
FROM GENERAL REVENUE FUND 192,000

TOTAL: PREKINDERGARTEN EDUCATION
FROM GENERAL REVENUE FUND 384,798,382

TOTAL ALL FUNDS 384,798,382

PUBLIC SCHOOLS, DIVISION OF

PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP

The calculations of the Florida Education Finance Program (FEFP) for the 2011-2012 fiscal year are incorporated by reference in Senate Bill 2002. The calculations are the basis for the appropriations made in the General Appropriations Act.

68 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA EDUCATIONAL FINANCE PROGRAM
FROM GENERAL REVENUE FUND 5,366,524,887
FROM STATE SCHOOL TRUST FUND 282,938,902

Funds provided in Specific Appropriations 6 and 68 shall be allocated using a base student allocation of $3,479.22 for the FEFP.

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

Funds provided in Specific Appropriations 6 and 68 for the supplemental allocation for juvenile justice education programs shall be allocated pursuant to the formula provided in section 1011.62(10), Florida Statutes. The allocation factor shall be $903.57.

From the funds provided in Specific Appropriations 6 and 68, juvenile justice education programs shall receive the basic allocation assigned to a juvenile justice student, including Exceptional Student Education (ESE) special education funding when appropriate. If a school district provides incentive funding for teachers to work in a failing school, then an equal incentive bonus must be provided to teachers teaching in juvenile justice facilities.

The district cost differential (DCD) for each district shall be calculated pursuant to the provisions of section 1011.62(2), Florida Statutes.

From the funds provided in Specific Appropriations 6 and 68, $35,754,378 is provided for the Sparsity Supplement as defined in section 1011.62(7), Florida Statutes, for school districts of 20,000 and fewer FTE in the 2011-2012 fiscal year.

Total Required Local Effort for Fiscal Year 2011-2012 shall be $6,936,892,794. The total amount shall include adjustments made for the calculation required in sections 1011.62(4)(a) through (c), Florida Statutes.

The maximum nonvoted discretionary millage which may be levied pursuant to the provisions of section 1011.71(1) and (3), Florida Statutes, by district school boards in Fiscal Year 2011-2012 shall be:

1. 0.748 mills

If any school district levies the full 0.748 mill levy and it generates an amount of funds per unweighted FTE that is less than the state average amount per unweighted FTE, the school district shall receive from the funds provided in Specific Appropriations 6 and 68, a discretionary millage compression supplement that, when added to the funds generated by the district's 0.748 mill levy, shall be equal to the state average as provided in section 1011.62(5), Florida Statutes.

If any school district chooses to levy an amount not less than 0.498 mill and less than 0.748 mill, a compression supplement shall be calculated on a levy of 0.498. If a 0.498 mill levy generates an amount of funds per unweighted FTE that is less than the state average amount per unweighted FTE for 0.498 mill, the school district shall receive from the funds provided in Specific Appropriations 6 and 68, a discretionary millage compression supplement that, when added to the funds generated by a 0.498 mill levy, would be equal to the state average as provided in section 1011.62(5), Florida Statutes.

2. In addition, if any school district levies by super majority vote for the 2011-2012 fiscal year, an additional voted 0.25 mill to meet critical operating needs pursuant to section 1011.71(3)(b), Florida Statutes, and the 0.25 mill generates an amount of funds per unweighted FTE that is less than the state average amount per unweighted FTE, the school district shall receive from the funds provided in Specific Appropriations 6 and 68, a discretionary millage compression supplement that, when added to the funds generated by the district's 0.25 mill levy, shall be equal to the state average as provided in section 1011.62(5), Florida Statutes.

Funds provided in Specific Appropriations 6 and 68 are based upon program cost factors for Fiscal Year 2011-2012 as follows:

1. Basic Programs
A. K-3 Basic....1.102
B. 4-8 Basic....1.000
C. 9-12 Basic....1.019

2. Programs for Exceptional Students
A. Support Level 4....3.550
B. Support Level 5....5.022

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
3. English for Speakers of Other Languages 1.161

4. Programs for Grades 9-12 Career Education.....0.999

From the funds in Specific Appropriations 6 and 68, $943,167,996 is provided to school districts as an Exceptional Student Education (ESE) Guaranteed Allocation as authorized by law to provide educational programs and services for exceptional students. The ESE Guaranteed Allocation funds are provided in addition to the funds for each exceptional student in the per FTE student calculation. Each district's ESE Guaranteed Allocation for the 2011-2012 appropriation shall not be recalculated during the school year. School districts that provided educational services in 2010-2011 for exceptional students who are residents of other districts shall not discontinue providing such services without the prior approval of the Department of Education. Expenditure requirements for the ESE Guaranteed Allocation shall be as prescribed in section 1010.20(3), Florida Statutes, for programs for exceptional students.

From the funds provided in Specific Appropriations 6 and 68, the value of 43.35 weighted FTE students is provided to supplement the funding for severely handicapped students served in ESE programs 254 and 255 when a school district has less than 10,000 FTE student enrollment and less than 3 FTE eligible students per program. The Commissioner of Education shall allocate the value of the supplemental FTE based on documented evidence of the difference in the cost of the service and the amount of funds received in the district's FEFP allocations for the students being served. The supplemental value shall not exceed 3 FTE.

A student in cooperative education or other types of programs incorporating on-the-job training shall not be counted for more than twenty-five (25) hours per week of membership in all programs when calculating full-time student membership, as provided in section 1011.61, Florida Statutes, for funding pursuant to section 1011.62, Florida Statutes.

The Declining Enrollment Supplement shall be calculated based on 25 percent of the decline between the prior year and current year unweighted FTE students.

From the funds in Specific Appropriations 6 and 68, $64,456,019 is provided for Safe Schools activities and shall be allocated as follows: $62,660 shall be distributed to each district, and the remaining balance shall be allocated as follows: two-thirds based on the latest official Florida Crime Index provided by the Department of Law Enforcement and one-third based on each district's share of the state's total unweighted student enrollment. Safe Schools activities include: (1) after school programs for middle school students; (2) other improvements to enhance the learning environment, including implementation of conflict resolution strategies; (3) alternative school programs for adjudicated youth; (4) suicide prevention programs; and (5) other improvements to make the school a safe place to learn. Each district shall determine, based on a review of its existing programs and priorities, how much of its total allocation to use for each authorized Safe Schools activity. Each school district shall report to the Department of Education the amount of funds expended for each of the five activities.

From the funds in Specific Appropriations 6 and 68, $615,924,773 is for Supplemental Academic Instruction to be provided throughout the school year pursuant to section 1011.62(1)(f), Florida Statutes. First priority for use of these funds shall be the provision of supplemental intensive instruction, consistent with the Sunshine State Standards, including summer school and intensive English immersion and math instruction, for students in grades 3 and 10 who scored FCAT Level I in FCAT reading or math. Each district's Supplemental Academic Instruction allocation for the 2011-2012 appropriation shall not be recalculated during the school year.

From the funds in Specific Appropriations 6 and 68, $97,673,434 is provided for a K-12 comprehensive, district-wide system of research-based reading instruction. The amount of $83,546 shall be allocated to each district and the remaining balance shall be allocated based on each district's proportion of the state total K-12 base funding.

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
From the funds in Specific Appropriations 6 and 68, $18,872,311 is provided for the Merit Award Program as authorized in section 1012.225, Florida Statutes 2010.

From the funds provided in Specific Appropriations 6 and 68, $209,240,737 is provided for Instructional Materials including $11,534,110 for Library Media Materials and $3,152,657 for the purchase of science lab materials and supplies. The growth allocation per FTE shall be $287.48 for Fiscal Year 2011-2012. School districts shall pay for instructional materials used for the instruction of public high school students who are earning credit toward high school graduation under the dual enrollment program as provided in section 1011.62(1)(i), Florida Statutes.

From funds provided in Specific Appropriations 6 and 68, $415,449,129 is provided for Student Transportation as provided in section 1011.68, Florida Statutes.

From funds provided in Specific Appropriations 6 and 68, $31,895,373 is provided for the Teachers Lead Program and shall be given to teachers pursuant to section 1012.71, Florida Statutes. The allocation shall not be recalculated during the school year.

Funds provided in Specific Appropriations 6 and 68 for the virtual education contribution shall be allocated pursuant to the formula provided in section 1011.62(11), Florida Statutes. The contribution shall be based on $4,800 per FTE.

Districts may charge a fee for grades K-12 voluntary, non-credit summer school enrollment in basic program courses. The amount of any student's fee shall be based on the student's ability to pay and the student's financial need as determined by district school board policy.

Unless otherwise provided by law, no funds are provided in Specific Appropriations 6 and 68 for charter school FTE student enrollment for on-line instruction received by students principally in their own homes. However, charter schools may serve students who are temporarily homebound or who receive a portion of their instruction on-line.

From the funds in Specific Appropriations 6 and 68, school districts may execute an appropriate contract for full-time virtual instruction through K-8 virtual schools that received funds from Specific Appropriation 93 of chapter 2008-152, Laws of Florida. School districts may expend funds in the amount of $4,800 per student for each student who was enrolled and served during the 2010-2011 fiscal year and who is re-enrolled and eligible to be served during the 2011-2012 fiscal year. Each of the K-8 virtual schools shall provide to the Department of Education the name and address of each student who was enrolled and served during the 2010-2011 fiscal year and who is re-enrolled and is eligible to be served during the 2011-2012 fiscal year. The department shall verify the eligibility of the students, assist with placement of each student in a school district virtual instruction program regardless of the student's district of residence, and assist the school district with executing an appropriate contract with an approved K-8 virtual school for payment for virtual instruction for each student. The maximum number of students to be funded pursuant to this provision is the number being served in 2010-2011.

69 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CLASS SIZE REDUCTION
FROM GENERAL REVENUE FUND 2,737,527,425
FROM STATE SCHOOL TRUST FUND 86,161,098

Funds in Specific Appropriations 7 and 69 are provided to implement the requirements of sections 1003.03 and 1011.685, Florida Statutes. The class size reduction allocation factor for grades prekindergarten to grade 3 shall be $1,322.25, for grades 4 to 8 shall be $901.91, and for grades 9 to 12 shall be $904.09. The class size reduction allocation shall be recalculated based on enrollment through the October 2011 FTE survey except as provided in section 1003.03(4), Florida Statutes. If the total class size reduction allocation is greater than the appropriation in Specific Appropriations 7 and 69, funds shall be prorated to the level of the appropriation based on each district's calculated amount. The Commissioner of Education may withhold

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
disbursement of these funds until a district is in compliance with reporting information required for class size reduction implementation.

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP
FROM GENERAL REVENUE FUND 8,104,052,312
FROM TRUST FUNDS 369,100,000

TOTAL ALL FUNDS 8,473,152,312

PROGRAM: STATE GRANTS/K-12 PROGRAM - NON FEFP

Of the funds provided for regional education consortium programs and school district matching grants in Specific Appropriations 70, 77, 81, and 91A, 60 percent shall be released to the Department of Education at the beginning of the first quarter and the balance at the beginning of the third quarter. The Department of Education shall disburse the funds to eligible entities within 30 days of release.

Funds provided in Specific Appropriations 70 through 85, excluding 78 and 79, shall be used to serve Florida students only.

70 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 1,145,000

Funds provided in Specific Appropriation 70 shall be allocated as follows:

Sunlink Uniform Library Database..... 85,000
Learning Through Listening..... 760,000
Panhandle Area Educational Consortium (PAEC) for Distance Learning Teacher Training..... 300,000

From the funds provided in Specific Appropriation 70 for the Sunlink Uniform Library Database, $50,000 shall be provided to the College Center for Library Automation (CCLA) to complete the transfer of the K-12 public school bibliographic database from the Department of Education to the CCLA for inclusion in its online discovery tool product; and $35,000 shall be provided to the department to work with the CCLA and the school districts to develop a process that allows for the electronic updating of the database. The CCLA should make the public school bibliographic database of library holdings available for school district students, staff, and parents no later than September 1, 2011 and updates should minimally occur at the beginning of each academic year.

71 SPECIAL CATEGORIES
GRANTS AND AIDS - GRANTS TO PUBLIC SCHOOLS FOR READING PROGRAMS
FROM GENERAL REVENUE FUND 750,000

Funds in Specific Appropriation 71 are provided to the North East Florida Educational Consortium (NEFEC) and the Panhandle Area Educational Consortium (PAEC) for non-phonemic reading instruction for students scoring Level 1 or Level 2 in Reading on the Florida Comprehensive Assessment Test (FCAT).

72 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE TO LOW PERFORMING SCHOOLS
FROM GENERAL REVENUE FUND 3,500,000

Funds in Specific Appropriation 72 may be used to contract for the operation of the Florida Partnership for Minority and Underrepresented Student Achievement and to achieve the partnership's mission as provided in section 1007.35, Florida Statutes.

73 SPECIAL CATEGORIES
GRANTS AND AIDS - MENTORING/STUDENT ASSISTANCE INITIATIVES
FROM GENERAL REVENUE FUND 9,020,147

Funds provided in Specific Appropriation 73 shall be allocated as follows:

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
Best Buddies..... 586,477
Take Stock in Children..... 3,800,000
Big Brothers Big Sisters..... 1,930,248
The Florida Alliance of Boys and Girls Clubs..... 1,538,450
YMCA State Alliance..... 764,972
Teen Trendsetters..... 200,000
Big Brothers Big Sisters of Palm Beach and Martin Counties, Inc..... 200,000

74 SPECIAL CATEGORIES
GRANTS AND AIDS - COLLEGE REACH OUT PROGRAM
FROM GENERAL REVENUE FUND 1,000,000

75 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS
FROM GENERAL REVENUE FUND 1,982,626

Funds provided in Specific Appropriation 75 shall be allocated to the Multidisciplinary Educational Services Centers as follows:

University of Florida..... 396,525
University of Miami..... 396,525
Florida State University..... 396,525
University of South Florida..... 396,525
University of Florida Health Science Center at Jacksonville. 396,526

Each center shall provide a report to the Department of Education by September 1, 2011, for the 2010-2011 fiscal year that shall include the following: 1) the number of children served, 2) the number of parents served, 3) the number of persons participating in in-service education activities, 4) the number of districts served, and 5) specific services provided.

76 SPECIAL CATEGORIES
GRANTS AND AIDS - NEW WORLD SCHOOL OF THE ARTS
FROM GENERAL REVENUE FUND 400,000

77 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL DISTRICT MATCHING GRANTS PROGRAM
FROM GENERAL REVENUE FUND 1,393,891

Funds in Specific Appropriation 77 are provided as challenge grants to public school district education foundations for programs that serve low-performing students, technical career education, literacy initiatives, Science, Technology, Engineering, Math (STEM) Education initiatives, increased teacher quality and/or increased graduation rates. The amount of each grant shall be equal to the private contribution made to a qualifying public school district education foundation. In-kind contributions shall not be considered for matching purposes. Administrative costs for the program shall not exceed five percent.

Before any funds provided in Specific Appropriation 77 may be disbursed to any public school district education foundation, the public school district foundation must certify to the Commissioner of Education that the private cash has actually been received by the public school education foundation seeking matching funds. The Consortium of Florida Education Foundations shall be the fiscal agent for this program.

78 SPECIAL CATEGORIES
TEACHER AND SCHOOL ADMINISTRATOR DEATH BENEFITS
FROM GENERAL REVENUE FUND 18,000

79 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 529,117
FROM FEDERAL GRANTS TRUST FUND . . . 31,422
FROM GRANTS AND DONATIONS TRUST FUND 7,855

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
80 SPECIAL CATEGORIES
GRANTS AND AIDS - AUTISM PROGRAM
FROM GENERAL REVENUE FUND 4,975,425

Funds provided in Specific Appropriation 80 shall be allocated as follows:

University of South Florida/Florida Mental Health Institute.	872,630
University of Florida (College of Medicine).....	605,129
University of Central Florida.....	747,284
University of Miami (Department of Pediatrics) including $196,720 for activities in Broward County through Nova Southeastern University.....	945,826
Florida Atlantic University.....	473,254
University of Florida (Jacksonville).....	630,609
Florida State University (College of Medicine).....	700,693

Autism Centers shall provide appropriate nutritional information to parents of children served through funds provided in Specific Appropriation 80. Summaries of outcomes for the prior fiscal year shall be submitted to the Department of Education by September 1, 2011.

81 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL EDUCATION CONSORTIUM SERVICES
FROM GENERAL REVENUE FUND 1,445,390

82 SPECIAL CATEGORIES
TEACHER PROFESSIONAL DEVELOPMENT
FROM GENERAL REVENUE FUND 222,051
FROM FEDERAL GRANTS TRUST FUND . . . 134,580,906

Funds provided from General Revenue in Specific Appropriation 82 shall be allocated as follows:

Florida Association of District School Superintendents Training.....	167,713
Principal of the Year.....	29,426
Teacher of the Year.....	18,730
School Related Personnel of the Year.....	6,182

83 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL AND INSTRUCTIONAL ENHANCEMENTS
FROM GENERAL REVENUE FUND 2,469,592

Funds in Specific Appropriation 83 shall be allocated as follows:

State Science Fair.....	42,032
Academic Tourney.....	55,476
Arts for a Complete Education.....	110,952
Project to Advance School Success.....	508,983
Learning for Life.....	869,813
Girl Scouts of Florida.....	267,635
Black Male Explorers.....	114,701
Governor's School for Space Science and Technology.....	100,000
Knowledge is Power Program (KIPP).....	400,000

Funds provided in Specific Appropriation 83 for the Learning for Life program are eligible to be used in any public school.

84 SPECIAL CATEGORIES
GRANTS AND AIDS - EXCEPTIONAL EDUCATION
FROM GENERAL REVENUE FUND 1,013,726
FROM FEDERAL GRANTS TRUST FUND . . . 2,333,354

Funds in Specific Appropriation 84, shall include, but not be limited to, allocations for the FDLRS Associate Centers and the Florida Instructional Materials Center for the Visually Impaired.

85 SPECIAL CATEGORIES
FLORIDA SCHOOL FOR THE DEAF AND THE BLIND
FROM GENERAL REVENUE FUND 41,212,914
FROM FEDERAL GRANTS TRUST FUND . . . 2,659,956

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
FROM GRANTS AND DONATIONS TRUST FUND 1,747,957

From the funds in Specific Appropriation 85, the school shall contract for health, medical, pharmaceutical and dental screening services for students. The school shall develop a collaborative service agreement for medical services and shall maximize the recovery of all legally available funds from Medicaid and private insurance coverage. The school shall report to the Legislature by June 30, 2012, information describing the agreement, services provided, budget and expenditures, including the amounts and sources of all funding used for the collaborative medical program and any other student health services during the 2011-2012 fiscal year.

86 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 22,930
FROM FEDERAL GRANTS TRUST FUND . . . 1,477
FROM GRANTS AND DONATIONS TRUST FUND 1,018

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAM - NON FEFP
FROM GENERAL REVENUE FUND 71,100,809
FROM TRUST FUNDS 141,363,945

TOTAL ALL FUNDS 212,464,754

PROGRAM: FEDERAL GRANTS K/12 PROGRAM

87 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROJECTS, CONTRACTS AND GRANTS
FROM GRANTS AND DONATIONS TRUST FUND 3,999,420

88 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM ADMINISTRATIVE TRUST FUND . . . 553,962
FROM FEDERAL GRANTS TRUST FUND . . . 1,512,358,793

From the funds in Specific Appropriation 88 from the Administrative Trust Fund, $100,000 shall be provided to the African American Task Force and $100,000 shall be provided to the Florida Holocaust Museum.

89 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM
FROM FOOD AND NUTRITION SERVICES TRUST FUND 942,307,194

90 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM - STATE MATCH
FROM GENERAL REVENUE FUND 16,886,046

Funds provided in Specific Appropriation 90 for the School Breakfast Program shall be allocated as provided in section 1006.06, Florida Statutes.

90A SPECIAL CATEGORIES
DOMESTIC SECURITY
FROM FEDERAL GRANTS TRUST FUND . . . 5,409,971

90B SPECIAL CATEGORIES
GRANTS AND AIDS - STRATEGIC EDUCATION INITIATIVES
FROM FEDERAL GRANTS TRUST FUND . . . 196,922,877

90C SPECIAL CATEGORIES
GRANTS AND AIDS - PARTNERSHIP FOR ASSESSMENT OF READINESS FOR COLLEGES AND CAREERS
FROM FEDERAL GRANTS TRUST FUND . . . 28,333,892

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
TOTAL: PROGRAM: FEDERAL GRANTS K/12 PROGRAM
FROM GENERAL REVENUE FUND 16,886,046
FROM TRUST FUNDS 2,689,886,109

TOTAL ALL FUNDS 2,706,772,155

PROGRAM: EDUCATIONAL MEDIA & TECHNOLOGY SERVICES

91 SPECIAL CATEGORIES
CAPITOL TECHNICAL CENTER
FROM GENERAL REVENUE FUND 149,624

91A SPECIAL CATEGORIES
GRANTS AND AIDS - INSTRUCTIONAL TECHNOLOGY
FROM GENERAL REVENUE FUND 421,000

The funds in Specific Appropriation 91A shall be allocated as follows:

NEFEC Web-Based Instruction for Credit Recovery..... 400,000
Broward Educational Programming..... 21,000

93 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC BROADCASTING
FROM GENERAL REVENUE FUND 7,444,170

The funds provided in Specific Appropriation 93 shall be allocated as follows:

Statewide Governmental and Cultural Affairs Programming..... 497,522
Florida Channel Closed Captioning..... 340,862
Florida Channel Year Round Coverage..... 1,806,676
Public Television and Radio Stations..... 4,799,110

From the funds provided in Specific Appropriation 93, "Governmental Affairs for Public Television" shall be produced by the same contractor selected by the Legislature to produce "The Florida Channel."

Funds provided in Specific Appropriation 93 for public television and radio stations shall be allocated in the amount of $307,447 for each public television station and $61,715 for each public radio station as recommended by the Commissioner of Education. Funds are included for public television station(s) recommended by the Commissioner to provide the full-service public broadcasting signal to the Orlando Designated Market Area (DMA).

TOTAL: PROGRAM: EDUCATIONAL MEDIA & TECHNOLOGY SERVICES
FROM GENERAL REVENUE FUND 8,014,794

TOTAL ALL FUNDS 8,014,794

PROGRAM: WORKFORCE EDUCATION

94 AID TO LOCAL GOVERNMENTS
PERFORMANCE BASED INCENTIVES
FROM GENERAL REVENUE FUND 4,986,825

The funds provided in Specific Appropriation 94 shall be allocated as follows:

Alachua..... 5,888
Baker..... 2,262
Bay..... 47,370
Bradford..... 19,991
Brevard..... 71,432
Broward..... 735,649
Calhoun..... 962
Charlotte..... 55,789
Citrus..... 54,991
Clay..... 17,405
Collier..... 112,629
Columbia..... 7,745
Miami-Dade..... 849,190
De Soto..... 11,984

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
Dixie..... 1,566
Escambia..... 80,364
Flagler..... 40,581
Franklin..... 672
Gadsden..... 3,657
Glades..... 81
Gulf..... 1,646
Hamilton..... 1,514
Hardee..... 3,558
Hendry..... 5,460
Hernando..... 12,826
Hillsborough..... 461,321
Indian River..... 27,190
Jackson..... 2,619
Jefferson..... 390
Lafayette..... 1,114
Lake..... 99,632
Lee..... 189,601
Leon..... 78,948
Liberty..... 1,967
Madison..... 1,904
Manatee..... 143,069
Marion..... 108,487
Martin..... 18,193
Monroe..... 6,410
Nassau..... 6,349
Okaloosa..... 10,632
Orange..... 423,358
Osceola..... 98,086
Palm Beach..... 175,275
Pasco..... 52,203
Pinellas..... 431,566
Polk..... 161,747
Putnam..... 7,785
Saint Johns..... 88,079
Santa Rosa..... 23,563
Sarasota..... 108,712
Sumter..... 2,391
Suwannee..... 25,508
Taylor..... 21,859
Union..... 2,126
Wakulla..... 3,737
Walton..... 8,410
Washington..... 49,382

95 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT BASIC EDUCATION
FEDERAL FLOW-THROUGH FUNDS
FROM FEDERAL GRANTS TRUST FUND . . . 41,552,472

96 AID TO LOCAL GOVERNMENTS
WORKFORCE DEVELOPMENT
FROM GENERAL REVENUE FUND 334,360,575

Funds from the Educational Enhancement Trust Fund in Specific Appropriation 9 and the General Revenue Fund in Specific Appropriation 96 are provided for school district workforce education programs as defined in section 1004.02(26), Florida Statutes, and are allocated as follows:

Alachua..... 1,124,888
Baker..... 177,923
Bay..... 3,055,884
Bradford..... 1,007,696
Brevard..... 3,144,759
Broward..... 70,264,804
Calhoun..... 143,901
Charlotte..... 2,606,461
Citrus..... 2,742,707
Clay..... 886,001
Collier..... 7,569,731
Columbia..... 257,933
Miami-Dade..... 81,814,780
DeSoto..... 791,819

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

Dixie	64,721
Escambia	4,765,518
Flagler	2,245,336
Franklin	55,666
Gadsden	823,355
Glades	35,195
Gulf	143,342
Hamilton	71,194
Hardee	261,993
Hendry	384,685
Hernando	375,524
Hillsborough	30,141,796
Indian River	1,189,004
Jackson	431,215
Jefferson	155,172
Lafayette	53,245
Lake	4,212,939
Lee	9,969,650
Leon	5,809,824
Liberty	90,033
Madison	56,014
Manatee	8,541,674
Marion	3,489,772
Martin	1,933,115
Monroe	665,124
Nassau	223,609
Okaloosa	2,096,275
Orange	31,496,365
Osceola	5,793,707
Palm Beach	17,653,059
Pasco	2,303,964
Pinellas	24,892,434
Polk	9,979,527
Putnam	453,208
Saint Johns	5,491,436
Santa Rosa	1,558,026
Sarasota	9,528,420
Sumter	235,983
Suwannee	904,462
Taylor	1,438,354
Union	138,861
Wakulla	231,527
Walton	268,586
Washington	3,200,458
Washington Special	45,720

Tuition and fee rates are established for the 2011-2012 fiscal year as follows:

For programs leading to a career certificate or an applied technology diploma, the standard tuition shall be $2.22 per contact hour for residents. For nonresidents, the out-of-state fee shall be $6.66 per contact hour in addition to the standard tuition of $2.22 per contact hour.

For adult general education programs, a block tuition shall be assessed in the amount of $45 per half year or $30 per term for residents. For nonresidents, the out-of-state fee shall be $135 per half year or $90 per term, in addition to the standard tuition.

Funds collected from standard tuition and out-of-state fees shall be used to support school district workforce education programs as defined in section 1004.02(26), Florida Statutes, and are not to be used to support K-12 programs or district K-12 administrative indirect costs.

The funds provided in Specific Appropriations 9, 94, and 96 are not to be used to support K-12 programs or district K-12 administrative indirect costs. The Auditor General shall verify compliance with this requirement during scheduled audits of these institutions.

Consistent with section 1009.22(3)(d), Florida Statutes, if the tuition and out-of-state fee increases provided herein become law, the statutory increase for inflation shall not be made.

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

Pursuant to the provisions of section 1009.26(1), Florida Statutes, school districts may grant fee waivers for programs funded through Workforce Development Education appropriations for up to 8 percent of the fee revenues that would otherwise be collected.

From the funds provided in Specific Appropriations 9 and 96, each school district shall report enrollment for adult general education programs identified in section 1004.02, Florida Statutes, in accordance with the Department of Education instructional hours reporting procedures. The Auditor General shall verify compliance with this requirement during scheduled operational audits of the school districts.

97 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - VOCATIONAL FORMULA FUNDS
FROM FEDERAL GRANTS TRUST FUND . . . 72,144,852

98 SPECIAL CATEGORIES
GRANTS AND AIDS - BUSINESS PARTNERSHIPS/
SKILL ASSESSMENT AND TRAINING
FROM GENERAL REVENUE FUND 3,000,000
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 2,000,000

Funds in Specific Appropriation 98 are provided to continue implementation of the Florida Ready to Work program created in section 1004.99, Florida Statutes. The program may be conducted in public schools, regional education consortia, Florida colleges, area technical centers, one-stop career centers, vocational rehabilitation centers, correctional programs, Department of Juvenile Justice programs, state agencies, and businesses/employers operating in Florida. Priority for the program shall be provided to businesses/employers operating in Florida, one-stop career centers and public schools.

Up to 20 percent of funds in Specific Appropriation 98 may be utilized for assessments. The balance of funds is provided for curriculum and implementation services.

To maximize the state's investment in the program and maintain continuity of program services, the Department shall enter into a contract with the current Ready to Work provider previously selected by competitive procurement. To increase program efficiency, the provider may implement an alternative assessment, which is certified by the provider to be sufficiently reliable and valid for use in awarding credentials.

Each approved assessment center shall be provided an allocation of assessments. If the demand for assessments exceeds the allocated number, additional assessments may be purchased by the assessment center directly through the Ready to Work provider at the same cost provided to the Department in the contract.

TOTAL: PROGRAM: WORKFORCE EDUCATION
FROM GENERAL REVENUE FUND 342,347,400
FROM TRUST FUNDS 115,697,324

TOTAL ALL FUNDS 458,044,724

FLORIDA COLLEGES, DIVISION OF

PROGRAM: FLORIDA COLLEGES

99 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGES
PROGRAM FUND
FROM GENERAL REVENUE FUND 893,092,474

Funds provided in Specific Appropriation 99 are provided for operating funds, including performance incentives and approved baccalaureate programs, and shall be allocated as follows:

Brevard Community College	31,567,130
Broward College	60,936,938
College of Central Florida	17,111,853
Chipola College	8,388,060

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

Daytona State College	42,470,200
Edison State College	21,841,892
Florida State College at Jacksonville	64,243,165
Florida Keys Community College	5,033,419
Gulf Coast State College	15,290,427
Hillsborough Community College	42,062,905
Indian River State College	38,125,775
Florida Gateway College	10,712,497
Lake Sumter Community College	9,395,486
State College of Florida, Manatee-Sarasota	18,672,477
Miami Dade College	142,918,856
North Florida Community College	5,341,613
Northwest Florida State College	15,372,236
Palm Beach State College	43,847,564
Pasco-Hernando Community College	16,969,884
Pensacola State College	28,771,446
Polk State College	21,391,903
Saint Johns River State College	14,411,067
Saint Petersburg College	54,405,023
Santa Fe College	29,580,208
Seminole State College of Florida	31,057,246
South Florida Community College	13,169,184
Tallahassee Community College	24,455,425
Valencia College	52,771,488
College Center for Library Automation	12,777,107

Beginning with the Fall 2011 semester, tuition and fee rates are established for the 2011-2012 fiscal year as follows:

For advanced and professional, postsecondary vocational, college preparatory, and educator preparation institute programs, standard tuition for residents and nonresidents shall be $68.56 per credit hour and the out-of-state fee shall be $205.82 per credit hour for nonresidents.

For baccalaureate degree programs, the standard tuition shall be $87.42 per credit hour for students who are residents.

Prior to the disbursement of funds in Specific Appropriations 10 and 99, colleges shall submit an operating budget for the expenditure of these funds as provided in section 1011.30, Florida Statutes. The operating budget shall clearly identify planned expenditures for baccalaureate programs and shall include the sources of funds.

For programs leading to a career certificate or an applied technology diploma, the standard tuition shall be $2.22 per contact hour for residents and nonresidents and the out-of-state fee shall be $6.66 per contact hour.

For adult general education programs, a block tuition shall be assessed in the amount of $45 per half year or $30 per term for residents. For nonresidents, the out-of-state fee shall be $135 per half year or $90 per term, in addition to the standard tuition.

Consistent with sections 1009.22(3)(d) and 1009.23(3)(c), Florida Statutes, if the tuition and out-of-state fee increases provided herein become law, the statutory increase for inflation shall not be made.

Pursuant to the provisions of section 1009.26(1), Florida Statutes, Florida colleges may grant fee waivers for programs funded through Workforce Development Education appropriations for up to 8 percent of the fee revenues that would otherwise be collected.

From the funds in Specific Appropriation 99 for the College Center for Library Automation, $1,357,746 shall be released at the beginning of the first quarter in addition to the normal release and $2,311,839 shall be released at the beginning of the second quarter in addition to the normal release. The additional release is provided to maximize cost savings through centralized purchase of subscription-based e-resources. The remaining appropriated funds for the Center shall be distributed in accordance with the normal release plan.

From the funds in Specific Appropriations 10 and 99, each Florida college shall report enrollment for adult general education programs identified in section 1004.02, Florida Statutes, in accordance with the Department of Education instructional hours reporting procedures. The Auditor General shall verify compliance with this requirement during scheduled operational audits of the Florida colleges.

Each Florida college board of trustees is given flexibility to make necessary adjustments to its operating budget. If any board reduces individual programs or projects within the Florida college by more than 10 percent during the 2011-2012 fiscal year, written notification shall be made to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Department of Education.

100 SPECIAL CATEGORIES
COMMISSION ON COMMUNITY SERVICE
FROM GENERAL REVENUE FUND 509,626

101 SPECIAL CATEGORIES
GRANTS AND AIDS - DISTANCE LEARNING
FROM GENERAL REVENUE FUND 611,675

From the funds provided in Specific Appropriations 101 and 129, $590,000 in nonrecurring general revenue is for the Florida Academic Counseling and Tracking for Students system (FACTS.org) to carry out its duties pursuant to section 1007.28, Florida Statutes, and to develop and implement the transient student admissions application process required by section 1004.091, Florida Statutes.

101A SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA'S TWO PLUS TWO
PUBLIC AND PRIVATE PARTNERSHIPS
FROM GENERAL REVENUE FUND 3,000,000

From the funds in Specific Appropriation 101A, $2,250,000 shall be awarded to eligible public colleges and public universities with partnership articulation agreements to provide 2+2 baccalaureate degree programs at a college during the 2011-2012 academic year. Funding shall be based on the eligible full-time equivalent enrollment in each 2+2 baccalaureate partnership program offered at a college during the 2011-2012 academic year. The participating college and the participating partner university shall receive equal proportions of the per student incentive award. Colleges shall submit applications to the Department of Education requesting funds for eligible programs by April 15, 2012. The Department shall distribute the funds to the eligible colleges and partner universities by June 1, 2012.

From the funds in Specific Appropriation 101A, $750,000 shall be awarded as incentive grants to eligible public colleges and public universities to establish new partnership articulation agreements to create 2+2 baccalaureate degree programs at a college during the 2011-2012 and 2012-2013 academic years. The Department of Education shall establish application procedures, guidelines, accountability measures, and timelines for implementation of the new programs and advise all approved applicants accordingly. Funds must be used to support new students and new programs and not to supplant current funding or students.

TOTAL: PROGRAM: FLORIDA COLLEGES
FROM GENERAL REVENUE FUND 897,213,775

TOTAL ALL FUNDS 897,213,775

STATE BOARD OF EDUCATION

Funds provided in Specific Appropriations 102 through 117 for the Working Capital Trust Fund shall be cost-recovered from funds used to pay data processing services provided in accordance with section 216.272, Florida Statutes.

From the funds provided in Specific Appropriations 102 through 117, the Commissioner of Education shall prepare and provide to the chair of the Senate Budget Committee, the chair of the House Appropriations Committee, and the Executive Office of the Governor on or before October 1, 2011, a report containing the following: the federal indirect cost

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
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rate(s) approved to be used for the 12 month period of the 2011-2012 fiscal year and the data on which the rate(s) was established; the estimated amount of funds the approved rate(s) will generate; the proposed expenditure plan for the amount generated; and the June 30, 2011, balance of all unexpended federal indirect cost funds.

From the funds provided in Specific Appropriations 114, 115, and 117, the Department of Education shall pay for data center services based on the actual direct and indirect costs to the Department of Education. These funds shall not be used to subsidize another entity's costs.

From the funds provided in Specific Appropriations 102 through 117 and 130 through 134, the State Board of Education and Board of Governors shall identify the percent of day, evening, and weekend utilization of higher education classroom facilities to accurately determine space needs. The State Board of Education and the Board of Governors shall review the data and develop recommendations for a revised funding formula or potential policy changes to increase the evening and weekend utilization of higher education classroom facilities during future school terms. These recommendations shall be provided to the chair of the Senate Budget Committee, the chair of the House Appropriations Committee, and the Executive Office of the Governor on or before January 15, 2012.

From the funds provided in Specific Appropriations 87 through 90C and 102 through 117, $590,000 is provided for maintenance of the FCAT Explorer program with the current provider until the new standards tutorial is implemented.

APPROVED SALARY RATE 52,028,583

102	SALARIES AND BENEFITS POSITIONS 1,074.00			
	FROM GENERAL REVENUE FUND	19,925,458		
	FROM ADMINISTRATIVE TRUST FUND		8,026,574	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		4,499,466	
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		2,948,057	
	FROM FEDERAL GRANTS TRUST FUND		14,427,373	
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		2,698,764	
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND		2,240,381	
	FROM STUDENT LOAN OPERATING TRUST FUND		9,304,841	
	FROM OPERATING TRUST FUND		475,761	
	FROM WORKING CAPITAL TRUST FUND		4,707,170	
103	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND	227,539		
	FROM ADMINISTRATIVE TRUST FUND		135,012	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		149,999	
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		40,000	
	FROM FEDERAL GRANTS TRUST FUND		1,134,714	
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		127,020	
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND		49,600	
	FROM STUDENT LOAN OPERATING TRUST FUND		250,000	
	FROM OPERATING TRUST FUND		120,101	
	FROM WORKING CAPITAL TRUST FUND		8,320	
104	EXPENSES			
	FROM GENERAL REVENUE FUND	2,702,758		
	FROM ADMINISTRATIVE TRUST FUND		1,649,974	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		578,177	
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		972,562	
	FROM FEDERAL GRANTS TRUST FUND		5,730,767	
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		1,042,459	
	FROM GRANTS AND DONATIONS TRUST FUND		50,000	
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND		986,897	
	FROM STUDENT LOAN OPERATING TRUST FUND		2,531,496	
	FROM OPERATING TRUST FUND		949,856	
	FROM WORKING CAPITAL TRUST FUND		329,835	
105	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND	45,970		
	FROM ADMINISTRATIVE TRUST FUND		190,094	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		45,440	
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		15,000	
	FROM FEDERAL GRANTS TRUST FUND		778,834	
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		57,438	
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND		16,375	
	FROM STUDENT LOAN OPERATING TRUST FUND		518,200	
	FROM WORKING CAPITAL TRUST FUND		47,921	
106	SPECIAL CATEGORIES ASSESSMENT AND EVALUATION			
	FROM GENERAL REVENUE FUND	31,422,090		
	FROM ADMINISTRATIVE TRUST FUND		12,938,268	
	FROM FEDERAL GRANTS TRUST FUND		29,617,300	
	FROM SOPHOMORE LEVEL TEST TRUST FUND		89,739	
	FROM TEACHER CERTIFICATION EXAMINATION TRUST FUND		12,544,268	
107	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS			
	FROM GENERAL REVENUE FUND	260,822		
108	SPECIAL CATEGORIES CONTRACTED SERVICES			
	FROM GENERAL REVENUE FUND	633,162		
	FROM ADMINISTRATIVE TRUST FUND		468,008	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		1,583,535	
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		255,901	
	FROM FEDERAL GRANTS TRUST FUND		1,732,314	
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		2,036,539	
	FROM GRANTS AND DONATIONS TRUST FUND		50,000	
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND		204,134	
	FROM STUDENT LOAN OPERATING TRUST FUND		12,455,478	
	FROM OPERATING TRUST FUND		264,193	
	FROM WORKING CAPITAL TRUST FUND		52,847	
109	SPECIAL CATEGORIES GRANTS AND AIDS - CHOICES PRODUCT SALES			
	FROM EDUCATIONAL MEDIA AND TECHNOLOGY TRUST FUND		200,000	
110	SPECIAL CATEGORIES EDUCATIONAL FACILITIES RESEARCH AND DEVELOPMENT PROJECTS			

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
FROM DIVISION OF UNIVERSITIES
FACILITY CONSTRUCTION
ADMINISTRATIVE TRUST FUND 200,000

111 SPECIAL CATEGORIES
STUDENT FINANCIAL ASSISTANCE MANAGEMENT
INFORMATION SYSTEM
FROM STUDENT LOAN OPERATING TRUST
FUND 460,220

112 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 186,198
FROM ADMINISTRATIVE TRUST FUND . . . 83,388
FROM EDUCATIONAL CERTIFICATION AND
SERVICE TRUST FUND 54,953
FROM DIVISION OF UNIVERSITIES
FACILITY CONSTRUCTION
ADMINISTRATIVE TRUST FUND 22,748
FROM FEDERAL GRANTS TRUST FUND . . . 152,898
FROM FOOD AND NUTRITION SERVICES
TRUST FUND 29,075
FROM INSTITUTIONAL ASSESSMENT
TRUST FUND 11,183
FROM STUDENT LOAN OPERATING TRUST
FUND 133,869
FROM OPERATING TRUST FUND 5,776
FROM WORKING CAPITAL TRUST FUND . . 49,640

113 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 155,980
FROM ADMINISTRATIVE TRUST FUND . . . 28,403
FROM EDUCATIONAL CERTIFICATION AND
SERVICE TRUST FUND 23,590
FROM DIVISION OF UNIVERSITIES
FACILITY CONSTRUCTION
ADMINISTRATIVE TRUST FUND 15,538
FROM FEDERAL GRANTS TRUST FUND . . . 97,758
FROM FOOD AND NUTRITION SERVICES
TRUST FUND 19,212
FROM INSTITUTIONAL ASSESSMENT
TRUST FUND 6,836
FROM STUDENT LOAN OPERATING TRUST
FUND 58,593
FROM OPERATING TRUST FUND 3,832
FROM WORKING CAPITAL TRUST FUND . . 35,212

114 DATA PROCESSING SERVICES
EDUCATION TECHNOLOGY AND INFORMATION
SERVICES
FROM GENERAL REVENUE FUND 3,222,236
FROM ADMINISTRATIVE TRUST FUND . . . 782,279
FROM EDUCATIONAL CERTIFICATION AND
SERVICE TRUST FUND 912,648
FROM DIVISION OF UNIVERSITIES
FACILITY CONSTRUCTION
ADMINISTRATIVE TRUST FUND 320,924
FROM FEDERAL GRANTS TRUST FUND . . . 1,533,342
FROM FOOD AND NUTRITION SERVICES
TRUST FUND 271,519
FROM INSTITUTIONAL ASSESSMENT
TRUST FUND 88,503
FROM STUDENT LOAN OPERATING TRUST
FUND 1,196,342
FROM OPERATING TRUST FUND 55,051
FROM WORKING CAPITAL TRUST FUND . . 624,421

115 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM STUDENT LOAN OPERATING TRUST
FUND 17,327

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
117 DATA PROCESSING SERVICES
NORTHWEST REGIONAL DATA CENTER (NWRDC)
FROM GENERAL REVENUE FUND 165,444
FROM STUDENT LOAN OPERATING TRUST
FUND 157,369
FROM WORKING CAPITAL TRUST FUND . . 829,518

TOTAL: STATE BOARD OF EDUCATION
FROM GENERAL REVENUE FUND 58,947,657
FROM TRUST FUNDS 150,608,969

TOTAL POSITIONS 1,074.00
TOTAL ALL FUNDS 209,556,626

UNIVERSITIES, DIVISION OF

PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

Funds in Specific Appropriations 11 through 15 and 119 through 125 are provided as grants and aids to support the operation of state universities. Funds provided to each university are contingent upon that university following the provisions of chapters 1000 through 1013, Florida Statutes, which relate to state universities. Any withholding of funds pursuant to this provision shall be subject to the approval of the Legislative Budget Commission.

118 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - MOFFITT CANCER CENTER
AND RESEARCH INSTITUTE
FROM GENERAL REVENUE FUND 9,583,007

Funds in Specific Appropriation 118 are provided to continue funding to the H. Lee Moffitt Cancer Center and Research Institute. These funds may be used as state matching funds for Moffitt's participation in the Low Income Pool, which provides payments to hospitals providing enhanced services to low-income individuals. In the event that enhanced Medicaid funding is not implemented by the Agency for Health Care Administration, these funds shall remain appropriated to the H. Lee Moffitt Cancer Center and Research Institute to continue the original purpose of providing research related to cancer.

119 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EDUCATION AND GENERAL
ACTIVITIES
FROM GENERAL REVENUE FUND 1,348,166,603
FROM EDUCATION AND GENERAL STUDENT
AND OTHER FEES TRUST FUND 1,379,021,815
FROM PHOSPHATE RESEARCH TRUST FUND . 7,316,106

The funds provided in Specific Appropriations 119 through 125 from the Education and General Student and Other Fees Trust Fund are the only budget authority provided in this act for the 2011-2012 fiscal year to the named universities to expend tuition and fees that are collected during the 2011-2012 fiscal year and carried forward from the prior fiscal year and that are appropriated into local accounts pursuant to section 1011.4106, Florida Statutes. The expenditure of tuition and fee revenues from local accounts by each university shall not exceed the authority provided by these specific appropriations, unless approved pursuant to the provisions of chapter 216, Florida Statutes. If a court of competent jurisdiction finds that the restriction above is invalid, the appropriation made by section 1011.4106, Florida Statutes, is hereby repealed for the 2011-2012 fiscal year and the moneys described in that section shall be deposited in the state treasury for expenditure only pursuant to appropriations made by law.

General revenue funds provided in Specific Appropriations 119 through 125 to each of the named universities are contingent upon each university complying with the tuition and fee policies established in the proviso language attached to Specific Appropriation 119, and with the tuition and fee policies for state universities included in Part II of chapter 1009, Florida Statutes. However, the funds appropriated to a specific university shall not be affected by the failure of another university to comply with this provision.

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

Funds in Specific Appropriations 11 through 15 and 119 through 125 shall be expended in accordance with operating budgets that must be approved by each university's board of trustees.

Each university board of trustees may allocate the institution's General Revenue Funds and Education and General Student and Other Fees Trust Funds across the Education and General Activities category and other program categories. Each board of trustees shall provide to the Board of Governors the allocation by grants and aids category prior to October 1, 2011.

Funds in Specific Appropriation 119 from the General Revenue Fund shall be allocated as follows:

University of Florida..... 240,119,860
Florida State University..... 212,075,291
Florida A&M University..... 82,960,550
University of South Florida..... 147,725,863
University of South Florida, St. Petersburg..... 19,858,866
University of South Florida, Sarasota/Manatee..... 10,215,081
University of South Florida, Polytechnic..... 27,139,047
Florida Atlantic University..... 124,150,301
University of West Florida..... 44,972,727
University of Central Florida..... 188,509,742
Florida International University..... 139,223,760
University of North Florida..... 59,126,601
Florida Gulf Coast University..... 38,643,003
New College of Florida..... 13,445,911

Funds in Specific Appropriation 119 from the Education and General Student and Other Fees Trust Fund shall be allocated as follows:

University of Florida..... 292,093,941
Florida State University..... 186,492,233
Florida A&M University..... 64,091,635
University of South Florida..... 145,168,779
University of South Florida, St. Petersburg..... 15,308,966
University of South Florida, Sarasota/Manatee..... 7,281,996
University of South Florida, Polytechnic..... 5,402,921
Florida Atlantic University..... 96,868,244
University of West Florida..... 40,564,495
University of Central Florida..... 224,614,548
Florida International University..... 181,380,547
University of North Florida..... 63,438,922
Florida Gulf Coast University..... 50,778,538
New College of Florida..... 5,536,050

Beginning with the Fall 2011 semester, undergraduate tuition is established at $103.32 per credit hour for the 2011-2012 fiscal year.

Tuition for graduate and professional programs and out-of-state fees for all programs shall be established pursuant to section 1009.24, Florida Statutes.

Funds in Specific Appropriation 119 from the Phosphate Research Trust Fund are provided for the University of South Florida Polytechnic.

Funds in Specific Appropriation 119 are based upon the following full-time equivalent (FTE) enrollment:

Resident Lower-Level..... 62,776
Resident Upper-Level..... 86,422
Resident Graduate..... 26,640
Nonresident (all levels)..... 14,646
Total..... 190,484

Funding for each university is based upon the following full-time equivalent (FTE) enrollment:

University of Florida;
Resident Lower-Level..... 10,182
Resident Upper-Level..... 13,258
Resident Graduate..... 6,757
Nonresident (all levels)..... 4,049

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
Total..... 34,246

Florida State University;
Resident Lower-Level..... 9,327
Resident Upper-Level..... 10,713
Resident Graduate..... 4,279
Nonresident (all levels)..... 2,483
Total..... 26,802

Florida Agricultural & Mechanical University;
Resident Lower-Level..... 3,601
Resident Upper-Level..... 2,868
Resident Graduate..... 1,278
Nonresident (all levels)..... 1,119
Total..... 8,866

University of South Florida;
Resident Lower-Level..... 9,275
Resident Upper-Level..... 12,777
Resident Graduate..... 3,807
Nonresident (all levels)..... 1,302
Total..... 27,161

Florida Atlantic University;
Resident Lower-Level..... 4,461
Resident Upper-Level..... 7,910
Resident Graduate..... 1,958
Nonresident (all levels)..... 910
Resident M.D..... 51
Nonresident M.D..... 13
Total..... 15,303

University of West Florida;
Resident Lower-Level..... 1,886
Resident Upper-Level..... 3,232
Resident Graduate..... 653
Nonresident (all levels)..... 444
Total..... 6,215

University of Central Florida;
Resident Lower-Level..... 10,306
Resident Upper-Level..... 16,000
Resident Graduate..... 3,006
Nonresident (all levels)..... 1,528
Total..... 30,840

Florida International University;
Resident Lower-Level..... 7,860
Resident Upper-Level..... 11,682
Resident Graduate..... 3,406
Nonresident (all levels)..... 2,138
Total..... 25,086

University of North Florida;
Resident Lower-Level..... 3,530
Resident Upper-Level..... 5,244
Resident Graduate..... 976
Nonresident (all levels)..... 250
Total..... 10,000

Florida Gulf Coast University;
Resident Lower-Level..... 2,224
Resident Upper-Level..... 2,319
Resident Graduate..... 520
Nonresident (all levels)..... 310
Total..... 5,373

New College of Florida;
Resident Lower-Level..... 124
Resident Upper-Level..... 419
Nonresident (all levels)..... 113
Total..... 656

From the funds provided in Specific Appropriations 11, 13, 119, and

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
121, each university may shift enrollment by level in a manner which is revenue neutral; however, no university, with the exception of New College of Florida, shall increase the number of lower-level FTEs. For planning and enrollment shifting purposes, the University of South Florida may combine lower, upper, and graduate FTE identified in Specific Appropriations 119 and 121.

The enrollment policy adopted by the Legislature does not limit the number of students admitted from out-of-state under the profile admissions policy; however, no state university may receive general revenue funding associated with the enrollment of out-of-state students admitted under this policy. For the purposes of implementing this policy, the Chancellor shall segregate these FTEs and not count them toward the 2011-2012 enrollment plan for the State University System.

Each university board of trustees is given flexibility to make necessary adjustments to its operating budget. If any board reduces individual programs or projects within the university by more than 10 percent during the 2011-2012 fiscal year, written notification shall be made to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Board of Governors.

From the funds provided in Specific Appropriation 119, for the University of Florida, $9,681,708 is for the Florida Center for Library Automation (FCLA).

120 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - IFAS (INSTITUTE OF FOOD AND AGRICULTURAL SCIENCE)
FROM GENERAL REVENUE FUND 118,952,794

121 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER
FROM GENERAL REVENUE FUND 54,246,143
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND 46,431,688

Funds in Specific Appropriation 121 are based upon the following full-time equivalent enrollment:

Resident Lower-Level	103
Resident Upper-Level	584
Resident Graduate	727
Nonresident (all levels)	98
Resident M.D.	480
Resident Pharmacy	50

From the funds in Specific Appropriation 121, the University of South Florida shall provide a minimum of $500,000 to continue support of the Interdisciplinary Center for Neuromusculoskeletal Research within the School of Physical Therapy and Rehabilitation Sciences.

122 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - UNIVERSITY OF FLORIDA HEALTH CENTER
FROM GENERAL REVENUE FUND 94,481,766
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND 34,618,985

Funds in Specific Appropriation 122 are based upon the following full-time equivalent enrollment:

Resident Dentistry	321
Resident Veterinary Medicine	332
Resident M.D.	513
Nonresident (all levels)	23

123 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA STATE UNIVERSITY MEDICAL SCHOOL
FROM GENERAL REVENUE FUND 33,999,993
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND 10,863,626

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
Funds in Specific Appropriation 123 are based upon the following full-time equivalent enrollment:

Resident M.D.	480

124 AID TO LOCAL GOVERNMENTS
UNIVERSITY OF CENTRAL FLORIDA MEDICAL SCHOOL
FROM GENERAL REVENUE FUND 22,184,003
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND 4,729,709

Funds in Specific Appropriation 124 are based upon the following full-time equivalent enrollment:

Resident M.D.	160
Nonresident M.D.	20

125 AID TO LOCAL GOVERNMENTS
FLORIDA INTERNATIONAL UNIVERSITY MEDICAL SCHOOL
FROM GENERAL REVENUE FUND 26,293,035
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND 4,711,544

Funds in Specific Appropriation 125 are based upon the following full-time equivalent enrollment:

Resident M.D.	144
Nonresident M.D.	16

126 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT FINANCIAL ASSISTANCE
FROM GENERAL REVENUE FUND 7,140,378

A minimum of 75 percent of the funds provided in Specific Appropriation 126 shall be allocated for need-based financial aid.

Funds in Specific Appropriation 126 shall be allocated as follows:

University of Florida	1,737,381
Florida State University	1,467,667
Florida A&M University	624,417
University of South Florida	851,368
Florida Atlantic University	399,658
University of West Florida	157,766
University of Central Florida	858,405
Florida International University	540,666
University of North Florida	200,570
Florida Gulf Coast University	98,073
New College of Florida	204,407

127 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTITUTE FOR HUMAN AND MACHINE COGNITION
FROM GENERAL REVENUE FUND 1,457,864

128 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 20,969,432
FROM PHOSPHATE RESEARCH TRUST FUND . 18,064

129 SPECIAL CATEGORIES
GRANTS AND AIDS - DISTANCE LEARNING
FROM GENERAL REVENUE FUND 573,859

TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES
FROM GENERAL REVENUE FUND 1,738,048,877
FROM TRUST FUNDS 1,487,711,537

TOTAL ALL FUNDS 3,225,760,414

BOARD OF GOVERNORS

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
APPROVED SALARY RATE 3,715,391

130 SALARIES AND BENEFITS POSITIONS 52.00
FROM GENERAL REVENUE FUND 4,110,570
FROM DIVISION OF UNIVERSITIES
FACILITY CONSTRUCTION
ADMINISTRATIVE TRUST FUND 684,307

From the funds provided in Specific Appropriation 130, the state funded portion of salaries for each employee of the Board of Governors shall not exceed $200,000.

131 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 14,373
FROM DIVISION OF UNIVERSITIES
FACILITY CONSTRUCTION
ADMINISTRATIVE TRUST FUND 15,000
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 5,000

132 EXPENSES
FROM GENERAL REVENUE FUND 498,977
FROM DIVISION OF UNIVERSITIES
FACILITY CONSTRUCTION
ADMINISTRATIVE TRUST FUND 264,799
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 12,000

133 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 51,782
FROM DIVISION OF UNIVERSITIES
FACILITY CONSTRUCTION
ADMINISTRATIVE TRUST FUND 950

134 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 31,982
FROM DIVISION OF UNIVERSITIES
FACILITY CONSTRUCTION
ADMINISTRATIVE TRUST FUND 20,000
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 3,000

135 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 19,295
FROM DIVISION OF UNIVERSITIES
FACILITY CONSTRUCTION
ADMINISTRATIVE TRUST FUND 2,608

TOTAL: BOARD OF GOVERNORS
FROM GENERAL REVENUE FUND 4,726,979
FROM TRUST FUNDS 1,007,664

TOTAL POSITIONS 52.00
TOTAL ALL FUNDS 5,734,643

TOTAL OF SECTION 2

FROM GENERAL REVENUE FUND 11,916,380,880

FROM TRUST FUNDS 6,607,382,093

TOTAL POSITIONS 2,376.75

TOTAL ALL FUNDS 18,523,762,973

TOTAL: EDUCATION, DEPARTMENT OF (SECTIONS 1 AND 2)
EDUCATION/EARLY LEARNING
FROM GENERAL REVENUE FUND 384,798,382
EDUCATION/PUBLIC SCHOOLS
FROM GENERAL REVENUE FUND 8,542,401,361
FROM TRUST FUNDS 3,586,875,177
EDUCATION/COMM COLLEGES
FROM GENERAL REVENUE FUND 897,213,775
FROM TRUST FUNDS 130,359,158
EDUCATION/UNIVERSITIES
FROM GENERAL REVENUE FUND 1,738,048,877
FROM TRUST FUNDS 1,742,135,622
EDUCATION/OTHER
FROM GENERAL REVENUE FUND 353,918,485
FROM TRUST FUNDS 2,524,804,973

EDUCATION RECAP
FROM GENERAL REVENUE FUND 11,916,380,880
FROM TRUST FUNDS 7,984,174,930

TOTAL POSITIONS 2,376.75
TOTAL ALL FUNDS 19,900,555,810
TOTAL APPROVED SALARY RATE 101,527,178

SECTION 3 - HUMAN SERVICES

The moneys contained herein are appropriated from the named funds to the Agency for Health Care Administration, Agency for Persons with Disabilities, Department of Children and Families, Department of Elder Affairs, Department of Health, and the Department of Veterans' Affairs as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGENCY FOR HEALTH CARE ADMINISTRATION

PROGRAM: ADMINISTRATION AND SUPPORT

APPROVED SALARY RATE 13,848,388

136 SALARIES AND BENEFITS POSITIONS 293.00
FROM GENERAL REVENUE FUND 2,872,810
FROM ADMINISTRATIVE TRUST FUND . . . 15,916,310

137 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 79,599
FROM ADMINISTRATIVE TRUST FUND . . . 742,106

138 EXPENSES
FROM GENERAL REVENUE FUND 169,026
FROM ADMINISTRATIVE TRUST FUND . . . 3,454,618

139 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 180,923
FROM ADMINISTRATIVE TRUST FUND . . . 514,701

140 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 230,010
FROM ADMINISTRATIVE TRUST FUND . . . 3,167,048

141 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 32,297
FROM ADMINISTRATIVE TRUST FUND . . . 232,105

142 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 23,839
FROM ADMINISTRATIVE TRUST FUND . . . 92,728

143 SPECIAL CATEGORIES
STATE OPERATIONS - AMERICAN RECOVERY AND
REINVESTMENT ACT OF 2009
FROM ADMINISTRATIVE TRUST FUND . . . 1,524,090

144 SPECIAL CATEGORIES

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION
GRANTS AND AIDS - CONTRACTED SERVICES - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM ADMINISTRATIVE TRUST FUND . . . 289,801,028

From the funds in Specific Appropriation 144, $283,611,508 from the Administrative Trust Fund is provided for incentive payments to eligible Medicaid providers and hospitals from the adoption and meaningful use of certified electronic health records technology. Of these funds, $212,708,631 shall be held in reserve. The agency is directed to submit a budget amendment in accordance with the provisions of chapter 216, Florida Statutes, requesting quarterly release of these funds based upon quarterly releases from the Centers for Medicare and Medicaid Services.

145 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 647,765

TOTAL: PROGRAM: ADMINISTRATION AND SUPPORT
FROM GENERAL REVENUE FUND 3,588,504
FROM TRUST FUNDS 316,092,499

TOTAL POSITIONS 293.00
TOTAL ALL FUNDS 319,681,003

PROGRAM: HEALTH CARE SERVICES

CHILDREN'S SPECIAL HEALTH CARE

Funds in Specific Appropriations 146 through 151 are provided to operate the Florida KidCare Program. The Executive Office of the Governor may authorize transfer of these resources between programs or agencies pursuant to chapter 216, Florida Statutes, based on projections from the Social Services Estimating Conference.

The agency is authorized to seek any necessary state plan amendment to implement additional Title XXI administrative claiming for school health services.

146 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA HEALTHY KIDS CORPORATION
FROM GENERAL REVENUE FUND 15,240,878
FROM TOBACCO SETTLEMENT TRUST FUND . 65,154,585
FROM MEDICAL CARE TRUST FUND 180,056,036

Funds in Specific Appropriations 146 and 149 are provided to contract with the Florida Healthy Kids Corporation to provide comprehensive health insurance coverage, including dental services, to Title XXI children eligible under the Florida KidCare Program and pursuant to section 624.91, Florida Statutes. The corporation shall use local funds to serve non-Title XXI children that are eligible for the program pursuant to section 624.91(3)(b), Florida Statutes. The corporation shall return unspent local funds collected in Fiscal Year 2011-2012 to provide premium assistance for non-Title XXI eligible children based on a formula developed by the corporation.

Funds in Specific Appropriation 146 reflect a reduction of $3,193,495 from the General Revenue Fund and $7,185,104 from the Medical Care Trust Fund to reduce the per member per month rate adjustment for Florida Healthy Kids Corporation contracts for Fiscal Year 2011-2012. Average per member per month rates shall not exceed $108.97 per member per month. The corporation shall amend its contracts, effective October 1, 2011, to achieve this reduction.

147 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,176,147
FROM TOBACCO SETTLEMENT TRUST FUND . 704,548
FROM GRANTS AND DONATIONS TRUST FUND 401,551

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION
FROM MEDICAL CARE TRUST FUND 4,211,119

148 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES - FLORIDA HEALTHY KIDS ADMINISTRATION
FROM GENERAL REVENUE FUND 2,562,438
FROM TOBACCO SETTLEMENT TRUST FUND . 3,946,147
FROM MEDICAL CARE TRUST FUND 14,575,601

149 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA HEALTHY KIDS CORPORATION DENTAL SERVICES
FROM GENERAL REVENUE FUND 9,682,127
FROM MEDICAL CARE TRUST FUND 21,682,563

Funds in Specific Appropriation 149 are provided for Florida Healthy Kids dental services to be paid a monthly premium of no more than $11.99 per member per month.

150 SPECIAL CATEGORIES
MEDIKIDS
FROM GENERAL REVENUE FUND 4,952,932
FROM TOBACCO SETTLEMENT TRUST FUND . 9,571,957
FROM GRANTS AND DONATIONS TRUST FUND 11,373,652
FROM MEDICAL CARE TRUST FUND 32,529,782

Funds in Specific Appropriation 150 reflect a reduction of $763,524 from the General Revenue Fund and $1,715,343 from the Medical Care Trust Fund to reflect the elimination of cost-based rate increases for Medicaid providers.

151 SPECIAL CATEGORIES
CHILDREN'S MEDICAL SERVICES NETWORK
FROM GENERAL REVENUE FUND 27,821,515
FROM TOBACCO SETTLEMENT TRUST FUND . 15,619,174
FROM GRANTS AND DONATIONS TRUST FUND 2,423,166
FROM MEDICAL CARE TRUST FUND 97,276,404

TOTAL: CHILDREN'S SPECIAL HEALTH CARE
FROM GENERAL REVENUE FUND 61,436,037
FROM TRUST FUNDS 459,526,285

TOTAL ALL FUNDS 520,962,322

EXECUTIVE DIRECTION AND SUPPORT SERVICES

From the funds in Specific Appropriations 152 through 163, any requests pursuant to chapter 216, Florida Statutes, by the Agency for Health Care Administration to increase budget authority to expand existing programs using increased federal reimbursement through Low Income Pool (LIP) provisions and exemptions to hospital Medicaid rate ceilings shall be contingent upon the availability of state match from existing state funds or local sources that do not increase the current requirement for state general revenue or tobacco settlement funds. The agency is authorized to seek federal Medicaid waivers as necessary to implement this provision.

From the funds in Specific Appropriations 152 through 163, the agency is authorized to contract on a contingency fee basis for post-audit claims analyses to identify and recover overpayments for the Medicaid program. The state may pay the contractor a rate based on recoveries.

APPROVED SALARY RATE 31,520,527

152 SALARIES AND BENEFITS POSITIONS 746.00
FROM GENERAL REVENUE FUND 2,744,159
FROM MEDICAL CARE TRUST FUND 40,598,660

153 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,774,139
FROM MEDICAL CARE TRUST FUND 23,694,586

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION

154	EXPENSES		
	FROM GENERAL REVENUE FUND	933,078	
	FROM MEDICAL CARE TRUST FUND		6,932,874
155	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	45,391	
	FROM MEDICAL CARE TRUST FUND		221,266
156	SPECIAL CATEGORIES		
	PHARMACEUTICAL EXPENSE ASSISTANCE		
	FROM GENERAL REVENUE FUND	50,000	
157	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	50,646	
	FROM MEDICAL CARE TRUST FUND		50,646
158	SPECIAL CATEGORIES		
	CONTRACT NURSING HOME AUDIT PROGRAM		
	FROM GENERAL REVENUE FUND	827,653	
	FROM MEDICAL CARE TRUST FUND		1,129,095
159	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	15,365,064	
	FROM TOBACCO SETTLEMENT TRUST FUND .		400,000
	FROM GRANTS AND DONATIONS TRUST FUND		1,070,535
	FROM MEDICAL CARE TRUST FUND		46,570,333

From the funds in Specific Appropriation 159, $1,676,344 from the Medical Care Trust Fund is provided on a nonrecurring basis to continue the Medicaid Information Technology Architecture (MITA) self-assessment of the Medicaid program's fiscal agent operations.

From the funds in Specific Appropriation 159, $600,000 in nonrecurring general revenue funds, $400,000 in nonrecurring tobacco settlement trust funds, and $1,000,000 in nonrecurring medical care trust funds are provided to the Agency for Health Care Administration to contract with a private consultant, by September 1, 2011, who has at least 15 years experience in the development of statewide managed care models in other states. Past experience must include projects to assist other states with managed care initiatives involving both medical assistance and long term care, working with states to modify and secure extensions of 1115 waivers, and helping states to execute a competitive procurement of managed care organizations to provide Medicaid services. The consultant shall assist the agency to secure necessary federal approvals, develop procurement documents, prepare contract materials, and any other preparations necessary for implementation of HB 7107 or similar legislation.

160	SPECIAL CATEGORIES		
	MEDICAID FISCAL CONTRACT		
	FROM GENERAL REVENUE FUND	20,039,319	
	FROM MEDICAL CARE TRUST FUND		51,365,679
	FROM REFUGEE ASSISTANCE TRUST FUND .		114,769
161	SPECIAL CATEGORIES		
	MEDICAID PEER REVIEW		
	FROM GENERAL REVENUE FUND	1,093,903	
	FROM MEDICAL CARE TRUST FUND		4,403,348
162	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	315,148	
	FROM MEDICAL CARE TRUST FUND		323,041
163	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	95,016	

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	FROM MEDICAL CARE TRUST FUND		184,240
163A	QUALIFIED EXPENDITURE CATEGORY INTERNATIONAL CLASSIFICATION OF DISEASE-10TH REVISION PROJECT		
	FROM MEDICAL CARE TRUST FUND		6,602,368
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	43,333,516	
	FROM TRUST FUNDS		183,661,440
	TOTAL POSITIONS	746.00	
	TOTAL ALL FUNDS		226,994,956

MEDICAID SERVICES TO INDIVIDUALS

164	SPECIAL CATEGORIES		
	ADULT VISION AND HEARING SERVICES		
	FROM GENERAL REVENUE FUND	8,298,891	
	FROM MEDICAL CARE TRUST FUND		10,536,539
	FROM REFUGEE ASSISTANCE TRUST FUND .		323,141
165	SPECIAL CATEGORIES		
	CASE MANAGEMENT		
	FROM GENERAL REVENUE FUND	43,484,315	
	FROM MEDICAL CARE TRUST FUND		56,221,995

From the funds in Specific Appropriation 165, $1,021,335 from the Medical Care Trust Fund is provided for Medicaid reimbursable services that support children enrolled in contracted medical foster care programs under the Department of Health. This funding is contingent upon the availability of state matching funds in the Department of Health in Specific Appropriation 502.

From the funds in Specific Appropriations 165 and 192, upon approval of an amendment of the existing disease management waiver, the agency is authorized to develop Requests for Proposals or Invitations to Negotiate for State of Florida Medicaid beneficiaries residing in certain counties in the Agency for Health Care Administration's Areas 1 and 6 currently enrolled in Medipass. In both areas, qualified providers must meaningfully deploy health information technology for the provision of health care services and reimbursement for those services shall be on a per member per month basis based on the person's underlying disease state. In Area 1, the agency shall give preference to a non-profit consortium of hospitals that supports primary care in the community and whose member entities contribute health information to a regional health information organization. In Area 6, the agency shall give preference to a federally qualified health care center using a Florida-based health information technology company with disease management functionality. The pilot programs shall be for a period of 36 months. The agency is authorized to seek any necessary state plan amendment or federal waiver to implement this provision.

166	SPECIAL CATEGORIES		
	THERAPEUTIC SERVICES FOR CHILDREN		
	FROM GENERAL REVENUE FUND	31,305,519	
	FROM MEDICAL CARE TRUST FUND		39,746,498
167	SPECIAL CATEGORIES		
	COMMUNITY MENTAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	28,735,603	
	FROM MEDICAL CARE TRUST FUND		43,931,229
	FROM REFUGEE ASSISTANCE TRUST FUND .		7,610

From the funds in Specific Appropriation 167, the agency is authorized to amend the Medicaid State Plan to include the following specialized substance abuse services: community based substance abuse intervention services and comprehensive community support services for substance abuse.

From the funds in Specific Appropriation 167, the agency is authorized to work with the Department of Children and Family Services and Florida county governments to develop a local match program to fund these Medicaid specialized substance abuse services using local county

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funds. The public funds required to match the Medicaid funds for these specialized substance abuse services are limited to those funds that are local public tax revenues and are made available to the state for this purpose. As required by Medicaid policy, participating counties shall make these services available to any qualified Florida Medicaid beneficiary regardless of county of residence. Payment for these services is contingent upon the local matching funds being provided by participating counties.

From the funds in Specific Appropriation 167, $4,539,265 from the Medical Care Trust Fund is provided for Medicaid specialized mental health services. The agency is authorized to seek any necessary state plan amendment or federal waiver required to include mental health services for juveniles in the evidence based redirection program at the Department of Juvenile Justice. The agency is authorized to work with the department to develop a match program to fund Medicaid specialized mental health services using existing funding within the Department of Juvenile Justice. Payment for these services is contingent upon the availability of state matching funds in the Department of Juvenile Justice in Specific Appropriation 1089.

168 SPECIAL CATEGORIES
ADULT DENTAL SERVICES
FROM GENERAL REVENUE FUND 13,279,416
FROM MEDICAL CARE TRUST FUND 16,859,974
FROM REFUGEE ASSISTANCE TRUST FUND . 275,256

169 SPECIAL CATEGORIES
DEVELOPMENTAL EVALUATION AND INTERVENTION/ PART C
FROM MEDICAL CARE TRUST FUND 7,625,965

Funds in Specific Appropriation 169 are contingent on the availability of state match being provided in Specific Appropriation 508.

170 SPECIAL CATEGORIES
EARLY AND PERIODIC SCREENING OF CHILDREN
FROM GENERAL REVENUE FUND 111,948,094
FROM MEDICAL CARE TRUST FUND 142,252,111
FROM REFUGEE ASSISTANCE TRUST FUND . 220,430

From the funds in Specific Appropriation 170, $24,684,204 from the General Revenue Fund, $31,322,305 from the Medical Care Trust Fund, and $64,577 from the Refugee Assistance Trust Fund are provided to increase reimbursement to dental providers for services provided to children.

171 SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HOSPITAL FINANCIAL ASSISTANCE PROGRAM
FROM GENERAL REVENUE FUND 1,220,185
FROM GRANTS AND DONATIONS TRUST FUND 5,648,281
FROM MEDICAL CARE TRUST FUND 7,162,300

Funds in Specific Appropriation 171 are provided for a federally matched Rural Hospital Disproportionate Share program and a state funded Rural Hospital Financial Assistance program as provided in section 409.9116, Florida Statutes.

From the funds in Specific Appropriation 171, the calculations of the Medicaid Supplemental Hospital Funding Programs for Medicaid Low Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs for the 2011-2012 fiscal year are incorporated by reference in SB 2002. The calculations are the basis for the appropriations made in the General Appropriations Act.

172 SPECIAL CATEGORIES
FAMILY PLANNING
FROM GENERAL REVENUE FUND 2,779,136
FROM MEDICAL CARE TRUST FUND 25,012,231
FROM REFUGEE ASSISTANCE TRUST FUND . 56,742

173 SPECIAL CATEGORIES
GRANTS AND AIDS - SHANDS TEACHING HOSPITAL
FROM GENERAL REVENUE FUND 17,673,569

The funds in Specific Appropriation 173, shall be primarily designated for transfer to the Agency for Health Care Administration's Grants and Donations Trust Fund for use in the Medicaid or Low Income Pool programs. Of these funds, up to $3,820,670 in recurring funds and $8,000,000 in nonrecurring funds may be used in the Low Income Pool program or as funding to buy back the Medicaid inpatient and outpatient trend adjustments applied to Shands Healthcare Systems' individual hospital rates and other Medicaid reductions to their rates up to the actual Medicaid inpatient and outpatient costs. The transfer of the funds from the Low Income Pool program is contingent upon another local government or healthcare taxing district providing an equivalent amount of funds to be used in the Low Income Pool program. Should the Agency for Health Care Administration be unable to use the full amount of these designated funds, remaining funds may be used secondarily for payments to Shands Teaching Hospital to continue the original purpose of providing health care services to indigent patients through Shands Healthcare System.

174 SPECIAL CATEGORIES
HEALTHY START SERVICES
FROM MEDICAL CARE TRUST FUND 23,641,947

175 SPECIAL CATEGORIES
HOME HEALTH SERVICES
FROM GENERAL REVENUE FUND 75,350,644
FROM MEDICAL CARE TRUST FUND 95,674,412
FROM REFUGEE ASSISTANCE TRUST FUND . 242,662

From the funds in Specific Appropriation 175, the agency may implement accreditation requirements for Durable Medical Equipment and Consumable Medical Supply providers.

From the funds in Specific Appropriation 175, The Agency for Health Care Administration shall competitively procure a statewide managed disposable incontinence medical supply program in order to maximize efficiencies and savings in the Medicaid program. To maximize program efficiencies and cost savings within the Florida Medicaid program, incontinence medical supplies provided under this program shall be utilized by all Medicaid State Plan recipients. The agency shall competitively bid a contract for selection of a qualified organization to administer the comprehensive program and shall ensure that any contract awarded through this procurement provides for a minimum of twenty percent cost savings. Vendors shall submit their bid prices based on proposed discounts and cost savings measured against the agency's new standardized fee schedule for incontinence products. The contract for these services shall require the selected bidder to extend its bid pricing to Medicaid managed care plans, pursuant to the Medicaid reform plan, during the term of the contract for these services including any extension(s). The agency shall seek any federal Medicaid waivers or authority necessary to implement this provision. The Office of Program Policy Analysis and Government Accountability shall monitor program implementation and issue a progress report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2012.

176 SPECIAL CATEGORIES
HOSPICE SERVICES
FROM GENERAL REVENUE FUND 84,253,547
FROM HEALTH CARE TRUST FUND 42,000,000
FROM GRANTS AND DONATIONS TRUST FUND 14,290,140
FROM MEDICAL CARE TRUST FUND 178,438,806

Funds in Specific Appropriation 176 reflect a reduction of $6,821,163 from the General Revenue Fund and $8,660,370 from the Medical Care Trust Fund as a result of adjusting nursing home rates.

From the funds in Specific Appropriation 176, $14,290,140 from the Grants and Donations Trust Fund and $18,143,224 from the Medical Care Trust Fund are provided to buy back hospice rate reductions, effective on or after January 1, 2008, and are contingent on the nonfederal share

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being provided through nursing home quality assessments. Authority is granted to buy back rate reductions up to, but not higher than, the amounts available under the budgeted authority in this line. In the event that the funds are not available in the Grants and Donations Trust Fund, the State of Florida is not obligated to continue reimbursements at the higher amount.

177	SPECIAL CATEGORIES		
	HOSPITAL INPATIENT SERVICES		
	FROM GENERAL REVENUE FUND	90,168,681	
	FROM GRANTS AND DONATIONS TRUST FUND		878,137,309
	FROM MEDICAL CARE TRUST FUND		2,349,672,492
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		838,100,000
	FROM REFUGEE ASSISTANCE TRUST FUND .		10,274,369

From the funds in Specific Appropriation 177, $61,382,891 from the Medical Care Trust Fund is provided to the Agency for Health Care Administration to fund services for children in the Statewide Inpatient Psychiatric Program. The program shall be designed to permit limits on services, prior authorization of services, and selective provider enrollment. The program must also include monitoring and quality assurance, as well as discharge planning and continuing stay reviews, of all children admitted to the program. The funding is contingent upon the availability of state matching funds in the Department of Children and Family Services in Specific Appropriations 305 and 324.

From the funds in Specific Appropriation 177, $168,300 from the General Revenue Fund is provided to Lee Memorial Hospital for the Regional Perinatal Intensive Care Center (RPICC) Program.

Funds in Specific Appropriation 177 reflect a reduction of $179,015,982 from the General Revenue Fund, $227,284,431 from the Medical Care Trust Fund, and $1,237,434 from the Refugee Assistance Trust Fund as a result of modifying the reimbursement for inpatient hospital rates. The agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to achieve this reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget. Hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent, and rural hospitals as defined in section 395.602, Florida Statutes, are excluded from this reduction.

Funds in Specific Appropriation 177 reflect a reduction of $5,538,621 from the General Revenue Fund, $7,032,027 from the Medical Care Trust Fund, and $38,289 from the Refugee Assistance Trust Fund as a result of modifying the reimbursement for inpatient hospital rates for hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent and rural hospitals as defined in section 395.602, Florida Statutes. The agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to achieve this reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

From the funds in Specific Appropriation 177, the calculations of the Medicaid Supplemental Hospital Funding Programs for Medicaid Low Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs

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for the 2011-2012 fiscal year are incorporated by reference in SB 2002. The calculations are the basis for the appropriations made in the General Appropriations Act.

Funds in Specific Appropriation 177, are contingent upon the state share being provided through grants and donations from state, county or other governmental funds. In the event the state share provided through grants and donations is not available to fund the removal of inpatient ceilings for hospitals, the Agency for Health Care Administration shall submit a revised hospital reimbursement plan to the Legislative Budget Commission for approval.

From the funds in Specific Appropriation 177, $2,203,000 from the General Revenue Fund and $2,797,000 from the Medical Care Trust Fund are provided to Mount Sinai Medical Center for participating in graduate medical education initiatives and engaging in the development and maintenance of graduate medical education positions for training over 120 residents and fellows and programs following the expenditure by Mount Sinai Medical Center of not less than $10 million for the same initiatives during the 2011-2012 fiscal year. These funds may be used as funding to buy back the Medicaid inpatient and outpatient trend adjustments applied to Mount Sinai Medical Center's individual hospital rate and other Medicaid reductions to their rate up to the actual Medicaid inpatient and outpatient cost.

From the funds in Specific Appropriation 177, the Agency for Health Care Administration may establish a global fee for bone marrow transplants and the global fee payment shall be paid to approved bone marrow transplant providers that provide bone marrow transplants to Medicaid beneficiaries.

From the funds in Specific Appropriations 177 and 191, $2,643,600 from the Grants and Donations Trust Fund and $3,356,400 from the Medical Care Trust Fund are provided to make Medicaid payments for multi-visceral transplant and intestine transplants in Florida. The agency shall establish a reasonable global fee for these transplant procedures and the payments shall be used to pay approved multi-visceral transplant and intestine transplant facilities a global fee for providing transplant services to Medicaid beneficiaries. Payment of the global fee is contingent upon the nonfederal share being provided through grants and donations from state, county or other governmental funds. The agency is authorized to seek any federal waiver or state plan amendment necessary to implement this provision.

From the funds in Specific Appropriation 177, $239,417,562 from the Grants and Donations Trust Fund and $303,972,274 from the Medical Care Trust Fund are provided for public hospitals, including any leased public hospital found to have sovereign immunity, teaching hospitals as defined in section 408.07 (45) or 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians, hospitals with graduate medical education positions that do not otherwise qualify, and for designated trauma hospitals to buy back the Medicaid inpatient trend adjustment applied to their individual hospital rates and Medicaid inpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county, or other governmental funds. The agency shall not include the funds described in this paragraph for the buy back of reductions to inpatient hospital rates in the calculation of capitation rates for Health Maintenance Organizations unless the nonfederal share is provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy back of the Medicaid inpatient trend adjustment applied to the individual state mental health hospitals.

From the funds in Specific Appropriation 177, $126,286,934 from the Grants and Donations Trust Fund and $160,337,974 from the Medical Care Trust Fund are provided for hospitals to buy back the Medicaid inpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their inpatient rates up to actual Medicaid inpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county, or other governmental funds. The agency shall not include the funds described in this paragraph for the buy back of reductions to inpatient hospital rates in the calculation of capitation rates for

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Health Maintenance Organizations unless the nonfederal share is provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy back of the Medicaid inpatient trend adjustment applied to the individual state mental health hospitals.

From the funds in Specific Appropriation 177, $187,198,756 from the Grants and Donations Trust Fund and $237,673,591 from the Medical Care Trust Fund are provided for hospitals to allow for exemptions from inpatient reimbursement limitations for any hospital that has local funds available for intergovernmental transfers. The payments under this proviso are contingent upon the state share being provided through grants and donations from state, county, or other governmental funds. The agency shall not include the funds described in this paragraph for the buy back of exemptions to inpatient hospital rates in the calculation of capitation rates for Health Maintenance Organizations unless the nonfederal share is provided through grants and donations from state, county or other governmental funds.

178 SPECIAL CATEGORIES
REGULAR DISPROPORTIONATE SHARE
FROM GENERAL REVENUE FUND 750,000
FROM GRANTS AND DONATIONS TRUST FUND 107,642,426
FROM MEDICAL CARE TRUST FUND 138,178,151

Funds in Specific Appropriation 178 shall be used for a Disproportionate Share Hospital Program as provided in sections 409.911, 409.9113, and 409.9119, Florida Statutes, and are contingent on the state share being provided through grants and donations from state, county, or other government entities.

From the funds in Specific Appropriation 178, the calculations of the Medicaid Supplemental Hospital Funding Programs for Medicaid Low Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs for the 2011-2012 fiscal year are incorporated by reference in SB 2002. The calculations are the basis for the appropriations made in the General Appropriations Act.

179 SPECIAL CATEGORIES
LOW INCOME POOL
FROM GENERAL REVENUE FUND 9,327,864
FROM GRANTS AND DONATIONS TRUST FUND 431,522,137
FROM MEDICAL CARE TRUST FUND 559,400,001

From the funds in Specific Appropriation 179, the calculations of the Medicaid Supplemental Hospital Funding Programs for Medicaid Low Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs for the 2011-2012 fiscal year are incorporated by reference in SB 2002. The calculations are the basis for the appropriations made in the General Appropriations Act.

From the funds in Specific Appropriation 179, the agency is authorized to transfer a hospital's low-income pool payments between the various low-income programs listed in this specific appropriation if it is required to obtain approval of the low-income pool payment methodology from the Centers for Medicare and Medicaid Services. Any transfer of funds, however, is contingent on the hospital's net low-income pool payments under the low-income pool plan remaining unchanged.

From the funds in Specific Appropriation 179, in the event that the amount of approved nonfederal share of matching funds is not provided by local governmental entities, the agency may re-allocate low-income pool funds between programs described within this specific appropriation as necessary to ensure sufficient nonfederal matching funds. No re-allocation, under this provision, of low-income pool funds may occur if the level of program increase for any provider access system exceeds the amount of the additional increases in the local nonfederal share match that their local governments transfer to the state Medicaid program, and for which the provider access system would have otherwise received.

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From the funds in Specific Appropriation 179, the agency may make low-income pool Medicaid payments to hospitals in an accelerated manner that is more frequent than on a quarterly basis subject to the availability of state, local and federal funds.

Funds provided in Specific Appropriation 179, are contingent upon the nonfederal share being provided through grants and donations from state, county or other governmental funds. In the event the nonfederal share provided through grants and donations is not available to fund the Medicaid low-income payments for eligible Medicaid providers, known as provider access systems, the agency shall submit a revised low-income pool plan to the Legislative Budget Commission for approval. Distribution of such funds provided in Specific Appropriation 179 is contingent upon approval from the Centers for Medicare and Medicaid Services.

180 SPECIAL CATEGORIES
FREESTANDING DIALYSIS CENTERS
FROM GENERAL REVENUE FUND 9,102,690
FROM MEDICAL CARE TRUST FUND 11,557,067

Funds in Specific Appropriation 180 are for the inclusion of freestanding dialysis clinics in the Medicaid program. The agency shall limit payment to $100.00 per visit for each dialysis treatment. Freestanding dialysis facilities may obtain, administer and submit claims directly to the Medicaid program for End-Stage Renal Disease pharmaceuticals subject to coverage and limitations policy. All pharmaceutical claims for this purpose must include National Drug Codes (NDC) to permit the invoicing for federal and/or state supplemental rebates from manufacturers. Claims for drug products that do not include National Drug Code information are not payable by Florida Medicaid unless the drug product is exempt from federal rebate requirements.

From the funds in Specific Appropriation 180, the Agency for Health Care Administration shall work with dialysis providers, managed care organizations, and physicians to ensure that all Medicaid patients with End Stage Renal Disease (ESRD) are educated and assessed by their physician and dialysis provider to determine their suitability for peritoneal dialysis (PD) as a modality choice. Further, the agency shall consult with the dialysis community concerning suitable voluntary reporting to the state Medicaid program on members' PD suitability.

181 SPECIAL CATEGORIES
HOSPITAL INSURANCE BENEFITS
FROM GENERAL REVENUE FUND 70,985,910
FROM MEDICAL CARE TRUST FUND 90,126,004

182 SPECIAL CATEGORIES
HOSPITAL OUTPATIENT SERVICES
FROM GENERAL REVENUE FUND 71,738,776
FROM GRANTS AND DONATIONS TRUST FUND 223,895,076
FROM MEDICAL CARE TRUST FUND 642,126,224
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 210,000,000
FROM REFUGEE ASSISTANCE TRUST FUND . 1,536,420

From the funds in Specific Appropriation 182, the calculations of the Medicaid Supplemental Hospital Funding Programs for Medicaid Low Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs for the 2011-2012 fiscal year are incorporated by reference in SB 2002. The calculations are the basis for the appropriations made in the General Appropriations Act.

Funds in Specific Appropriation 182 reflect a reduction of $26,892,230 from the General Revenue Fund, $34,143,215 from the Medical Care Trust Fund, and $93,292 from the Refugee Assistance Trust Fund as a result of implementing a reduction in outpatient hospital reimbursement rates. The agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to achieve this reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is

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necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget. Hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent are excluded from this reduction.

Funds in Specific Appropriation 182 reflect a reduction of $1,709,835 from the General Revenue Fund, $2,170,848 from the Medical Care Trust Fund, and $5,919 from the Refugee Assistance Trust Fund as a result of implementing a reduction in outpatient hospital reimbursement rates for hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent and rural hospitals as defined in section 395.602, Florida Statutes. The agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to achieve this reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

Funds provided for the elimination of hospital outpatient ceilings in Specific Appropriation 182 are contingent upon the state share being provided through grants and donations from state, county or other governmental funds. The agency shall submit a revised hospital outpatient reimbursement plan to the Legislative Budget Commission for approval if the state share is not available to fund the removal of hospital outpatient ceilings or if the Centers for Medicare and Medicaid Services does not approve amendments to the Medicaid Hospital Outpatient Reimbursement Plan to eliminate the reimbursement ceilings for certain hospitals.

From the funds in Specific Appropriation 182, $28,435,176 from the Grants and Donations Trust Fund and $36,102,219 from the Medical Care Trust Fund are appropriated so that the agency may amend its current facility fees and physician services to allow for payments to hospitals providing primary care to low-income individuals and participating in the Primary Care Disproportionate Share Hospital (DSH) program in Fiscal Year 2003-2004 provided such hospital implements an emergency room diversion program so that non-emergent patients are triaged to lesser acute settings; or a public hospital assumed the fiscal and operating responsibilities for one or more primary care centers previously operated by the Florida Department of Health or the local county government. Any payments made to qualifying hospitals because of this change shall be contingent on the state share being provided through grants and donations from counties, local governments, public entities, or taxing districts, and federal matching funds. This provision shall be contingent upon federal approval of a state plan amendment.

From the funds in Specific Appropriation 182, $7,182,339 from the Grants and Donations Trust Fund and $9,118,930 from the Medical Care Trust Fund program are provided to increase the outpatient cap for adults from $1,000 to $1,500 per year.

From the funds in Specific Appropriation 182, $50,842,960 from the Grants and Donations Trust Fund and $64,551,865 from the Medical Care Trust Fund are provided for public hospitals, including any leased public hospital found to have sovereign immunity, teaching hospitals as defined in s. 408.07 (45) or 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians, hospitals with graduate medical education positions that do not otherwise qualify, and designated trauma hospitals to buy back the Medicaid outpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their outpatient rates up to actual Medicaid outpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy back of the Medicaid outpatient trend adjustment applied to the individual state mental health hospitals.

From the funds in Specific Appropriation 182, $35,251,305 from the Grants and Donations Trust Fund and $44,756,197 from the Medical Care Trust Fund are provided for hospitals to buy back the Medicaid outpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their outpatient rates up to actual Medicaid outpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county, or other governmental funds. The agency shall not include the funds described in this paragraph for the buy back of reductions to outpatient hospital rates in the calculation of capitation rates for Health Maintenance Organizations unless the nonfederal share is provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy back of the Medicaid outpatient trend adjustment applied to the individual state mental health hospitals.

From the funds in Specific Appropriation 182, $30,193,650 from the Grants and Donations Trust Fund and $38,334,835 from the Medical Care Trust Fund are provided for hospitals to allow for exemptions from outpatient reimbursement limitations for any hospital that has local funds available for intergovernmental transfers. The payments under this proviso are contingent upon the state share being provided through grants and donations from state, county, or other governmental funds. The agency shall not include the funds described in this paragraph for the buy back of exemptions to outpatient hospital rates in the calculation of capitation rates for Health Maintenance Organizations unless the nonfederal share is provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy back of the Medicaid inpatient trend adjustment applied to the individual state mental health hospitals.

183 SPECIAL CATEGORIES
RESPIRATORY THERAPY SERVICES
FROM GENERAL REVENUE FUND 8,690,601
FROM MEDICAL CARE TRUST FUND 11,034,964
FROM REFUGEE ASSISTANCE TRUST FUND . 2,016

184 SPECIAL CATEGORIES
NURSE PRACTITIONER SERVICES
FROM GENERAL REVENUE FUND 2,534,911
FROM MEDICAL CARE TRUST FUND 3,218,567
FROM REFUGEE ASSISTANCE TRUST FUND . 16,299

185 SPECIAL CATEGORIES
BIRTHING CENTER SERVICES
FROM GENERAL REVENUE FUND 588,316
FROM MEDICAL CARE TRUST FUND 746,947

186 SPECIAL CATEGORIES
OTHER LAB AND X-RAY SERVICES
FROM GENERAL REVENUE FUND 44,566,256
FROM MEDICAL CARE TRUST FUND 56,583,836
FROM REFUGEE ASSISTANCE TRUST FUND . 545,317

From the funds in Specific Appropriation 186, the agency shall continue a program to assess HIV drug resistance for cost-effective management of anti-retroviral drug therapy.

187 SPECIAL CATEGORIES
PATIENT TRANSPORTATION
FROM GENERAL REVENUE FUND 62,509,895
FROM MEDICAL CARE TRUST FUND 79,364,579
FROM REFUGEE ASSISTANCE TRUST FUND . 83,976

Funds in Specific Appropriation 187 reflect a reduction of $2,017,665 from the General Revenue Fund and $2,561,692 from the Medical Care Trust Fund as a result of reducing the Medicaid non-emergency transportation contract.

188 SPECIAL CATEGORIES

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PHYSICIAN ASSISTANT SERVICES
FROM GENERAL REVENUE FUND 4,184,169
FROM MEDICAL CARE TRUST FUND 5,312,354

189 SPECIAL CATEGORIES
PERSONAL CARE SERVICES
FROM GENERAL REVENUE FUND 19,541,789
FROM MEDICAL CARE TRUST FUND 24,812,796

From the funds in Specific Appropriation 189, the Agency for Health Care Administration shall direct a beneficiary who is medically able to attend a prescribed pediatric extended care facility and whose needs can be met by such center, to a prescribed pediatric extended care facility for patient care within a reasonable distance from the pick-up or drop-off location for the child. Prescribed pediatric extended care facility services must be approved by the Medicaid program or its designee. Private duty nursing may be provided as a wrap around alternative for an individual needing additional services when a prescribed pediatric extended care facility is not available.

190 SPECIAL CATEGORIES
PHYSICAL REHABILITATION THERAPY
FROM GENERAL REVENUE FUND 3,846,763
FROM MEDICAL CARE TRUST FUND 4,883,974
FROM REFUGEE ASSISTANCE TRUST FUND . 5,274

191 SPECIAL CATEGORIES
PHYSICIAN SERVICES
FROM GENERAL REVENUE FUND 286,175,396
FROM HEALTH CARE TRUST FUND 19,200,000
FROM TOBACCO SETTLEMENT TRUST FUND . 58,738,330
FROM GRANTS AND DONATIONS TRUST FUND 271,824
FROM MEDICAL CARE TRUST FUND 737,241,100
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 121,600,000
FROM REFUGEE ASSISTANCE TRUST FUND . 3,612,118

From the funds in Specific Appropriation 191, the agency is authorized to continue the physician lock-in program for recipients who participate in the pharmacy lock-in program.

From the funds in Specific Appropriation 191, $120,000,000 from the Medical Care Trust Fund is provided for special Medicaid payments for services provided by doctors of medicine and osteopathy employed by or under contract with a medical school in Florida. The expansion of existing programs to increase federal reimbursements through Upper Payment Limit (UPL) provisions, shall be contingent upon the availability of state match from existing state funds or local sources that do not increase the current requirement for state general revenue or tobacco settlement funds. The agency is authorized to seek a Florida Title XIX State Plan Amendment or waiver to include additional medical schools in Florida.

From the funds in Specific Appropriation 191, the Agency for Health Care Administration shall seek federal approval to implement a supplemental payment program for medical school faculty who provide services to Medicaid beneficiaries enrolled in capitated managed care plans so that such payments may be made directly to physicians employed by or under contract with the state's medical schools for costs associated with graduate medical education or their teaching mission. The agency shall amend its Medicaid policies as necessary to implement this program. Nothing herein shall be construed as requiring capitated managed care plans to fund the state share of the supplemental payments.

192 SPECIAL CATEGORIES
PREPAID HEALTH PLANS
FROM GENERAL REVENUE FUND 905,531,284
FROM HEALTH CARE TRUST FUND 490,600,000
FROM MEDICAL CARE TRUST FUND 1,772,573,393
FROM REFUGEE ASSISTANCE TRUST FUND . 12,296,406

Funds in Specific Appropriation 192 include reductions of $65,136,919 from the General Revenue Fund, $82,699,947 from the Medical Care Trust Fund and $573,664 from the Refugee Assistance Trust Fund to Health Maintenance Organization and Provider Service Network capitation payments as a result of reducing the reimbursement of inpatient and outpatient hospital rates, effective September 1, 2011.

Funds in Specific Appropriation 192, include reductions of 2,526,262 from the General Revenue Fund, $3,207,423 from the Medical Care Trust Fund, and $22,250 from the Refugee Assistance Trust Fund to Health Maintenance Organization and Provider Service Network capitation payments as a result of reducing the Medicaid reimbursement rates for clinic services, effective September 1, 2011.

From the funds appropriated in Specific Appropriation 192, the agency is authorized to provide Medicaid children enrolled in the Medicaid Prepaid Dental Health Program in Miami-Dade County with a choice of at least three licensed managed care dental providers, who shall have experience in providing dental care to Medicaid or Title XXI enrollees, and who meet all standards and requirements of the agency.

From the funds in Specific Appropriation 192, the Agency for Health Care Administration shall contract on a prepaid or fixed-sum basis with appropriately-licensed prepaid dental health plans to provide dental services for a period not to exceed two years. The agency may contract with a single qualified entity to provide dental services on a regional or statewide basis that will result in greater efficiency to the state and will facilitate better access and outcomes for Medicaid beneficiaries. On a quarterly basis, the contracting entity shall report Medicaid beneficiary utilization data and encounter data by Current Dental Terminology (CDT) code to the agency. On an annual basis, the agency shall provide a report comparing the data provided by the contracting entity with available data from the pool of Medicaid recipients from previous years to the Speaker of the House, the Senate President and the Governor. The contract(s) shall be awarded through competitive procurement. The agency shall include in the contract(s), a provision that requires no less than 85 percent of the contracting fee be used to directly offset the cost of providing direct patient care as opposed to administrative costs. The agency may include in this contract dental services that are provided through the Medicaid fee for service and managed care delivery system, but shall exclude Miami-Dade County. If the agency includes the managed care delivery system, the agency may also include Medicaid reform counties. The agency is authorized to seek any necessary state plan amendments or federal waivers to implement this provision.

193 SPECIAL CATEGORIES
PRESCRIBED MEDICINE/DRUGS
FROM GENERAL REVENUE FUND 317,072,195
FROM HEALTH CARE TRUST FUND 88,000,000
FROM GRANTS AND DONATIONS TRUST FUND 724,113,704
FROM MEDICAL CARE TRUST FUND 367,195,627
FROM REFUGEE ASSISTANCE TRUST FUND . 2,743,674

Funds in Specific Appropriation 193, reflect a reduction of $9,786,889 from the General Revenue Fund, $12,425,750 from the Medical Care Trust Fund, and $48,976 from the Refugee Assistance Trust Fund as a result of modifying the prescribed drug reimbursement formula.

From the funds in Specific Appropriation 193, $800,000 from the General Revenue Fund and $1,015,706 from the Medical Care Trust Fund are provided for Tdap vaccinations for postpartum mothers enrolled in the Program consistent with the Center for Disease Control's recommendations.

194 SPECIAL CATEGORIES
MEDICARE PART D PAYMENT
FROM GENERAL REVENUE FUND 494,080,449

195 SPECIAL CATEGORIES
PRIVATE DUTY NURSING SERVICES
FROM GENERAL REVENUE FUND 92,195,922
FROM MEDICAL CARE TRUST FUND 117,054,922
FROM REFUGEE ASSISTANCE TRUST FUND . 3,162

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196 SPECIAL CATEGORIES
RURAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 44,571,084
FROM MEDICAL CARE TRUST FUND 56,594,012
FROM REFUGEE ASSISTANCE TRUST FUND . 112,075

197 SPECIAL CATEGORIES
SPEECH THERAPY SERVICES
FROM GENERAL REVENUE FUND 23,182,959
FROM MEDICAL CARE TRUST FUND 29,433,835

198 SPECIAL CATEGORIES
MEDIPASS SERVICES
FROM GENERAL REVENUE FUND 9,668,373
FROM MEDICAL CARE TRUST FUND 12,276,942
FROM REFUGEE ASSISTANCE TRUST FUND . 53,272

199 SPECIAL CATEGORIES
SUPPLEMENTAL MEDICAL INSURANCE
FROM GENERAL REVENUE FUND 573,995,741
FROM MEDICAL CARE TRUST FUND 725,864,973
FROM REFUGEE ASSISTANCE TRUST FUND . 1,270

200 SPECIAL CATEGORIES
OCCUPATIONAL THERAPY SERVICES
FROM GENERAL REVENUE FUND 15,370,641
FROM MEDICAL CARE TRUST FUND 19,515,064

201 SPECIAL CATEGORIES
CLINIC SERVICES
FROM GENERAL REVENUE FUND 34,474,428
FROM GRANTS AND DONATIONS TRUST FUND 28,241,182
FROM MEDICAL CARE TRUST FUND 79,625,765
FROM REFUGEE ASSISTANCE TRUST FUND . 711,472

Funds in Specific Appropriation 201 reflect a reduction of $6,268,079 from the General Revenue Fund, $7,958,1546 from the Medical Care Trust Fund, and $79,052 from the Refugee Assistance Trust Fund as a result of modifying the reimbursement for county health department rates. The agency shall implement a recurring methodology in the Title XIX County Health Department Reimbursement Plan to achieve this reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

From the funds in Specific Appropriation 201, $28,241,182 from the Grants and Donations Trust Fund and $35,855,917 from the Medical Care Trust Fund are provided to buy back clinic services rate adjustments, effective on or after July 1, 2008, and are contingent on the nonfederal share being provided through grants and donations from state, county or other governmental funds. Authority is granted to buy back rate reductions up to, but not higher than the amounts available under the authority appropriated in this line. In the event that the funds are not available in the Grants and Donations Trust Fund, the State of Florida is not obligated to continue reimbursements at the higher amount.

202 SPECIAL CATEGORIES
MEDICAID SCHOOL REFINANCING
FROM MEDICAL CARE TRUST FUND 97,569,420

The Agency for Health Care Administration is authorized to seek a Medicaid state plan amendment to allow a Medicaid cost settlement program to maximize federal Medicaid funds through Medicaid claiming for school districts.

TOTAL: MEDICAID SERVICES TO INDIVIDUALS

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FROM GENERAL REVENUE FUND 3,613,184,012
FROM TRUST FUNDS 12,954,190,386

TOTAL ALL FUNDS 16,567,374,398

MEDICAID LONG TERM CARE

203 SPECIAL CATEGORIES
ASSISTIVE CARE SERVICES
FROM MEDICAL CARE TRUST FUND 26,179,861

Funds in Specific Appropriation 203 are provided to implement Medicaid coverage for Assistive Care Services and are contingent on the availability of state match being provided in Specific Appropriation 355.

204 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES
FROM GENERAL REVENUE FUND 10,107,047
FROM MEDICAL CARE TRUST FUND 1,014,610,572

Funds in Specific Appropriations 204 and 212 for the Developmental Services Waiver, the Aged and Disabled Waiver, the Project AIDS Care Waiver, and the Nursing Home Diversion Waiver may be used for reimbursement for services provided through agencies licensed pursuant to section 400.506, Florida Statutes.

From the funds in Specific Appropriation 204, the Agency for Health Care Administration, in cooperation with the Department of Children and Families (DCF), is authorized to seek federal approval to amend the Assisted Living for the Elderly (ALE) Waiver to allow for enrollment of those between the ages of 18 and 59 in addition to the currently eligible enrollees. The Department of Children and Families is authorized to use funds in Specific Appropriation line item 306 to serve adults with disabilities ages 18 to 59 under the Assisted Living for the Elderly (ALE) Waiver.

205 SPECIAL CATEGORIES
ASSISTED LIVING FACILITY WAIVER
FROM MEDICAL CARE TRUST FUND 35,083,803

206 SPECIAL CATEGORIES
INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED - SUNLAND CENTER
FROM MEDICAL CARE TRUST FUND 98,263,040

From the funds in Specific Appropriations 206 and 207, the Agency for Health Care Administration, in consultation with the Agency for Persons with Disabilities, is authorized to transfer funds, in accordance with the provisions of chapter 216, Florida Statutes, to Specific Appropriation 231 for the Developmental Disabilities Home and Community based waiver, Tier 1 through 3; Family Supported Living Waiver (Tier 4); and the Developmental Disabilities Individual Budget Waiver; to transition the greatest number of appropriated eligible beneficiaries from ICF/DD to community based alternatives in order to maximize the reduction in Medicaid ICF/DD occupancy. Priority for the use of these funds will be given to the planning and services areas with the greatest potential for transition success.

207 SPECIAL CATEGORIES
INTERMEDIATE CARE FACILITIES/ DEVELOPMENTALLY DISABLED COMMUNITY
FROM GENERAL REVENUE FUND 108,979,609
FROM GRANTS AND DONATIONS TRUST FUND 12,107,969
FROM MEDICAL CARE TRUST FUND 153,736,703

From the funds in Specific Appropriation 207, $12,107,969 from the Grants and Donations Trust Fund and $15,372,669 from the Medical Care Trust Fund are provided to buy back intermediate care facilities for the developmentally disabled rate reductions, effective on or after October 1, 2008 and are contingent on the nonfederal share being provided through intermediate care facilities for the developmentally disabled quality assessments. Authority is granted to buy back rate reductions

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up to, but not higher than, the amounts available under the budgeted authority in this line. In the event that the funds are not available in the Grants and Donations Trust Fund, the State of Florida is not obligated to continue reimbursements at the higher amount.

Funds in Specific Appropriation 207 reflect a reduction of $2,774,662 from the General Revenue Fund and $3,522,801 from the Medical Care Trust Fund as a result of modifying the reimbursement for intermediate care facilities for the developmentally disabled, effective October 1, 2011. The agency shall implement a recurring methodology in the Title XIX Intermediate Care Facility for the Mentally Retarded and Developmentally Disabled for Community Owned and Operated Facilities Reimbursement Plan to achieve this reduction.

208 SPECIAL CATEGORIES
NURSING HOME CARE
FROM GENERAL REVENUE FUND 548,579,325
FROM HEALTH CARE TRUST FUND 270,000,000
FROM GRANTS AND DONATIONS TRUST FUND 369,114,538
FROM MEDICAL CARE TRUST FUND 1,538,872,471

From the funds in Specific Appropriation 208, $2,301,250 from the Grants and Donations Trust Fund and $2,921,742 from the Medical Care Trust Fund are provided for the purpose of maximizing federal revenues through the continuation of the Special Medicaid Payment Program for governmentally funded nursing homes. Any requests pursuant to chapter 216, Florida Statutes, by the Agency for Health Care Administration to increase budget authority to expand existing programs using increased federal reimbursement through these provisions, shall be contingent upon the availability of state match from existing state funds or local sources that do not increase the current requirement for state general revenue. The agency is authorized to seek federal Medicaid waivers as necessary to implement this provision.

Funds in Specific Appropriation 208 reflect a reduction of $82,854,644 from the General Revenue Fund and $104,897,016 from the Medical Care Trust Fund as a result of modifying the reimbursement for nursing home rates. The agency shall implement a recurring methodology in the Title XIX Nursing Home Reimbursement Plan to reduce nursing home rates to achieve this reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

From the funds in Specific Appropriation 208, the Agency for Health Care Administration, in consultation with the Department of Elder Affairs, the Department of Health, and the Department of Children and Families, is authorized to transfer funds, in accordance with the provisions of chapter 216, Florida Statutes, to Specific Appropriation 300 Home and Community Based Services Waiver, Specific Appropriation 376 Home and Community Based Services Waiver, Specific Appropriation 377 Assisted Living Facility Waiver, Specific Appropriation 382 Capitated Nursing Home Diversion Waiver, and Specific Appropriation 530 Brain and Spinal Cord Home and Community Based Services Waiver to transition the greatest number of appropriate eligible beneficiaries from skilled nursing facilities to community-based alternatives in order to maximize the reduction in Medicaid nursing home occupancy. Priority for the use of these funds will be given to the planning and service areas with the greatest potential for transition success.

From the funds in Specific Appropriation 208, $366,813,288 from the Grants and Donations Trust Fund and $465,718,004 from the Medical Care Trust Fund are provided to buy back nursing facility rate reductions, effective on or after January 1, 2008, and are contingent on the non federal share being provided through nursing home quality assessments. Authority is granted to buy back rate reductions up to, but not higher than the amounts available under the budgeted authority in this line. In the event that the funds are not available in the Grants and

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Donations Trust Fund, the State of Florida is not obligated to continue reimbursements at the higher amount.

209 SPECIAL CATEGORIES
STATE MENTAL HEALTH HOSPITAL PROGRAM
FROM MEDICAL CARE TRUST FUND 8,718,815

210 SPECIAL CATEGORIES
MENTAL HEALTH HOSPITAL DISPROPORTIONATE SHARE
FROM MEDICAL CARE TRUST FUND 67,157,553

211 SPECIAL CATEGORIES
T.B. HOSPITAL DISPROPORTIONATE SHARE
FROM MEDICAL CARE TRUST FUND 2,444,444

212 SPECIAL CATEGORIES
CAPITATED NURSING HOME DIVERSION WAIVER
FROM MEDICAL CARE TRUST FUND 355,766,698

212A SPECIAL CATEGORIES
PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)
FROM MEDICAL CARE TRUST FUND 14,269,333

TOTAL: MEDICAID LONG TERM CARE
FROM GENERAL REVENUE FUND 667,665,981
FROM TRUST FUNDS 3,966,325,800

TOTAL ALL FUNDS 4,633,991,781

PROGRAM: HEALTH CARE REGULATION

HEALTH CARE REGULATION

APPROVED SALARY RATE 26,521,842

213 SALARIES AND BENEFITS POSITIONS 616.00
FROM GENERAL REVENUE FUND 112,536
FROM HEALTH CARE TRUST FUND 36,085,878

214 OTHER PERSONAL SERVICES
FROM HEALTH CARE TRUST FUND 256,374

215 EXPENSES
FROM GENERAL REVENUE FUND 22,440
FROM HEALTH CARE TRUST FUND 7,735,513

216 OPERATING CAPITAL OUTLAY
FROM HEALTH CARE TRUST FUND 87,054

217 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM HEALTH CARE TRUST FUND 324,509

218 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HEALTH CARE TRUST FUND 3,668,918
FROM QUALITY OF LONG-TERM CARE FACILITY IMPROVEMENT TRUST FUND . . 1,000,000

219 SPECIAL CATEGORIES
EMERGENCY ALTERNATIVE PLACEMENT
FROM HEALTH CARE TRUST FUND 806,629

220 SPECIAL CATEGORIES
MEDICAID SURVEILLANCE
FROM HEALTH CARE TRUST FUND 111,820

221 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HEALTH CARE TRUST FUND 489,195

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222 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 802
FROM HEALTH CARE TRUST FUND 227,471

TOTAL: HEALTH CARE REGULATION
FROM GENERAL REVENUE FUND 135,778
FROM TRUST FUNDS 50,793,361

TOTAL POSITIONS 616.00
TOTAL ALL FUNDS 50,929,139

TOTAL: AGENCY FOR HEALTH CARE ADMINISTRATION
FROM GENERAL REVENUE FUND 4,389,343,828
FROM TRUST FUNDS 17,930,589,771

TOTAL POSITIONS 1,655.00
TOTAL ALL FUNDS 22,319,933,599
TOTAL APPROVED SALARY RATE 71,890,757

AGENCY FOR PERSONS WITH DISABILITIES

PROGRAM: SERVICES TO PERSONS WITH DISABILITIES

HOME AND COMMUNITY SERVICES

APPROVED SALARY RATE 10,831,474

223 SALARIES AND BENEFITS POSITIONS 313.50
FROM GENERAL REVENUE FUND 8,184,986
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 6,419,480
FROM SOCIAL SERVICES BLOCK GRANT
TRUST FUND 180,317

224 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,290,098
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 1,953,004
FROM SOCIAL SERVICES BLOCK GRANT
TRUST FUND 480,150

225 EXPENSES
FROM GENERAL REVENUE FUND 914,796
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 1,113,286
FROM SOCIAL SERVICES BLOCK GRANT
TRUST FUND 193,061

226 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 9,060
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 26,334

227 SPECIAL CATEGORIES
GRANT AND AID INDIVIDUAL AND FAMILY
SUPPORTS
FROM GENERAL REVENUE FUND 2,980,000
FROM SOCIAL SERVICES BLOCK GRANT
TRUST FUND 13,856,771

Funds in Specific Appropriation 227 expended for developmental training programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there are no reductions in the number of persons served or level of services provided.

228 SPECIAL CATEGORIES
ROOM AND BOARD PAYMENTS FOR
DEVELOPMENTALLY DISABLED
FROM GENERAL REVENUE FUND 3,800,000

229 SPECIAL CATEGORIES

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CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 94,109
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 23,875
FROM SOCIAL SERVICES BLOCK GRANT
TRUST FUND 36,717

230 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,385,346

From the funds in Specific Appropriations 230, $500,000 in nonrecurring funds from the General Revenue Fund is provided for the Dan Marino Foundation Florida Vocational College in Broward County.

From the funds in Specific Appropriations 230, $500,000 in nonrecurring funds from the General Revenue Fund is provided for the Loveland Center, Inc., in Sarasota County.

From the funds in Specific Appropriations 230, $650,000 in nonrecurring funds from the General Revenue Fund is provided for Quest Kids.

231 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND 357,690,175
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 452,747,197

Funds from Specific Appropriation 231 shall not be used for administrative costs.

Funds in Specific Appropriation 231 for developmental training programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there are no reductions in the number of persons served or level of services provided.

Funds in Specific Appropriation 231 reflect a reduction of $16,020,216 from the General Revenue Fund and $20,339,784 from the Operations and Maintenance Trust Fund as a result of reducing provider rates by 4.0 percent, effective July 1, 2011. The agency shall amend provider contracts, cost plans and rules as necessary to achieve this recurring reduction.

Funds in Specific Appropriation 231 reflect a reduction of $2,422,464 from the General Revenue Fund and $4,463,448 from the Operations and Maintenance Trust Fund as a result of continuing the Tier Waiver individual cost plan freeze in effect on April 1, 2011, pursuant to s.339.0661(8), F.S., from July 1, 2011, through June 30, 2012; until the agency implements an approved plan that contains expanding costs within the waiver; or until all clients are transferred into the iBudget, whichever comes first.

From the funds in Specific Appropriation 231, the Agency for Persons with Disabilities shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives monthly surplus-deficit reports projecting the total Medicaid Waiver program expenditures for the fiscal year along with any corrective action plans necessary to align program expenditures with annual appropriations in accordance with sections 393.0661 (7) and (8), Florida Statutes. Prior to the submission of the first report, the Social Services Estimating Conference shall approve the reporting format, as well as establish a baseline based on the appropriations contained herein. The adopted baseline shall serve as the sole basis of comparison for any projected surpluses or deficits reflected in the reports, and discrete adjustments shall be made with a separate entry showing each change.

From the funds in Specific Appropriation 231, the Agency for Persons with Disabilities shall work with the Agency for Health Care Administration and other stakeholders to develop a plan that will result in sufficient fiscal and operational controls to allow the Agency for Persons with Disabilities to manage Medicaid waiver spending within the legislative appropriation. The plan shall include, but not be limited to, increased oversight of individual cost plans; a clear definition

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of the roles of providers and waiver support coordinators in monitoring those cost plans; and a description of the services provided under each of the consolidated service titles or categories. The Agency for Persons with Disabilities shall submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than September 1, 2011.

232 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 336,400

233 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 67,272
FROM OPERATIONS AND MAINTENANCE TRUST FUND 50,655

TOTAL: HOME AND COMMUNITY SERVICES
FROM GENERAL REVENUE FUND 378,752,242
FROM TRUST FUNDS 477,080,847

TOTAL POSITIONS 313.50
TOTAL ALL FUNDS 855,833,089

PROGRAM MANAGEMENT AND COMPLIANCE

APPROVED SALARY RATE 14,582,785

234 SALARIES AND BENEFITS POSITIONS 316.00
FROM GENERAL REVENUE FUND 11,226,746
FROM ADMINISTRATIVE TRUST FUND . . . 187,152
FROM FEDERAL GRANTS TRUST FUND . . . 65,753
FROM OPERATIONS AND MAINTENANCE TRUST FUND 7,887,069

235 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 154,487
FROM FEDERAL GRANTS TRUST FUND . . . 447,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 149,584

236 EXPENSES
FROM GENERAL REVENUE FUND 1,365,969
FROM ADMINISTRATIVE TRUST FUND . . . 284
FROM FEDERAL GRANTS TRUST FUND . . . 130,181
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,477,797

237 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 25,992
FROM OPERATIONS AND MAINTENANCE TRUST FUND 3,800

238 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 170,225
FROM OPERATIONS AND MAINTENANCE TRUST FUND 2,803

239 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 173,018
FROM ADMINISTRATIVE TRUST FUND . . . 812
FROM OPERATIONS AND MAINTENANCE TRUST FUND 65,203

240 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,016,714
FROM FEDERAL GRANTS TRUST FUND . . . 429,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 910,884

241 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 93,558

242 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 304,150

243 SPECIAL CATEGORIES
HOME AND COMMUNITY SERVICES ADMINISTRATION
FROM GENERAL REVENUE FUND 2,897,937
FROM OPERATIONS AND MAINTENANCE TRUST FUND 4,454,566

244 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 71,889
FROM ADMINISTRATIVE TRUST FUND . . . 1,628
FROM OPERATIONS AND MAINTENANCE TRUST FUND 61,066

245 DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM GENERAL REVENUE FUND 307,463

246 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM OPERATIONS AND MAINTENANCE TRUST FUND 320,404

247 DATA PROCESSING SERVICES
NORTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 154,970
FROM ADMINISTRATIVE TRUST FUND . . . 350,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 41,429

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE
FROM GENERAL REVENUE FUND 17,963,118
FROM TRUST FUNDS 16,986,415

TOTAL POSITIONS 316.00
TOTAL ALL FUNDS 34,949,533

DEVELOPMENTAL DISABILITIES PUBLIC FACILITIES

APPROVED SALARY RATE 76,127,130

248 SALARIES AND BENEFITS POSITIONS 2,345.50
FROM GENERAL REVENUE FUND 54,323,587
FROM ADMINISTRATIVE TRUST FUND . . . 42,030
FROM OPERATIONS AND MAINTENANCE TRUST FUND 45,639,318

249 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 944,464
FROM OPERATIONS AND MAINTENANCE TRUST FUND 996,132

250 EXPENSES
FROM GENERAL REVENUE FUND 3,570,362
FROM OPERATIONS AND MAINTENANCE TRUST FUND 3,336,788

251 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 179,941
FROM OPERATIONS AND MAINTENANCE TRUST FUND 169,765

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252 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 1,158,670
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 1,314,322

253 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,119,546
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 968,417

254 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 2,111,014
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 1,310,560

255 SPECIAL CATEGORIES
PRESCRIBED MEDICINE/DRUGS
FROM GENERAL REVENUE FUND 1,145,923

256 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,245,630
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 1,570,837

257 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 18,751

258 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 562,121
FROM ADMINISTRATIVE TRUST FUND . . . 108
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 452,570

TOTAL: DEVELOPMENTAL DISABILITIES PUBLIC FACILITIES
FROM GENERAL REVENUE FUND 68,380,009
FROM TRUST FUNDS 55,800,847

TOTAL POSITIONS 2,345.50
TOTAL ALL FUNDS 124,180,856

TOTAL: AGENCY FOR PERSONS WITH DISABILITIES
FROM GENERAL REVENUE FUND 465,095,369
FROM TRUST FUNDS 549,868,109

TOTAL POSITIONS 2,975.00
TOTAL ALL FUNDS 1,014,963,478
TOTAL APPROVED SALARY RATE 101,541,389

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

ADMINISTRATION

PROGRAM: EXECUTIVE LEADERSHIP

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 36,439,584

259 SALARIES AND BENEFITS POSITIONS 780.00
FROM GENERAL REVENUE FUND 20,712,901
FROM ADMINISTRATIVE TRUST FUND . . . 17,573,613
FROM FEDERAL GRANTS TRUST FUND . . . 9,719,029
FROM WELFARE TRANSITION TRUST FUND . 401,308
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 317,490
FROM SOCIAL SERVICES BLOCK GRANT
TRUST FUND 18,140

260 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 355,408
FROM ADMINISTRATIVE TRUST FUND . . . 50,784
FROM FEDERAL GRANTS TRUST FUND . . . 28,261
FROM WELFARE TRANSITION TRUST FUND . 154

261 EXPENSES
FROM GENERAL REVENUE FUND 5,612,254
FROM ADMINISTRATIVE TRUST FUND . . . 1,071,409
FROM FEDERAL GRANTS TRUST FUND . . . 210,893
FROM WELFARE TRANSITION TRUST FUND . 56,732
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 77,847
FROM SOCIAL SERVICES BLOCK GRANT
TRUST FUND 3,726

262 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 36,622
FROM ADMINISTRATIVE TRUST FUND . . . 113,290

263 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND . . . 20,000

264 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 267,405

265 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 548,670
FROM ADMINISTRATIVE TRUST FUND . . . 311,178
FROM FEDERAL GRANTS TRUST FUND . . . 10,323
FROM WELFARE TRANSITION TRUST FUND . 3,341
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 612,835

266 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,609,374
FROM ADMINISTRATIVE TRUST FUND . . . 197,378

267 SPECIAL CATEGORIES
STATE INSTITUTIONAL CLAIMS
FROM GENERAL REVENUE FUND 40,498

268 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM GENERAL REVENUE FUND 6,520
FROM ADMINISTRATIVE TRUST FUND . . . 2,272

269 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 4,064,366
FROM FEDERAL GRANTS TRUST FUND . . . 781,609

269A QUALIFIED EXPENDITURE CATEGORY
FLORIDA ABUSE HOTLINE REDESIGN
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 4,500,000

From the funds in Specific Appropriation 269A, the nonrecurring sum of $4,500,000 from the Operations and Maintenance Trust Funds is provided for the redesign of the Florida Abuse Hotline and supporting business processes. Upon completion of a feasibility study and requirement documents, the department is authorized to submit a distribution plan for these funds for approval by the Legislative Budget Commission pursuant to the provisions of chapter 216, Florida Statutes.

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION

270 DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM GENERAL REVENUE FUND 11,553,736
FROM ADMINISTRATIVE TRUST FUND . . . 3,311,447
FROM FEDERAL GRANTS TRUST FUND . . . 7,730,315
FROM WELFARE TRANSITION TRUST FUND . 159,139
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 1,023,016
FROM SOCIAL SERVICES BLOCK GRANT
TRUST FUND 67,977

From the funds in Specific Appropriation 270, the nonrecurring sum of $1,000,000 from the Operations and Maintenance Trust Funds is provided for the Department of Children and Family Services to complete a feasibility study for the redesign of the Florida Abuse Hotline and supporting business processes. The feasibility study must comply with all requirements of a feasibility study as defined in the legislative budget request instructions pursuant to s. 216.023, Florida Statutes and must also include the identification of all business and functional requirements.

271 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 4,816
FROM FEDERAL GRANTS TRUST FUND . . . 19,264
FROM SOCIAL SERVICES BLOCK GRANT
TRUST FUND 8,080

272 DATA PROCESSING SERVICES
NORTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 9,017,916
FROM ADMINISTRATIVE TRUST FUND . . . 1,343,302
FROM FEDERAL GRANTS TRUST FUND . . . 8,144,457
FROM WELFARE TRANSITION TRUST FUND . 5,016
FROM SOCIAL SERVICES BLOCK GRANT
TRUST FUND 5,019

273 DATA PROCESSING SERVICES
NORTHWOOD SHARED RESOURCE CENTER (NSRC)
DEPRECIATION FEDERAL SHARE BILLINGS
FROM FEDERAL GRANTS TRUST FUND . . . 363,236

274 PAYMENTS FOR CLAIMS BILLS AND RELIEF ACTS
RELIEF/JORGE AND DEBBIE GARCIA-BENGOCHEA
FROM FEDERAL GRANTS TRUST FUND . . . 950,000

274A PAYMENTS FOR CLAIMS BILLS AND RELIEF ACTS
RELIEF - MARISSA AMORA
FROM ADMINISTRATIVE TRUST FUND . . . 1,700,000

275 PAYMENTS FOR CLAIMS BILLS AND RELIEF ACTS
RELIEF/KIMBERLY GODWIN
FROM ADMINISTRATIVE TRUST FUND . . . 760,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 53,830,486
FROM TRUST FUNDS 61,671,880

TOTAL POSITIONS 780.00
TOTAL ALL FUNDS 115,502,366

PROGRAM: SUPPORT SERVICES

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 8,909,468

276 SALARIES AND BENEFITS POSITIONS 162.00
FROM WORKING CAPITAL TRUST FUND . . 11,624,333

277 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND . . 463,333

278 EXPENSES

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION
FROM WORKING CAPITAL TRUST FUND . . 3,469,588

279 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND . . 48,898

280 SPECIAL CATEGORIES
COMPUTER RELATED EXPENSES
FROM WORKING CAPITAL TRUST FUND . . 21,761,130

From the funds in Specific Appropriation 280, the nonrecurring sum of $1,000,000 from the Working Capital Trust Funds is provided for the Department of Children and Family Services to complete a feasibility study for the redesign of the Florida Abuse Hotline and supporting business processes. The feasibility study must comply with all requirements of a feasibility study as defined in the legislative budget request instructions pursuant to s. 216.023, Florida Statutes and must also include the identification of all business and functional requirements.

281 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND . . 154,622

281A QUALIFIED EXPENDITURE CATEGORY
FLORIDA ABUSE HOTLINE REDESIGN
FROM WORKING CAPITAL TRUST FUND . . 4,500,000

From the funds in Specific Appropriation 281A, the nonrecurring sum of $4,500,000 from the Working Capital Trust Fund is provided for the redesign of the Florida Abuse Hotline and supporting business processes. Upon completion of a feasibility study and requirement documents the department is authorized to submit a distribution plan for these funds for approval by the Legislative Budget Commission pursuant to the provisions of chapter 216, Florida Statutes.

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 42,021,904

TOTAL POSITIONS 162.00
TOTAL ALL FUNDS 42,021,904

NORTHWOOD SHARED RESOURCE CENTER (NSRC)

APPROVED SALARY RATE 5,101,761

282 SALARIES AND BENEFITS POSITIONS 94.00
FROM WORKING CAPITAL TRUST FUND . . 6,746,579

283 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND . . 198,571

284 EXPENSES
FROM WORKING CAPITAL TRUST FUND . . 2,273,824

285 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND . . 24,084

286 SPECIAL CATEGORIES
COMPUTER RELATED EXPENSES
FROM WORKING CAPITAL TRUST FUND . . 16,859,029

286A SPECIAL CATEGORIES
AGRICULTURE INTERDICTION STATION
FROM WORKING CAPITAL TRUST FUND . . 22,000

287 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM WORKING CAPITAL TRUST FUND . . 428,828

288 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND . . 9,424

289 SPECIAL CATEGORIES

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION

TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM WORKING CAPITAL TRUST FUND . . 1,972

289A DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM WORKING CAPITAL TRUST FUND . . 200,851

290 DATA PROCESSING SERVICES
NORTHWOOD SHARED RESOURCE CENTER (NSRC)
DEPRECIATION FEDERAL SHARE BILLINGS
FROM WORKING CAPITAL TRUST FUND . . 569,034

TOTAL: NORTHWOOD SHARED RESOURCE CENTER (NSRC)
FROM TRUST FUNDS 27,334,196

TOTAL POSITIONS 94.00
TOTAL ALL FUNDS 27,334,196

SERVICES

PROGRAM: FAMILY SAFETY PROGRAM

FAMILY SAFETY AND PRESERVATION SERVICES

APPROVED SALARY RATE 124,867,005

291 SALARIES AND BENEFITS POSITIONS 3,171.75
FROM GENERAL REVENUE FUND 63,212,872
FROM DOMESTIC VIOLENCE TRUST FUND . 15,027
FROM FEDERAL GRANTS TRUST FUND . . . 26,831,771
FROM WELFARE TRANSITION TRUST FUND . 58,963,534
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 28,566,955

292 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,061,295
FROM FEDERAL GRANTS TRUST FUND . . . 1,925,831
FROM WELFARE TRANSITION TRUST FUND . 652,602
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 694,213

293 EXPENSES
FROM GENERAL REVENUE FUND 11,273,479
FROM CHILD WELFARE TRAINING TRUST FUND 8,396
FROM DOMESTIC VIOLENCE TRUST FUND . 11,645
FROM FEDERAL GRANTS TRUST FUND . . . 4,849,740
FROM WELFARE TRANSITION TRUST FUND . 8,714,384
FROM OPERATIONS AND MAINTENANCE TRUST FUND 49,944
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 4,176,991

294 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 22,457
FROM FEDERAL GRANTS TRUST FUND . . . 6,394
FROM WELFARE TRANSITION TRUST FUND . 11,215
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 9,364

295 SPECIAL CATEGORIES
HOME CARE FOR DISABLED ADULTS
FROM GENERAL REVENUE FUND 2,219,860

296 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY CARE FOR DISABLED ADULTS
FROM GENERAL REVENUE FUND 2,041,955

297 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 3,447,036

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION

FROM CHILD WELFARE TRAINING TRUST FUND 2,815
FROM TOBACCO SETTLEMENT TRUST FUND . 239,120
FROM DOMESTIC VIOLENCE TRUST FUND . 69
FROM FEDERAL GRANTS TRUST FUND . . . 1,404,486
FROM WELFARE TRANSITION TRUST FUND . 1,388,265
FROM OPERATIONS AND MAINTENANCE TRUST FUND 450,000
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 1,119,744

From the funds in Specific Appropriation 297, the sum of $100,000 from the General Revenue Fund is provided for the Myron Rolle Wellness and Leadership Academy.

298 SPECIAL CATEGORIES
GRANTS AND AIDS - GRANTS TO SHERIFFS FOR PROTECTIVE INVESTIGATIONS
FROM GENERAL REVENUE FUND 19,654,666
FROM TOBACCO SETTLEMENT TRUST FUND . 7,348,586
FROM WELFARE TRANSITION TRUST FUND . 9,392,840
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 9,589,500

The funds in Specific Appropriation 298 shall be used by the Department of Children and Family Services to award grants to the sheriffs of Manatee, Pasco, Pinellas, Broward, Hillsborough and Seminole counties to conduct child protective investigations as mandated in section 39.3065, Florida Statutes. The funds shall be allocated as follows:

Manatee County Sheriff..... 3,410,532
Pasco County Sheriff..... 4,591,619
Pinellas County Sheriff..... 10,040,024
Broward County Sheriff..... 12,565,620
Hillsborough County Sheriff..... 12,054,683
Seminole County Sheriff..... 3,323,114

299 SPECIAL CATEGORIES
GRANTS AND AIDS - DOMESTIC VIOLENCE PROGRAM
FROM GENERAL REVENUE FUND 4,164,596
FROM DOMESTIC VIOLENCE TRUST FUND . 6,965,397
FROM FEDERAL GRANTS TRUST FUND . . . 10,662,290
FROM WELFARE TRANSITION TRUST FUND . 7,750,000

From the funds in Specific Appropriation 299, $4,164,596 from the General Revenue Fund, $6,965,397 from the Domestic Violence Trust Fund, $10,395,627 from the Federal Grants Trust Fund and $7,750,000 from the Welfare Transition Trust Fund shall be provided to the Florida Coalition Against Domestic Violence to implement statutory directives contained in Chapter 39, Florida Statutes related to the domestic violence programs.

From the funds provided in Specific Appropriation 299, $266,663 from the Federal Grants Trust Funds, Violence Against Women Act STOP Formula Grant will be provided to the Florida Council Against Sexual Violence for the provision of training and technical assistance to certified rape crisis programs and allied professions.

300 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND 21,710,183
FROM FEDERAL GRANTS TRUST FUND . . . 27,563,950

301 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD ABUSE PREVENTION AND INTERVENTION
FROM GENERAL REVENUE FUND 9,618,126
FROM TOBACCO SETTLEMENT TRUST FUND . 143,547
FROM FEDERAL GRANTS TRUST FUND . . . 3,340,284
FROM WELFARE TRANSITION TRUST FUND . 5,778,467

302 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD PROTECTION

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION

FROM GENERAL REVENUE FUND	7,747,321	
FROM CHILD WELFARE TRAINING TRUST FUND		328,627
FROM TOBACCO SETTLEMENT TRUST FUND		3,537,272
FROM FEDERAL GRANTS TRUST FUND		19,152,464
FROM GRANTS AND DONATIONS TRUST FUND		130,000
FROM WELFARE TRANSITION TRUST FUND		1,916,566
FROM OPERATIONS AND MAINTENANCE TRUST FUND		530,696
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,554,229

303 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	7,552,736	
FROM FEDERAL GRANTS TRUST FUND		26,508
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		6,457

304 SPECIAL CATEGORIES
TEMPORARY EMERGENCY SHELTER SERVICES

FROM GENERAL REVENUE FUND	203,527	

305 SPECIAL CATEGORIES
GRANTS AND AIDS - FAMILY FOSTER CARE

FROM GENERAL REVENUE FUND	4,000,000	

From the funds in Specific Appropriation 305, the department shall transfer $4,000,000 from the General Revenue Fund to the Agency for Health Care Administration to provide Medicaid coverage for children in the Statewide Inpatient Psychiatric Program (SIPP) and Residential Group Care beds.

306 SPECIAL CATEGORIES
GRANTS AND AIDS - RESIDENTIAL GROUP CARE

FROM GENERAL REVENUE FUND	27,105	
FROM TOBACCO SETTLEMENT TRUST FUND		1,145,177
FROM OPERATIONS AND MAINTENANCE TRUST FUND		115,836
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		553,893

307 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY SHELTER CARE

FROM GENERAL REVENUE FUND	68,924	
FROM TOBACCO SETTLEMENT TRUST FUND		400,009
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		376,065

308 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS

FROM GENERAL REVENUE FUND	5,477	
FROM FEDERAL GRANTS TRUST FUND		3,610
FROM WELFARE TRANSITION TRUST FUND		1,177
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,480

309 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY BASED CARE FUNDS FOR PROVIDERS OF CHILD WELFARE SERVICES

FROM GENERAL REVENUE FUND	249,446,309	
FROM CHILD WELFARE TRAINING TRUST FUND		2,876,360
FROM TOBACCO SETTLEMENT TRUST FUND		116,374,401
FROM FEDERAL GRANTS TRUST FUND		276,910,563
FROM GRANTS AND DONATIONS TRUST FUND		400,000
FROM WELFARE TRANSITION TRUST FUND		60,920,149
FROM OPERATIONS AND MAINTENANCE TRUST FUND		8,979,209
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		41,078,586

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION
TOTAL: FAMILY SAFETY AND PRESERVATION SERVICES

FROM GENERAL REVENUE FUND	407,477,924	
FROM TRUST FUNDS		766,947,700
TOTAL POSITIONS	3,171.75	
TOTAL ALL FUNDS		1,174,425,624

PROGRAM: MENTAL HEALTH PROGRAM

MENTAL HEALTH SERVICES

APPROVED SALARY RATE 124,648,591

310 SALARIES AND BENEFITS POSITIONS 3,452.00

FROM GENERAL REVENUE FUND	108,405,133	
FROM ADMINISTRATIVE TRUST FUND		9,965
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		252,121
FROM FEDERAL GRANTS TRUST FUND		52,294,913
FROM OPERATIONS AND MAINTENANCE TRUST FUND		6,065,262

311 OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	2,091,524	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		16,000
FROM FEDERAL GRANTS TRUST FUND		510,515
FROM WELFARE TRANSITION TRUST FUND		116,979

312 EXPENSES

FROM GENERAL REVENUE FUND	13,699,340	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		477,670
FROM FEDERAL GRANTS TRUST FUND		930,987
FROM WELFARE TRANSITION TRUST FUND		67,217
FROM OPERATIONS AND MAINTENANCE TRUST FUND		416,364

313 OPERATING CAPITAL OUTLAY

FROM GENERAL REVENUE FUND	387,630	
FROM FEDERAL GRANTS TRUST FUND		377,471

314 FOOD PRODUCTS

FROM GENERAL REVENUE FUND	3,386,854	

314A SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC SAFETY, MENTAL HEALTH, AND SUBSTANCE ABUSE LOCAL MATCHING GRANT PROGRAM

FROM GENERAL REVENUE FUND	3,000,000	

From the funds in Specific Appropriation 314A, the nonrecurring sum of $750,000 from the General Revenue Fund is provided to the Bob Janes Triage Center in Lee County.

From the funds in Specific Appropriation 314A, the nonrecurring sum of $2,250,000 from the General Revenue Fund is provided for the Public Safety, Mental Health, and Substance Abuse Local Matching Grant Program.

315 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN'S MENTAL HEALTH SERVICES

FROM GENERAL REVENUE FUND	22,667,202	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		8,211,470
FROM FEDERAL GRANTS TRUST FUND		16,132,674

From the funds in Specific Appropriation 315, the recurring sum of $240,000 from the General Revenue Fund is provided to the New Horizons Children's Crisis Unit of Martin, St. Lucie, Okeechobee, and Indian River counties to fund two additional indigent beds for children and adolescents in crisis.

316 SPECIAL CATEGORIES

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION

GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 171,305,806
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 20,645,373
FROM TOBACCO SETTLEMENT TRUST FUND . 2,936,775
FROM FEDERAL GRANTS TRUST FUND . . . 16,151,104
FROM WELFARE TRANSITION TRUST FUND . 7,357,585
FROM OPERATIONS AND MAINTENANCE TRUST FUND 450,002

317 SPECIAL CATEGORIES
GRANTS AND AIDS - BAKER ACT SERVICES
FROM GENERAL REVENUE FUND 62,333,949

317A SPECIAL CATEGORIES
GRANTS AND AIDS - OUTPATIENT BAKER ACT PILOT PROGRAM
FROM GENERAL REVENUE FUND 500,000

318 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 6,561,931
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 190,879
FROM FEDERAL GRANTS TRUST FUND . . . 1,350,204
FROM WELFARE TRANSITION TRUST FUND . 2,000

From the funds in Specific Appropriation 318, the sum of $900,000 from the General Revenue Fund is provided to the Beaver Street Enterprise Center.

319 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 31,479,083
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 34,349
FROM FEDERAL GRANTS TRUST FUND . . . 4,283,647
FROM WELFARE TRANSITION TRUST FUND . 86,286

From the funds in Specific Appropriation 319, the department may pay the contracted provider of operations at the Florida Civil Commitment Center (FCCC) a fixed-price unit rate of $55.00 per bed day based on the midnight census to cover housing costs provided by the DeSoto County Sheriff. Eligible payments are for residents of FCCC that are in the DeSoto County Sheriff's custody after being arrested and charged for having committed a crime at the FCCC facility.

320 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 89,403,079
FROM FEDERAL GRANTS TRUST FUND . . . 13,467,628

321 SPECIAL CATEGORIES
PURCHASE OF THERAPEUTIC SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 8,911,958

322 SPECIAL CATEGORIES
GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM
FROM GENERAL REVENUE FUND 6,780,276

323 SPECIAL CATEGORIES
PRESCRIBED MEDICINE/DRUGS
FROM GENERAL REVENUE FUND 8,633,889
FROM FEDERAL GRANTS TRUST FUND . . . 1,900,961
FROM OPERATIONS AND MAINTENANCE TRUST FUND 876,992

324 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASED RESIDENTIAL TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH
FROM GENERAL REVENUE FUND 20,894,935

From the funds in Specific Appropriation 324, the department may transfer up to $16,607,860 from the General Revenue Fund to the Agency for Health Care Administration to provide Medicaid coverage for children in the Statewide Inpatient Psychiatric Program (SIPP) and Residential Group Care beds. The department must transfer funds up to this amount to cover all services provided to Medicaid eligible children through the Statewide Inpatient Psychiatric Program and Residential Group Care beds. The remaining funds shall be used to provide residential services to non-Medicaid eligible children.

325 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,633,740

326 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 90,969

327 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN'S BAKER ACT SERVICES
FROM GENERAL REVENUE FUND 14,021,460

328 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM GENERAL REVENUE FUND 716,733
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 1,129
FROM WELFARE TRANSITION TRUST FUND . 849

329 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 30,512
FROM WELFARE TRANSITION TRUST FUND . 356

TOTAL: MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 580,936,003
FROM TRUST FUNDS 155,615,727

TOTAL POSITIONS 3,452.00
TOTAL ALL FUNDS 736,551,730

PROGRAM: SUBSTANCE ABUSE PROGRAM

SUBSTANCE ABUSE SERVICES

APPROVED SALARY RATE 2,144,643

330 SALARIES AND BENEFITS POSITIONS 46.00
FROM GENERAL REVENUE FUND 809,538
FROM ADMINISTRATIVE TRUST FUND . . . 7,420
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 1,578,506
FROM FEDERAL GRANTS TRUST FUND . . . 473,175

331 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 283,383
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 400,734
FROM FEDERAL GRANTS TRUST FUND . . . 662,736
FROM OPERATIONS AND MAINTENANCE TRUST FUND 314

332 EXPENSES
FROM GENERAL REVENUE FUND 232,906
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 287,609
FROM FEDERAL GRANTS TRUST FUND . . . 230,155

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION

	FROM WELFARE TRANSITION TRUST FUND .		28,420
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,925
333	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	318	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		334
	FROM FEDERAL GRANTS TRUST FUND . . .		333
334	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILDREN AND ADOLESCENT SUBSTANCE ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	33,123,310	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		28,545,868
	FROM TOBACCO SETTLEMENT TRUST FUND .		2,860,907
	FROM WELFARE TRANSITION TRUST FUND .		640,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		84,918
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		6,960,000

From the funds in Specific Appropriation 334, an additional nonrecurring sum of $100,000 from the General Revenue Fund is provided for the Here's Help program.

335	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY SUBSTANCE ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	38,332,014	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		71,318,155
	FROM FEDERAL GRANTS TRUST FUND . . .		6,389,766
	FROM WELFARE TRANSITION TRUST FUND .		5,571,170
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,907,777
336	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	714,942	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		607,017
	FROM FEDERAL GRANTS TRUST FUND . . .		126,293
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		37,599
337	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	67,863	
	FROM FEDERAL GRANTS TRUST FUND . . .		3,847,876
338	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	89,108	
339	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	3,386	
	FROM FEDERAL GRANTS TRUST FUND . . .		575
TOTAL: SUBSTANCE ABUSE SERVICES			
	FROM GENERAL REVENUE FUND	73,656,768	
	FROM TRUST FUNDS		132,569,582
	TOTAL POSITIONS	46.00	
	TOTAL ALL FUNDS		206,226,350

PROGRAM: ECONOMIC SELF SUFFICIENCY PROGRAM

ECONOMIC SELF SUFFICIENCY SERVICES

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	APPROVED SALARY RATE 161,946,494		
340	SALARIES AND BENEFITS POSITIONS 4,671.00		
	FROM GENERAL REVENUE FUND	107,694,764	
	FROM FEDERAL GRANTS TRUST FUND . . .		84,690,879
	FROM GRANTS AND DONATIONS TRUST FUND		4,376,532
	FROM WELFARE TRANSITION TRUST FUND .		7,379,212
341	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,447,103	
	FROM FEDERAL GRANTS TRUST FUND . . .		1,654,077
	FROM GRANTS AND DONATIONS TRUST FUND		33,609
	FROM WELFARE TRANSITION TRUST FUND .		224,298
342	EXPENSES		
	FROM GENERAL REVENUE FUND	19,285,513	
	FROM FEDERAL GRANTS TRUST FUND . . .		19,478,702
	FROM GRANTS AND DONATIONS TRUST FUND		3
	FROM WELFARE TRANSITION TRUST FUND .		1,473,821
343	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,393	
	FROM FEDERAL GRANTS TRUST FUND . . .		23,574
	FROM WELFARE TRANSITION TRUST FUND .		4,283
344	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHALLENGE GRANTS		
	FROM GENERAL REVENUE FUND	2,031,354	
345	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FEDERAL EMERGENCY SHELTER GRANT PROGRAM		
	FROM FEDERAL GRANTS TRUST FUND . . .		3,034,474
	FROM WELFARE TRANSITION TRUST FUND .		787,953

From the funds in Specific Appropriation 345, the Department of Children and Families may accept and administer funding allocated to the State of Florida by the U.S. Department of Urban Development (HUD) for the Emergency Shelter Grant (ESG) Program. The ESG Program will be administered by the Department of Children and Families in accordance with HUD rules and regulations. This funding may be granted by the state to local governments in the state, which may include cities and counties that are ESG grantees, or to private nonprofit organizations, if the local government where the project is located certifies its approval of the project. Initial preference will be given to local governments and nonprofit organizations in areas of the state where local governments do not receive funding directly from HUD. Grant applications will be ranked competitively based on grant application requirements and criteria published by the Department of Children and Family Services.

345A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - HOMELESS HOUSING ASSISTANCE GRANTS		
	FROM GENERAL REVENUE FUND	12,000,000	

Funds in Specific Appropriation 345A are provided to the National Veterans' Homeless Support Group.

346	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	20,912,800	
	FROM FEDERAL GRANTS TRUST FUND . . .		20,852,271
	FROM WELFARE TRANSITION TRUST FUND .		1,111,550
347	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	1,289,913	
	FROM FEDERAL GRANTS TRUST FUND . . .		2,724,133
	FROM WELFARE TRANSITION TRUST FUND .		342,856

From the funds in Specific Appropriation 347, the nonrecurring sum of

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$100,000 from the General Revenue Fund is provided to the Gould's Coalition of Ministries and Lay People, Inc., for information and referral services to low income persons.

From the funds in Specific Appropriation 347, the nonrecurring sum of $100,000 from the General Revenue Fund is provided to the Richmond Heights Homeowners Association for crisis intervention and support services to low income persons.

348	SPECIAL CATEGORIES		
	GRANTS AND AIDS - LOCAL SERVICES PROGRAM		
	FROM FEDERAL GRANTS TRUST FUND . . .		64,742,633
349	SPECIAL CATEGORIES		
	PUBLIC ASSISTANCE FRAUD CONTRACT		
	FROM GENERAL REVENUE FUND	264,804	
	FROM FEDERAL GRANTS TRUST FUND . . .		3,119,093
	FROM WELFARE TRANSITION TRUST FUND .		1,103,903
350	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,893,189	
	FROM FEDERAL GRANTS TRUST FUND . . .		981,670
	FROM WELFARE TRANSITION TRUST FUND .		62,727
351	SPECIAL CATEGORIES		
	SERVICES TO REPATRIATED AMERICANS		
	FROM FEDERAL GRANTS TRUST FUND . . .		40,380
352	SPECIAL CATEGORIES		
	DEFERRED-PAYMENT COMMODITY CONTRACTS		
	FROM GENERAL REVENUE FUND	7,273	
	FROM FEDERAL GRANTS TRUST FUND . . .		7,074
	FROM WELFARE TRANSITION TRUST FUND .		455
353	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM FEDERAL GRANTS TRUST FUND . . .		36,258
	FROM GRANTS AND DONATIONS TRUST		
	FUND		36,779
354	FINANCIAL ASSISTANCE PAYMENTS		
	CASH ASSISTANCE		
	FROM GENERAL REVENUE FUND	135,420,238	
	FROM WELFARE TRANSITION TRUST FUND .		42,101,885
355	FINANCIAL ASSISTANCE PAYMENTS		
	OPTIONAL STATE SUPPLEMENTATION PROGRAM		
	FROM GENERAL REVENUE FUND	18,567,939	
356	FINANCIAL ASSISTANCE PAYMENTS		
	PERSONAL CARE ALLOWANCE		
	FROM GENERAL REVENUE FUND	344,456	
357	FINANCIAL ASSISTANCE PAYMENTS		
	REFUGEE/ENTRANT ASSISTANCE		
	FROM FEDERAL GRANTS TRUST FUND . . .		15,231,735
TOTAL:	ECONOMIC SELF SUFFICIENCY SERVICES		
	FROM GENERAL REVENUE FUND	321,160,739	
	FROM TRUST FUNDS		275,656,819
	TOTAL POSITIONS	4,671.00	
	TOTAL ALL FUNDS		596,817,558
TOTAL:	CHILDREN AND FAMILY SERVICES, DEPARTMENT OF		
	FROM GENERAL REVENUE FUND	1,437,061,920	
	FROM TRUST FUNDS		1,461,817,808
	TOTAL POSITIONS	12,376.75	
	TOTAL ALL FUNDS		2,898,879,728
	TOTAL APPROVED SALARY RATE	464,057,546	

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ELDER AFFAIRS, DEPARTMENT OF

PROGRAM: SERVICES TO ELDERS PROGRAM

COMPREHENSIVE ELIGIBILITY SERVICES

APPROVED SALARY RATE 9,967,393

358	SALARIES AND BENEFITS POSITIONS	273.00	
	FROM GENERAL REVENUE FUND	3,522,454	
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND		10,360,243
359	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	135,250	
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND		807,828
360	EXPENSES		
	FROM GENERAL REVENUE FUND	536,685	
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND		1,783,511
361	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	8,405	
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND		34,178
362	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	95,999	
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND		138,000
363	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	95,060	
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND		21,403
364	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	26,456	
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND		77,986
TOTAL:	COMPREHENSIVE ELIGIBILITY SERVICES		
	FROM GENERAL REVENUE FUND	4,420,309	
	FROM TRUST FUNDS		13,223,149
	TOTAL POSITIONS	273.00	
	TOTAL ALL FUNDS		17,643,458

HOME AND COMMUNITY SERVICES

APPROVED SALARY RATE 3,092,108

365	SALARIES AND BENEFITS POSITIONS	68.50	
	FROM GENERAL REVENUE FUND	1,664,585	
	FROM FEDERAL GRANTS TRUST FUND . . .		2,099,320
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND		940,584
366	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	179,973	
	FROM ADMINISTRATIVE TRUST FUND . . .		35,000
	FROM FEDERAL GRANTS TRUST FUND . . .		703,793
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND		205,507
367	EXPENSES		
	FROM GENERAL REVENUE FUND	478,050	

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FROM ADMINISTRATIVE TRUST FUND . . .		6,049
FROM FEDERAL GRANTS TRUST FUND . . .		1,091,659
FROM OPERATIONS AND MAINTENANCE TRUST FUND		453,332
368 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	10,000	
FROM FEDERAL GRANTS TRUST FUND . . .		5,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,000
369 SPECIAL CATEGORIES		
AGING AND ADULT SERVICES TRAINING AND EDUCATION		
FROM FEDERAL GRANTS TRUST FUND . . .		119,493
370 SPECIAL CATEGORIES		
GRANTS AND AIDS - ALZHEIMER'S DISEASE RESPITE AND PROJECTS		
FROM GENERAL REVENUE FUND	12,489,878	

From the funds in Specific Appropriation 370, the following projects are provided in addition to the existing projects:

Alzheimer's Community Care Association.....	849,730
Alzheimer's Mobile Clinic.....	100,000

371 SPECIAL CATEGORIES		
GRANTS AND AIDS - COMMUNITY CARE FOR THE ELDERLY		
FROM GENERAL REVENUE FUND	50,378,099	
FROM FEDERAL GRANTS TRUST FUND . . .		277,928
FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,388,969

Funds in Specific Appropriation 371 appropriated for Aging Resource Centers shall be equally allocated to each Aging Resource Center at the beginning of the fiscal year. The department may re-allocate funds during the fiscal year based on negotiations with the Aging Resource Centers.

372 SPECIAL CATEGORIES		
GRANTS AND AIDS - HOME ENERGY ASSISTANCE		
FROM FEDERAL GRANTS TRUST FUND . . .		5,700,763
373 SPECIAL CATEGORIES		
GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM		
FROM GENERAL REVENUE FUND	346,998	
FROM FEDERAL GRANTS TRUST FUND . . .		96,743,728
374 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	115,400	
FROM ADMINISTRATIVE TRUST FUND . . .		33,131
FROM FEDERAL GRANTS TRUST FUND . . .		489,128
FROM GRANTS AND DONATIONS TRUST FUND		22,700
FROM OPERATIONS AND MAINTENANCE TRUST FUND		53,564
375 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	1,753,545	
FROM ADMINISTRATIVE TRUST FUND . . .		31,397
FROM FEDERAL GRANTS TRUST FUND . . .		9,135,359
FROM OPERATIONS AND MAINTENANCE TRUST FUND		796,511
376 SPECIAL CATEGORIES		
HOME AND COMMUNITY BASED SERVICES WAIVER		
FROM GENERAL REVENUE FUND	53,079,662	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		67,391,652

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From the funds in Specific Appropriation 376, $2,514,067 from the Operations and Maintenance Trust Fund and $3,191,936 from the General Revenue Fund are provided for the department to serve elders in the Aged and Disabled Adult Home and Community Based Services Waiver. The department shall first enroll individuals from the waitlist who are assessed at a priority score of 4 or higher.

377 SPECIAL CATEGORIES		
ASSISTED LIVING FACILITY WAIVER		
FROM GENERAL REVENUE FUND	15,457,924	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		19,625,879
378 SPECIAL CATEGORIES		
GRANTS AND AIDS - LOCAL SERVICES PROGRAMS		
FROM GENERAL REVENUE FUND	8,196,109	

In addition to the existing projects, the following projects in Specific Appropriation 378, are funded from recurring general revenue funds:

Little Havana Activities and Nutrition Centers of Dade County.....	300,000
DeAllapattah Community Center Hot Meals Program.....	430,298

379 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	87,302	
FROM FEDERAL GRANTS TRUST FUND . . .		30,160
380 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	9,511	
FROM FEDERAL GRANTS TRUST FUND . . .		13,743
FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,350
381 SPECIAL CATEGORIES		
GRANTS AND AIDS - OLDER AMERICANS ACT - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
FROM FEDERAL GRANTS TRUST FUND . . .		500,000
382 SPECIAL CATEGORIES		
CAPITATED NURSING HOME DIVERSION WAIVER		
FROM GENERAL REVENUE FUND	156,750,806	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		199,015,892

From the funds in Specific Appropriation 382, $7,861,055 from the General Revenue Fund and $9,980,650 from the Operations and Maintenance Trust Fund are provided to expand the current Nursing Home Diversion program by an additional 1,000 slots, effective July 1, 2011. The department shall first enroll individuals from the waitlist who are assessed at a priority score of 4 or higher.

383 SPECIAL CATEGORIES		
PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)		
FROM GENERAL REVENUE FUND	6,287,069	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		7,982,264

From the funds in Specific Appropriation 383, $1,192,369 from the General Revenue Fund and $1,513,868 from the Operations and Maintenance Trust Fund are provided to increase the Program for All Inclusive Care for the Elderly (PACE) by 275 slots; 75 PACE slots are provided for Pinellas County effective July 1, 2011, 50 PACE slots are provided for Lee County effective January 1, 2012, and 150 PACE slots are provided for Polk, Highlands, and Hardee Counties, effective April 1, 2012.

383A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND

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NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SENIOR CITIZEN CENTERS
FROM GENERAL REVENUE FUND 1,400,000

From the funds in Specific Appropriation 383A, $1,400,000 from nonrecurring general revenue funds is provided for the construction of the Glades Community Senior Center in Belle Glade.

TOTAL: HOME AND COMMUNITY SERVICES
FROM GENERAL REVENUE FUND 308,684,911
FROM TRUST FUNDS 415,902,855

TOTAL POSITIONS 68.50
TOTAL ALL FUNDS 724,587,766

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 3,874,590

384 SALARIES AND BENEFITS POSITIONS 75.00
FROM GENERAL REVENUE FUND 1,954,131
FROM ADMINISTRATIVE TRUST FUND . . . 1,917,383
FROM FEDERAL GRANTS TRUST FUND . . . 1,455,411

385 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 89,463
FROM ADMINISTRATIVE TRUST FUND . . . 456,484
FROM FEDERAL GRANTS TRUST FUND . . . 700,478

386 EXPENSES
FROM GENERAL REVENUE FUND 268,029
FROM ADMINISTRATIVE TRUST FUND . . . 436,689
FROM FEDERAL GRANTS TRUST FUND . . . 957,809

387 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 2,000

387A SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 366

388 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 5,485
FROM ADMINISTRATIVE TRUST FUND . . . 197,464
FROM FEDERAL GRANTS TRUST FUND . . . 225,900

389 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 73,417

390 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 11,835
FROM ADMINISTRATIVE TRUST FUND . . . 18,909

391 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 5,288

392 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM ADMINISTRATIVE TRUST FUND . . . 156,674

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,402,726
FROM TRUST FUNDS 6,530,489

TOTAL POSITIONS 75.00
TOTAL ALL FUNDS 8,933,215

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CONSUMER ADVOCATE SERVICES

APPROVED SALARY RATE 1,391,604

393 SALARIES AND BENEFITS POSITIONS 33.50
FROM GENERAL REVENUE FUND 431,519
FROM FEDERAL GRANTS TRUST FUND . . . 1,484,341

394 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 98,825
FROM FEDERAL GRANTS TRUST FUND . . . 405,633

395 EXPENSES
FROM GENERAL REVENUE FUND 126,818
FROM ADMINISTRATIVE TRUST FUND . . . 100,000
FROM FEDERAL GRANTS TRUST FUND . . . 107,427

396 SPECIAL CATEGORIES
PUBLIC GUARDIANSHIP CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,937,527
FROM ADMINISTRATIVE TRUST FUND . . . 154,816

397 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 6,760
FROM ADMINISTRATIVE TRUST FUND . . . 456,000

398 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 63,264
FROM FEDERAL GRANTS TRUST FUND . . . 5,774

399 SPECIAL CATEGORIES
LONG TERM CARE OMBUDSMAN COUNCIL
FROM GENERAL REVENUE FUND 921,985
FROM FEDERAL GRANTS TRUST FUND . . . 626,020

400 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 5,180
FROM FEDERAL GRANTS TRUST FUND . . . 10,075

TOTAL: CONSUMER ADVOCATE SERVICES
FROM GENERAL REVENUE FUND 3,493,053
FROM TRUST FUNDS 3,448,911

TOTAL POSITIONS 33.50
TOTAL ALL FUNDS 6,941,964

TOTAL: ELDER AFFAIRS, DEPARTMENT OF
FROM GENERAL REVENUE FUND 319,000,999
FROM TRUST FUNDS 439,105,404

TOTAL POSITIONS 450.00
TOTAL ALL FUNDS 758,106,403
TOTAL APPROVED SALARY RATE 18,325,695

HEALTH, DEPARTMENT OF

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT

ADMINISTRATIVE SUPPORT

APPROVED SALARY RATE 13,265,951

401 SALARIES AND BENEFITS POSITIONS 290.50
FROM GENERAL REVENUE FUND 1,257,370
FROM ADMINISTRATIVE TRUST FUND . . . 15,946,221

402 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 1,088,963
FROM FEDERAL GRANTS TRUST FUND . . . 75,000

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403 EXPENSES
FROM GENERAL REVENUE FUND 121,812
FROM ADMINISTRATIVE TRUST FUND . . . 2,791,484
FROM FEDERAL GRANTS TRUST FUND . . . 60,000

404 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - MINORITY HEALTH INITIATIVES
FROM GENERAL REVENUE FUND 2,652,337
FROM TOBACCO SETTLEMENT TRUST FUND . 481,707

405 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 63,408
FROM ADMINISTRATIVE TRUST FUND . . . 1,300

406 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND . . . 22,269

407 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 277,342
FROM ADMINISTRATIVE TRUST FUND . . . 1,584,672
FROM FEDERAL GRANTS TRUST FUND . . . 100,000

From the funds in Specific Appropriation 407, $25,000 in nonrecurring funds from the General Revenue Fund is provided to the Thelma Gibson Health Initiative in Coconut Grove.

408 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 175,521
FROM ADMINISTRATIVE TRUST FUND . . . 130,651

409 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 29,353
FROM ADMINISTRATIVE TRUST FUND . . . 95,408

TOTAL: ADMINISTRATIVE SUPPORT
FROM GENERAL REVENUE FUND 4,577,143
FROM TRUST FUNDS 22,377,675

TOTAL POSITIONS 290.50
TOTAL ALL FUNDS 26,954,818

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 5,109,760

410 SALARIES AND BENEFITS POSITIONS 99.00
FROM GENERAL REVENUE FUND 2,678,696
FROM ADMINISTRATIVE TRUST FUND . . . 3,736,330

411 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 231,000

412 EXPENSES
FROM GENERAL REVENUE FUND 2,806,264
FROM ADMINISTRATIVE TRUST FUND . . . 1,622,002

413 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 380,000

414 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 910,718
FROM ADMINISTRATIVE TRUST FUND . . . 2,894,838

415 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 86,509
FROM ADMINISTRATIVE TRUST FUND . . . 25,052

416 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 17,216
FROM ADMINISTRATIVE TRUST FUND . . . 27,348

417 DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM ADMINISTRATIVE TRUST FUND . . . 1,425,948

418 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 100,000
FROM ADMINISTRATIVE TRUST FUND . . . 2,875,079

419 DATA PROCESSING SERVICES
NORTHWOOD SHARED RESOURCE CENTER
FROM ADMINISTRATIVE TRUST FUND . . . 1,409,849

420 DATA PROCESSING SERVICES
NORTHWOOD SHARED RESOURCE CENTER (NSRC) DEPRECIATION FEDERAL SHARE BILLINGS
FROM ADMINISTRATIVE TRUST FUND . . . 17,011

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 6,599,403
FROM TRUST FUNDS 14,644,457

TOTAL POSITIONS 99.00
TOTAL ALL FUNDS 21,243,860

PROGRAM: COMMUNITY PUBLIC HEALTH

FAMILY HEALTH OUTPATIENT AND NUTRITION SERVICES

The Florida Hospital/Sanford-Burnham Translational Research Institute is designated as a State of Florida Resource for research in diabetes diagnosis, prevention and treatment. The Florida Hospital/Sanford-Burnham Translational Research Institute may coordinate with the Department of Health with activities and grant opportunities in relation to research in diabetes, prevention and treatment.

APPROVED SALARY RATE 9,571,690

421 SALARIES AND BENEFITS POSITIONS 210.00
FROM GENERAL REVENUE FUND 2,321,620
FROM EPILEPSY SERVICES TRUST FUND . 65,186
FROM FEDERAL GRANTS TRUST FUND . . . 8,654,733
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 1,208,612
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 632,186

422 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 230,708
FROM GRANTS AND DONATIONS TRUST FUND 63,220
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 132,326
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 61,332

From the funds in Specific Appropriation, 423, 431, and 433, $1,124,801 from the Administrative Trust Fund, of which $830,386 is nonrecurring, is provided for the Department of Health to procure software to develop and integrate electronic dental records with other electronic medical records to provide a single comprehensive electronic medical record for the department and county health department clients. The department shall provide preference for products which have already been developed and designed to be readily integrated into other

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non-dental electronic medical records.

423 EXPENSES
FROM GENERAL REVENUE FUND 174,800
FROM ADMINISTRATIVE TRUST FUND . . . 722,128
FROM RAPE CRISIS PROGRAM TRUST FUND 24,492
FROM EPILEPSY SERVICES TRUST FUND . 31,044
FROM FEDERAL GRANTS TRUST FUND . . . 3,478,476
FROM GRANTS AND DONATIONS TRUST FUND 21,410
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 447,752
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 294,030

424 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FAMILY PLANNING SERVICES
FROM GENERAL REVENUE FUND 4,245,455
FROM FEDERAL GRANTS TRUST FUND . . . 1,067,783

425 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EPILEPSY SERVICES
FROM GENERAL REVENUE FUND 2,107,152
FROM EPILEPSY SERVICES TRUST FUND . 1,427,831

426 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 3,455,424

427 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PRIMARY CARE PROGRAM
FROM GENERAL REVENUE FUND 16,383,035
FROM TOBACCO SETTLEMENT TRUST FUND . 2,838,477

428 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLUORIDATION PROJECT
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 150,000

429 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS-RURAL DIVERSITY MINORITY HEALTH CARE
FROM GENERAL REVENUE FUND 2,100,000
FROM TOBACCO SETTLEMENT TRUST FUND . 250,000

From the funds in Specific Appropriation 429, $1,000,000 is provided for comprehensive primary and preventive dental and medical services to the uninsured and underinsured population in Lake Wales and surrounding communities.

From the funds in Specific Appropriation 429, $500,000 is provided from the General Revenue Fund to the AGAPE Community Health Center for a mobile dental unit to serve underserved areas of Duval County.

From the funds in Specific Appropriation 429, $600,000 from the General Revenue Fund is provided on a nonrecurring basis to the Doctors' Memorial Hospital to serve the North Florida communities of Holmes, Jackson, Walton, and Washington counties.

From the funds in Specific Appropriation 429, $250,000 in nonrecurring funds from the Tobacco Settlement Trust Fund is provided to establish a countywide mobile health unit to provide primary and acute care to the uninsured population of Gadsden County.

429A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - RURAL PRIMARY CARE RESIDENCY SLOTS
FROM GENERAL REVENUE FUND 3,000,000

From the funds in Specific Appropriation 429A, $3,000,000 from the General Revenue Fund is provided for a rural primary care residency expansion initiative available to hospital based and non hospital based osteopathic and allopathic graduate medical education programs. Such programs must be engaged in developing new or expanding existing graduate medical education primary care positions or programs. The department shall develop specific criteria, which shall include, but not be limited to: minimum program requirements, evaluation requirements which shall be requirements that funds be utilized for graduate medical education initiatives in rural primary care physician specialties as defined in s. 381.0403, Florida Statutes. On or before September 1, 2011, qualified programs may apply to the department for funding with the objective of initiating or expanding existing or adding new rural primary care residency positions or programs by July 2012.

430 AID TO LOCAL GOVERNMENTS
SCHOOL HEALTH SERVICES
FROM GENERAL REVENUE FUND 1,125,057
FROM TOBACCO SETTLEMENT TRUST FUND . 9,902,925
FROM FEDERAL GRANTS TRUST FUND . . . 9,291,548

From the funds in Specific Appropriation 430 and 439, $5,000,000 from the Federal Grants Trust Fund is provided for school health services using Title XXI administrative funding. The Agency for Health Care Administration is authorized to seek a state plan amendment necessary to implement this provision.

431 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 125,000
FROM FEDERAL GRANTS TRUST FUND . . . 56,500
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 25,000

431A SPECIAL CATEGORIES
GRANTS AND AIDS - OUNCE OF PREVENTION
FROM TOBACCO SETTLEMENT TRUST FUND . 1,900,000

From the funds in Specific Appropriation 431A, Ounce of Prevention shall identify, fund, and evaluate innovative prevention programs for at-risk children and families, and $250,000 shall be used for statewide public education campaigns on television and radio to educate the public on critical prevention issues facing Florida's at-risk children and families. The Ounce of Prevention shall contract with a not-for-profit corporation that provides matching funds in a three to one ratio.

432 SPECIAL CATEGORIES
GRANTS AND AIDS - CRISIS COUNSELING
FROM GENERAL REVENUE FUND 2,000,000

From the funds in Specific Appropriation 432, a minimum of 85 percent of the appropriated funds shall be spent on direct client services, direct service provider certification and Option Line.

The department shall award a contract to a current Florida Pregnancy Support Services Program (FPSSP) contract management provider that is a Florida non-profit corporation and recognized as tax exempt by the IRS under code section 501 (c)(3) for this Specific Appropriation. The contract shall provide for the development and implementation of certification standards and to provide the required contract management of all sub-contracted direct service providers, OptionLine and FPSSP website.

The department shall pay the non-profit contract management provider no less than $380 per month per sub-contracted direct service provider for contract management and an FPSSP website.

The department is authorized to spend no more than $50,000 for agency program oversight activities.

433 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 105,527
FROM ADMINISTRATIVE TRUST FUND . . . 287,910
FROM RAPE CRISIS PROGRAM TRUST FUND 57,000
FROM FEDERAL GRANTS TRUST FUND . . . 1,438,124
FROM GRANTS AND DONATIONS TRUST FUND 5,740

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	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		13,000
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		305,500
434	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	8,729,037	
	FROM ADMINISTRATIVE TRUST FUND . . .		100,000
	FROM RAPE CRISIS PROGRAM TRUST FUND		1,982,925
	FROM TOBACCO SETTLEMENT TRUST FUND .		500,000
	FROM FEDERAL GRANTS TRUST FUND . . .		6,036,020
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		2,075,773
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		119,630

From the funds in Specific Appropriation 434, $500,000 in recurring funds from the General Revenue Fund is provided to the Florida Heiken Children's Vision Program to provide free comprehensive eye examinations and eyeglasses to financially disadvantaged school children who have no other source for vision care.

From the funds in Specific Appropriation 434, $500,000 in nonrecurring funds from the Tobacco Settlement Trust Fund is provided to Vision Quest to provide free comprehensive eye examinations and eyeglasses to financially disadvantaged school children who have no other source for vision care.

From the funds in Specific Appropriation 434, $777,169 in recurring funds from the General Revenue Fund is provided to the University of Miami for the Crohn's Disease and Ulcerative Colitis Project.

From the funds in Specific Appropriation 434, $10,000 in recurring funds from the General Revenue fund is provided to the South Florida Fragile X Clinic (SFFXC) at the University of Miami to expand evaluation and treatment services to children and adolescents who have Fragile X.

From the funds in Specific Appropriation 434, $500,000 in recurring funds from the General Revenue Fund is provided to the Health Care Center for the Homeless, Inc., to serve homeless and uninsured residents in Orange, Osceola, and Seminole counties.

From the funds in Specific Appropriation 434, $500,000 in recurring funds from the General Revenue Fund is provided to the Apopka Family Health Center to address rural minority health issues.

From the funds in Specific Appropriation 434, $316,584 from the General Revenue Fund, of which $34,545 is nonrecurring, is provided to the Palm Beach County Rape Crisis Treatment Center.

From the funds in Specific Appropriation 434, $1,950,000 in recurring funds from the General Revenue Fund is provided to the Nova Southeastern University to support the assignment of students enrolled in Osteopathic Medicine, Pharmacy, Dentistry, and Nursing in medical/clinical rotations at health care clinics and hospitals, and Federally Qualified Health Centers located in rural and underserved areas of the state.

From the funds in Specific Appropriation, 434, $500,000 in nonrecurring funds from the General Revenue Fund is provided to the Miami Project to Cure Paralysis.

435	SPECIAL CATEGORIES		
	GRANTS AND AIDS - HEALTHY START COALITIONS		
	FROM GENERAL REVENUE FUND	18,454,198	
	FROM FEDERAL GRANTS TRUST FUND . . .		2,178,303
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		6,542,389

From the funds in Specific Appropriation 435, $200,000 in nonrecurring funds from the General Revenue Fund is provided for the Healthy Start Coalition of Orange County.

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436	SPECIAL CATEGORIES		
	HEALTH EDUCATION RISK REDUCTION PROJECT		
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		12,686
437	SPECIAL CATEGORIES		
	HEALTHY START COORDINATED CARE SYSTEM WAIVER		
	FROM GENERAL REVENUE FUND	15,171,241	
	FROM FEDERAL GRANTS TRUST FUND . . .		22,932,070
438	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FEDERAL NUTRITION PROGRAMS		
	FROM FEDERAL GRANTS TRUST FUND . . .		476,078,960
439	SPECIAL CATEGORIES		
	FULL SERVICE SCHOOLS - INTERAGENCY COOPERATION		
	FROM GENERAL REVENUE FUND	6,000,000	
	FROM FEDERAL GRANTS TRUST FUND . . .		2,500,000
440	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	58,652	
	FROM FEDERAL GRANTS TRUST FUND . . .		41,861
441	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	18,397	
	FROM FEDERAL GRANTS TRUST FUND . . .		59,905
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		7,990
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		3,242
441A	SPECIAL CATEGORIES		
	STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM FEDERAL GRANTS TRUST FUND . . .		735,676
441B	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM FEDERAL GRANTS TRUST FUND . . .		567,321
441C	QUALIFIED EXPENDITURE CATEGORY		
	WOMEN, INFANTS AND CHILDREN DATA SYSTEM		
	FROM FEDERAL GRANTS TRUST FUND . . .		4,383,252
TOTAL:	FAMILY HEALTH OUTPATIENT AND NUTRITION SERVICES		
	FROM GENERAL REVENUE FUND	85,449,595	
	FROM TRUST FUNDS		572,067,976
	TOTAL POSITIONS	210.00	
	TOTAL ALL FUNDS		657,517,571

INFECTIOUS DISEASE CONTROL

APPROVED SALARY RATE 16,021,660

442	SALARIES AND BENEFITS POSITIONS	406.50	
	FROM GENERAL REVENUE FUND	4,982,362	
	FROM FEDERAL GRANTS TRUST FUND . . .		12,658,150
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		4,594,418
443	OTHER PERSONAL SERVICES		
	FROM FEDERAL GRANTS TRUST FUND . . .		596,922
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		51,211

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444 EXPENSES
FROM GENERAL REVENUE FUND 1,093,611
FROM FEDERAL GRANTS TRUST FUND . . . 7,800,184
FROM GRANTS AND DONATIONS TRUST FUND 33,037
FROM OPERATIONS AND MAINTENANCE TRUST FUND 648,564

445 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - AIDS PATIENT CARE
FROM GENERAL REVENUE FUND 12,609,807
FROM FEDERAL GRANTS TRUST FUND . . . 7,060,522

446 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - RYAN WHITE CONSORTIA
FROM FEDERAL GRANTS TRUST FUND . . . 20,754,358

Funds in Specific Appropriation 446 from the Federal Grants Trust Fund are contingent upon sufficient state matching funds being identified to qualify for the federal Ryan White grant award. The Department of Health and the Department of Corrections shall collaborate in determining the amount of general revenue funds expended by the Department of Corrections for AIDS-related activities and services that qualify as state matching funds for the Ryan White grant.

447 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STATEWIDE ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORKS
FROM GENERAL REVENUE FUND 10,463,853

448 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 12,462,553

449 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 20,562
FROM FEDERAL GRANTS TRUST FUND . . . 178,326
FROM GRANTS AND DONATIONS TRUST FUND 3,000

450 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 167,470
FROM OPERATIONS AND MAINTENANCE TRUST FUND 58,213

451 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 665,595
FROM FEDERAL GRANTS TRUST FUND . . . 4,716,511
FROM GRANTS AND DONATIONS TRUST FUND 241,558
FROM OPERATIONS AND MAINTENANCE TRUST FUND 70,000

452 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,530,876
FROM FEDERAL GRANTS TRUST FUND . . . 11,166,097
FROM GRANTS AND DONATIONS TRUST FUND 902,004

453 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 139,356

454 SPECIAL CATEGORIES
GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) INSURANCE CONTINUATION PROGRAM
FROM GENERAL REVENUE FUND 6,454,951
FROM FEDERAL GRANTS TRUST FUND . . . 4,891,498

455 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM GENERAL REVENUE FUND 106,323

456 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 82,929
FROM OPERATIONS AND MAINTENANCE TRUST FUND 141,249

457 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 50,981
FROM FEDERAL GRANTS TRUST FUND . . . 95,640
FROM OPERATIONS AND MAINTENANCE TRUST FUND 34,413

457A SPECIAL CATEGORIES
STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM FEDERAL GRANTS TRUST FUND . . . 45,109

457B SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM FEDERAL GRANTS TRUST FUND . . . 972,652

458 SPECIAL CATEGORIES
OUTREACH FOR PREGNANT WOMEN
FROM GENERAL REVENUE FUND 500,000

TOTAL: INFECTIOUS DISEASE CONTROL
FROM GENERAL REVENUE FUND 51,331,229
FROM TRUST FUNDS 77,713,636

TOTAL POSITIONS 406.50
TOTAL ALL FUNDS 129,044,865

ENVIRONMENTAL HEALTH SERVICES

APPROVED SALARY RATE 9,769,560

459 SALARIES AND BENEFITS POSITIONS 215.50
FROM GENERAL REVENUE FUND 1,684,847
FROM ADMINISTRATIVE TRUST FUND . . . 2,359,097
FROM FEDERAL GRANTS TRUST FUND . . . 1,612,406
FROM GRANTS AND DONATIONS TRUST FUND 1,896,302
FROM RADIATION PROTECTION TRUST FUND 6,143,674

460 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 71,060
FROM FEDERAL GRANTS TRUST FUND . . . 131,791
FROM GRANTS AND DONATIONS TRUST FUND 130,415
FROM RADIATION PROTECTION TRUST FUND 33,393

461 EXPENSES
FROM GENERAL REVENUE FUND 209,662
FROM ADMINISTRATIVE TRUST FUND . . . 978,799
FROM FEDERAL GRANTS TRUST FUND . . . 348,011
FROM GRANTS AND DONATIONS TRUST FUND 321,055
FROM RADIATION PROTECTION TRUST FUND 1,734,991

462 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 2,200,270
FROM ADMINISTRATIVE TRUST FUND . . . 427,426

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FROM GRANTS AND DONATIONS TRUST FUND 2,194,571

463 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 15,000
FROM FEDERAL GRANTS TRUST FUND . . . 31,698
FROM RADIATION PROTECTION TRUST FUND 56,997

464 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND . . . 80,000
FROM RADIATION PROTECTION TRUST FUND 130,856

465 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 97,489
FROM ADMINISTRATIVE TRUST FUND . . . 335,165
FROM FEDERAL GRANTS TRUST FUND . . . 643,776
FROM GRANTS AND DONATIONS TRUST FUND 3,401,038
FROM RADIATION PROTECTION TRUST FUND 150,000

From the funds in Specific Appropriation 465, $2,725,000 in nonrecurring funds from the Grants and Donations Trust Fund is provided to the department to complete phase II and phase III and complete the study authorized in Specific Appropriation 1682 of chapter 2008-152, Laws of Florida. The report shall include recommendations on passive strategies for nitrogen reduction that complement use of conventional onsite wastewater treatment systems. The department shall submit an interim report of the completion of phase II and progress on phase III on February 1, 2012, a subsequent status report on May 16, 2012, and a final report upon completion of phase III to the Governor, the President of the Senate, and the Speaker of the House of Representatives prior to proceeding with any nitrogen reduction activities.

466 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 750,000

467 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 80,080
FROM RADIATION PROTECTION TRUST FUND 14,575

468 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 12,636
FROM ADMINISTRATIVE TRUST FUND . . . 13,165
FROM FEDERAL GRANTS TRUST FUND . . . 9,717
FROM GRANTS AND DONATIONS TRUST FUND 13,473
FROM RADIATION PROTECTION TRUST FUND 40,543

469 SPECIAL CATEGORIES
STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE (SUPER) ACT REIMBURSEMENT
FROM GRANTS AND DONATIONS TRUST FUND 534,775

TOTAL: ENVIRONMENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 4,284,984
FROM TRUST FUNDS 24,603,769

TOTAL POSITIONS 215.50
TOTAL ALL FUNDS 28,888,753

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COUNTY HEALTH DEPARTMENTS LOCAL HEALTH NEEDS

APPROVED SALARY RATE 471,942,896

470 SALARIES AND BENEFITS POSITIONS 12,189.00
FROM COUNTY HEALTH DEPARTMENT TRUST FUND 645,972,385

471 OTHER PERSONAL SERVICES
FROM COUNTY HEALTH DEPARTMENT TRUST FUND 49,347,686

472 EXPENSES
FROM COUNTY HEALTH DEPARTMENT TRUST FUND 113,503,288

473 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 131,119,016
FROM TOBACCO SETTLEMENT TRUST FUND . 3,919,999

474 AID TO LOCAL GOVERNMENTS
COMMUNITY HEALTH INITIATIVES
FROM GENERAL REVENUE FUND 1,778,101
FROM COUNTY HEALTH DEPARTMENT TRUST FUND 500,000

From the funds in Specific Appropriation 474, $100,000 in recurring general revenue funds is provided to increase funding to La Liga-League Against Cancer.

From the funds in Specific Appropriation 474, $500,000 is provided from the General Revenue Fund, of which $315,455 is nonrecurring for the Gadsden Nurse-Family Partnership.

475 OPERATING CAPITAL OUTLAY
FROM COUNTY HEALTH DEPARTMENT TRUST FUND 11,267,152

476 LUMP SUM
COUNTY HEALTH DEPARTMENTS
POSITIONS 400.00

477 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM COUNTY HEALTH DEPARTMENT TRUST FUND 2,809,253

478 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM COUNTY HEALTH DEPARTMENT TRUST FUND 71,989,733

479 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM COUNTY HEALTH DEPARTMENT TRUST FUND 27,500

480 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COUNTY HEALTH DEPARTMENT TRUST FUND 6,444,419

481 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM COUNTY HEALTH DEPARTMENT TRUST FUND 288,347

482 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM COUNTY HEALTH DEPARTMENT TRUST FUND 3,378,153

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482A SPECIAL CATEGORIES
STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM COUNTY HEALTH DEPARTMENT TRUST FUND 2,039,543

482B SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM COUNTY HEALTH DEPARTMENT TRUST FUND 6,573,195

482C FIXED CAPITAL OUTLAY
CONSTRUCTION, RENOVATION, AND EQUIPMENT - COUNTY HEALTH DEPARTMENTS
FROM COUNTY HEALTH DEPARTMENT TRUST FUND 32,920,983

From the funds in Specific Appropriation 482C, the following projects are funded from nonrecurring funds in the County Health Department Trust Fund:

Volusia County Health Department	4,440,100
Palm Beach County Health Department	3,918,800
Washington County Health Department	500,000
Jackson County Health Department	850,000
Brevard County Health Department	2,400,000
Pinellas County Health Department	1,034,600
Baker County Health Department	2,000,000
Miami-Dade County Health Department	15,000,700
Miami County Health Department (ARRA Grant)	1,287,783
Lake County Health Department	689,000
Walton County Health Department	800,000

482D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
MAINTENANCE AND REPAIR OF COUNTY HEALTH DEPARTMENTS
FROM COUNTY HEALTH DEPARTMENT TRUST FUND 7,533,960

TOTAL: COUNTY HEALTH DEPARTMENTS LOCAL HEALTH NEEDS
FROM GENERAL REVENUE FUND 132,897,117
FROM TRUST FUNDS 958,515,596

TOTAL POSITIONS 12,589.00
TOTAL ALL FUNDS 1,091,412,713

STATEWIDE PUBLIC HEALTH SUPPORT SERVICES

APPROVED SALARY RATE 24,056,007

483 SALARIES AND BENEFITS POSITIONS 611.00
FROM GENERAL REVENUE FUND 8,161,635
FROM ADMINISTRATIVE TRUST FUND . . . 786,294
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 2,863,461
FROM FEDERAL GRANTS TRUST FUND . . . 10,075,930
FROM GRANTS AND DONATIONS TRUST FUND 797,727
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND 154,372
FROM PLANNING AND EVALUATION TRUST FUND 10,833,032

484 OTHER PERSONAL SERVICES
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 149,583
FROM FEDERAL GRANTS TRUST FUND . . . 224,576
FROM GRANTS AND DONATIONS TRUST FUND 238,222
FROM PLANNING AND EVALUATION TRUST FUND 689,100

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485 EXPENSES
FROM GENERAL REVENUE FUND 857,582
FROM ADMINISTRATIVE TRUST FUND . . . 118,219
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 825,468
FROM BIOMEDICAL RESEARCH TRUST FUND 2,047
FROM FEDERAL GRANTS TRUST FUND . . . 4,361,750
FROM GRANTS AND DONATIONS TRUST FUND 303,653
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND 39,050
FROM PLANNING AND EVALUATION TRUST FUND 13,482,010

From the funds in Specific Appropriation 485, $250,000 in recurring funds from the General Revenue Fund shall be used to support the Statewide Council on Deafness.

From the funds in Specific Appropriation 485 and 490, $1,952,084 from the Planning and Evaluation Trust Fund is provided for the inclusion of Severe Combined Immunodeficiency Disease (SCID) testing within the Newborn Screening Program.

486 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES COUNTY GRANTS
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 6,211,675

487 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES MATCHING GRANTS
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 4,681,461

488 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 53,693
FROM ADMINISTRATIVE TRUST FUND . . . 2,600
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 1,932
FROM FEDERAL GRANTS TRUST FUND . . . 361,466
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND 6,000
FROM PLANNING AND EVALUATION TRUST FUND 128,302

489 SPECIAL CATEGORIES
GRANTS AND AIDS - STRENGTHENING DOMESTIC SECURITY - BIOTERRORISM ENHANCEMENTS - HEALTH AND HOSPITALS
FROM FEDERAL GRANTS TRUST FUND . . . 48,486,622

490 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 258,540
FROM ADMINISTRATIVE TRUST FUND . . . 255,000
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 919,958
FROM FEDERAL GRANTS TRUST FUND . . . 789,186
FROM GRANTS AND DONATIONS TRUST FUND 205,108
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND 41,188
FROM PLANNING AND EVALUATION TRUST FUND 4,033,157

491 SPECIAL CATEGORIES
DRUGS, VACCINES AND OTHER BIOLOGICALS
FROM GENERAL REVENUE FUND 19,388,014
FROM TOBACCO SETTLEMENT TRUST FUND . 2,589,266
FROM FEDERAL GRANTS TRUST FUND . . . 96,777,799
FROM GRANTS AND DONATIONS TRUST FUND 18,140,807

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Funds in Specific Appropriation 491 from the Federal Grants Trust Fund are contingent upon sufficient state matching funds being identified to qualify for the federal Ryan White grant award. The Department of Health and the Department of Corrections shall collaborate in determining the amount of state general revenue funds expended by the Department of Corrections for AIDS-related activities and services that qualify as state matching funds for the Ryan White grant.

492 SPECIAL CATEGORIES
JAMES AND ESTHER KING BIOMEDICAL RESEARCH PROGRAM
FROM BIOMEDICAL RESEARCH TRUST FUND 7,200,000

From the funds in Specific Appropriation 492, up to $50,000 shall be used for collaborative biomedical research projects within the state's historically black colleges and universities.

From the funds in Specific Appropriation 492, $5,000,000 in nonrecurring funds from the Biomedical Research Trust Fund is provided to the James and Esther King Biomedical Research Program.

492A SPECIAL CATEGORIES
WILLIAM G. "BILL" BANKHEAD, JR., AND DAVID COLEY CANCER RESEARCH PROGRAM
FROM GENERAL REVENUE FUND 5,000,000
FROM BIOMEDICAL RESEARCH TRUST FUND 5,000,000

From the funds provided in Specific Appropriation 492A, $500,000 is provided to maintain the statewide Brain Tumor Registry Program at the McKnight Brain Institute.

From the funds provided in Specific Appropriation 492A, $5,000,000 in nonrecurring funds from the General Revenue Fund and $5,000,000 in nonrecurring funds from the Biomedical Research Trust Fund is provided to the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program.

492B SPECIAL CATEGORIES
H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE
FROM BIOMEDICAL RESEARCH TRUST FUND 5,000,000

From the funds in Specific Appropriation 492B, $5,000,000 in nonrecurring funds from the Biomedical Research Trust Fund is provided to the H. Lee Moffitt Cancer Center and Research Institute.

492C SPECIAL CATEGORIES
BIOMEDICAL RESEARCH
FROM BIOMEDICAL RESEARCH TRUST FUND 10,000,000

From the funds in Specific Appropriation 492C, $5,000,000 in nonrecurring funds from the Biomedical Research Trust Fund is provided to the Shands Cancer Hospital, and $5,000,000 in nonrecurring funds from the Biomedical Research Trust Fund is provided to the Sylvester Cancer Center at the University of Miami.

493 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,849,626
FROM PLANNING AND EVALUATION TRUST FUND 190,161

494 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS
FROM FEDERAL GRANTS TRUST FUND . . . 1,000,000

495 SPECIAL CATEGORIES
GRANTS AND AIDS - TRAUMA CARE
FROM ADMINISTRATIVE TRUST FUND . . . 2,500,000

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FROM EMERGENCY MEDICAL SERVICES TRUST FUND 7,593,747

496 SPECIAL CATEGORIES
GRANTS AND AID - NURSING STUDENT LOAN REIMBURSEMENT/ SCHOLARSHIPS
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND 929,006

497 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 94,624
FROM ADMINISTRATIVE TRUST FUND . . . 3,857
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 23,894
FROM FEDERAL GRANTS TRUST FUND . . . 71,253
FROM GRANTS AND DONATIONS TRUST FUND 7,584
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND 1,261
FROM PLANNING AND EVALUATION TRUST FUND 79,870

497A SPECIAL CATEGORIES
STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM FEDERAL GRANTS TRUST FUND . . . 3,067

497B SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM FEDERAL GRANTS TRUST FUND . . . 105,884

497C FIXED CAPITAL OUTLAY
HEALTH FACILITIES REPAIR AND MAINTENANCE - STATEWIDE
FROM PLANNING AND EVALUATION TRUST FUND 2,625,000

From the funds in Specific Appropriation 497C, the following projects are funded from nonrecurring funds in the Planning and Evaluation Trust Fund:

Miami Lab - electrical switch gear and distribution..... 1,300,000
Miami, Lantana, Tampa Labs - building backup generators..... 1,000,000
Pensacola Lab-HVAC renovation/boiler replacement..... 325,000

TOTAL: STATEWIDE PUBLIC HEALTH SUPPORT SERVICES
FROM GENERAL REVENUE FUND 36,663,714
FROM TRUST FUNDS 271,910,605

TOTAL POSITIONS 611.00
TOTAL ALL FUNDS 308,574,319

PROGRAM: CHILDREN'S MEDICAL SERVICES

CHILDREN'S SPECIAL HEALTH CARE

APPROVED SALARY RATE 30,237,715

498 SALARIES AND BENEFITS POSITIONS 739.50
FROM GENERAL REVENUE FUND 19,241,454
FROM DONATIONS TRUST FUND 15,344,685
FROM FEDERAL GRANTS TRUST FUND . . . 6,523,287

499 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 980,591
FROM DONATIONS TRUST FUND 89,063
FROM FEDERAL GRANTS TRUST FUND . . . 388,687

500 EXPENSES

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FROM GENERAL REVENUE FUND	1,575,885	
FROM DONATIONS TRUST FUND		3,702,407
FROM FEDERAL GRANTS TRUST FUND . . .		2,937,218

501 OPERATING CAPITAL OUTLAY

FROM GENERAL REVENUE FUND	29,319	
FROM DONATIONS TRUST FUND		35,629
FROM FEDERAL GRANTS TRUST FUND . . .		106,825

502 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN'S MEDICAL SERVICES NETWORK

FROM GENERAL REVENUE FUND	16,654,931	
FROM TOBACCO SETTLEMENT TRUST FUND .		11,775,196
FROM DONATIONS TRUST FUND		159,640,449
FROM FEDERAL GRANTS TRUST FUND . . .		661,673
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		8,258,090
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,613,263

Funds in Specific Appropriation 502 shall not be used to support continuing education courses or training for health professionals or staff employed by the Children's Medical Services (CMS) Network or under contract with the department. This limitation shall include but not be limited to: classroom instruction, train the trainer, or web-based continuing education courses that may be considered professional development, or that results in continuing education credits that may be applied towards the initial or subsequent renewal of a health professional's license. This does not preclude the CMS Network from providing information on treatment methodologies or best practices to appropriate CMS network health professionals, staff, or contractors.

From the funds in Specific Appropriation 502, the department shall transfer an amount not to exceed $450,000 from the General Revenue Fund to the Agency for Health Care Administration for Medicaid reimbursable services that support children enrolled in contracted medical foster care programs.

From the funds in Specific Appropriation 502, $200,000 in nonrecurring funds from the General Revenue Fund is provided to the Howard Phillip Center for Children and Families.

503 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL SERVICES FOR ABUSED/NEGLECTED CHILDREN

FROM GENERAL REVENUE FUND	8,847,219	
FROM TOBACCO SETTLEMENT TRUST FUND .		2,316,723
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		5,763,295

504 SPECIAL CATEGORIES
CONTRACTED SERVICES

FROM DONATIONS TRUST FUND		3,415,181
FROM FEDERAL GRANTS TRUST FUND . . .		171,303
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		281,710

From the funds in Specific Appropriation 504, $1,500,000 in nonrecurring funds from the Donations Trust Fund is provided to a public hospital created either by county ordinance or by special act of the Florida Legislature which has no taxing authority, located in Lee County for the purpose of initial planning and design of a free standing children's hospital to serve Southwest Florida.

From the funds in Specific Appropriation 504, $150,000 in nonrecurring funds from the Donations Trust Fund shall be provided to the Florida Birth Related Neurological Injury Compensation Association to conduct a study on birth-related brachial plexus injuries, causes and treatments, and their impact on malpractice insurance premiums in Florida. Funding shall include payment of expenses pursuant to s. 112.061, Florida Statutes. The Association shall submit its findings in a report to the President of the Senate and the Speaker of the House of Representatives on or before December 1, 2011.

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505 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES

FROM GENERAL REVENUE FUND	845,169	

From the funds in Specific Appropriation 505, an increase of $286,668 in recurring funds from the General Revenue Fund is provided to the Islet Cell Transplantation to Cure Diabetes Project.

506 SPECIAL CATEGORIES
POISON CONTROL CENTER

FROM GENERAL REVENUE FUND	1,261,387	
FROM TOBACCO SETTLEMENT TRUST FUND .		330,306

507 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	413,123	
FROM DONATIONS TRUST FUND		178,300

508 SPECIAL CATEGORIES
GRANTS AND AIDS - DEVELOPMENTAL EVALUATION AND INTERVENTION SERVICES/PART C

FROM GENERAL REVENUE FUND	16,488,500	
FROM TOBACCO SETTLEMENT TRUST FUND .		4,641,823
FROM DONATIONS TRUST FUND		2,775,733
FROM FEDERAL GRANTS TRUST FUND . . .		23,853,779

From the funds in Specific Appropriation 508, $2,893,818 from the General Revenue Fund is provided as the state match for Medicaid reimbursable early intervention services in Specific Appropriation 169.

From the funds in Specific Appropriation 508, $4,217,257 from the Federal Grants Trust Fund is provided for Early Steps-IDEA Part C as a result of federal funding received from the American Recovery and Reinvestment Act of 2009.

509 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

FROM GENERAL REVENUE FUND	161,951	
FROM DONATIONS TRUST FUND		119,327
FROM FEDERAL GRANTS TRUST FUND . . .		48,927

509A SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDRENS MEDICAL SERVICES - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

FROM FEDERAL GRANTS TRUST FUND . . .		4,217,257

509B QUALIFIED EXPENDITURE CATEGORY
CHILDRENS MEDICAL SERVICES DEVELOPMENT AND INTEGRATION PROJECT

FROM FEDERAL GRANTS TRUST FUND . . .		2,000,000

TOTAL: CHILDREN'S SPECIAL HEALTH CARE

FROM GENERAL REVENUE FUND	66,499,529	
FROM TRUST FUNDS		261,190,136
TOTAL POSITIONS	739.50	
TOTAL ALL FUNDS		327,689,665

PROGRAM: HEALTH CARE PRACTITIONER AND ACCESS

MEDICAL QUALITY ASSURANCE

APPROVED SALARY RATE 22,250,249

510 SALARIES AND BENEFITS POSITIONS 608.50

FROM FLORIDA DRUG, DEVICE AND COSMETIC TRUST FUND		596,191
FROM MEDICAL QUALITY ASSURANCE TRUST FUND		31,385,410

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511 OTHER PERSONAL SERVICES
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 5,365,666

512 EXPENSES
FROM FLORIDA DRUG, DEVICE AND COSMETIC TRUST FUND 126,239
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 7,414,988

513 OPERATING CAPITAL OUTLAY
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 57,604

514 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 13,000

515 SPECIAL CATEGORIES
UNLICENSED ACTIVITIES
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 1,231,856

516 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 186,242

517 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM FLORIDA DRUG, DEVICE AND COSMETIC TRUST FUND 19,500
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 13,825,119

518 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FLORIDA DRUG, DEVICE AND COSMETIC TRUST FUND 10,693
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 514,425

519 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM FLORIDA DRUG, DEVICE AND COSMETIC TRUST FUND 4,204
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 254,545

TOTAL: MEDICAL QUALITY ASSURANCE
FROM TRUST FUNDS 61,005,682

TOTAL POSITIONS 608.50
TOTAL ALL FUNDS 61,005,682

COMMUNITY HEALTH RESOURCES

APPROVED SALARY RATE 4,486,677

520 SALARIES AND BENEFITS POSITIONS 111.00
FROM GENERAL REVENUE FUND 772,851
FROM ADMINISTRATIVE TRUST FUND . . . 388,549
FROM TOBACCO SETTLEMENT TRUST FUND . 307,894
FROM FEDERAL GRANTS TRUST FUND . . . 1,428,619
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 3,008,340

From the funds in Specific Appropriation 520, $307,894 and four positions are provided to implement the Comprehensive Statewide Tobacco Education and Prevention Program in accordance with Section 27, Article X of the State Constitution.

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521 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 10,000
FROM FEDERAL GRANTS TRUST FUND . . . 19,770

522 EXPENSES
FROM GENERAL REVENUE FUND 81,376
FROM ADMINISTRATIVE TRUST FUND . . . 133,178
FROM FEDERAL GRANTS TRUST FUND . . . 555,127
FROM GRANTS AND DONATIONS TRUST FUND 29,729
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 771,028

523 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 64,747

524 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL HEALTH COUNCILS
FROM GRANTS AND DONATIONS TRUST FUND 1,006,000

525 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 12,850
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 9,000

527 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 16,562
FROM ADMINISTRATIVE TRUST FUND . . . 5,623
FROM FEDERAL GRANTS TRUST FUND . . . 616,997
FROM GRANTS AND DONATIONS TRUST FUND 3,581
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 391,923

528 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 953,502
FROM TOBACCO SETTLEMENT TRUST FUND . 288,752
FROM FEDERAL GRANTS TRUST FUND . . . 437,153
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 1,250,000

529 SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HEALTH NETWORK GRANTS
FROM GENERAL REVENUE FUND 500,000
FROM FEDERAL GRANTS TRUST FUND . . . 574,305

530 SPECIAL CATEGORIES
BRAIN AND SPINAL CORD HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND 1,889,762
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 17,799,349

From the funds in Specific Appropriation 530, an additional $6,808,897 from the from the Brain and Spinal Cord Injury Rehabilitation Trust Fund are provided to expand the current Brain and Spinal Cord and Spinal Cord Home and Community Based Services Waiver program. The department shall work with the Agency for Health Care Administration to seek approval for the expansion.

531 SPECIAL CATEGORIES
CYSTIC FIBROSIS HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND 750,010
FROM FEDERAL GRANTS TRUST FUND . . . 1,156,398

532 SPECIAL CATEGORIES

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PURCHASED CLIENT SERVICES
FROM BRAIN AND SPINAL CORD INJURY
REHABILITATION TRUST FUND 4,854,075

533 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM BRAIN AND SPINAL CORD INJURY
REHABILITATION TRUST FUND 26,909

534 SPECIAL CATEGORIES
GRANTS AND AIDS - SPINAL CORD RESEARCH
FROM BRAIN AND SPINAL CORD INJURY
REHABILITATION TRUST FUND 1,000,000

535 SPECIAL CATEGORIES
COMPREHENSIVE STATEWIDE TOBACCO PREVENTION
AND EDUCATION PROGRAM
FROM TOBACCO SETTLEMENT TRUST FUND . 62,274,015

Funds in Specific Appropriation 535 shall be used to implement the Comprehensive Statewide Tobacco Education and Prevention Program in accordance with Section 27, Article X of the State Constitution as adjusted annually for inflation, using the Consumer Price Index as published by the United States Department of Labor. The appropriation shall be allocated as follows:

State & Community Interventions..... 11,130,288
State & Community Interventions - AHEC..... 6,000,000
Health Communications Interventions..... 20,860,636
Cessation Interventions..... 12,021,181
Cessation Interventions - AHEC..... 4,000,000
Surveillance & Evaluation..... 5,440,709
Administration & Management..... 2,821,201

From the funds in Specific Appropriation 535, the department may use nicotine replacements and other treatments approved by the Federal Food and Drug Administration as part of smoking cessation interventions.

536 SPECIAL CATEGORIES
FLORIDA AGRICULTURAL AND MECHANICAL
UNIVERSITY CRESTVIEW CENTER
FROM GENERAL REVENUE FUND 1,500,000

From the funds in Specific Appropriation 536, $1,500,000 from the General Revenue Fund is provided for the Department of Health to transfer to the Florida Agricultural and Mechanical University (FAMU) to continue the FAMU Crestview Education Center project.

537 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 10,606
FROM ADMINISTRATIVE TRUST FUND . . . 2,498
FROM FEDERAL GRANTS TRUST FUND . . . 9,956
FROM BRAIN AND SPINAL CORD INJURY
REHABILITATION TRUST FUND 23,827

538 SPECIAL CATEGORIES
MEDICALLY FRAGILE ENHANCEMENT PAYMENT
FROM GENERAL REVENUE FUND 610,020

538A SPECIAL CATEGORIES
STATE OPERATIONS - AMERICAN RECOVERY AND
REINVESTMENT ACT OF 2009
FROM FEDERAL GRANTS TRUST FUND . . . 10,000

538B SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES -
AMERICAN RECOVERY AND REINVESTMENT ACT OF
2009
FROM FEDERAL GRANTS TRUST FUND . . . 570,696

TOTAL: COMMUNITY HEALTH RESOURCES

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APPROPRIATION
FROM GENERAL REVENUE FUND 7,149,436
FROM TRUST FUNDS 98,976,141

TOTAL POSITIONS 111.00
TOTAL ALL FUNDS 106,125,577

PROGRAM: DISABILITY DETERMINATIONS

DISABILITY BENEFITS DETERMINATION

APPROVED SALARY RATE 49,917,583

539 SALARIES AND BENEFITS POSITIONS 1,227.00
FROM GENERAL REVENUE FUND 665,298
FROM FEDERAL GRANTS TRUST FUND . . . 665,902
FROM U.S. TRUST FUND 73,875,143

540 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,996
FROM FEDERAL GRANTS TRUST FUND . . . 33,500
FROM U.S. TRUST FUND 16,089,132

541 EXPENSES
FROM GENERAL REVENUE FUND 133,527
FROM FEDERAL GRANTS TRUST FUND . . . 172,071
FROM U.S. TRUST FUND 23,076,539

542 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 4,000
FROM FEDERAL GRANTS TRUST FUND . . . 5,000
FROM U.S. TRUST FUND 199,000

543 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 135,331
FROM FEDERAL GRANTS TRUST FUND . . . 174,396
FROM U.S. TRUST FUND 36,210,586

544 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,784
FROM FEDERAL GRANTS TRUST FUND . . . 1,784
FROM U.S. TRUST FUND 435,109

545 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 3,856
FROM FEDERAL GRANTS TRUST FUND . . . 3,820
FROM U.S. TRUST FUND 413,472

TOTAL: DISABILITY BENEFITS DETERMINATION
FROM GENERAL REVENUE FUND 969,792
FROM TRUST FUNDS 151,355,454

TOTAL POSITIONS 1,227.00
TOTAL ALL FUNDS 152,325,246

TOTAL: HEALTH, DEPARTMENT OF
FROM GENERAL REVENUE FUND 396,421,942
FROM TRUST FUNDS 2,514,361,127

TOTAL POSITIONS 17,107.50
TOTAL ALL FUNDS 2,910,783,069
TOTAL APPROVED SALARY RATE 656,629,748

VETERANS' AFFAIRS, DEPARTMENT OF

PROGRAM: SERVICES TO VETERANS' PROGRAM

VETERANS' HOMES

APPROVED SALARY RATE 26,694,123

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546 SALARIES AND BENEFITS POSITIONS 977.00
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 40,419,762

547 OTHER PERSONAL SERVICES
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 2,986,987

548 EXPENSES
FROM GRANTS AND DONATIONS TRUST
FUND 31,900
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 11,990,893

549 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST
FUND 57,300
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 268,865

550 FOOD PRODUCTS
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 3,226,561

551 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 13,328,171

552 SPECIAL CATEGORIES
RECREATIONAL EQUIPMENT AND SUPPLIES
FROM GRANTS AND DONATIONS TRUST
FUND 72,500

553 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 1,048,358

554 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 376,217

554A FIXED CAPITAL OUTLAY
ADDITIONS AND IMPROVEMENTS TO THE
VETERANS' HOMES
FROM FEDERAL GRANTS TRUST FUND . . . 3,139,500
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 1,690,500

554B FIXED CAPITAL OUTLAY
MAINTENANCE AND REPAIR OF STATE-OWNED
RESIDENTIAL FACILITIES FOR VETERANS
FROM STATE HOMES FOR VETERANS
TRUST FUND 1,800,500

TOTAL: VETERANS' HOMES
FROM TRUST FUNDS 80,438,014

TOTAL POSITIONS 977.00
TOTAL ALL FUNDS 80,438,014

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 1,653,336

555 SALARIES AND BENEFITS POSITIONS 27.00
FROM GENERAL REVENUE FUND 2,299,950

556 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 19,765

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557 EXPENSES
FROM GENERAL REVENUE FUND 714,810
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 100,458

558 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 120,512

559 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 124,538
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 110,000

560 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,845

561 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 9,541

562 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 2,557

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 3,298,518
FROM TRUST FUNDS 210,458

TOTAL POSITIONS 27.00
TOTAL ALL FUNDS 3,508,976

VETERANS' BENEFITS AND ASSISTANCE

APPROVED SALARY RATE 3,256,970

563 SALARIES AND BENEFITS POSITIONS 79.00
FROM GENERAL REVENUE FUND 3,770,382
FROM FEDERAL GRANTS TRUST FUND . . . 542,368

564 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,000

565 EXPENSES
FROM GENERAL REVENUE FUND 197,067
FROM FEDERAL GRANTS TRUST FUND . . . 100,603

566 LUMP SUM
VETERANS' BENEFITS AND ASSISTANCE
POSITIONS 39.00

567 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,569
FROM FEDERAL GRANTS TRUST FUND . . . 2,000

568 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 12,746
FROM FEDERAL GRANTS TRUST FUND . . . 442

569 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 26,121
FROM FEDERAL GRANTS TRUST FUND . . . 3,535

TOTAL: VETERANS' BENEFITS AND ASSISTANCE
FROM GENERAL REVENUE FUND 4,020,885
FROM TRUST FUNDS 648,948

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TOTAL POSITIONS	118.00	
TOTAL ALL FUNDS		4,669,833

TOTAL: VETERANS' AFFAIRS, DEPARTMENT OF

FROM GENERAL REVENUE FUND	7,319,403	
FROM TRUST FUNDS		81,297,420
TOTAL POSITIONS	1,122.00	
TOTAL ALL FUNDS		88,616,823
TOTAL APPROVED SALARY RATE	31,604,429	

TOTAL OF SECTION 3

FROM GENERAL REVENUE FUND	7,014,243,461	
FROM TRUST FUNDS		22,977,039,639
TOTAL POSITIONS	35,686.25	
TOTAL ALL FUNDS		29,991,283,100

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS

The moneys contained herein are appropriated from the named funds to the Department of Corrections, Justice Administration, Department of Juvenile Justice, Florida Department of Law Enforcement, Department of Legal Affairs/Attorney General, and the Parole Commission as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

CORRECTIONS, DEPARTMENT OF

From the funds in Specific Appropriations 570 through 759, each provider contracting with the Department of Corrections must provide the department with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents must include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.

The Department of Corrections shall develop and use a uniform format and uniform methodologies for the purpose of reporting annually to the Governor and to the Legislature on the state prison system. Such reports shall include a comprehensive plan for current facility use and any departures from planned facility use, including opening new facilities, renovating or closing existing facilities, and advancing or delaying the opening of new or renovated facilities. The report shall include the maximum capacity of currently operating facilities and the potential maximum capacity of facilities that the department could make operational within the fiscal year. The report shall also identify appropriate sites for future facilities and provide information to support specified locations, such as availability of personnel in local labor markets. Reports should include updated infrastructure needs for existing or future facilities. Each report should reconcile capacity figures to the immediately preceding report. For the purpose of this paragraph, maximum capacity shall be calculated and displayed pursuant to section 944.023(1)(b), Florida Statutes. The department may provide additional analysis of current and future bed needs based on such factors as deemed necessary by the Secretary. The next report shall be due January 1, 2012.

From the funds in Specific Appropriations 570 through 759, the Department of Corrections shall, before closing, substantially reducing the use of, or changing the purpose of any state correctional institution as defined in section 944.02, Florida Statutes, submit its proposal to the Governor's Office of Policy and Budget and the chairs of the Senate Budget Committee and the House Appropriations Committee for review.

The department may transfer up to 1,200 beds to existing private prisons

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with available capacity if it determines that such transfers are in accordance with American Correctional Association and department standards, and would provide a cost savings of at least 7 percent.

Funds in Specific Appropriation 570 through 759 shall not be used to pay for unoccupied space currently being leased by the Department of Corrections in the event the leases are vacant on or after July 1, 2011, and for which it has been determined by the Secretary of the department that there is no longer a need.

From the funds in Specific Appropriations 570 through 759, the Department of Corrections shall issue a request for proposal, or multiple requests for proposal, as defined in section 287.057(1)(b), Florida Statutes, for the management and operation of the correctional facilities and assigned correctional units, including annexes, work camps, road prisons and work release centers currently operated by the Department of Corrections in Manatee, Hardee, Indian River, Okeechobee, Highlands, St. Lucie, DeSoto, Sarasota, Charlotte, Glades, Martin, Palm Beach, Hendry, Lee, Collier, Broward, Miami-Dade and Monroe counties, excluding Glades Correctional Institution and Hendry Correctional Institution. The request for proposal shall provide for a contract commencement date of no later than January 1, 2012.

At a minimum, the contract shall require adherence to all applicable federal, state and local laws, as well as all rules adopted by the Department of Corrections for private prison service providers. These facilities shall continue to operate at capacities set forth in section 944.023, Florida Statutes. Funds received for these institutions from canteens, subsistence payments, and any other participation accounts shall continue to be remitted to the General Revenue Fund. All activities regarding the classification of inmates will remain under the Department of Correction's supervision and direction as required by current law. Each facility's average daily population (ADP), as well as medical and psychological grade population percentages, shall remain substantially unchanged from the ADP calculated for Fiscal Year 2009-2010.

The contract between the Department of Corrections and the private provider must specify performance measures and levels of expected performance by the contracts for each performance measure to ensure contractor performance and accountability. The required performance measures shall include, but are not limited to: the number of batteries committed by inmates on one or more persons per 1,000 inmates; number of inmates receiving major disciplinary reports per 1,000 inmates; percentage of random inmate drug tests that are negative; percentage of reported criminal incidents investigated by the proper authorities; number of escapes from the secure perimeter of major institutions; percentage of inmates placed in a facility that provides at least one of the inmate's primary program needs; number of transition plans completed for inmates released from prison; number of release plans completed for inmates released from prison; percentage of release plans completed for inmates released from prison; percentage of inmates needing programs who successfully complete drug abuse education or treatment programs; number of inmates who are receiving substance abuse services; percentage of inmates completing mandatory literacy programs who score at or above 6th grade level on next Tests of Adult Basic Education; percentage of inmates who successfully complete mandatory literacy programs; percentage of inmates who successfully complete GED education programs; percentage of inmates needing special education programs who participate in special education (federal law) programs; percentage of inmates who successfully complete vocational education programs; average increase in grade level achieved by inmates participating in educational programs per 3-month instructional period; and percentage of inmates who successfully complete transition, rehabilitation, or support programs without subsequent recommitment to community supervision or prison for 24 months after release. The Department of Corrections shall provide quarterly reports to the chairs of the Senate Budget Committee and the House Appropriations Committee on the performance of the private prison provider under contract with the department using the required performance measures and other performance measures contained in the contracts. For work release centers, the required performance measures shall include, but are not limited to: percent employment of supervised individuals; illegal substance use by supervised individuals; victim restitution paid by supervised individuals; compliance with no contact

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orders by supervised individuals; number of serious incidents occurring at the facility; and the number of absconders.

The contract or contracts between the Department of Corrections and the private provider shall specifically require adherence to the requirements set forth in section 119.01, Florida Statutes, to ensure that any nongovernmental entity contracting with the Department of Corrections for the management and operations of correctional facilities and services shall have the same duty to release information about the management and operation of a correctional facility and services as a state agency managing and operating such a facility and services would have under section 119.01, Florida Statutes. The contract between the Department of Corrections and the private provider shall be required to adhere to the provisions provided in section 287.0571, Florida Statutes, regardless of any exemptions.

If after engaging in the competitive solicitation process, the Department of Corrections determines that the process has yielded responses that meet all current statutory requirements, the department shall develop and remit a transition plan and recommended revisions to its operating budget to the Legislative Budget Commission by December 1, 2011. The department also must submit a cost-benefit analysis which delineates the department's current costs of providing the services and the savings that would be generated by the transition plan yielding a minimum annual savings of 7 percent. Upon approval by the commission, the department may award the contract. Additional budget amendments may be submitted during the 2011-2012 fiscal year as necessary for the proper alignment of budget and positions.

Funds in Specific Appropriations 570 through 759 reflect reductions in recurring general revenue funds in the amount of $3,017,882 to accomplish the transition of 800 medium or close custody beds at an average per diem of $53.34 to 800 contract residential substance abuse beds.

PROGRAM: DEPARTMENT ADMINISTRATION

BUSINESS SERVICE CENTERS

APPROVED SALARY RATE 9,038,192

570 SALARIES AND BENEFITS POSITIONS 239.00
FROM GENERAL REVENUE FUND 11,702,841
FROM ADMINISTRATIVE TRUST FUND . . . 2,138,946

571 EXPENSES
FROM GENERAL REVENUE FUND 82,132
FROM ADMINISTRATIVE TRUST FUND . . . 133,494

572 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 46,507

573 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 130,634

574 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 3,247

TOTAL: BUSINESS SERVICE CENTERS
FROM GENERAL REVENUE FUND 11,965,361
FROM TRUST FUNDS 2,272,440

TOTAL POSITIONS 239.00
TOTAL ALL FUNDS 14,237,801

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 12,688,626

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575 SALARIES AND BENEFITS POSITIONS 263.00
FROM GENERAL REVENUE FUND 9,376,133
FROM ADMINISTRATIVE TRUST FUND . . . 2,762,480
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 83,053

576 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,090
FROM ADMINISTRATIVE TRUST FUND . . . 292,906

577 EXPENSES
FROM GENERAL REVENUE FUND 992,361
FROM ADMINISTRATIVE TRUST FUND . . . 491,826
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 1,083,200

578 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 20,227
FROM ADMINISTRATIVE TRUST FUND . . . 30,160
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 240,600
FROM FEDERAL GRANTS TRUST FUND . . . 101,840

579 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 5,853

580 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 488,509
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 200,000
FROM FEDERAL GRANTS TRUST FUND . . . 347,650

581 SPECIAL CATEGORIES
TRANSFER TO GENERAL REVENUE FUND
FROM FEDERAL GRANTS TRUST FUND . . . 13,900,000

Funds in Specific Appropriation 581 are from reimbursements from the U. S. Government for incarcerating aliens in Florida's prisons. If total reimbursements exceed $13,900,000, the department shall submit a budget amendment in accordance with all applicable provisions of chapter 216, Florida Statutes, requesting additional budget authority to transfer the balance to the General Revenue Fund.

582 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 319,756

583 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 9,945,213
FROM ADMINISTRATIVE TRUST FUND . . . 73,415
FROM CORRECTIONAL WORK PROGRAM TRUST FUND 149,087

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 21,170,142
FROM TRUST FUNDS 19,756,217

TOTAL POSITIONS 263.00
TOTAL ALL FUNDS 40,926,359

INFORMATION TECHNOLOGY

The Department of Corrections shall cooperate in consolidating its mainframe with the mainframe platform at the Southwood Shared Resource Center. Such cooperation shall include providing to the Southwood Shared Resource Center all requested information and documentation relating to the hardware and software being consolidated. Such cooperation shall also include making changes requested by the Southwood Shared Resource

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Center or determined necessary by the department in application development, operation, and management processes and procedures to enable standardization of the consolidated mainframe platform.

	APPROVED SALARY RATE 7,856,445		
584	SALARIES AND BENEFITS POSITIONS 161.50		
	FROM GENERAL REVENUE FUND	9,192,533	
	FROM ADMINISTRATIVE TRUST FUND . . .		1,124,928
585	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	13,500	
586	EXPENSES		
	FROM GENERAL REVENUE FUND	1,613,162	
	FROM ADMINISTRATIVE TRUST FUND . . .		24,518
587	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	127,720	
588	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	2,155,781	
	FROM ADMINISTRATIVE TRUST FUND . . .		7,812
589	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	47,662	
590	SPECIAL CATEGORIES		
	DEFERRED-PAYMENT COMMODITY CONTRACTS		
	FROM GENERAL REVENUE FUND	295,329	
591	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	1,392	
592	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM GENERAL REVENUE FUND	226,334	
593	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	4	
594	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER		
	FROM GENERAL REVENUE FUND	3,879,533	
	FROM ADMINISTRATIVE TRUST FUND . . .		7,148
TOTAL:	INFORMATION TECHNOLOGY		
	FROM GENERAL REVENUE FUND	17,552,950	
	FROM TRUST FUNDS		1,164,406
	TOTAL POSITIONS	161.50	
	TOTAL ALL FUNDS		18,717,356

PROGRAM: SECURITY AND INSTITUTIONAL OPERATIONS

From the funds provided in Specific Appropriations 605, 616, and 628 a total of $1,074,362 is provided as payment in lieu of ad valorem taxation for distribution to local government taxing authorities. Funding is provided as follows: $269,324 for the Bay Correctional Facility, $339,242 for the Moore Haven Correctional Facility, $275,560 for the South Bay Correctional Facility, $100,000 for the Gadsden Correctional Facility and $90,236 for the Lake City Correctional Facility. These funds may not be distributed if there are outstanding claims for ad valorem taxes due on the property at issue and may not be distributed until the property is reclassified on the real property and tangible personal property rolls as Government State property back to the date the finance corporation or other state entity acquired the

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title thereto. These distributions shall be adjusted, with respect to any facility, to reimburse the Department of Corrections for the total amounts expended by the state in resisting the imposition of such ad valorem tax claims, including all attorneys' fees and costs actually incurred by the state's agencies.

From the funds in Specific Appropriations 605, 616, 628, 638A, 649A and 660A, the Department of Corrections must ensure all future private prison contracts have explicit conditions that provide for the flexibility to adjust the percentages of special needs inmates to allow for changes in overall state populations of those inmates. Such percentages must be based on Department of Corrections' special needs inmate population forecasts, so that medical and mental healthcare costs are appropriately shared by both private and state prisons. All future private prison contracts must require each private prison vendor to report the same performance measures for inmate programs in private prisons as reported by the Department of Corrections for its comparable public institutions. As part of the private prisons contracting negotiations process, the Department of Corrections must consult with each private prison vendor to establish high, reasonable, and achievable performance standards. All future private prison contracts must require each private prison vendor to develop inmate visitation policies and telephone rates for the private prisons that are consistent with those policies followed by the state's public prisons and encourage inmate family contact, as directed by Florida Statutes. Finally, the Department of Corrections must require all future private prison contracts to adhere to the department's established criteria for awarding Privately Operated Institutions Inmate Welfare Trust Fund monies so that the Department of Correction's staff can verify such funds are being used appropriately.

From the funds provided in Specific Appropriations 570 through 759, the Department of Corrections shall implement an electronic time and attendance system in all regions. The department shall report installation and operational costs and annual cost savings projections related to the implementation of the electronic time and attendance system to the Speaker of the House of Representatives and the President of the Senate by November 1, 2011.

The department shall identify 6,400 prison beds at an average per diem of $53.34 and implement cost efficiencies that will reduce the per diem by 5 percent. This plan may use Department of Corrections beds or privatized beds. The department shall provide this plan to the Governor's Office of Policy and Budget, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2011.

Funds and positions in Specific Appropriations 570 through 688A and 726 through 759 support the state's inmate population increase. These funds and positions are sufficient to provide housing and security for 101,783 inmates when fully annualized. Variable expenses, maintenance, and health services funds are provided for an average daily population of 101,778 inmates.

Funds and positions in Specific Appropriation 570 through 688A and 726 through 759 are provided to address security needs for the additional prison population expected in Fiscal Year 2011-2012 as projected by the Criminal Justice Estimating Conference.

From the funds in Specific Appropriations 595 through 688A, $250,000 in recurring general revenue funds is provided to the Department of Corrections to issue a request for proposal, as defined in section 287.057(1)(b), Florida Statutes, for the development of a water savings plan that creates performance standards for rain water harvesting and water reuse to achieve annual cost savings of at least 25 percent from the 2008, 2009, and 2010 calendar years. By no later than September 30, 2011, the department shall identify a vendor to conduct and inventory the water consumption of all department facilities consuming water for irrigation, gray water or drinking water purposes, including an inventory of each facility's roof surface area. To achieve these cost savings objectives, the vendor shall submit a plan to the department by February 1, 2012, which identifies the most cost-effective plan for the procurement of services and cistern products and establishes performance standards for the efficient and effective use of water resources and estimates of future potential savings and other related benefits.

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ADULT MALE CUSTODY OPERATIONS

APPROVED SALARY RATE 317,865,052

595 SALARIES AND BENEFITS POSITIONS 8,996.00
FROM GENERAL REVENUE FUND 407,085,170
FROM FEDERAL GRANTS TRUST FUND . . . 362,845

Current Department of Corrections' employees who are affected by the prison privatization initiative shall be given first preference for continued employment by the contractors. The department shall make reasonable efforts to find a suitable job placement for employees who wish to remain state employees.

Funds in Specific Appropriations 595 and 597 reflect reductions in recurring general revenue funds in the amount of $6,800,000. To implement this reduction, the department shall limit payment for the number of correctional officer basic recruit training course hours to 400. In addition, the department shall use, to the extent possible, department employees that are certified by the Criminal Justice Standards and Training Commission as instructors for correctional officer basic recruit training courses.

596 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 4,363,376
FROM GRANTS AND DONATIONS TRUST FUND 91,000

597 EXPENSES
FROM GENERAL REVENUE FUND 22,565,215
FROM FEDERAL GRANTS TRUST FUND . . . 216,949
FROM GRANTS AND DONATIONS TRUST FUND 240,389

From the funds in Specific Appropriation 597, $142,900 from recurring general revenue funds is provided to the City of Pahokee as a payment in lieu of taxes for the Sago Palm facility.

From the funds provided in Specific Appropriation 597, the Department of Corrections may spend up to $400,000 from the General Revenue Fund for a public awareness campaign describing penalties for "10-20-Life" offenses and other criminal offenses.

598 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 303,666
FROM FEDERAL GRANTS TRUST FUND . . . 750,000
FROM GRANTS AND DONATIONS TRUST FUND 250,000

599 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 25,252,702
FROM FEDERAL GRANTS TRUST FUND . . . 83,421

600 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 5,596,318
FROM FEDERAL GRANTS TRUST FUND . . . 273,617

601 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM GENERAL REVENUE FUND 2,850,296
FROM FEDERAL GRANTS TRUST FUND . . . 118,172

602 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 523,270

603 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 15,404,315
FROM SALE OF GOODS AND SERVICES CLEARING TRUST FUND 1,048,049

604 SPECIAL CATEGORIES

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SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 6,511,330

605 SPECIAL CATEGORIES
PRIVATE PRISON OPERATIONS
FROM GENERAL REVENUE FUND 170,015,862
FROM PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND 1,300,586

606 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 238,575

TOTAL: ADULT MALE CUSTODY OPERATIONS
FROM GENERAL REVENUE FUND 660,710,095
FROM TRUST FUNDS 4,735,028

TOTAL POSITIONS 8,996.00
TOTAL ALL FUNDS 665,445,123

ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY OPERATIONS

APPROVED SALARY RATE 38,607,223

607 SALARIES AND BENEFITS POSITIONS 1,082.00
FROM GENERAL REVENUE FUND 45,353,906
FROM GRANTS AND DONATIONS TRUST FUND 127,870

608 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 394,325
FROM GRANTS AND DONATIONS TRUST FUND 32,884

609 EXPENSES
FROM GENERAL REVENUE FUND 2,319,642
FROM GRANTS AND DONATIONS TRUST FUND 50,703

610 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 2,123,043
FROM GRANTS AND DONATIONS TRUST FUND 15,841

611 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 625,305

612 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM GENERAL REVENUE FUND 143,868
FROM GRANTS AND DONATIONS TRUST FUND 22,509

613 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 469,295

614 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,571,054

615 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 359,078

616 SPECIAL CATEGORIES
PRIVATE PRISON OPERATIONS
FROM GENERAL REVENUE FUND 43,786,968
FROM PRIVATELY OPERATED

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INSTITUTIONS INMATE WELFARE TRUST FUND 597,359

617 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 11,457

TOTAL: ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY OPERATIONS
FROM GENERAL REVENUE FUND 99,157,941
FROM TRUST FUNDS 847,166

TOTAL POSITIONS 1,082.00
TOTAL ALL FUNDS 100,005,107

MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS

APPROVED SALARY RATE 13,199,764

618 SALARIES AND BENEFITS POSITIONS 292.00
FROM GENERAL REVENUE FUND 22,797,112
FROM FEDERAL GRANTS TRUST FUND . . . 512,423

619 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 331,720

620 EXPENSES
FROM GENERAL REVENUE FUND 373,799
FROM FEDERAL GRANTS TRUST FUND . . . 24,336

621 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 20,185
FROM FEDERAL GRANTS TRUST FUND . . . 500,000

622 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 1,285,396
FROM FEDERAL GRANTS TRUST FUND . . . 483,667

623 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 29,599

624 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM GENERAL REVENUE FUND 202,811
FROM FEDERAL GRANTS TRUST FUND . . . 191,046

625 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 486,977

626 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,097,390

627 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 154,950

628 SPECIAL CATEGORIES
PRIVATE PRISON OPERATIONS
FROM GENERAL REVENUE FUND 26,204,958
FROM PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND 195,403

629 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 8,300
FROM FEDERAL GRANTS TRUST FUND . . . 1,044

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TOTAL: MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS
FROM GENERAL REVENUE FUND 53,993,197
FROM TRUST FUNDS 1,907,919

TOTAL POSITIONS 292.00
TOTAL ALL FUNDS 55,901,116

SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS

APPROVED SALARY RATE 180,227,614

630 SALARIES AND BENEFITS POSITIONS 5,067.00
FROM GENERAL REVENUE FUND 236,346,072

631 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,304,144

632 EXPENSES
FROM GENERAL REVENUE FUND 3,970,206

633 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 10,994,585

634 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,762,621

635 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM GENERAL REVENUE FUND 1,078,807

636 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 654,272

637 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 12,688,833

638 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 1,512,882

638A SPECIAL CATEGORIES
PRIVATE PRISON OPERATIONS
FROM GENERAL REVENUE FUND 41,443,980

639 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 39,054

TOTAL: SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS
FROM GENERAL REVENUE FUND 311,795,456

TOTAL POSITIONS 5,067.00
TOTAL ALL FUNDS 311,795,456

RECEPTION CENTER OPERATIONS

APPROVED SALARY RATE 71,521,029

640 SALARIES AND BENEFITS POSITIONS 2,043.00
FROM GENERAL REVENUE FUND 92,373,449
FROM FEDERAL GRANTS TRUST FUND . . . 8,907

641 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 729,221

642 EXPENSES
FROM GENERAL REVENUE FUND 4,012,010
FROM FEDERAL GRANTS TRUST FUND . . . 31,090

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643 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 250,000

644 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 5,708,748
FROM FEDERAL GRANTS TRUST FUND . . . 32,449

645 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 87,126

646 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM GENERAL REVENUE FUND 351,345
FROM FEDERAL GRANTS TRUST FUND . . . 46,893

647 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 299,643

648 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,196,410

649 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 659,891

649A SPECIAL CATEGORIES
PRIVATE PRISON OPERATIONS
FROM GENERAL REVENUE FUND 25,481,406

650 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 20,680

TOTAL: RECEPTION CENTER OPERATIONS
FROM GENERAL REVENUE FUND 132,919,929
FROM TRUST FUNDS 369,339

TOTAL POSITIONS 2,043.00
TOTAL ALL FUNDS 133,289,268

PUBLIC SERVICE WORKSQUADS AND WORK RELEASE
TRANSITION

APPROVED SALARY RATE 37,199,280

651 SALARIES AND BENEFITS POSITIONS 1,028.00
FROM GENERAL REVENUE FUND 31,117,633
FROM CORRECTIONAL WORK PROGRAM
TRUST FUND 21,362,793
FROM GRANTS AND DONATIONS TRUST
FUND 51,713

652 EXPENSES
FROM GENERAL REVENUE FUND 583,980
FROM CORRECTIONAL WORK PROGRAM
TRUST FUND 705,880
FROM GRANTS AND DONATIONS TRUST
FUND 32,776

653 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 154,907
FROM CORRECTIONAL WORK PROGRAM
TRUST FUND 90,020

654 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 965,437

655 LUMP SUM
CORRECTIONAL WORK PROGRAMS

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POSITIONS 10.00
FROM CORRECTIONAL WORK PROGRAM
TRUST FUND 794,639

Funds and positions in Specific Appropriation 655 from the Correctional Work Program Trust Fund are provided for interagency contracted services funded by state agencies or local governments. These positions and funds shall be released as needed upon execution of interagency community service squad contracts.

656 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 23,451,420
FROM CORRECTIONAL WORK PROGRAM
TRUST FUND 284,315

657 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM GENERAL REVENUE FUND 195,018

658 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 185,998

659 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,070,849

660 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 292,460
FROM CORRECTIONAL WORK PROGRAM
TRUST FUND 176,435

660A SPECIAL CATEGORIES
PRIVATE PRISON OPERATIONS
FROM GENERAL REVENUE FUND 3,291,417

660B SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 4,802
FROM CORRECTIONAL WORK PROGRAM
TRUST FUND 4,802

TOTAL: PUBLIC SERVICE WORKSQUADS AND WORK RELEASE
TRANSITION
FROM GENERAL REVENUE FUND 61,313,921
FROM TRUST FUNDS 23,503,373

TOTAL POSITIONS 1,038.00
TOTAL ALL FUNDS 84,817,294

ROAD PRISON OPERATIONS

APPROVED SALARY RATE 3,753,364

661 SALARIES AND BENEFITS POSITIONS 95.00
FROM GENERAL REVENUE FUND 381
FROM CORRECTIONAL WORK PROGRAM
TRUST FUND 5,720,410

662 EXPENSES
FROM CORRECTIONAL WORK PROGRAM
TRUST FUND 507,513

663 FOOD PRODUCTS
FROM CORRECTIONAL WORK PROGRAM
TRUST FUND 352,549

664 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM CORRECTIONAL WORK PROGRAM

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APPROPRIATION
TRUST FUND 11,284

665 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM CORRECTIONAL WORK PROGRAM
TRUST FUND 53,567

666 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM CORRECTIONAL WORK PROGRAM
TRUST FUND 24,666

TOTAL: ROAD PRISON OPERATIONS
FROM GENERAL REVENUE FUND 381
FROM TRUST FUNDS 6,669,989

TOTAL POSITIONS 95.00
TOTAL ALL FUNDS 6,670,370

OFFENDER MANAGEMENT AND CONTROL

APPROVED SALARY RATE 44,057,471

667 SALARIES AND BENEFITS POSITIONS 1,305.00
FROM GENERAL REVENUE FUND 58,862,897
FROM CORRECTIONAL WORK PROGRAM
TRUST FUND 66,515

668 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 258,761

669 EXPENSES
FROM GENERAL REVENUE FUND 2,821,357
FROM CORRECTIONAL WORK PROGRAM
TRUST FUND 1,959

670 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 21,578

671 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 31,653

672 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 62,811
FROM CORRECTIONAL WORK PROGRAM
TRUST FUND 1,655

673 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 8,097

TOTAL: OFFENDER MANAGEMENT AND CONTROL
FROM GENERAL REVENUE FUND 62,067,154
FROM TRUST FUNDS 70,129

TOTAL POSITIONS 1,305.00
TOTAL ALL FUNDS 62,137,283

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 8,733,593

674 SALARIES AND BENEFITS POSITIONS 178.00
FROM GENERAL REVENUE FUND 12,394,388

675 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST
FUND 75,000

676 EXPENSES
FROM GENERAL REVENUE FUND 2,096,468
FROM GRANTS AND DONATIONS TRUST
FUND 226,785
FROM SALE OF GOODS AND SERVICES
CLEARING TRUST FUND 2,678,250

677 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 256,642

678 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,307,104

From funds in Specific Appropriation 678, $1,000,000 in recurring general revenue funds is provided to continue the victim notification system (VINE).

679 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 100,080

680 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 2,397

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 16,157,079
FROM TRUST FUNDS 2,980,035

TOTAL POSITIONS 178.00
TOTAL ALL FUNDS 19,137,114

CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR

APPROVED SALARY RATE 18,453,126

681 SALARIES AND BENEFITS POSITIONS 581.00
FROM GENERAL REVENUE FUND 24,108,518

682 EXPENSES
FROM GENERAL REVENUE FUND 52,808,686

683 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 364,154

684 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 4,653

685 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 4,658,135

686 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM GENERAL REVENUE FUND 4,198,894

687 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 12,410

688 FIXED CAPITAL OUTLAY
CORRECTIONAL FACILITIES - LEASE PURCHASE
FROM GENERAL REVENUE FUND 72,339,384

Funds in Specific Appropriation 688 are provided for payments required under the master lease purchase agreement used to secure the certificates of participation issued to finance or refinance the following correctional facilities:

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Bay Correctional Facility	3,420,846
Moore Haven Correctional Facility (Glades County)	3,065,027
South Bay Correctional Facility (Palm Beach County)	5,050,052
Graceville Correctional Facility (Jackson County)	7,510,216
Okeechobee Correctional Institution	3,453,098
Blackwater River Correctional Facility (Santa Rosa County)	10,716,569
Gadsden Correctional Facility	3,048,183
Lake City Correctional Facility (Columbia County)	2,620,198
Demilly Correctional Institution (Polk County)	1,393,875
Sago Palm Work Camp (Palm Beach County)	1,477,625
Various DOC Facility Projects - Series 2009 B and C Bonds	30,583,695

Series 2009 B and C Bonds include various facility construction projects for the following Department of Corrections facilities:

Mayo Annex (Lafayette County), Suwannee Annex (Suwannee County), Lowell Reception Center (Marion County), Lancaster Secure Housing Unit (Gilchrist County), Liberty Work Camp (Liberty County), Franklin Work Camp (Franklin County), Cross City Work Camp (Dixie County), Okeechobee Work Camp (Okeechobee County), New River Work Camp (Bradford County), Santa Rosa Work Camp (Santa Rosa County), Hollywood Work Release Center (Broward County), Kissimmee Work Release Center (Osceola County), Lake City Work Release Center (Columbia County), Santa Fe Work Release Center (Alachua County), Everglades Re-Entry Center (Dade County), Baker Re-Entry Center (Baker County), and Pat Thomas Re-Entry Center (Gadsden County).

688A FIXED CAPITAL OUTLAY
MAJOR REPAIRS, RENOVATIONS AND
IMPROVEMENTS TO MAJOR INSTITUTIONS
FROM GENERAL REVENUE FUND 300,000

TOTAL: CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR
FROM GENERAL REVENUE FUND 158,794,834

TOTAL POSITIONS 581.00
TOTAL ALL FUNDS 158,794,834

PROGRAM: COMMUNITY CORRECTIONS

From the funds in Specific Appropriations 689 through 725, the Department of Corrections may issue a request for proposal, as defined in section 287.057(1)(b), Florida Statutes, for a validated risk and needs assessment tool to classify offenders being supervised by the department by level of risk to re-offend in the areas of violence, property or drug crimes, in order to guide recommendations regarding appropriate supervision. This instrument will assist in determining whether violators should complete community-based sanctions, return to incarceration, or be transferred to an appropriate reentry or community based program. The department may implement the risk assessment as an integrated web-based automated offender referral management system that matches the offenders' needs with appropriate service providers and interventions to enhance supervision and outcomes.

PROBATION SUPERVISION

APPROVED SALARY RATE 71,236,672

689 SALARIES AND BENEFITS POSITIONS 1,916.00
FROM GENERAL REVENUE FUND 101,140,304
FROM FEDERAL GRANTS TRUST FUND . . . 28,374

690 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 42,455

691 EXPENSES
FROM GENERAL REVENUE FUND 1,842,313
FROM FEDERAL GRANTS TRUST FUND . . . 14,108

692 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 239,631

693 SPECIAL CATEGORIES
BUILDING/OFFICE RENT PAYMENTS
FROM GENERAL REVENUE FUND 12,271,573

Funds in Specific Appropriation 693 are provided to continue rent payments for individual private contracts for rental of office/building space at a rate not to exceed the rate for each contract in effect on June 30, 2011. Price level increases are not provided for rent payments for Department of Corrections' private leases in the 2011-2012 fiscal year. No other funds are appropriated or shall be transferred by the department for such increases.

694 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 83,919

695 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,819,532

696 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 300,704

696A SPECIAL CATEGORIES
STATE OPERATIONS - AMERICAN RECOVERY AND
REINVESTMENT ACT OF 2009
FROM FEDERAL GRANTS TRUST FUND . . . 91,400

696B SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY
AND REINVESTMENT ACT OF 2009
FROM FEDERAL GRANTS TRUST FUND . . . 875,993

TOTAL: PROBATION SUPERVISION
FROM GENERAL REVENUE FUND 119,740,431
FROM TRUST FUNDS 1,009,875

TOTAL POSITIONS 1,916.00
TOTAL ALL FUNDS 120,750,306

DRUG OFFENDER PROBATION SUPERVISION

APPROVED SALARY RATE 13,131,253

697 SALARIES AND BENEFITS POSITIONS 302.00
FROM GENERAL REVENUE FUND 19,931,192

698 EXPENSES
FROM GENERAL REVENUE FUND 353,990

699 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 17,310

700 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 9,357

701 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 57,537

TOTAL: DRUG OFFENDER PROBATION SUPERVISION
FROM GENERAL REVENUE FUND 20,369,386

TOTAL POSITIONS 302.00
TOTAL ALL FUNDS 20,369,386

PRE TRIAL INTERVENTION SUPERVISION

APPROVED SALARY RATE 2,774,063

702 SALARIES AND BENEFITS POSITIONS 71.00
FROM GENERAL REVENUE FUND 4,194,175

703 EXPENSES

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SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 55,746

704 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,565

705 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 18,467

TOTAL: PRE TRIAL INTERVENTION SUPERVISION
FROM GENERAL REVENUE FUND 4,269,953

TOTAL POSITIONS 71.00
TOTAL ALL FUNDS 4,269,953

COMMUNITY CONTROL SUPERVISION

APPROVED SALARY RATE 17,369,133

706 SALARIES AND BENEFITS POSITIONS 401.00
FROM GENERAL REVENUE FUND 26,743,208
FROM FEDERAL GRANTS TRUST FUND . . . 133,824

707 EXPENSES
FROM GENERAL REVENUE FUND 383,721
FROM FEDERAL GRANTS TRUST FUND . . . 50,609

708 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 13,711

709 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 120,503

710 SPECIAL CATEGORIES
ELECTRONIC MONITORING
FROM GENERAL REVENUE FUND 6,276,469

TOTAL: COMMUNITY CONTROL SUPERVISION
FROM GENERAL REVENUE FUND 33,537,612
FROM TRUST FUNDS 184,433

TOTAL POSITIONS 401.00
TOTAL ALL FUNDS 33,722,045

POST PRISON RELEASE SUPERVISION

APPROVED SALARY RATE 15,285,754

711 SALARIES AND BENEFITS POSITIONS 318.00
FROM GENERAL REVENUE FUND 22,945,332
FROM FEDERAL GRANTS TRUST FUND . . . 25,185

712 EXPENSES
FROM GENERAL REVENUE FUND 346,557
FROM FEDERAL GRANTS TRUST FUND . . . 212,243

713 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 5,488

714 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 68,203
FROM FEDERAL GRANTS TRUST FUND . . . 30,030

TOTAL: POST PRISON RELEASE SUPERVISION
FROM GENERAL REVENUE FUND 23,365,580
FROM TRUST FUNDS 267,458

TOTAL POSITIONS 318.00
TOTAL ALL FUNDS 23,633,038

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND
TREATMENT SERVICES

715 EXPENSES
FROM GENERAL REVENUE FUND 300,000

716 SPECIAL CATEGORIES
CONTRACT DRUG ABUSE SERVICES
FROM GENERAL REVENUE FUND 1,000,000

717 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 4,963,104

718 SPECIAL CATEGORIES
LOCAL COMMUNITY CORRECTIONS PROJECT
FROM GENERAL REVENUE FUND 226,004

719 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED DRUG
TREATMENT/REHABILITATION PROGRAMS
FROM GENERAL REVENUE FUND 12,215,555
FROM FEDERAL GRANTS TRUST FUND . . . 550,000

From the funds in Specific Appropriation 719, $600,000 in recurring general revenue funds are provided for the Drug Abuse Comprehensive Coordinating Office, Inc. (DACCO) in Hillsborough County.

TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND
TREATMENT SERVICES
FROM GENERAL REVENUE FUND 18,704,663
FROM TRUST FUNDS 550,000

TOTAL ALL FUNDS 19,254,663

OFFENDER MANAGEMENT AND CONTROL

APPROVED SALARY RATE 1,342,330

720 SALARIES AND BENEFITS POSITIONS 39.00
FROM GENERAL REVENUE FUND 2,279,944

721 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 18,490

722 EXPENSES
FROM GENERAL REVENUE FUND 35,306

723 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 26,284

TOTAL: OFFENDER MANAGEMENT AND CONTROL
FROM GENERAL REVENUE FUND 2,360,024

TOTAL POSITIONS 39.00
TOTAL ALL FUNDS 2,360,024

COMMUNITY FACILITY OPERATIONS

724 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,816,521

725 SPECIAL CATEGORIES
JUDICIAL/DEPARTMENT OF CORRECTIONS
SENTENCING ALTERNATIVES
FROM GENERAL REVENUE FUND 700,143

Pursuant to sections 944.012(6)(c), 921.00241 and 775.082(10), Florida Statutes, $700,143 in recurring general revenue funds are provided in Specific Appropriation 725 for Judicial/DOC pilot programs for offenders who would be sentenced to prison, but could be diverted to appropriate programs that allow the offender to retain community

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

support, access drug treatment and/or employment opportunities while receiving life-skills assistance in a structured environment. These treatment programs may include drug treatment, residential and outpatient treatment programming, day reporting or other services to reduce recidivism.

These pilot programs are to be initiated in communities where the circuit court and Department of Corrections, in conjunction with community stakeholders, agree to implement evidence-based practices and graduated incentives that are anticipated to result in a reduction in prison admissions for that community.

TOTAL: COMMUNITY FACILITY OPERATIONS
FROM GENERAL REVENUE FUND 3,516,664

TOTAL ALL FUNDS 3,516,664

PROGRAM: HEALTH SERVICES

From the funds in Specific Appropriations 726 through 741, the Department of Corrections shall award contracts to private companies for the provision of health services. The department shall issue a request for proposal, in accordance with chapter 287, Florida Statutes, for statewide comprehensive health care services, excluding region 4, for inmates in the custody of the department. The department must also issue requests for proposals, in accordance with chapter 287, Florida Statutes, individually for regions 1, 2, and 3. These requests for proposal shall not apply to health care services for inmates housed in institutions authorized under the provisions of chapter 957, Florida Statutes. The contract or contracts shall take effect in Fiscal Year 2011-2012. Comprehensive health care services shall include physical health care services (including utilization management), dental services, and mental health services. The department shall determine the award based on best cost and interest to the state. Any intent to award for comprehensive health services is contingent upon a cost savings of at least 7 percent less than the department's Fiscal Year 2009-2010 healthcare expenditures. In order to achieve these cost savings, the contracts shall be written in a manner that enables the contractors to access the legislatively mandated Medicare plus 10 percent provider rates available to the department.

The contracts between the Department of Corrections and the private provider shall specifically require adherence to the requirements set forth in section 119.01, Florida Statutes, to ensure that any nongovernmental entity contracting with the Department of Corrections for the provision of health services shall have the same duty to release information about the provision of health services as a state agency providing such services would have under section 119.01, Florida Statutes.

The department must submit a cost-benefit analysis which delineates the department's current costs of providing the services and the savings that would be generated by the transition plan yielding a minimum savings of at least 7 percent to the Legislative Budget Commission by December 1, 2011. The department shall only award a contract or contracts based on the approval of the Legislative Budget Commission. The department shall also submit recommended revisions to its operating budget including any savings for Fiscal Year 2011-2012 to the Legislative Budget Commission, and such savings shall be placed in reserve. Upon approval by the commission the department may award the contract for outsourcing of health services.

Current Department of Corrections' employees who are affected by the health services privatization initiatives shall be given first preference for continued employment by the contractors. The department shall make reasonable efforts to find a suitable job placement for employees who wish to remain state employees.

INMATE HEALTH SERVICES

APPROVED SALARY RATE 122,538,444

726 SALARIES AND BENEFITS POSITIONS 2,789.00
FROM GENERAL REVENUE FUND 155,652,581

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

727 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 18,443,297

728 EXPENSES
FROM GENERAL REVENUE FUND 11,331,867

729 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 249,229

730 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 773,686

731 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 755,181

732 SPECIAL CATEGORIES
INMATE HEALTH SERVICES
FROM GENERAL REVENUE FUND 93,040,947
FROM ADMINISTRATIVE TRUST FUND . . . 116,000

From the funds in Specific Appropriation 732, $100,000 is provided for Hepatitis B vaccinations for inmates.

733 SPECIAL CATEGORIES
TREATMENT OF INMATES - GENERAL DRUGS
FROM GENERAL REVENUE FUND 22,769,835

734 SPECIAL CATEGORIES
TREATMENT OF INMATES - PSYCHOTROPIC DRUGS
FROM GENERAL REVENUE FUND 11,786,133

735 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 385,441

TOTAL: INMATE HEALTH SERVICES
FROM GENERAL REVENUE FUND 315,188,197
FROM TRUST FUNDS 116,000

TOTAL POSITIONS 2,789.00
TOTAL ALL FUNDS 315,304,197

TREATMENT OF INMATES WITH INFECTIOUS DISEASES

APPROVED SALARY RATE 527,639

736 SALARIES AND BENEFITS POSITIONS 11.50
FROM GENERAL REVENUE FUND 106,193
FROM FEDERAL GRANTS TRUST FUND . . . 526,936

737 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 184,207

738 EXPENSES
FROM GENERAL REVENUE FUND 178,506
FROM FEDERAL GRANTS TRUST FUND . . . 721,494

739 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 27,019

740 SPECIAL CATEGORIES
INMATE HEALTH SERVICES
FROM GENERAL REVENUE FUND 2,204,554

741 SPECIAL CATEGORIES
TREATMENT OF INMATES - INFECTIOUS DISEASE DRUGS
FROM GENERAL REVENUE FUND 20,181,349

TOTAL: TREATMENT OF INMATES WITH INFECTIOUS DISEASES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 22,670,602
FROM TRUST FUNDS 1,459,656

TOTAL POSITIONS 11.50
TOTAL ALL FUNDS 24,130,258

PROGRAM: EDUCATION AND PROGRAMS

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

APPROVED SALARY RATE 1,569,267

742 SALARIES AND BENEFITS POSITIONS 35.00
FROM GENERAL REVENUE FUND 882,178
FROM FEDERAL GRANTS TRUST FUND . . . 798,523

743 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 32,809

744 EXPENSES
FROM GENERAL REVENUE FUND 71,548
FROM FEDERAL GRANTS TRUST FUND . . . 622,865

745 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 45,600

746 SPECIAL CATEGORIES
CONTRACT DRUG ABUSE SERVICES
FROM GENERAL REVENUE FUND 1,889,663
FROM FEDERAL GRANTS TRUST FUND . . . 3,072,341

TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES
FROM GENERAL REVENUE FUND 2,843,389
FROM TRUST FUNDS 4,572,138

TOTAL POSITIONS 35.00
TOTAL ALL FUNDS 7,415,527

BASIC EDUCATION SKILLS

APPROVED SALARY RATE 13,972,951

747 SALARIES AND BENEFITS POSITIONS 316.00
FROM GENERAL REVENUE FUND 12,346,707
FROM FEDERAL GRANTS TRUST FUND . . . 2,550,717

748 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 444,197
FROM FEDERAL GRANTS TRUST FUND . . . 516,172

749 EXPENSES
FROM GENERAL REVENUE FUND 1,961,233
FROM FEDERAL GRANTS TRUST FUND . . . 1,933,823

From funds in Specific Appropriation 749, $500,000 from recurring general revenue funds is provided to issue a request for proposal, as defined in section 287.057(1)(b), F.S., to establish a pilot online career education program to serve up to 400 inmates through an Advanced/SACS accredited online school district that offers career-based online high school diplomas designed to prepare adults for transition into the workplace. The department may use federal funds provided to educate inmates to expand this pilot beyond 400 inmates. The department shall provide an initial report regarding the progress of the inmates in the online diploma and career certificate programs to the chairs of the Senate Budget Committee and the House Appropriations Committee by December 31, 2011.

750 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 472,386

751 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 39,226
FROM FEDERAL GRANTS TRUST FUND . . . 1,402,052

752 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 96,009

753 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 15,530
FROM FEDERAL GRANTS TRUST FUND . . . 1,391

TOTAL: BASIC EDUCATION SKILLS
FROM GENERAL REVENUE FUND 14,902,902
FROM TRUST FUNDS 6,876,541

TOTAL POSITIONS 316.00
TOTAL ALL FUNDS 21,779,443

ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT

APPROVED SALARY RATE 3,383,447

754 SALARIES AND BENEFITS POSITIONS 60.00
FROM GENERAL REVENUE FUND 4,217,105
FROM FEDERAL GRANTS TRUST FUND . . . 452,057

755 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 112,697

756 EXPENSES
FROM GENERAL REVENUE FUND 381,876
FROM FEDERAL GRANTS TRUST FUND . . . 119,152

757 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 3,000

758 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 3,330,057
FROM FEDERAL GRANTS TRUST FUND . . . 324,848

759 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 3,244

TOTAL: ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT
FROM GENERAL REVENUE FUND 8,044,979
FROM TRUST FUNDS 899,057

TOTAL POSITIONS 60.00
TOTAL ALL FUNDS 8,944,036

TOTAL: CORRECTIONS, DEPARTMENT OF
FROM GENERAL REVENUE FUND 2,197,112,822
FROM TRUST FUNDS 80,211,199

TOTAL POSITIONS 27,599.00
TOTAL ALL FUNDS 2,277,324,021
TOTAL APPROVED SALARY RATE 1,026,331,732

JUSTICE ADMINISTRATION

PROGRAM: JUSTICE ADMINISTRATIVE COMMISSION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 3,597,321

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

760 SALARIES AND BENEFITS POSITIONS 80.00
FROM GENERAL REVENUE FUND 4,736,750

761 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 19,776

762 EXPENSES
FROM GENERAL REVENUE FUND 674,858
FROM GRANTS AND DONATIONS TRUST
FUND 428,416

763 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 20,000

764 LUMP SUM
WORKLOAD FOR COUNTY OR MUNICIPAL CONTRACTS
POSITIONS 14.00

The positions in Specific Appropriation 764 are provided for State Attorneys and Public Defenders to use for grants received from counties during Fiscal Year 2011-2012 for the purpose of prosecution of local ordinance violations pursuant to section 27.34, Florida Statutes, or defense of persons accused of violating local ordinances pursuant to section 27.54, Florida Statutes. Such transfers are contingent upon the Justice Administrative Commission notifying the chair of the Senate Budget Committee and the chair of the House Appropriations Committee and the Governor's Office of Policy and Budget. Such notification is subject to the legislative objection provisions of chapter 216, Florida Statutes. Rate may be established for these positions consistent with the salaries provided for in the grant.

765 SPECIAL CATEGORIES
GRANTS AND AIDS - FOSTER CARE CITIZEN
REVIEW PANEL
FROM GENERAL REVENUE FUND 92,160
FROM GRANTS AND DONATIONS TRUST
FUND 300,000

766 SPECIAL CATEGORIES
SEXUAL PREDATOR CIVIL COMMITMENT
LITIGATION COSTS
FROM GENERAL REVENUE FUND 3,397,591

Funds in Specific Appropriation 766 are provided for attorney fees and case-related expenses associated with prosecuting and defending sexual predator civil commitment cases. Case-related expenses are limited to expert witness fees, clinical evaluations, court reporter costs, and foreign language interpreters. The maximum amount to be paid by the Justice Administrative Commission for medical experts for sexual predator civil commitment cases is $200 per hour and all related travel costs must be apportioned to the associated case. The Justice Administrative Commission is authorized to pay up to $5,000 per case for case-related expenses incurred by the State Attorney, the Public Defender, or the criminal conflict and civil regional counsel, or court appointed counsel where there is an ethical conflict, for a combined maximum of $10,000 for case-related expenses per case, unless the court orders payment of a greater amount. The Justice Administrative Commission shall submit quarterly reports, in an electronic format, to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee describing, by judicial circuit: requests for payments of case-related expenses received; court orders received directing payment of such expenses; and actual encumbrances and disbursements from this special appropriations category.

767 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 86,520

768 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF FINANCIAL
SERVICES - AUDITS OF CLERK BUDGETS
FROM GENERAL REVENUE FUND 69,668

769 SPECIAL CATEGORIES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
PUBLIC DEFENDER DUE PROCESS COSTS
FROM GENERAL REVENUE FUND 18,663,034

Funds in Specific Appropriation 769 are provided for the Public Defenders' due process costs as specified in section 29.006, Florida Statutes. The Justice Administrative Commission shall submit quarterly reports of expenditures by circuit in an electronic format to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee. Funds shall initially be credited for the use of each circuit in the amounts listed below, and may be adjusted pursuant to the provisions of section 29.015, Florida Statutes.

1st Judicial Circuit	823,448
2nd Judicial Circuit	656,793
3rd Judicial Circuit	147,619
4th Judicial Circuit	1,273,749
5th Judicial Circuit	871,658
6th Judicial Circuit	1,189,457
7th Judicial Circuit	675,912
8th Judicial Circuit	479,128
9th Judicial Circuit	1,151,167
10th Judicial Circuit	757,431
11th Judicial Circuit	3,319,357
12th Judicial Circuit	647,744
13th Judicial Circuit	1,890,561
14th Judicial Circuit	328,641
15th Judicial Circuit	837,310
16th Judicial Circuit	114,835
17th Judicial Circuit	1,374,773
18th Judicial Circuit	644,172
19th Judicial Circuit	601,795
20th Judicial Circuit	877,484

From the funds credited for use in the following circuits, the amounts specified below shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Court Administrator on behalf of the circuit courts operating shared court reporting or interpreter services:

1st Judicial Circuit	190,611
2nd Judicial Circuit	323,698
3rd Judicial Circuit	52,251
6th Judicial Circuit	103,493
7th Judicial Circuit	37,310
8th Judicial Circuit	83,798
9th Judicial Circuit	481,878
10th Judicial Circuit	68,975
11th Judicial Circuit	121,996
12th Judicial Circuit	153,205
13th Judicial Circuit	784,106
14th Judicial Circuit	134,089
15th Judicial Circuit	93,646
16th Judicial Circuit	74,983
17th Judicial Circuit	60,851

770 SPECIAL CATEGORIES
CHILD DEPENDENCY AND CIVIL CONFLICT CASE
FROM GENERAL REVENUE FUND 9,485,048

Funds in Specific Appropriation 770 are provided for case fees and expenses of court-appointed counsel in civil conflict cases and child dependency cases. The Justice Administrative Commission shall submit quarterly reports, in an electronic format, of these case payments to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee by judicial circuit, which shall include, but not be limited to: information on requests for payments received; court orders received directing payment; and actual encumbrances and disbursements and performance measures for court appointed counsel including: average time to complete cases by case type; number of bar complaints for state paid cases; percent of initial invoices to the Justice Administrative Commission that are rejected; percent of initial invoices filed with the Justice Administrative Commission within 90 days after closure of the case; number of cases by type; and total cost per

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case by type from this special appropriations category.

The maximum flat fee to be paid by the Justice Administrative Commission for attorney fees for the following dependency and civil cases is set as follows:

ADMISSION OF INMATE TO MENTAL HEALTH FACILITY	300
ADULT PROTECTIVE SERVICES ACT - Ch. 415, F.S.	500
BAKER ACT/MENTAL HEALTH - Ch. 394, F.S.	400
CINS/FINS - Ch. 984, F.S.	750
CIVIL APPEALS	400
DEPENDENCY - Up to 1 Year	800
DEPENDENCY - Each Year after 1st Year	200
DEPENDENCY APPEALS	2,000
DEVELOPMENTALLY DISABLED ADULT - Ch. 393, F.S.	400
EMANCIPATION - Section 743.015, F.S.	400
GUARDIANSHIP - EMERGENCY - Ch. 744, F.S.	400
GUARDIANSHIP - Ch. 744, F.S.	400
MARCHMAN ACT/SUBSTANCE ABUSE - Ch. 397, F.S.	300
MEDICAL PROCEDURES - Section 394.459(3), F.S.	400
PARENTAL NOTIFICATION OF ABORTION ACT	400
TERMINATION OF PARENTAL RIGHTS - Ch. 39, F.S. - Up to 1 Year	1,000
TERMINATION OF PARENTAL RIGHTS - Ch. 39, F.S. - Each Year after 1st Year	200
TERMINATION OF PARENTAL RIGHTS - Ch. 63, F.S. - Up to 1 year	1,000
TERMINATION OF PARENTAL RIGHTS - Ch. 63, F.S. - Each Year after 1st Year	200
TERMINATION OF PARENTAL RIGHTS APPEALS	2,000
TUBERCULOSIS - Ch. 392, F.S.	300

771 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 66,847

771A SPECIAL CATEGORIES
ATTORNEY PAYMENTS OVER FLAT FEE
FROM GENERAL REVENUE FUND 3,000,000

Funds in Specific Appropriation 771A are provided for court ordered payments for attorney fees in criminal conflict cases in excess of the flat fee established in law. Pursuant to section 27.5304 (12), F.S., if funds in this category are insufficient to pay the amounts ordered by the court above the flat fees, the amounts ordered above the flat fees shall be paid from the due process funds or other funds as necessary appropriated to the state court system in the General Appropriations Act.

772 SPECIAL CATEGORIES
CRIMINAL CONFLICT CASE COSTS
FROM GENERAL REVENUE FUND 19,576,706

Funds in Specific Appropriation 772 are provided for case fees as specified in section 27.5304, Florida Statutes, and expenses as specified in section 29.007, Florida Statutes, of court-appointed counsel for indigent criminal defendants and for due process costs for those individuals the court finds indigent for costs. The Justice Administrative Commission shall submit quarterly reports, in an electronic format, of criminal conflict case payments and performance measures for court-appointed counsel including: average time to complete cases by case type, number of bar complaints for state paid cases, percent of initial invoices to the Justice Administrative Commission that are rejected; percent of initial invoices filed with the Justice Administrative Commission within 90 days after closure of the case; number of cases by type; and total cost per case by type to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee by judicial circuit.

From the funds in Specific Appropriation 772, a total of $216,934 shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Courts Administrator on behalf of the circuit courts operating shared court reporting and interpreter services.

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The maximum flat fee to be paid by the Justice Administrative Commission for attorney fees for criminal conflict cases is set as follows:

POSTCONVICTION - Sections 3.850 and 3.800, F.S.	1,000
CAPITAL - 1ST DEGREE MURDER (LEAD COUNSEL)	15,000
CAPITAL - 1ST DEGREE MURDER (CO-COUNSEL)	15,000
CAPITAL SEXUAL BATTERY	2,000
CAPITAL APPEALS	2,000
CONTEMPT PROCEEDINGS	400
CRIMINAL TRAFFIC	400
EXTRADITION	500
FELONY - LIFE	2,500
FELONY - PUNISHABLE BY LIFE	2,000
FELONY 1ST DEGREE	1,500
FELONY 2ND DEGREE	1,000
FELONY 3RD DEGREE	750
FELONY APPEALS	1,500
JUVENILE DELINQUENCY - 1ST DEGREE FELONY	600
JUVENILE DELINQUENCY - 2ND DEGREE	400
JUVENILE DELINQUENCY - 3RD DEGREE	300
JUVENILE DELINQUENCY - FELONY LIFE	700
JUVENILE DELINQUENCY - MISDEMEANOR	300
JUVENILE DELINQUENCY APPEALS	1,000
MISDEMEANOR	400
MISDEMEANOR APPEALS	750
VIOLATION OF PROBATION - FELONY (INCLUDES VOCC)	500
VIOLATION OF PROBATION - MISDEMEANOR (INCLUDES VOCC)	300
VIOLATION OF PROBATION (VOCC) JUVENILE DELINQUENCY	300
FELONY OR MISDEMEANOR (NO INFORMATION FILED)	400
JUVENILE DELINQUENCY (DIRECT FILE OR NO PETITION FILED)	300
CAPITAL (NON-DEATH)	2,500
DEPENDENCY (NO PETITION FILED OR DISMISSED AT SHELTER)	200

The hourly rate for mitigation specialists in capital death cases shall not exceed $75.00 per hour.

The maximum amount to be paid by the Justice Administrative Commission for non-attorney due process services other than those specified, shall not exceed the rates in effect for the 2007-2008 fiscal year.

The maximum amount to be paid by the Justice Administrative Commission for investigators for criminal conflict cases is $40 per hour. The maximum amount to be paid for court reporting and transcribing costs for criminal conflict cases is as follows:

1. Depositions Appearance fees: 1st hour: $50.00; thereafter $25.00 per hour

2. Deposition transcript fee (Original & one copy):
10 business day delivery: $2.95 per page
5 business day delivery: $5.00 per page
24 hours delivery: $7.00 per page
Additional copies: $1.00 per page

3. Appellate/hearing transcript fee (Original & all copies needed with minimum 2):
10 business day delivery: $3.95 per page
5 business day delivery: $6.00 per page
24 hours delivery: $8.00 per page
Copies (when original previously ordered): $1.00 per page.

4. Transcription from tapes or audio recordings (other than depositions or hearings): Either $35 per hour listening fee or $3.00 per page whichever is greater.

5. Video Services: $100 per hour per location.

When a defense attorney orders a transcript, the court reporter shall bill either the number of pages for the transcript or the applicable appearance or listening fee, whichever is greater.

773 SPECIAL CATEGORIES
STATE ATTORNEY DUE PROCESS COSTS
FROM GENERAL REVENUE FUND 10,716,646

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Funds in Specific Appropriation 773 are provided for the State Attorneys' due process costs as specified in section 29.005, Florida Statutes. The Justice Administrative Commission shall submit quarterly reports of expenditures by circuit in an electronic format to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee. Funds shall initially be credited for the use of each circuit in the amounts listed below, and may be adjusted pursuant to the provisions of section 29.015, Florida Statutes.

1st Judicial Circuit	634,159
2nd Judicial Circuit	337,221
3rd Judicial Circuit	125,409
4th Judicial Circuit	463,191
5th Judicial Circuit	348,398
6th Judicial Circuit	627,470
7th Judicial Circuit	472,150
8th Judicial Circuit	237,452
9th Judicial Circuit	497,258
10th Judicial Circuit	309,424
11th Judicial Circuit	2,215,903
12th Judicial Circuit	279,656
13th Judicial Circuit	596,529
14th Judicial Circuit	118,189
15th Judicial Circuit	742,928
16th Judicial Circuit	91,817
17th Judicial Circuit	1,324,813
18th Judicial Circuit	378,029
19th Judicial Circuit	271,206
20th Judicial Circuit	645,444

From the funds credited for the use in the following circuits, the amounts specified below shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Court Administrator on behalf of the circuit courts operating shared court reporting or interpreter services:

1st Judicial Circuit	18,232
2nd Judicial Circuit	16,650
3rd Judicial Circuit	10,456
6th Judicial Circuit	25,443
7th Judicial Circuit	12,818
8th Judicial Circuit	21,937
9th Judicial Circuit	26,007
10th Judicial Circuit	3,980
11th Judicial Circuit	426,986
12th Judicial Circuit	19,650
13th Judicial Circuit	45,716
15th Judicial Circuit	61,252
16th Judicial Circuit	4,315
17th Judicial Circuit	20,081

774 SPECIAL CATEGORIES
CRIMINAL CONFLICT AND DEPENDENCY COUNSEL LIABILITY
FROM GENERAL REVENUE FUND 9,957,836

Funds in Specific Appropriation 774 are provided to pay for criminal conflict, dependency and other civil cases for which appointment was made during Fiscal Years 2004-2005, 2005-2006, and 2006-2007. The Justice Administrative Commission shall submit quarterly reports of expenditures by circuit in an electronic format to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee.

775 SPECIAL CATEGORIES
STATE ATTORNEY AND PUBLIC DEFENDER TRAINING
FROM GENERAL REVENUE FUND 33,529
FROM GRANTS AND DONATIONS TRUST FUND 3,000

776 SPECIAL CATEGORIES
DUE PROCESS CONTINGENCY FUND
FROM GENERAL REVENUE FUND 904,451

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777 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 2,388,332
FROM CHILD SUPPORT TRUST FUND . . . 72,718
FROM GRANTS AND DONATIONS TRUST FUND 76,216
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 22,259

From the funds provided in Specific Appropriation 777, the State Attorneys and Public Defenders shall transfer cash from their Grants and Donations Trust Fund, Child Support Enforcement Trust Fund, State Attorney Revenue Trust Fund, Public Defender Revenue Trust Fund, and Indigent Criminal Defense Trust Fund in proportion to their positions funded from these sources to the Justice Administrative Commission to pay the Human Resources Services contract in the Department of Management Services.

778 SPECIAL CATEGORIES
TRANSFER TO THE DEPARTMENT OF FINANCIAL SERVICES FOR THE POSTCONVICTION CAPITAL COLLATERAL CASES - REGISTRY ATTORNEYS
FROM GENERAL REVENUE FUND 1,765,996

781 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 17,931

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 85,673,679
FROM TRUST FUNDS 902,609

TOTAL POSITIONS 94.00
TOTAL ALL FUNDS 86,576,288

PROGRAM: STATEWIDE GUARDIAN AD LITEM OFFICE

APPROVED SALARY RATE 20,986,664

782 SALARIES AND BENEFITS POSITIONS 539.00
FROM GENERAL REVENUE FUND 26,651,535

Funds and positions in Specific Appropriations 782 through 790, shall first be used to represent children involved in dependency proceedings. Once all children in dependency proceedings are represented, the funds may be used to represent children in other proceedings as authorized by law.

783 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 125,000
FROM GRANTS AND DONATIONS TRUST FUND 150,000

784 EXPENSES
FROM GENERAL REVENUE FUND 1,477,575
FROM GRANTS AND DONATIONS TRUST FUND 50,249

785 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 24,000
FROM GRANTS AND DONATIONS TRUST FUND 10,000

786 SPECIAL CATEGORIES
GRANTS AND AIDS - COURT SYSTEM SERVICES FOR CHILDREN AND YOUTH
FROM GENERAL REVENUE FUND 892,656

787 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,473,393
FROM GRANTS AND DONATIONS TRUST

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FUND 110,000

788 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 561,107

789 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 42,057

790 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 85,966

TOTAL: PROGRAM: STATEWIDE GUARDIAN AD LITEM OFFICE
FROM GENERAL REVENUE FUND 31,333,289
FROM TRUST FUNDS 320,249

TOTAL POSITIONS 539.00
TOTAL ALL FUNDS 31,653,538

PROGRAM: CLERKS OF COURT

CLERKS OF COURT

790A EXPENSES
FROM GENERAL REVENUE FUND 350,000

The funds in Specific Appropriation 790A are for the Orange County Clerk of Court for costs associated with the Casey Anthony case.

791 SPECIAL CATEGORIES
GRANTS & AIDS - CLERKS OF COURT
FROM THE CLERKS OF THE COURT TRUST
FUND 445,080,312

The budget for each clerk of court and the approved unit costs required under section 28.36, F.S., for the state fiscal year 2011-2012 are contained in the document entitled "2010-2011 and 2011-2012 Clerk of Court Unit Cost Budgets" dated May 3, 2011, and on file with the Secretary of the Senate. This document is hereby incorporated by reference into the 2011-2012 General Appropriations Act.

From the funds in Specific Appropriation 791, the clerks of court shall implement the electronic filing requirements of section 16 of chapter 2009-61, Laws of Florida, for the ten trial court divisions by January 1, 2012. The ten divisions are defined pursuant to subsection 28.36, (3), Florida Statutes.

TOTAL: CLERKS OF COURT
FROM GENERAL REVENUE FUND 350,000
FROM TRUST FUNDS 445,080,312

TOTAL ALL FUNDS 445,430,312

CLERKS OF COURT OPERATIONS CORPORATION

APPROVED SALARY RATE 534,991

792 SALARIES AND BENEFITS POSITIONS 7.00
FROM THE CLERKS OF THE COURT TRUST
FUND 699,206

From the funds in Specific Appropriation 792, the Clerk of Courts Operation Corporation shall work with the Office of the State Courts Administrator to jointly develop and recommend by November 1, 2011, to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee appropriate Article V revenue streams to be directed to the State Courts Revenue Trust Fund and the Clerk of Court Trust Fund to eliminate problems with cash flow in both funds and to ensure revenue streams are adequate to support appropriations.

793 OTHER PERSONAL SERVICES
FROM THE CLERKS OF THE COURT TRUST
FUND 30,000

794 EXPENSES
FROM THE CLERKS OF THE COURT TRUST
FUND 244,177

795 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM THE CLERKS OF THE COURT TRUST
FUND 665,000

796 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM THE CLERKS OF THE COURT TRUST
FUND 1,736

TOTAL: CLERKS OF COURT OPERATIONS CORPORATION
FROM TRUST FUNDS 1,640,119

TOTAL POSITIONS 7.00
TOTAL ALL FUNDS 1,640,119

STATE ATTORNEYS

Only the Prosecution Coordination Office's budgeting, legal, training and education needs may be funded by each State Attorney's office within the funds provided in Specific Appropriations 797 through 920. These funds may not be expended for lobbying on behalf of the office or the Florida Prosecuting Attorneys Association before the Legislature but may be expended to respond to requests for information. Funding for this office shall not exceed $400,000 from the State Attorneys Revenue Trust Fund.

PROGRAM: STATE ATTORNEYS - FIRST JUDICIAL CIRCUIT

APPROVED SALARY RATE 10,322,898

797 SALARIES AND BENEFITS POSITIONS 236.75
FROM GENERAL REVENUE FUND 11,359,998
FROM STATE ATTORNEYS REVENUE TRUST
FUND 2,084,770
FROM GRANTS AND DONATIONS TRUST
FUND 380,081

798 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 30,415
FROM STATE ATTORNEYS REVENUE TRUST
FUND 280,836
FROM GRANTS AND DONATIONS TRUST
FUND 4,013

799 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 871,057
FROM STATE ATTORNEYS REVENUE TRUST
FUND 107,210
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 9,047
FROM GRANTS AND DONATIONS TRUST
FUND 41,211

800 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 44,223
FROM STATE ATTORNEYS REVENUE TRUST
FUND 33,085
FROM GRANTS AND DONATIONS TRUST
FUND 117

801 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 9,874

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802 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST FUND 172,748

TOTAL: PROGRAM: STATE ATTORNEYS - FIRST JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 12,315,567
FROM TRUST FUNDS 3,113,118

TOTAL POSITIONS 236.75
TOTAL ALL FUNDS 15,428,685

PROGRAM: STATE ATTORNEYS - SECOND JUDICIAL CIRCUIT

APPROVED SALARY RATE 5,670,409

803 SALARIES AND BENEFITS POSITIONS 116.00
FROM GENERAL REVENUE FUND 6,555,223
FROM STATE ATTORNEYS REVENUE TRUST FUND 643,139
FROM GRANTS AND DONATIONS TRUST FUND 333,311

804 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,381
FROM STATE ATTORNEYS REVENUE TRUST FUND 180,310
FROM GRANTS AND DONATIONS TRUST FUND 65,647

804A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE ATTORNEYS REVENUE TRUST FUND 19,000

805 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 353,565
FROM STATE ATTORNEYS REVENUE TRUST FUND 124,644
FROM GRANTS AND DONATIONS TRUST FUND 103,995

806 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 18,379

807 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 8,093

808 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST FUND 14,408

TOTAL: PROGRAM: STATE ATTORNEYS - SECOND JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 6,960,641
FROM TRUST FUNDS 1,484,454

TOTAL POSITIONS 116.00
TOTAL ALL FUNDS 8,445,095

PROGRAM: STATE ATTORNEYS - THIRD JUDICIAL CIRCUIT

APPROVED SALARY RATE 3,414,965

809 SALARIES AND BENEFITS POSITIONS 71.00
FROM GENERAL REVENUE FUND 3,817,212
FROM STATE ATTORNEYS REVENUE TRUST FUND 516,344
FROM GRANTS AND DONATIONS TRUST FUND 253,460

810 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,857
FROM STATE ATTORNEYS REVENUE TRUST FUND 6,372
FROM GRANTS AND DONATIONS TRUST FUND 66,124

811 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 216,966
FROM STATE ATTORNEYS REVENUE TRUST FUND 27,204
FROM GRANTS AND DONATIONS TRUST FUND 76,701

812 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 19,558

813 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 6,034

814 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST FUND 11,495

TOTAL: PROGRAM: STATE ATTORNEYS - THIRD JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 4,067,627
FROM TRUST FUNDS 957,700

TOTAL POSITIONS 71.00
TOTAL ALL FUNDS 5,025,327

PROGRAM: STATE ATTORNEYS - FOURTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 16,708,197

815 SALARIES AND BENEFITS POSITIONS 370.00
FROM GENERAL REVENUE FUND 18,747,664
FROM STATE ATTORNEYS REVENUE TRUST FUND 1,818,494
FROM GRANTS AND DONATIONS TRUST FUND 1,460,367

From the positions and funds provided in Specific Appropriation 815, two full-time equivalent positions with associated rate of 95,646 and $138,618 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.

816 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 139,844
FROM STATE ATTORNEYS REVENUE TRUST FUND 467,754
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 55,000
FROM GRANTS AND DONATIONS TRUST FUND 788,118

816A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE ATTORNEYS REVENUE TRUST FUND 19,000

817 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 285,412
FROM STATE ATTORNEYS REVENUE TRUST FUND 335,658
FROM FORFEITURE AND INVESTIGATIVE

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SUPPORT TRUST FUND 110,800
FROM GRANTS AND DONATIONS TRUST
FUND 455,515

818 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 117,724
FROM GRANTS AND DONATIONS TRUST
FUND 965

819 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 11,404

820 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY
AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST
FUND 110,164

TOTAL: PROGRAM: STATE ATTORNEYS - FOURTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 19,302,048
FROM TRUST FUNDS 5,621,835

TOTAL POSITIONS 370.00
TOTAL ALL FUNDS 24,923,883

PROGRAM: STATE ATTORNEYS - FIFTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 11,971,282

821 SALARIES AND BENEFITS POSITIONS 239.00
FROM GENERAL REVENUE FUND 13,599,025
FROM STATE ATTORNEYS REVENUE TRUST
FUND 680,266
FROM GRANTS AND DONATIONS TRUST
FUND 1,469,043

822 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 10,599
FROM STATE ATTORNEYS REVENUE TRUST
FUND 239,092
FROM GRANTS AND DONATIONS TRUST
FUND 79,104

822A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE ATTORNEYS REVENUE TRUST
FUND 19,000

823 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 529,767
FROM STATE ATTORNEYS REVENUE TRUST
FUND 24,337
FROM GRANTS AND DONATIONS TRUST
FUND 18,341

824 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 55,228
FROM STATE ATTORNEYS REVENUE TRUST
FUND 1,640
FROM GRANTS AND DONATIONS TRUST
FUND 1,864

825 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 15,740

826 SPECIAL CATEGORIES
STATE OPERATIONS - AMERICAN RECOVERY AND
REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST
FUND 36,080

827 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY
AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST
FUND 31,362

TOTAL: PROGRAM: STATE ATTORNEYS - FIFTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 14,210,359
FROM TRUST FUNDS 2,600,129

TOTAL POSITIONS 239.00
TOTAL ALL FUNDS 16,810,488

PROGRAM: STATE ATTORNEYS - SIXTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 22,457,412

828 SALARIES AND BENEFITS POSITIONS 475.00
FROM GENERAL REVENUE FUND 23,613,145
FROM STATE ATTORNEYS REVENUE TRUST
FUND 3,136,256
FROM GRANTS AND DONATIONS TRUST
FUND 3,370,602

829 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 86,869
FROM STATE ATTORNEYS REVENUE TRUST
FUND 364,506
FROM GRANTS AND DONATIONS TRUST
FUND 64,737

829A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE ATTORNEYS REVENUE TRUST
FUND 38,000

830 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 478,581
FROM STATE ATTORNEYS REVENUE TRUST
FUND 232,453
FROM GRANTS AND DONATIONS TRUST
FUND 574,048

831 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 82,995
FROM GRANTS AND DONATIONS TRUST
FUND 32,846

832 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 22,724

833 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY
AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST
FUND 109,631

TOTAL: PROGRAM: STATE ATTORNEYS - SIXTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 24,284,314
FROM TRUST FUNDS 7,923,079

TOTAL POSITIONS 475.00
TOTAL ALL FUNDS 32,207,393

PROGRAM: STATE ATTORNEYS - SEVENTH JUDICIAL
CIRCUIT

APPROVED SALARY RATE 11,135,986

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834 SALARIES AND BENEFITS POSITIONS 242.00
FROM GENERAL REVENUE FUND 12,480,048
FROM STATE ATTORNEYS REVENUE TRUST
FUND 1,945,627
FROM GRANTS AND DONATIONS TRUST
FUND 458,691

835 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 39,274
FROM STATE ATTORNEYS REVENUE TRUST
FUND 271,831
FROM GRANTS AND DONATIONS TRUST
FUND 9,980

835A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE ATTORNEYS REVENUE TRUST
FUND 19,000

836 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 620,797
FROM STATE ATTORNEYS REVENUE TRUST
FUND 342,348
FROM GRANTS AND DONATIONS TRUST
FUND 158,681

837 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 42,146
FROM STATE ATTORNEYS REVENUE TRUST
FUND 16,800

838 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 6,094
FROM STATE ATTORNEYS REVENUE TRUST
FUND 17,620
FROM GRANTS AND DONATIONS TRUST
FUND 2,380

839 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY
AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST
FUND 31,362

TOTAL: PROGRAM: STATE ATTORNEYS - SEVENTH JUDICIAL
CIRCUIT
FROM GENERAL REVENUE FUND 13,188,359
FROM TRUST FUNDS 3,274,320

TOTAL POSITIONS 242.00
TOTAL ALL FUNDS 16,462,679

PROGRAM: STATE ATTORNEYS - EIGHTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 6,263,660

840 SALARIES AND BENEFITS POSITIONS 139.00
FROM GENERAL REVENUE FUND 7,319,391
FROM STATE ATTORNEYS REVENUE TRUST
FUND 668,935
FROM GRANTS AND DONATIONS TRUST
FUND 429,786

841 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8,533
FROM STATE ATTORNEYS REVENUE TRUST
FUND 169,958
FROM GRANTS AND DONATIONS TRUST
FUND 34,329

842 SPECIAL CATEGORIES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 292,067
FROM STATE ATTORNEYS REVENUE TRUST
FUND 18,485
FROM GRANTS AND DONATIONS TRUST
FUND 9,040

843 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 52,588
FROM STATE ATTORNEYS REVENUE TRUST
FUND 10,130

844 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 13,506

TOTAL: PROGRAM: STATE ATTORNEYS - EIGHTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 7,686,085
FROM TRUST FUNDS 1,340,663

TOTAL POSITIONS 139.00
TOTAL ALL FUNDS 9,026,748

PROGRAM: STATE ATTORNEYS - NINTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 16,624,498

845 SALARIES AND BENEFITS POSITIONS 361.50
FROM GENERAL REVENUE FUND 20,236,768
FROM STATE ATTORNEYS REVENUE TRUST
FUND 1,264,391
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 159,869
FROM GRANTS AND DONATIONS TRUST
FUND 872,056

From the positions and funds provided in Specific Appropriation 845, five full-time equivalent positions with associated salary rate of 268,146 and $388,617 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.

846 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 140,793
FROM STATE ATTORNEYS REVENUE TRUST
FUND 295,752
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 63,000
FROM GRANTS AND DONATIONS TRUST
FUND 1,000

847 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 928,098
FROM STATE ATTORNEYS REVENUE TRUST
FUND 197,029
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 35,225
FROM GRANTS AND DONATIONS TRUST
FUND 17,641

848 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 71,109
FROM STATE ATTORNEYS REVENUE TRUST
FUND 85,398
FROM GRANTS AND DONATIONS TRUST
FUND 864

849 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 26,486

850 SPECIAL CATEGORIES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST FUND 1,325

851 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST FUND 157,615

TOTAL: PROGRAM: STATE ATTORNEYS - NINTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 21,403,254
FROM TRUST FUNDS 3,151,165

TOTAL POSITIONS 361.50
TOTAL ALL FUNDS 24,554,419

PROGRAM: STATE ATTORNEYS - TENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 10,680,495

852 SALARIES AND BENEFITS POSITIONS 216.00
FROM GENERAL REVENUE FUND 11,107,399
FROM STATE ATTORNEYS REVENUE TRUST FUND 1,950,403
FROM GRANTS AND DONATIONS TRUST FUND 935,797

853 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 31,189
FROM STATE ATTORNEYS REVENUE TRUST FUND 237,128
FROM GRANTS AND DONATIONS TRUST FUND 33,018

853A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE ATTORNEYS REVENUE TRUST FUND 38,000

854 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 217,562
FROM STATE ATTORNEYS REVENUE TRUST FUND 203,328
FROM GRANTS AND DONATIONS TRUST FUND 227,558

855 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 40,312
FROM STATE ATTORNEYS REVENUE TRUST FUND 23,883

856 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 14,365

857 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST FUND 72,132

TOTAL: PROGRAM: STATE ATTORNEYS - TENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 11,410,827
FROM TRUST FUNDS 3,721,247

TOTAL POSITIONS 216.00
TOTAL ALL FUNDS 15,132,074

PROGRAM: STATE ATTORNEYS - ELEVENTH JUDICIAL CIRCUIT

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
APPROVED SALARY RATE 53,027,803

858 SALARIES AND BENEFITS POSITIONS 1,264.00
FROM GENERAL REVENUE FUND 44,132,857
FROM STATE ATTORNEYS REVENUE TRUST FUND 3,247,593
FROM CHILD SUPPORT TRUST FUND . . . 18,682,942
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 210,518
FROM GRANTS AND DONATIONS TRUST FUND 3,907,514

From the positions and funds provided in Specific Appropriation 858, two full-time equivalent positions with associated salary rate of 97,386 and $141,134 from the Grants and Donations Trust Fund and two full-time equivalent positions with associated salary rate of 96,584 and $139,252 from general revenue.

Additionally, two full-time equivalent positions with associated salary rate of 96,084 and $139,254 from the Grants and Donations Trust Fund are provided solely for prosecution of workers compensation insurance fraud.

859 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 239,005
FROM STATE ATTORNEYS REVENUE TRUST FUND 736,709
FROM CHILD SUPPORT TRUST FUND . . . 868,300
FROM GRANTS AND DONATIONS TRUST FUND 231,131

859A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 19,000

860 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 776,740
FROM STATE ATTORNEYS REVENUE TRUST FUND 239,390
FROM CHILD SUPPORT TRUST FUND . . . 3,890,818
FROM CIVIL RICO TRUST FUND 200,020
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 203,700
FROM GRANTS AND DONATIONS TRUST FUND 1,400,527

861 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 391,606
FROM CHILD SUPPORT TRUST FUND . . . 22,384
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 169,609

862 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 22,221

863 SPECIAL CATEGORIES
STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST FUND 568,063

864 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST FUND 1,763,336

TOTAL: PROGRAM: STATE ATTORNEYS - ELEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 45,562,429
FROM TRUST FUNDS 36,361,554

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TOTAL POSITIONS 1,264.00
TOTAL ALL FUNDS 81,923,983

PROGRAM: STATE ATTORNEYS - TWELFTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 8,576,980

865 SALARIES AND BENEFITS POSITIONS 182.00
FROM GENERAL REVENUE FUND 10,271,397
FROM STATE ATTORNEYS REVENUE TRUST FUND 1,252,062

866 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 23,211
FROM STATE ATTORNEYS REVENUE TRUST FUND 161,623

866A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE ATTORNEYS REVENUE TRUST FUND 38,000

867 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 408,884
FROM STATE ATTORNEYS REVENUE TRUST FUND 89,785

868 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 54,983
FROM STATE ATTORNEYS REVENUE TRUST FUND 17,601

869 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 9,461

TOTAL: PROGRAM: STATE ATTORNEYS - TWELFTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 10,767,936
FROM TRUST FUNDS 1,559,071

TOTAL POSITIONS 182.00
TOTAL ALL FUNDS 12,327,007

PROGRAM: STATE ATTORNEYS - THIRTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 16,680,807

870 SALARIES AND BENEFITS POSITIONS 357.00
FROM GENERAL REVENUE FUND 18,833,826
FROM STATE ATTORNEYS REVENUE TRUST FUND 2,082,880
FROM GRANTS AND DONATIONS TRUST FUND 684,037

From the positions and funds provided in Specific Appropriation 870, two full-time equivalent positions with associated salary rate of 109,446 and $158,617 from the Grants and Donations Trust Fund and four full-time equivalent positions with associated salary rate of 219,542 and $310,748 from general revenue funds are provided for prosecution of insurance fraud.

Additionally, two full-time equivalent positions with associated salary rate of 96,084 and $139,253 from the Grants and Donations Trust Fund are provided solely for prosecution of workers compensation insurance fraud.

871 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 119,228
FROM STATE ATTORNEYS REVENUE TRUST FUND 302,150

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GRANTS AND DONATIONS TRUST FUND 7,755

871A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND 10,000

872 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 648,570
FROM STATE ATTORNEYS REVENUE TRUST FUND 180,196
FROM GRANTS AND DONATIONS TRUST FUND 81,630

873 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 90,428
FROM STATE ATTORNEYS REVENUE TRUST FUND 32,379
FROM GRANTS AND DONATIONS TRUST FUND 3,379

874 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 6,827

875 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST FUND 405,234

TOTAL: PROGRAM: STATE ATTORNEYS - THIRTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 19,698,879
FROM TRUST FUNDS 3,789,640

TOTAL POSITIONS 357.00
TOTAL ALL FUNDS 23,488,519

PROGRAM: STATE ATTORNEYS - FOURTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 5,743,893

876 SALARIES AND BENEFITS POSITIONS 123.00
FROM GENERAL REVENUE FUND 6,795,345
FROM STATE ATTORNEYS REVENUE TRUST FUND 516,740
FROM GRANTS AND DONATIONS TRUST FUND 401,423

877 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 9,899
FROM STATE ATTORNEYS REVENUE TRUST FUND 136,429
FROM GRANTS AND DONATIONS TRUST FUND 1

877A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE ATTORNEYS REVENUE TRUST FUND 19,000

878 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 240,615
FROM STATE ATTORNEYS REVENUE TRUST FUND 6,676

879 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 45,078
FROM STATE ATTORNEYS REVENUE TRUST
FUND 96,943

880 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 7,697

881 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY
AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST
FUND 11,660

TOTAL: PROGRAM: STATE ATTORNEYS - FOURTEENTH JUDICIAL
CIRCUIT
FROM GENERAL REVENUE FUND 7,098,634
FROM TRUST FUNDS 1,188,872

TOTAL POSITIONS 123.00
TOTAL ALL FUNDS 8,287,506

PROGRAM: STATE ATTORNEYS - FIFTEENTH JUDICIAL
CIRCUIT

APPROVED SALARY RATE 16,238,329

882 SALARIES AND BENEFITS POSITIONS 331.00
FROM GENERAL REVENUE FUND 18,048,049
FROM STATE ATTORNEYS REVENUE TRUST
FUND 2,185,271
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 83,507
FROM GRANTS AND DONATIONS TRUST
FUND 1,328,556

From the positions and funds provided in Specific Appropriation 882, two full-time equivalent positions with associated salary rate of 95,646 and $138,618 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.

883 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 74,365
FROM STATE ATTORNEYS REVENUE TRUST
FUND 343,188
FROM GRANTS AND DONATIONS TRUST
FUND 5,000

884 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 611,694
FROM STATE ATTORNEYS REVENUE TRUST
FUND 151,270
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 61,459
FROM GRANTS AND DONATIONS TRUST
FUND 138,859

885 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 54,779
FROM STATE ATTORNEYS REVENUE TRUST
FUND 66,094
FROM GRANTS AND DONATIONS TRUST
FUND 4,688

886 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 10,569
FROM STATE ATTORNEYS REVENUE TRUST
FUND 950
FROM GRANTS AND DONATIONS TRUST
FUND 50

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
887 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY
AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST
FUND 88,192

TOTAL: PROGRAM: STATE ATTORNEYS - FIFTEENTH JUDICIAL
CIRCUIT
FROM GENERAL REVENUE FUND 18,799,456
FROM TRUST FUNDS 4,457,084

TOTAL POSITIONS 331.00
TOTAL ALL FUNDS 23,256,540

PROGRAM: STATE ATTORNEYS - SIXTEENTH JUDICIAL
CIRCUIT

APPROVED SALARY RATE 3,051,173

888 SALARIES AND BENEFITS POSITIONS 62.00
FROM GENERAL REVENUE FUND 3,480,785
FROM STATE ATTORNEYS REVENUE TRUST
FUND 382,517
FROM GRANTS AND DONATIONS TRUST
FUND 193,870

889 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,490
FROM STATE ATTORNEYS REVENUE TRUST
FUND 55,015
FROM GRANTS AND DONATIONS TRUST
FUND 76,054

890 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 138,664
FROM STATE ATTORNEYS REVENUE TRUST
FUND 54,509
FROM GRANTS AND DONATIONS TRUST
FUND 106,514

891 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 23,890
FROM STATE ATTORNEYS REVENUE TRUST
FUND 18,404
FROM GRANTS AND DONATIONS TRUST
FUND 9,185

892 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 7,041

TOTAL: PROGRAM: STATE ATTORNEYS - SIXTEENTH JUDICIAL
CIRCUIT
FROM GENERAL REVENUE FUND 3,665,870
FROM TRUST FUNDS 896,068

TOTAL POSITIONS 62.00
TOTAL ALL FUNDS 4,561,938

PROGRAM: STATE ATTORNEYS - SEVENTEENTH JUDICIAL
CIRCUIT

APPROVED SALARY RATE 23,535,799

893 SALARIES AND BENEFITS POSITIONS 509.00
FROM GENERAL REVENUE FUND 27,820,828
FROM STATE ATTORNEYS REVENUE TRUST
FUND 3,329,442
FROM GRANTS AND DONATIONS TRUST
FUND 472,448

From the positions and funds provided in Specific Appropriation 893,

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
two full-time equivalent positions with associated salary rate of 95,646 and $138,618 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.

894 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 114,991
FROM STATE ATTORNEYS REVENUE TRUST FUND 440,220
FROM GRANTS AND DONATIONS TRUST FUND 122,864

895 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 1,160,599
FROM STATE ATTORNEYS REVENUE TRUST FUND 166,042
FROM GRANTS AND DONATIONS TRUST FUND 34,601

896 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 206,653
FROM STATE ATTORNEYS REVENUE TRUST FUND 177,416

897 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 23,491

898 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM STATE ATTORNEYS REVENUE TRUST FUND 200
FROM GRANTS AND DONATIONS TRUST FUND 53

899 SPECIAL CATEGORIES
STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST FUND 30,993

900 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST FUND 128,381

TOTAL: PROGRAM: STATE ATTORNEYS - SEVENTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 29,326,562
FROM TRUST FUNDS 4,902,660

TOTAL POSITIONS 509.00
TOTAL ALL FUNDS 34,229,222

PROGRAM: STATE ATTORNEYS - EIGHTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 13,633,064

901 SALARIES AND BENEFITS POSITIONS 294.00
FROM GENERAL REVENUE FUND 15,512,826
FROM STATE ATTORNEYS REVENUE TRUST FUND 1,855,315
FROM GRANTS AND DONATIONS TRUST FUND 944,300

902 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,100
FROM STATE ATTORNEYS REVENUE TRUST FUND 263,418

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GRANTS AND DONATIONS TRUST FUND 12,512

902A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE ATTORNEYS REVENUE TRUST FUND 19,000

903 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 615,868
FROM STATE ATTORNEYS REVENUE TRUST FUND 38,459
FROM GRANTS AND DONATIONS TRUST FUND 64,924

904 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 52,967
FROM STATE ATTORNEYS REVENUE TRUST FUND 10,026
FROM GRANTS AND DONATIONS TRUST FUND 6,231

905 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 9,587

906 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST FUND 16,802

TOTAL: PROGRAM: STATE ATTORNEYS - EIGHTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 16,216,348
FROM TRUST FUNDS 3,230,987

TOTAL POSITIONS 294.00
TOTAL ALL FUNDS 19,447,335

PROGRAM: STATE ATTORNEYS - NINETEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 7,644,966

907 SALARIES AND BENEFITS POSITIONS 166.00
FROM GENERAL REVENUE FUND 8,297,090
FROM STATE ATTORNEYS REVENUE TRUST FUND 1,180,054
FROM GRANTS AND DONATIONS TRUST FUND 641,875

908 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 19,414
FROM GRANTS AND DONATIONS TRUST FUND 209,720

908A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE ATTORNEYS REVENUE TRUST FUND 19,000

909 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 520,498
FROM STATE ATTORNEYS REVENUE TRUST FUND 9,502
FROM GRANTS AND DONATIONS TRUST FUND 36,372

910 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 18,060
FROM STATE ATTORNEYS REVENUE TRUST
FUND 21,451

911 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 8,764

912 SPECIAL CATEGORIES
LEAVE LIABILITY
FROM STATE ATTORNEYS REVENUE TRUST
FUND 189,754
FROM GRANTS AND DONATIONS TRUST
FUND 10,581

913 SPECIAL CATEGORIES
STATE OPERATIONS - AMERICAN RECOVERY AND
REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST
FUND 37,142

TOTAL: PROGRAM: STATE ATTORNEYS - NINETEENTH JUDICIAL
CIRCUIT
FROM GENERAL REVENUE FUND 8,863,826
FROM TRUST FUNDS 2,355,451

TOTAL POSITIONS 166.00
TOTAL ALL FUNDS 11,219,277

PROGRAM: STATE ATTORNEYS - TWENTIETH JUDICIAL
CIRCUIT

APPROVED SALARY RATE 13,823,620

914 SALARIES AND BENEFITS POSITIONS 310.00
FROM GENERAL REVENUE FUND 15,740,959
FROM STATE ATTORNEYS REVENUE TRUST
FUND 1,333,520
FROM CIVIL RICO TRUST FUND 118,381
FROM GRANTS AND DONATIONS TRUST
FUND 1,379,117

915 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 32,100
FROM STATE ATTORNEYS REVENUE TRUST
FUND 324,690
FROM GRANTS AND DONATIONS TRUST
FUND 10,925

916 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 816,802
FROM STATE ATTORNEYS REVENUE TRUST
FUND 94,087
FROM CIVIL RICO TRUST FUND 27,102
FROM GRANTS AND DONATIONS TRUST
FUND 38,923

917 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 57,277
FROM STATE ATTORNEYS REVENUE TRUST
FUND 36,376

918 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 21,024
FROM STATE ATTORNEYS REVENUE TRUST
FUND 480

919 SPECIAL CATEGORIES
STATE OPERATIONS - AMERICAN RECOVERY AND
REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST
FUND 10,068

920 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY
AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST
FUND 138,804

TOTAL: PROGRAM: STATE ATTORNEYS - TWENTIETH JUDICIAL
CIRCUIT
FROM GENERAL REVENUE FUND 16,668,162
FROM TRUST FUNDS 3,512,473

TOTAL POSITIONS 310.00
TOTAL ALL FUNDS 20,180,635

PUBLIC DEFENDERS

Only the Public Defenders Coordination Office's budgeting, legal, training and education needs may be funded by each Public Defender's office within the funds provided in Specific Appropriations 921 through 1026. These funds may not be expended for lobbying on behalf of the office or the Public Defender's Association before the Legislature but may be expended to respond to requests for information. Funding for this office shall not exceed $400,000 from the Indigent Criminal Defense Trust Fund.

PROGRAM: PUBLIC DEFENDERS - FIRST JUDICIAL CIRCUIT

APPROVED SALARY RATE 5,580,732

921 SALARIES AND BENEFITS POSITIONS 119.00
FROM GENERAL REVENUE FUND 6,747,497
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 213,357
FROM GRANTS AND DONATIONS TRUST
FUND 121,811
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 486,065

922 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,604
FROM GRANTS AND DONATIONS TRUST
FUND 6,977
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 178,078

922A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 67,500

923 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 195,976
FROM GRANTS AND DONATIONS TRUST
FUND 5,000
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 142,129

924 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 15,795
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 7,271

TOTAL: PROGRAM: PUBLIC DEFENDERS - FIRST JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 6,981,872
FROM TRUST FUNDS 1,228,188

TOTAL POSITIONS 119.00
TOTAL ALL FUNDS 8,210,060

PROGRAM: PUBLIC DEFENDERS - SECOND JUDICIAL

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
CIRCUIT

APPROVED SALARY RATE 3,980,532

926 SALARIES AND BENEFITS POSITIONS 85.00
FROM GENERAL REVENUE FUND 4,668,880
FROM PUBLIC DEFENDERS REVENUE TRUST FUND 147,784
FROM GRANTS AND DONATIONS TRUST FUND 73,845
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 428,328

927 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 20,487
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 172,586

928 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 161,598
FROM GRANTS AND DONATIONS TRUST FUND 1,677
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 114,267

929 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 13,991
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 6,706

TOTAL: PROGRAM: PUBLIC DEFENDERS - SECOND JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 4,864,956
FROM TRUST FUNDS 945,193

TOTAL POSITIONS 85.00
TOTAL ALL FUNDS 5,810,149

PROGRAM: PUBLIC DEFENDERS - THIRD JUDICIAL CIRCUIT

APPROVED SALARY RATE 1,840,219

930 SALARIES AND BENEFITS POSITIONS 30.00
FROM GENERAL REVENUE FUND 2,166,759
FROM PUBLIC DEFENDERS REVENUE TRUST FUND 68,686
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 191,340

931 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 251
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 68,319

931A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 19,000

932 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 85,952
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 32,531

933 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,206
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 4,218

TOTAL: PROGRAM: PUBLIC DEFENDERS - THIRD JUDICIAL CIRCUIT

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 2,256,168
FROM TRUST FUNDS 384,094

TOTAL POSITIONS 30.00
TOTAL ALL FUNDS 2,640,262

PROGRAM: PUBLIC DEFENDERS - FOURTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 7,807,358

934 SALARIES AND BENEFITS POSITIONS 147.00
FROM GENERAL REVENUE FUND 9,118,930
FROM PUBLIC DEFENDERS REVENUE TRUST FUND 288,869
FROM GRANTS AND DONATIONS TRUST FUND 203,068
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 508,778

935 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,001
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 274,926

936 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 264,498
FROM GRANTS AND DONATIONS TRUST FUND 50,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 147,636

937 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 53,764
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 132,919

938 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST FUND 37,500

TOTAL: PROGRAM: PUBLIC DEFENDERS - FOURTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 9,459,193
FROM TRUST FUNDS 1,643,696

TOTAL POSITIONS 147.00
TOTAL ALL FUNDS 11,102,889

PROGRAM: PUBLIC DEFENDERS - FIFTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 4,981,371

939 SALARIES AND BENEFITS POSITIONS 108.00
FROM GENERAL REVENUE FUND 6,043,234
FROM PUBLIC DEFENDERS REVENUE TRUST FUND 179,128
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 686,415

940 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 21,727
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 396,830

941 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 109,560
FROM GRANTS AND DONATIONS TRUST FUND 8,000

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 191,830

942 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 16,261
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 4,348

TOTAL: PROGRAM: PUBLIC DEFENDERS - FIFTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 6,190,782
FROM TRUST FUNDS 1,466,551

TOTAL POSITIONS 108.00
TOTAL ALL FUNDS 7,657,333

PROGRAM: PUBLIC DEFENDERS - SIXTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 10,840,100

944 SALARIES AND BENEFITS POSITIONS 226.00
FROM GENERAL REVENUE FUND 12,532,634
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 390,040
FROM GRANTS AND DONATIONS TRUST
FUND 525,103
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 1,092,901

945 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 78,566
FROM GRANTS AND DONATIONS TRUST
FUND 4,836
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 307,284

945A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 31,000

946 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 512,076
FROM GRANTS AND DONATIONS TRUST
FUND 8,000
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 301,822

947 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 38,295
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 5,391

948 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY
AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST
FUND 56,250

TOTAL: PROGRAM: PUBLIC DEFENDERS - SIXTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 13,161,571
FROM TRUST FUNDS 2,722,627

TOTAL POSITIONS 226.00
TOTAL ALL FUNDS 15,884,198

PROGRAM: PUBLIC DEFENDERS - SEVENTH JUDICIAL
CIRCUIT

APPROVED SALARY RATE 5,398,949

949 SALARIES AND BENEFITS POSITIONS 114.00

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 6,684,744
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 211,189
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 353,920

950 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 30
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 106,650

951 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 137,528
FROM GRANTS AND DONATIONS TRUST
FUND 6,000
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 121,860

952 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 33,395
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 2,433

953 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY
AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST
FUND 11,251

TOTAL: PROGRAM: PUBLIC DEFENDERS - SEVENTH JUDICIAL
CIRCUIT
FROM GENERAL REVENUE FUND 6,855,697
FROM TRUST FUNDS 813,303

TOTAL POSITIONS 114.00
TOTAL ALL FUNDS 7,669,000

PROGRAM: PUBLIC DEFENDERS - EIGHTH JUDICIAL
CIRCUIT

APPROVED SALARY RATE 3,557,272

954 SALARIES AND BENEFITS POSITIONS 74.00
FROM GENERAL REVENUE FUND 4,417,774
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 139,599
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 354,052

955 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,759
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 105,135

956 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 98,884
FROM GRANTS AND DONATIONS TRUST
FUND 5,000
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 58,980

957 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 12,276
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 6,372

TOTAL: PROGRAM: PUBLIC DEFENDERS - EIGHTH JUDICIAL
CIRCUIT
FROM GENERAL REVENUE FUND 4,541,693
FROM TRUST FUNDS 669,138

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TOTAL POSITIONS 74.00
TOTAL ALL FUNDS 5,210,831

PROGRAM: PUBLIC DEFENDERS - NINTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 9,764,813

958 SALARIES AND BENEFITS POSITIONS 221.00
FROM GENERAL REVENUE FUND 9,696,122
FROM PUBLIC DEFENDERS REVENUE TRUST FUND 280,268
FROM GRANTS AND DONATIONS TRUST FUND 1,271,245
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 2,523,363

959 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,000
FROM GRANTS AND DONATIONS TRUST FUND 7,500
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 286,772

960 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 729,253
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 120,440

961 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 33,669
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 20,271

962 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST FUND 45,000

TOTAL: PROGRAM: PUBLIC DEFENDERS - NINTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 10,484,044
FROM TRUST FUNDS 4,554,859

TOTAL POSITIONS 221.00
TOTAL ALL FUNDS 15,038,903

PROGRAM: PUBLIC DEFENDERS - TENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 5,357,730

963 SALARIES AND BENEFITS POSITIONS 114.00
FROM GENERAL REVENUE FUND 6,239,151
FROM PUBLIC DEFENDERS REVENUE TRUST FUND 197,269
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 598,403

964 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,424
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 154,772

965 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 174,642
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 167,753

966 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 26,568

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
967 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST FUND 37,500

TOTAL: PROGRAM: PUBLIC DEFENDERS - TENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 6,452,785
FROM TRUST FUNDS 1,155,697

TOTAL POSITIONS 114.00
TOTAL ALL FUNDS 7,608,482

PROGRAM: PUBLIC DEFENDERS - ELEVENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 20,242,327

968 SALARIES AND BENEFITS POSITIONS 384.00
FROM GENERAL REVENUE FUND 23,091,491
FROM PUBLIC DEFENDERS REVENUE TRUST FUND 730,820
FROM GRANTS AND DONATIONS TRUST FUND 1,534,065
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 1,099,000

969 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 101,863
FROM GRANTS AND DONATIONS TRUST FUND 85,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 527,447

970 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 3,233

971 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 457,185
FROM GRANTS AND DONATIONS TRUST FUND 15,008
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 84,580

972 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 130,150

TOTAL: PROGRAM: PUBLIC DEFENDERS - ELEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 23,783,922
FROM TRUST FUNDS 4,075,920

TOTAL POSITIONS 384.00
TOTAL ALL FUNDS 27,859,842

PROGRAM: PUBLIC DEFENDERS - TWELFTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 4,627,508

973 SALARIES AND BENEFITS POSITIONS 95.50
FROM GENERAL REVENUE FUND 5,228,518
FROM PUBLIC DEFENDERS REVENUE TRUST FUND 165,412
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 494,227

974 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 19,836
FROM PUBLIC DEFENDERS REVENUE TRUST FUND 82,728

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 20,000

975 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 222,605
FROM GRANTS AND DONATIONS TRUST
FUND 58,400
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 28,100

976 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 12,878
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 8,624

TOTAL: PROGRAM: PUBLIC DEFENDERS - TWELFTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 5,483,837
FROM TRUST FUNDS 857,491

TOTAL POSITIONS 95.50
TOTAL ALL FUNDS 6,341,328

PROGRAM: PUBLIC DEFENDERS - THIRTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 10,642,780

977 SALARIES AND BENEFITS POSITIONS 220.50
FROM GENERAL REVENUE FUND 11,335,568
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 359,045
FROM GRANTS AND DONATIONS TRUST
FUND 1,246,949
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 1,411,307

978 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 46,413
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 180,122
FROM GRANTS AND DONATIONS TRUST
FUND 100,000
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 11,201

979 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 44,000

980 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 524,895
FROM GRANTS AND DONATIONS TRUST
FUND 107,844
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 107,983

981 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 41,774
FROM GRANTS AND DONATIONS TRUST
FUND 14,483

982 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY
AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST
FUND 94,687

TOTAL: PROGRAM: PUBLIC DEFENDERS - THIRTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 11,948,650
FROM TRUST FUNDS 3,677,621

TOTAL POSITIONS 220.50
TOTAL ALL FUNDS 15,626,271

PROGRAM: PUBLIC DEFENDERS - FOURTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 3,147,153

983 SALARIES AND BENEFITS POSITIONS 61.00
FROM GENERAL REVENUE FUND 3,665,257
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 115,832
FROM GRANTS AND DONATIONS TRUST
FUND 52,547
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 444,156

984 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,101
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 198,485

985 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 127,551
FROM GRANTS AND DONATIONS TRUST
FUND 15,000
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 144,216

986 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 27,845
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 3,907

TOTAL: PROGRAM: PUBLIC DEFENDERS - FOURTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 3,827,754
FROM TRUST FUNDS 974,143

TOTAL POSITIONS 61.00
TOTAL ALL FUNDS 4,801,897

PROGRAM: PUBLIC DEFENDERS - FIFTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 9,191,064

987 SALARIES AND BENEFITS POSITIONS 194.00
FROM GENERAL REVENUE FUND 10,799,924
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 341,615
FROM GRANTS AND DONATIONS TRUST
FUND 19,164
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 609,314

988 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 47,601
FROM GRANTS AND DONATIONS TRUST
FUND 282,606
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 27,708

989 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 149,103
FROM GRANTS AND DONATIONS TRUST
FUND 78,670

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 286,744

990 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 49,673

TOTAL: PROGRAM: PUBLIC DEFENDERS - FIFTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 11,046,301
FROM TRUST FUNDS 1,645,821

TOTAL POSITIONS 194.00
TOTAL ALL FUNDS 12,692,122

PROGRAM: PUBLIC DEFENDERS - SIXTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 2,101,626

991 SALARIES AND BENEFITS POSITIONS 42.00
FROM GENERAL REVENUE FUND 2,458,219
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 77,854
FROM GRANTS AND DONATIONS TRUST
FUND 40,798
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 126,067

992 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 6,968
FROM GRANTS AND DONATIONS TRUST
FUND 5,000
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 39,697

993 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 66,016
FROM GRANTS AND DONATIONS TRUST
FUND 10,000
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 17,760

994 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,891
FROM GRANTS AND DONATIONS TRUST
FUND 3,279

TOTAL: PROGRAM: PUBLIC DEFENDERS - SIXTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 2,538,094
FROM TRUST FUNDS 320,455

TOTAL POSITIONS 42.00
TOTAL ALL FUNDS 2,858,549

PROGRAM: PUBLIC DEFENDERS - SEVENTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 12,244,736

995 SALARIES AND BENEFITS POSITIONS 223.00
FROM GENERAL REVENUE FUND 13,319,172
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 421,968
FROM GRANTS AND DONATIONS TRUST
FUND 879,619
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 1,964,634

996 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 82,254

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GRANTS AND DONATIONS TRUST
FUND 150,708
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 245,171

997 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 428,405
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 208,165

998 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 47,036
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 6,788

999 SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST
FUND 65,625

TOTAL: PROGRAM: PUBLIC DEFENDERS - SEVENTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 13,876,867
FROM TRUST FUNDS 3,942,678

TOTAL POSITIONS 223.00
TOTAL ALL FUNDS 17,819,545

PROGRAM: PUBLIC DEFENDERS - EIGHTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 5,969,524

1000 SALARIES AND BENEFITS POSITIONS 119.00
FROM GENERAL REVENUE FUND 5,893,598
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 186,440
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 1,316,549

1001 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,792
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 122,992

1002 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 337,745
FROM GRANTS AND DONATIONS TRUST
FUND 5,000
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 302,414

1003 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 43,111
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 13,879

TOTAL: PROGRAM: PUBLIC DEFENDERS - EIGHTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 6,287,246
FROM TRUST FUNDS 1,947,274

TOTAL POSITIONS 119.00
TOTAL ALL FUNDS 8,234,520

PROGRAM: PUBLIC DEFENDERS - NINETEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 3,820,433

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

1004 SALARIES AND BENEFITS POSITIONS 78.00
FROM GENERAL REVENUE FUND 4,162,462
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 131,789
FROM GRANTS AND DONATIONS TRUST
FUND 259,660
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 490,082

1005 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 19,893
FROM GRANTS AND DONATIONS TRUST
FUND 40,000
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 200,562

1006 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 105,428
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 196,090

1007 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 20,063
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 8,244

TOTAL: PROGRAM: PUBLIC DEFENDERS - NINETEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 4,307,846
FROM TRUST FUNDS 1,326,427

TOTAL POSITIONS 78.00
TOTAL ALL FUNDS 5,634,273

PROGRAM: PUBLIC DEFENDERS - TWENTIETH JUDICIAL CIRCUIT

APPROVED SALARY RATE 6,421,399

1008 SALARIES AND BENEFITS POSITIONS 137.00
FROM GENERAL REVENUE FUND 6,924,714
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 207,147
FROM GRANTS AND DONATIONS TRUST
FUND 709,870
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 620,168

1009 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,098
FROM GRANTS AND DONATIONS TRUST
FUND 20,000
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 184,570

1010 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 341,624
FROM GRANTS AND DONATIONS TRUST
FUND 64,260
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 202,102

1011 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 27,594
FROM GRANTS AND DONATIONS TRUST
FUND 5,798
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 49,174

1012 SPECIAL CATEGORIES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST
FUND 118,656

TOTAL: PROGRAM: PUBLIC DEFENDERS - TWENTIETH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 7,309,030
FROM TRUST FUNDS 2,181,745

TOTAL POSITIONS 137.00
TOTAL ALL FUNDS 9,490,775

PUBLIC DEFENDERS APPELLATE DIVISION

PROGRAM: PUBLIC DEFENDERS APPELLATE - SECOND JUDICIAL CIRCUIT

APPROVED SALARY RATE 1,780,461

1013 SALARIES AND BENEFITS POSITIONS 34.00
FROM GENERAL REVENUE FUND 2,212,152

1014 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 21,114

1015 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 123,941

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - SECOND JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 2,357,207

TOTAL POSITIONS 34.00
TOTAL ALL FUNDS 2,357,207

PROGRAM: PUBLIC DEFENDERS APPELLATE - SEVENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 1,757,773

1016 SALARIES AND BENEFITS POSITIONS 33.00
FROM GENERAL REVENUE FUND 2,148,691

1017 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,370

1018 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 138,053

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - SEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 2,289,114

TOTAL POSITIONS 33.00
TOTAL ALL FUNDS 2,289,114

PROGRAM: PUBLIC DEFENDERS APPELLATE - TENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 2,461,956

1019 SALARIES AND BENEFITS POSITIONS 50.00
FROM GENERAL REVENUE FUND 3,061,383

1020 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 727,390

1021 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 139,857

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - TENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 3,928,630

TOTAL POSITIONS 50.00
TOTAL ALL FUNDS 3,928,630

PROGRAM: PUBLIC DEFENDERS APPELLATE - ELEVENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 1,573,325

1022 SALARIES AND BENEFITS POSITIONS 24.00
FROM GENERAL REVENUE FUND 1,898,112

1023 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 33,731

1024 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 37,161

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - ELEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 1,969,004

TOTAL POSITIONS 24.00
TOTAL ALL FUNDS 1,969,004

PROGRAM: PUBLIC DEFENDERS APPELLATE - FIFTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 2,513,258

1025 SALARIES AND BENEFITS POSITIONS 37.00
FROM GENERAL REVENUE FUND 3,058,711
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 151,959

1026 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 40,021
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 150,000

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - FIFTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 3,098,732
FROM TRUST FUNDS 301,959

TOTAL POSITIONS 37.00
TOTAL ALL FUNDS 3,400,691

CAPITAL COLLATERAL REGIONAL COUNSELS

PROGRAM: MIDDLE REGIONAL COUNSEL

PROVIDE STATE REQUIRED POST CONVICTION LEGAL REPRESENTATION TO DEATH-ROW INMATES

APPROVED SALARY RATE 2,158,366

1027 SALARIES AND BENEFITS POSITIONS 40.00
FROM GENERAL REVENUE FUND 2,858,616

1028 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 28,911
FROM CAPITAL COLLATERAL REGIONAL COUNSEL TRUST FUND 100,000

1029 SPECIAL CATEGORIES
CASE RELATED COSTS
FROM GENERAL REVENUE FUND 363,004
FROM CAPITAL COLLATERAL REGIONAL COUNSEL TRUST FUND 100,000

1031 SPECIAL CATEGORIES
OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 373,319

1032 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,411

TOTAL: PROVIDE STATE REQUIRED POST CONVICTION LEGAL REPRESENTATION TO DEATH-ROW INMATES
FROM GENERAL REVENUE FUND 3,632,261
FROM TRUST FUNDS 200,000

TOTAL POSITIONS 40.00
TOTAL ALL FUNDS 3,832,261

PROGRAM: SOUTHERN REGIONAL COUNSEL

PROVIDE STATE REQUIRED POST CONVICTION LEGAL REPRESENTATION TO DEATH-ROW INMATES

APPROVED SALARY RATE 1,692,440

1033 SALARIES AND BENEFITS POSITIONS 31.00
FROM GENERAL REVENUE FUND 2,175,974

1034 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8
FROM CAPITAL COLLATERAL REGIONAL COUNSEL TRUST FUND 100,000

1035 SPECIAL CATEGORIES
CASE RELATED COSTS
FROM GENERAL REVENUE FUND 473,367
FROM CAPITAL COLLATERAL REGIONAL COUNSEL TRUST FUND 65,000

1036 SPECIAL CATEGORIES
OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 348,458
FROM CAPITAL COLLATERAL REGIONAL COUNSEL TRUST FUND 35,000

1037 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 9,437

TOTAL: PROVIDE STATE REQUIRED POST CONVICTION LEGAL REPRESENTATION TO DEATH-ROW INMATES
FROM GENERAL REVENUE FUND 3,007,244
FROM TRUST FUNDS 200,000

TOTAL POSITIONS 31.00
TOTAL ALL FUNDS 3,207,244

CRIMINAL CONFLICT AND CIVIL REGIONAL COUNSELS

PROGRAM: REGIONAL CONFLICT COUNSEL - FIRST

APPROVED SALARY RATE 5,185,062

1038 SALARIES AND BENEFITS POSITIONS 108.00
FROM GENERAL REVENUE FUND 7,382,052

1039 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 154,055

1040 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 805,526
FROM INDIGENT CIVIL DEFENSE TRUST FUND 233,446

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
1041 SPECIAL CATEGORIES
REGIONAL CONFLICT COUNCIL OPERATIONS
FROM GENERAL REVENUE FUND 151,410

1042 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 28,354

1043 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 25,587

TOTAL: PROGRAM: REGIONAL CONFLICT COUNSEL - FIRST
FROM GENERAL REVENUE FUND 8,546,984
FROM TRUST FUNDS 233,446

TOTAL POSITIONS 108.00
TOTAL ALL FUNDS 8,780,430

PROGRAM: REGIONAL CONFLICT COUNSEL - SECOND

APPROVED SALARY RATE 4,441,371

1044 SALARIES AND BENEFITS POSITIONS 101.00
FROM GENERAL REVENUE FUND 6,313,122
FROM GRANTS AND DONATIONS TRUST
FUND 67,558

1045 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 270,041

1046 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,021,113
FROM INDIGENT CIVIL DEFENSE TRUST
FUND 234,488

1047 SPECIAL CATEGORIES
REGIONAL CONFLICT COUNCIL OPERATIONS
FROM GENERAL REVENUE FUND 118,970
FROM GRANTS AND DONATIONS TRUST
FUND 165,425

1048 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 43,699

1049 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 24,844

TOTAL: PROGRAM: REGIONAL CONFLICT COUNSEL - SECOND
FROM GENERAL REVENUE FUND 7,791,789
FROM TRUST FUNDS 467,471

TOTAL POSITIONS 101.00
TOTAL ALL FUNDS 8,259,260

PROGRAM: REGIONAL CONFLICT COUNSEL - THIRD

APPROVED SALARY RATE 2,127,882

1050 SALARIES AND BENEFITS POSITIONS 43.00
FROM GENERAL REVENUE FUND 3,006,443

1051 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 156,474

1052 SPECIAL CATEGORIES
CONTRACTED SERVICES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 1,477,959
FROM INDIGENT CIVIL DEFENSE TRUST
FUND 86,956

1053 SPECIAL CATEGORIES
REGIONAL CONFLICT COUNCIL OPERATIONS
FROM GENERAL REVENUE FUND 34,955

1054 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,170

1055 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 11,915

TOTAL: PROGRAM: REGIONAL CONFLICT COUNSEL - THIRD
FROM GENERAL REVENUE FUND 4,695,916
FROM TRUST FUNDS 86,956

TOTAL POSITIONS 43.00
TOTAL ALL FUNDS 4,782,872

PROGRAM: REGIONAL CONFLICT COUNSEL - FOURTH

APPROVED SALARY RATE 3,001,418

1056 SALARIES AND BENEFITS POSITIONS 63.00
FROM GENERAL REVENUE FUND 4,268,609

1057 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 810,763

1058 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,564,200
FROM INDIGENT CIVIL DEFENSE TRUST
FUND 121,892

1059 SPECIAL CATEGORIES
REGIONAL CONFLICT COUNCIL OPERATIONS
FROM GENERAL REVENUE FUND 147,521

1060 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 14,442

1061 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 15,972

TOTAL: PROGRAM: REGIONAL CONFLICT COUNSEL - FOURTH
FROM GENERAL REVENUE FUND 6,821,507
FROM TRUST FUNDS 121,892

TOTAL POSITIONS 63.00
TOTAL ALL FUNDS 6,943,399

PROGRAM: REGIONAL CONFLICT COUNSEL - FIFTH

APPROVED SALARY RATE 3,032,150

1062 SALARIES AND BENEFITS POSITIONS 67.00
FROM GENERAL REVENUE FUND 4,355,542

1063 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 208,569

1064 SPECIAL CATEGORIES
CONTRACTED SERVICES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

FROM GENERAL REVENUE FUND	964,645	
FROM GRANTS AND DONATIONS TRUST FUND		5,800
FROM INDIGENT CIVIL DEFENSE TRUST FUND		195,193

1065 SPECIAL CATEGORIES
REGIONAL CONFLICT COUNCIL OPERATIONS

FROM GENERAL REVENUE FUND	150,288	
FROM GRANTS AND DONATIONS TRUST FUND		13,890

1066 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	12,204	

1067 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

FROM GENERAL REVENUE FUND	16,985	

TOTAL: PROGRAM: REGIONAL CONFLICT COUNSEL - FIFTH

FROM GENERAL REVENUE FUND	5,708,233	
FROM TRUST FUNDS		214,883
TOTAL POSITIONS	67.00	
TOTAL ALL FUNDS		5,923,116

TOTAL: JUSTICE ADMINISTRATION

FROM GENERAL REVENUE FUND	644,359,080	
FROM TRUST FUNDS		581,744,387
TOTAL POSITIONS	10,127.25	
TOTAL ALL FUNDS		1,226,103,467
TOTAL APPROVED SALARY RATE	471,568,300	

JUVENILE JUSTICE, DEPARTMENT OF

From the funds in Specific Appropriations 1068 through 1147, each provider who contracts with the Department of Juvenile Justice shall provide the department with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents shall include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.

From the funds in Specific Appropriations 1068 through 1147, the Department of Juvenile Justice shall establish a performance accountability system for each provider who contracts with the department for the delivery of services to children at-risk of future involvement in the criminal justice system, as determined by the department. The contract shall include both output measures, such as the number of children served, and outcome measures, such as program completion. The contractor shall report performance results annually to the department. The department's Office of Program Accountability shall summarize performance results from all contracts and report the information annually to the Legislature.

From the funds in Specific Appropriations 1068 through 1147, the Department of Juvenile Justice is directed to withhold funds from contract payments to any provider if that provider failed to comply with contract requirements that it maintain property insurance and if the failure to do so resulted in uninsured losses. The amount withheld shall not exceed the amount of the uninsured loss and may be reduced by other remedial actions agreed upon by the department and the provider.

From the funds in Specific Appropriations 1068 through 1147, the Department of Juvenile Justice must, before implementing any departmental reorganization plans, submit its proposal to the Governor's Office of Policy and Budget and to the Legislative Budget Commission for approval.

Funds in Specific Appropriations 1068 through 1147 shall not be used to pay for unoccupied space currently being leased by the Department of Juvenile Justice in the event the leases are vacant on or after July 1, 2011, and for which it has been determined by the Secretary of the department that there is no longer a need.

PROGRAM: JUVENILE DETENTION PROGRAM

DETENTION CENTERS

From the funds in Specific Appropriations 1068 through 1077A, the department may contract for services consistent with the department's Juvenile Detention Alternative Initiative (JDAI) and the Annie E. Casey Foundation to divert youth from secure detention to alternative community based services. These services should be designed using in-home and community advocacy to reduce the need for more expensive restrictive placements, build community capacity to reduce recidivism, create supported work opportunities for youth, and improve community safety.

From the funds in Specific Appropriations 1068 through 1077A, the amount from the Shared County/State Juvenile Detention Trust Fund available to the department shall be reduced by the actual reduction in cost associated with providing detention to those juveniles prior to adjudication from a county that opts to provide detention to juveniles prior to adjudication. The remaining counties that continue to place juveniles in the Department of Juvenile Justice's detention centers shall have their billings decreased by the actual reductions in cost, with an exception to fiscally constrained counties.

From the funds in Specific Appropriations 1068 through 1077A, the Florida Association of Counties and the Department of Juvenile Justice shall provide joint recommendations to fund alternatives for locally funded and operated juvenile detention to the Executive Office of the Governors, the President of the Florida Senate and the Speaker of the Florida House of Representatives no later than November 1, 2011. The Department of Juvenile Justice must notify the Senate Budget Committee, the House Appropriations Committee, and the Governor's Office of Policy and Budget of the date of any meeting at least one week prior to each meeting.

APPROVED SALARY RATE 49,826,348

1068 SALARIES AND BENEFITS	POSITIONS	1,556.00	
FROM GENERAL REVENUE FUND		11,548,536	
FROM FEDERAL GRANTS TRUST FUND . . .			757,540
FROM GRANTS AND DONATIONS TRUST FUND			329,049
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND			59,886,264
1069 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		269,707	
FROM GRANTS AND DONATIONS TRUST FUND			473,972
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND			1,812,737
1070 EXPENSES			
FROM GENERAL REVENUE FUND		1,651,164	
FROM FEDERAL GRANTS TRUST FUND . . .			763,886
FROM GRANTS AND DONATIONS TRUST FUND			786,180
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND			4,854,043
1071 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		10,771	
FROM FEDERAL GRANTS TRUST FUND . . .			7,293
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND			219,973

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

1072 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 335,753
FROM FEDERAL GRANTS TRUST FUND . . . 834,388
FROM GRANTS AND DONATIONS TRUST FUND 127,472
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 1,502,575

1073 SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 179,110

1073A SPECIAL CATEGORIES
GRANTS AND AIDS - GRANTS TO FISCALLY CONSTRAINED COUNTIES FOR DETENTION CENTER COSTS
FROM GENERAL REVENUE FUND 4,632,618

1074 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 564,783
FROM FEDERAL GRANTS TRUST FUND . . . 20,392
FROM GRANTS AND DONATIONS TRUST FUND 3,116
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 1,729,324

1075 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 4,790,024
FROM GRANTS AND DONATIONS TRUST FUND 25,000
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 3,318,407

1076 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 584,778
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 3,920,590

1077 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 108,233
FROM FEDERAL GRANTS TRUST FUND . . . 9,777
FROM GRANTS AND DONATIONS TRUST FUND 1,421
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 575,447

1077A FIXED CAPITAL OUTLAY
DEPARTMENT OF JUVENILE JUSTICE MAINTENANCE AND REPAIR - STATE OWNED BUILDINGS
FROM GENERAL REVENUE FUND 300,000

TOTAL: DETENTION CENTERS
FROM GENERAL REVENUE FUND 24,975,477
FROM TRUST FUNDS 81,958,846

TOTAL POSITIONS 1,556.00
TOTAL ALL FUNDS 106,934,323

PROGRAM: PROBATION AND COMMUNITY CORRECTIONS PROGRAM

AFTERCARE SERVICES - CONDITIONAL RELEASE

APPROVED SALARY RATE 807,915

1078 SALARIES AND BENEFITS POSITIONS 24.00
FROM GENERAL REVENUE FUND 1,107,382

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GRANTS AND DONATIONS TRUST FUND 2,797

1079 EXPENSES
FROM GENERAL REVENUE FUND 119,521

1080 SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 451,630

1081 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,714

1082 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 18,285,232
FROM GRANTS AND DONATIONS TRUST FUND 1,519,035
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 992

1083 SPECIAL CATEGORIES
PRODIGY
FROM GENERAL REVENUE FUND 4,400,000

From the funds in Specific Appropriation 1083, the Prodigy Program shall include at least two of the four at-risk domains of the Department of Juvenile Justice's risk factors when placing a youth into a prevention, intervention or diversion program. In addition, each youth who enters the program shall be tracked by the department's Juvenile Justice Information System (JJIS) or Prevention Web system. In addition, the Prodigy Program shall contract with a consultant to track arrests or re-arrests for prevention, intervention, and diversion youth for 12 months after completing the program and submit the results to the department semi-annually.

1084 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 8,620
FROM GRANTS AND DONATIONS TRUST FUND 21

TOTAL: AFTERCARE SERVICES - CONDITIONAL RELEASE
FROM GENERAL REVENUE FUND 24,374,099
FROM TRUST FUNDS 1,522,845

TOTAL POSITIONS 24.00
TOTAL ALL FUNDS 25,896,944

JUVENILE PROBATION

APPROVED SALARY RATE 46,854,375

1085 SALARIES AND BENEFITS POSITIONS 1,335.50
FROM GENERAL REVENUE FUND 55,765,453
FROM GRANTS AND DONATIONS TRUST FUND 67,121
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 7,629,663

1086 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,178,896

1087 EXPENSES
FROM GENERAL REVENUE FUND 8,077,043
FROM FEDERAL GRANTS TRUST FUND . . . 35,866
FROM GRANTS AND DONATIONS TRUST FUND 7,407
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 494,362

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
1088 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 68,687

1089 SPECIAL CATEGORIES
JUVENILE REDIRECTIONS PROGRAM
FROM GENERAL REVENUE FUND 9,364,831

Funds in Specific Appropriation 1089, are provided for services to youth at risk of commitment, which are eligible to be placed in evidenced-based and other alternative programs for family therapy services. These services shall be provided as an alternative to commitment. The Department of Juvenile Justice and each participating court may jointly develop criteria to identify youth appropriate for diversion into the Redirection Program.

From the funds in Specific Appropriation 1089, the Department of Juvenile Justice may transfer up to $2,000,000 from the General Revenue Fund to the Agency for Health Care Administration to provide Medicaid coverage for children eligible for specialized mental health services.

1090 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 995,862
FROM SOCIAL SERVICES BLOCK GRANT
TRUST FUND 70,346

1091 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 13,548,354
FROM GRANTS AND DONATIONS TRUST
FUND 14,813

1092 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 989,034

1093 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 462,016
FROM GRANTS AND DONATIONS TRUST
FUND 26,049

TOTAL: JUVENILE PROBATION
FROM GENERAL REVENUE FUND 90,450,176
FROM TRUST FUNDS 8,345,627

TOTAL POSITIONS 1,335.50
TOTAL ALL FUNDS 98,795,803

NON-RESIDENTIAL DELINQUENCY REHABILITATION

1094 SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND
PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 184,317

1095 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 18,393,545
FROM GRANTS AND DONATIONS TRUST
FUND 18,462
FROM SOCIAL SERVICES BLOCK GRANT
TRUST FUND 81,003

TOTAL: NON-RESIDENTIAL DELINQUENCY REHABILITATION
FROM GENERAL REVENUE FUND 18,577,862
FROM TRUST FUNDS 99,465

TOTAL ALL FUNDS 18,677,327

PROGRAM: OFFICE OF THE SECRETARY/ASSISTANT
SECRETARY FOR ADMINISTRATIVE SERVICES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 9,670,616

1096 SALARIES AND BENEFITS POSITIONS 226.50
FROM GENERAL REVENUE FUND 12,988,989
FROM FEDERAL GRANTS TRUST FUND . . . 132,946
FROM GRANTS AND DONATIONS TRUST
FUND 296,967

1097 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 161,156
FROM ADMINISTRATIVE TRUST FUND . . . 72,341
FROM JUVENILE JUSTICE TRAINING
TRUST FUND 11,712

1098 EXPENSES
FROM GENERAL REVENUE FUND 2,464,117
FROM ADMINISTRATIVE TRUST FUND . . . 645,930
FROM FEDERAL GRANTS TRUST FUND . . . 14,396
FROM GRANTS AND DONATIONS TRUST
FUND 149,305
FROM JUVENILE JUSTICE TRAINING
TRUST FUND 609,326

1099 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 32,841

1100 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 414,714

1101 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM GENERAL REVENUE FUND 17,193

1102 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 547,208
FROM GRANTS AND DONATIONS TRUST
FUND 208,537

1103 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 241,169
FROM JUVENILE JUSTICE TRAINING
TRUST FUND 2,139,189

1104 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 329,197

1105 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 87,844
FROM FEDERAL GRANTS TRUST FUND . . . 652
FROM GRANTS AND DONATIONS TRUST
FUND 1,963

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 17,284,428
FROM TRUST FUNDS 4,283,264

TOTAL POSITIONS 226.50
TOTAL ALL FUNDS 21,567,692

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 2,807,128

1106 SALARIES AND BENEFITS POSITIONS 59.50

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 3,460,041

1107 EXPENSES
FROM GENERAL REVENUE FUND 2,045,547

1108 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 48,866

1109 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 313,377

1110 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 14,680

1111 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 22,295

1112 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 3,068

1113 DATA PROCESSING SERVICES
NORTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 336,609

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 6,244,483

TOTAL POSITIONS 59.50
TOTAL ALL FUNDS 6,244,483

PROGRAM: RESIDENTIAL CORRECTIONS PROGRAM

From the funds in Specific Appropriations 1114 through 1135, the department shall provide a weekly residential resource utilization report that identifies operating capacity, current placements, vacant placements, number of youth waiting placement and the percent of use for all residential commitment beds. The department may increase or decrease beds or overlay services provided that the change will better serve taxpayers and the youth under its care. Notification and justification of changes will be provided to the Governor's Office of Policy and Budget, the chair of the Senate Budget Committee and the chair of the House Appropriations Committee prior to implementing any change.

From the funds in Specific Appropriations 1114 through 1135, the Department of Juvenile Justice shall make residential bed reductions in non-secure and secure beds that are operated by the department before reducing privately operated residential beds. In addition, the closure of state-operated facilities will include the DeSoto Juvenile Correctional Facility located in DeSoto County. The department is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to place positions in reserve and realign budget authority as needed.

NON-SECURE RESIDENTIAL COMMITMENT

APPROVED SALARY RATE 8,180,871

1114 SALARIES AND BENEFITS POSITIONS 270.00
FROM GENERAL REVENUE FUND 9,062,478
FROM FEDERAL GRANTS TRUST FUND . . . 49,569
FROM GRANTS AND DONATIONS TRUST FUND 72,917
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,916,754

1115 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 103,278

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GRANTS AND DONATIONS TRUST FUND 31,862

1116 EXPENSES
FROM GENERAL REVENUE FUND 1,312,507
FROM FEDERAL GRANTS TRUST FUND . . . 320,563
FROM GRANTS AND DONATIONS TRUST FUND 26,656
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 264,925

1117 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND 21,231

1118 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 488,160
FROM FEDERAL GRANTS TRUST FUND . . . 198,861
FROM GRANTS AND DONATIONS TRUST FUND 88,871

1119 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 44,571

1120 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 717,447
FROM FEDERAL GRANTS TRUST FUND . . . 1,476
FROM GRANTS AND DONATIONS TRUST FUND 2,172

1121 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 83,025,905
FROM FEDERAL GRANTS TRUST FUND . . . 45,066
FROM GRANTS AND DONATIONS TRUST FUND 372,759
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,318,436

From the funds in Specific Appropriation 1121, a reduction of $4,075,334 in recurring general revenue in Non-Secure Residential Commitment may be taken through bed reductions, provider rate reductions, or contracted services reductions.

1122 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 916,648
FROM GRANTS AND DONATIONS TRUST FUND 65,503

1123 SPECIAL CATEGORIES
GRANTS AND AIDS - WILDERNESS THERAPEUTIC SERVICES
FROM GENERAL REVENUE FUND 3,892,478

1124 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 102,850
FROM FEDERAL GRANTS TRUST FUND . . . 592
FROM GRANTS AND DONATIONS TRUST FUND 873

TOTAL: NON-SECURE RESIDENTIAL COMMITMENT
FROM GENERAL REVENUE FUND 99,666,322
FROM TRUST FUNDS 6,799,086

TOTAL POSITIONS 270.00
TOTAL ALL FUNDS 106,465,408

SECURE RESIDENTIAL COMMITMENT

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
APPROVED SALARY RATE 22,796,891

1125 SALARIES AND BENEFITS POSITIONS 640.00
FROM GENERAL REVENUE FUND 29,673,286
FROM FEDERAL GRANTS TRUST FUND . . . 114,394
FROM GRANTS AND DONATIONS TRUST FUND 464,805
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,267,459

1126 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 381,183
FROM GRANTS AND DONATIONS TRUST FUND 67,000

1127 EXPENSES
FROM GENERAL REVENUE FUND 2,738,760
FROM FEDERAL GRANTS TRUST FUND . . . 6,279
FROM GRANTS AND DONATIONS TRUST FUND 11,893

1128 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND 33,861

1129 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 323,810
FROM FEDERAL GRANTS TRUST FUND . . . 160,400
FROM GRANTS AND DONATIONS TRUST FUND 194,644

1130 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTUAL SERVICES-OKEECHOBEE TRAINING SCHOOL
FROM GENERAL REVENUE FUND 6,385,963
FROM GRANTS AND DONATIONS TRUST FUND 32,088
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,546,273

1131 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,312,627
FROM FEDERAL GRANTS TRUST FUND . . . 2,512
FROM GRANTS AND DONATIONS TRUST FUND 4,757

1132 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 11,984,674
FROM FEDERAL GRANTS TRUST FUND . . . 4,003
FROM GRANTS AND DONATIONS TRUST FUND 274,785
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 30,913,498

1133 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 918,806

1134 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 222,131
FROM FEDERAL GRANTS TRUST FUND . . . 6,980
FROM GRANTS AND DONATIONS TRUST FUND 16,830

1135 FIXED CAPITAL OUTLAY
JUVENILE FACILITIES - LEASE PURCHASE
FROM GENERAL REVENUE FUND 1,806,244

TOTAL: SECURE RESIDENTIAL COMMITMENT
FROM GENERAL REVENUE FUND 55,747,484
FROM TRUST FUNDS 37,122,461

TOTAL POSITIONS 640.00
TOTAL ALL FUNDS 92,869,945

PROGRAM: PREVENTION AND VICTIM SERVICES

DELINQUENCY PREVENTION AND DIVERSION

APPROVED SALARY RATE 841,307

1136 SALARIES AND BENEFITS POSITIONS 17.00
FROM GENERAL REVENUE FUND 647,231
FROM FEDERAL GRANTS TRUST FUND . . . 57,476
FROM GRANTS AND DONATIONS TRUST FUND 469,094

1137 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 287,192
FROM FEDERAL GRANTS TRUST FUND . . . 187,513
FROM GRANTS AND DONATIONS TRUST FUND 141,126

1138 EXPENSES
FROM GENERAL REVENUE FUND 236,347
FROM FEDERAL GRANTS TRUST FUND . . . 69,500
FROM GRANTS AND DONATIONS TRUST FUND 282,180

1139 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INVEST IN CHILDREN
FROM JUVENILE CRIME PREVENTION AND EARLY INTERVENTION TRUST FUND . . . 412,903

1140 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 12,450
FROM GRANTS AND DONATIONS TRUST FUND 12,450

1141 SPECIAL CATEGORIES
PACE CENTERS
FROM GENERAL REVENUE FUND 7,666,517
FROM GRANTS AND DONATIONS TRUST FUND 3,290,514

1142 SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 1,827,920

From the funds in Specific Appropriation 1142, $650,415 from recurring general revenue funds is provided to the PAR Adolescent Intervention Center (PAIC) Pasco.

From the funds in Specific Appropriation 1142, $1,000,000 from recurring general revenue funds is provided to develop a pilot program to provide jobs to at-risk youth. The department shall contract with non-profit or faith-based organizations that have experience in providing services to at-risk youth and community involvement in the counties of Pinellas, Hillsborough and Manatee.

1143 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 33,720

1144 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,297,989
FROM FEDERAL GRANTS TRUST FUND . . . 6,853,933
FROM GRANTS AND DONATIONS TRUST FUND 2,570,115
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,639

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
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APPROPRIATION

From the funds in Specific Appropriation 1144, $500,000 in recurring general revenue funds and $1,200,000 in nonrecurring general revenue funds is provided for the Florida Alliance of Boys and Girls Clubs.

1145 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,795

1146 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN/FAMILIES IN NEED OF SERVICES
FROM GENERAL REVENUE FUND 19,127,748
FROM FEDERAL GRANTS TRUST FUND . . . 1,000,000
FROM GRANTS AND DONATIONS TRUST FUND 10,277,763
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 383,858

From the funds in Specific Appropriation 1146, the Department of Juvenile Justice shall not expend more than $150,000 in recurring general revenue funds for physically secure placements for youths being served by the Children-In-Need of Services/Families-In-Need of Services (CINS/FINS) program.

Additionally, the CINS/FINS provider shall demonstrate that it has considered local, non-traditional, non-residential delinquency prevention service providers including, but not limited to, grassroots organizations, community, and faith-based organizations, to subcontract and deliver non-residential CINS/FINS services to eligible youth as defined in chapter 984 and section 1003.27, F.S., to include areas with high ratios of juvenile arrests per youth 10 to 17 years of age. Such services may be offered throughout the judicial circuit served by the CINS/FINS provider.

1147 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 3,086
FROM FEDERAL GRANTS TRUST FUND . . . 367
FROM GRANTS AND DONATIONS TRUST FUND 2,952

TOTAL: DELINQUENCY PREVENTION AND DIVERSION
FROM GENERAL REVENUE FUND 32,130,545
FROM TRUST FUNDS 26,026,833

TOTAL POSITIONS 17.00
TOTAL ALL FUNDS 58,157,378

TOTAL: JUVENILE JUSTICE, DEPARTMENT OF
FROM GENERAL REVENUE FUND 369,450,876
FROM TRUST FUNDS 166,158,427

TOTAL POSITIONS 4,128.50
TOTAL ALL FUNDS 535,609,303
TOTAL APPROVED SALARY RATE 141,785,451

LAW ENFORCEMENT, DEPARTMENT OF

The funds in the Specific Appropriations 1148 through 1252, the Commissioner of the Florida Department of Law Enforcement (FDLE) shall defer to the current collective bargaining agreement between FDLE and special agents when reducing positions in the department for Fiscal Year 2011-2012. The Commissioner may also give priority to sworn law enforcement classes represented by collective bargaining agreements when implementing any position reductions in order to carry out the investigative responsibilities of the agency.

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT

PROVIDE EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 6,171,023

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
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APPROPRIATION

1148 SALARIES AND BENEFITS POSITIONS 120.50
FROM GENERAL REVENUE FUND 1,807,008
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 606,818
FROM FEDERAL GRANTS TRUST FUND . . . 523,202
FROM OPERATING TRUST FUND 4,920,797

1149 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 26,838
FROM ADMINISTRATIVE TRUST FUND . . . 5,000
FROM FEDERAL GRANTS TRUST FUND . . . 198,602
FROM OPERATING TRUST FUND 56,138

1150 EXPENSES
FROM GENERAL REVENUE FUND 840,733
FROM ADMINISTRATIVE TRUST FUND . . . 64,548
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 40,557
FROM FEDERAL GRANTS TRUST FUND . . . 166,111
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 286,666
FROM OPERATING TRUST FUND 546,467
FROM REVOLVING TRUST FUND 1,000,000

1151 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - STATE AGENCIES
FROM FEDERAL GRANTS TRUST FUND . . . 4,910,162

1152 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - LOCAL GOVERNMENTS
FROM FEDERAL GRANTS TRUST FUND . . . 1,529,434

1153 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROJECT SAFE NEIGHBORHOODS
FROM FEDERAL GRANTS TRUST FUND . . . 1,263,483

1154 AID TO LOCAL GOVERNMENTS
BYRNE MEMORIAL LOCAL LAW ENFORCEMENT ASSISTANCE PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 19,118,106

1155 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 24,616
FROM FEDERAL GRANTS TRUST FUND . . . 3,242
FROM OPERATING TRUST FUND 337

1156 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 9,650
FROM OPERATING TRUST FUND 402

1157 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY AND STATEWIDE DRUG ABUSE PREVENTION PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 4,497,908

1158 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 67,480
FROM ADMINISTRATIVE TRUST FUND . . . 15,000
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 3,203
FROM FEDERAL GRANTS TRUST FUND . . . 218,573
FROM OPERATING TRUST FUND 152,372

1159 SPECIAL CATEGORIES
DOMESTIC SECURITY
FROM OPERATING TRUST FUND 500

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
1160 SPECIAL CATEGORIES
OVERTIME
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 748

1161 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 13,395
FROM ADMINISTRATIVE TRUST FUND . . . 26,208
FROM OPERATING TRUST FUND 15,295

1162 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 667

1163 SPECIAL CATEGORIES
BYRNE MEMORIAL STATE LAW ENFORCEMENT
ASSISTANCE PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 10,412,678

1164 SPECIAL CATEGORIES
GRANTS AND AID - RESIDENTIAL SUBSTANCE
ABUSE TREATMENT PROGRAM - LOCAL UNITS OF
GOVERNMENT
FROM FEDERAL GRANTS TRUST FUND . . . 1,247,724

1165 SPECIAL CATEGORIES
GRANTS AND AID - RESIDENTIAL SUBSTANCE
ABUSE TREATMENT PROGRAM - STATE AGENCY
FROM FEDERAL GRANTS TRUST FUND . . . 3,675,511

1168 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 21,605
FROM ADMINISTRATIVE TRUST FUND . . . 2,975
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 2,934
FROM OPERATING TRUST FUND 15,658

TOTAL: PROVIDE EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,811,992
FROM TRUST FUNDS 55,527,359

TOTAL POSITIONS 120.50
TOTAL ALL FUNDS 58,339,351

PROGRAM: FLORIDA CAPITOL POLICE PROGRAM

CAPITOL POLICE SERVICES

APPROVED SALARY RATE 3,526,886

1169 SALARIES AND BENEFITS POSITIONS 90.00
FROM GENERAL REVENUE FUND 2,233
FROM OPERATING TRUST FUND 5,231,845

1170 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 28,778

1171 EXPENSES
FROM OPERATING TRUST FUND 546,842

1172 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 85,369

1173 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM OPERATING TRUST FUND 30,500

1174 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM OPERATING TRUST FUND 70,084

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SPECIFIC
APPROPRIATION
1175 SPECIAL CATEGORIES
CAPITOL COMPLEX SECURITY
FROM GENERAL REVENUE FUND 7,360
FROM OPERATING TRUST FUND 20,000

1176 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 111,943

1177 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM OPERATING TRUST FUND 68,064

1178 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 358
FROM OPERATING TRUST FUND 28,499

1179 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
MANAGEMENT SERVICES
FROM OPERATING TRUST FUND 6,969

TOTAL: CAPITOL POLICE SERVICES
FROM GENERAL REVENUE FUND 9,951
FROM TRUST FUNDS 6,228,893

TOTAL POSITIONS 90.00
TOTAL ALL FUNDS 6,238,844

PROGRAM: INVESTIGATIONS AND FORENSIC SCIENCE
PROGRAM

PROVIDE CRIME LAB SERVICES

APPROVED SALARY RATE 19,191,211

1180 SALARIES AND BENEFITS POSITIONS 404.00
FROM GENERAL REVENUE FUND 27,841,787
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 41,290
FROM FEDERAL GRANTS TRUST FUND . . . 438,549
FROM OPERATING TRUST FUND 265,851

1181 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 57,211
FROM FEDERAL GRANTS TRUST FUND . . . 156,280

1182 EXPENSES
FROM GENERAL REVENUE FUND 5,565,310
FROM FEDERAL GRANTS TRUST FUND . . . 2,952,624
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 510,531
FROM OPERATING TRUST FUND 391,362

From the funds in Specific Appropriation 1182, the Department of Law Enforcement is authorized to distribute 10,000 rape kits to local law enforcement agencies and rape crisis centers statewide at no cost. In addition, the department is authorized to use additional federal funds and any other available funds contained in Specific Appropriation 1182 for the purpose of processing rape kits, including the backlog of non-suspect rape cases.

1183 AID TO LOCAL GOVERNMENTS
CRIMINAL INVESTIGATIONS
FROM FEDERAL GRANTS TRUST FUND . . . 741,091
FROM OPERATING TRUST FUND 2,379,702

1184 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 364,099
FROM ADMINISTRATIVE TRUST FUND . . . 5,000
FROM FEDERAL GRANTS TRUST FUND . . . 1,327,000

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

1185 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 168,960

1186 SPECIAL CATEGORIES
PERFORMANCE ADJUSTMENTS
FROM GENERAL REVENUE FUND 351,900

1187 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 798,628
FROM FEDERAL GRANTS TRUST FUND . . . 1,690,200

1188 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 137,642

1189 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 136,488
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 197
FROM FEDERAL GRANTS TRUST FUND . . . 1,863

TOTAL: PROVIDE CRIME LAB SERVICES
FROM GENERAL REVENUE FUND 35,284,383
FROM TRUST FUNDS 11,039,182

TOTAL POSITIONS 404.00
TOTAL ALL FUNDS 46,323,565

PROVIDE INVESTIGATIVE SERVICES

APPROVED SALARY RATE 32,736,095

1190 SALARIES AND BENEFITS POSITIONS 558.00
FROM GENERAL REVENUE FUND 36,157,236
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 1,265,890
FROM FEDERAL GRANTS TRUST FUND . . . 656,639
FROM GRANTS AND DONATIONS TRUST
FUND 69
FROM OPERATING TRUST FUND 9,100,026

1191 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 293,593
FROM ADMINISTRATIVE TRUST FUND . . . 25,276
FROM FEDERAL GRANTS TRUST FUND . . . 194,832
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 42,360
FROM GRANTS AND DONATIONS TRUST
FUND 50
FROM OPERATING TRUST FUND 38,070

1192 EXPENSES
FROM GENERAL REVENUE FUND 6,425,881
FROM ADMINISTRATIVE TRUST FUND . . . 132,670
FROM FEDERAL GRANTS TRUST FUND . . . 235,647
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 833,472
FROM GRANTS AND DONATIONS TRUST
FUND 4,500
FROM OPERATING TRUST FUND 2,825,552

From the funds provided in Specific Appropriation 1192 from the Forfeiture and Investigative Support Trust Fund, up to $25,000 per case, but not exceeding $150,000 in total for all cases, may be expended for rewards leading to the capture of fugitives, if such funds are available.

1193 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 54,144
FROM ADMINISTRATIVE TRUST FUND . . . 5,000
FROM FEDERAL GRANTS TRUST FUND . . . 59,509
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 190,574

1194 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 90,091
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 580,000

1195 SPECIAL CATEGORIES
FLORIDA SEAPORT SECURITY IMPROVEMENTS
FROM GENERAL REVENUE FUND 288,597

1196 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 534,741
FROM ADMINISTRATIVE TRUST FUND . . . 5,000
FROM FEDERAL GRANTS TRUST FUND . . . 147,441
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 34,624
FROM OPERATING TRUST FUND 121,896

1197 SPECIAL CATEGORIES
DOMESTIC SECURITY
FROM GENERAL REVENUE FUND 1,350,267
FROM FEDERAL GRANTS TRUST FUND . . . 1,522,672

1198 SPECIAL CATEGORIES
GRANTS AND AIDS - SPECIAL PROJECTS
FROM GENERAL REVENUE FUND 232,461

1199 SPECIAL CATEGORIES
OVERTIME
FROM ADMINISTRATIVE TRUST FUND . . . 3,013
FROM FEDERAL GRANTS TRUST FUND . . . 314,125
FROM GRANTS AND DONATIONS TRUST
FUND 4,250
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 1,018,486

1200 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 369,689
FROM ADMINISTRATIVE TRUST FUND . . . 460,532
FROM OPERATING TRUST FUND 108,661

1201 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 487,991
FROM OPERATING TRUST FUND 21,312

1203 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 225,875
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 1,177
FROM FEDERAL GRANTS TRUST FUND . . . 3,595
FROM OPERATING TRUST FUND 4,795

TOTAL: PROVIDE INVESTIGATIVE SERVICES
FROM GENERAL REVENUE FUND 46,510,566
FROM TRUST FUNDS 19,961,715

TOTAL POSITIONS 558.00
TOTAL ALL FUNDS 66,472,281

MUTUAL AID AND PREVENTION SERVICES

APPROVED SALARY RATE 1,107,326

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APPROPRIATION
1204 SALARIES AND BENEFITS POSITIONS 18.00
FROM GENERAL REVENUE FUND 1,499,606
FROM OPERATING TRUST FUND 32,405

1205 EXPENSES
FROM GENERAL REVENUE FUND 129,052

1206 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 9,441

1207 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,831

1208 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 6,769
FROM OPERATING TRUST FUND 136

TOTAL: MUTUAL AID AND PREVENTION SERVICES
FROM GENERAL REVENUE FUND 1,647,699
FROM TRUST FUNDS 32,541

TOTAL POSITIONS 18.00
TOTAL ALL FUNDS 1,680,240

PROGRAM: CRIMINAL JUSTICE INFORMATION PROGRAM

PROVIDE INFORMATION NETWORK SERVICES TO THE LAW
ENFORCEMENT COMMUNITY

APPROVED SALARY RATE 6,252,157

1217 SALARIES AND BENEFITS POSITIONS 119.00
FROM GENERAL REVENUE FUND 254,147
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 143,528
FROM FEDERAL GRANTS TRUST FUND . . . 64,364
FROM OPERATING TRUST FUND 7,732,628

1218 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 5,838
FROM FEDERAL GRANTS TRUST FUND . . . 176,735
FROM OPERATING TRUST FUND 183,500

1219 EXPENSES
FROM GENERAL REVENUE FUND 32,750
FROM ADMINISTRATIVE TRUST FUND . . . 2,202
FROM FEDERAL GRANTS TRUST FUND . . . 370,423
FROM OPERATING TRUST FUND 7,502,750

1220 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 5,000
FROM FEDERAL GRANTS TRUST FUND . . . 489,099
FROM OPERATING TRUST FUND 1,666,018

1221 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 599
FROM ADMINISTRATIVE TRUST FUND . . . 113,100
FROM FEDERAL GRANTS TRUST FUND . . . 1,965,523
FROM OPERATING TRUST FUND 5,475,504

1222 SPECIAL CATEGORIES
OVERTIME
FROM OPERATING TRUST FUND 46,200

1223 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 1,524
FROM OPERATING TRUST FUND 19,310

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
1224 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM OPERATING TRUST FUND 942,110

1225 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 6,841
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 1,559
FROM FEDERAL GRANTS TRUST FUND . . . 351
FROM OPERATING TRUST FUND 34,381

1226 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
MANAGEMENT SERVICES
FROM OPERATING TRUST FUND 26,740

TOTAL: PROVIDE INFORMATION NETWORK SERVICES TO THE LAW
ENFORCEMENT COMMUNITY
FROM GENERAL REVENUE FUND 294,337
FROM TRUST FUNDS 26,968,387

TOTAL POSITIONS 119.00
TOTAL ALL FUNDS 27,262,724

PROVIDE PREVENTION AND CRIME INFORMATION SERVICES

APPROVED SALARY RATE 9,991,935

1227 SALARIES AND BENEFITS POSITIONS 277.00
FROM GENERAL REVENUE FUND 513,637
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 214,165
FROM FEDERAL GRANTS TRUST FUND . . . 476,317
FROM OPERATING TRUST FUND 12,398,312

1228 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 10,000
FROM ADMINISTRATIVE TRUST FUND . . . 5,000
FROM FEDERAL GRANTS TRUST FUND . . . 616,733
FROM OPERATING TRUST FUND 436,394

1229 EXPENSES
FROM GENERAL REVENUE FUND 172,721
FROM ADMINISTRATIVE TRUST FUND . . . 85,781
FROM FEDERAL GRANTS TRUST FUND . . . 358,539
FROM OPERATING TRUST FUND 2,034,495

1230 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,600
FROM OPERATING TRUST FUND 309,792

1231 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 402
FROM OPERATING TRUST FUND 93,168

1232 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 202,478
FROM ADMINISTRATIVE TRUST FUND . . . 2,000
FROM FEDERAL GRANTS TRUST FUND . . . 145,340
FROM OPERATING TRUST FUND 1,322,360

1233 SPECIAL CATEGORIES
OVERTIME
FROM OPERATING TRUST FUND 218,946

1234 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 33,321
FROM OPERATING TRUST FUND 42,869

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
1235 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM OPERATING TRUST FUND 5,160

1236 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 5,868
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 1,420
FROM FEDERAL GRANTS TRUST FUND . . . 3,235
FROM OPERATING TRUST FUND 90,801

TOTAL: PROVIDE PREVENTION AND CRIME INFORMATION SERVICES
FROM GENERAL REVENUE FUND 907,706
FROM TRUST FUNDS 18,894,148

TOTAL POSITIONS 277.00
TOTAL ALL FUNDS 19,801,854

PROGRAM: CRIMINAL JUSTICE PROFESSIONALISM

LAW ENFORCEMENT STANDARDS COMPLIANCE

APPROVED SALARY RATE 2,420,997

1237 SALARIES AND BENEFITS POSITIONS 48.00
FROM GENERAL REVENUE FUND 40,248
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 2,956,487

1238 OTHER PERSONAL SERVICES
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 205,380

1239 EXPENSES
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 432,265

1240 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 29,772
FROM OPERATING TRUST FUND 14,491

1241 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 175,741
FROM OPERATING TRUST FUND 100,000

1242 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 8,183

1243 SPECIAL CATEGORIES
GRANTS AND AIDS - SPECIAL EDUCATION AND TECHNICAL TRAINING
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 6,001,252

1244 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 203
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 18,653

TOTAL: LAW ENFORCEMENT STANDARDS COMPLIANCE
FROM GENERAL REVENUE FUND 40,451
FROM TRUST FUNDS 9,942,224

TOTAL POSITIONS 48.00
TOTAL ALL FUNDS 9,982,675

LAW ENFORCEMENT TRAINING AND CERTIFICATION SERVICES

APPROVED SALARY RATE 2,470,445

1245 SALARIES AND BENEFITS POSITIONS 47.50
FROM GENERAL REVENUE FUND 6,201
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 3,085,542
FROM OPERATING TRUST FUND 208,910

1246 OTHER PERSONAL SERVICES
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 660,798
FROM OPERATING TRUST FUND 3,000

1247 EXPENSES
FROM GENERAL REVENUE FUND 18,174
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 1,800,393
FROM OPERATING TRUST FUND 61,178

1248 OPERATING CAPITAL OUTLAY
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 203,819

1249 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,000
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 218,202
FROM OPERATING TRUST FUND 36,579

1250 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 3,168
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 8,951

1251 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 4,290
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 5,070

1252 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 1,839
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 16,644
FROM OPERATING TRUST FUND 1,152

TOTAL: LAW ENFORCEMENT TRAINING AND CERTIFICATION SERVICES
FROM GENERAL REVENUE FUND 31,504
FROM TRUST FUNDS 6,313,406

TOTAL POSITIONS 47.50
TOTAL ALL FUNDS 6,344,910

TOTAL: LAW ENFORCEMENT, DEPARTMENT OF
FROM GENERAL REVENUE FUND 87,538,589
FROM TRUST FUNDS 154,907,855

TOTAL POSITIONS 1,682.00
TOTAL ALL FUNDS 242,446,444
TOTAL APPROVED SALARY RATE 83,868,075

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

PROGRAM: OFFICE OF ATTORNEY GENERAL

CIVIL ENFORCEMENT

APPROVED SALARY RATE 25,040,380

1253 SALARIES AND BENEFITS POSITIONS 564.00
FROM GENERAL REVENUE FUND 3,459,059
FROM CRIMES COMPENSATION TRUST FUND 2,758
FROM FEDERAL GRANTS TRUST FUND . . . 11,780,844
FROM LEGAL SERVICES TRUST FUND . . . 11,430,037
FROM LEGAL AFFAIRS REVOLVING TRUST FUND 7,239,853
FROM MOTOR VEHICLE WARRANTY TRUST FUND 1,485,041
FROM OPERATING TRUST FUND 933,701

1254 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 89,404
FROM FEDERAL GRANTS TRUST FUND . . . 125,709
FROM GRANTS AND DONATIONS TRUST FUND 100,000
FROM LEGAL SERVICES TRUST FUND . . . 240,834
FROM MOTOR VEHICLE WARRANTY TRUST FUND 85,512

1255 EXPENSES
FROM GENERAL REVENUE FUND 355,636
FROM FEDERAL GRANTS TRUST FUND . . . 1,674,641
FROM GRANTS AND DONATIONS TRUST FUND 250,000
FROM LEGAL SERVICES TRUST FUND . . . 1,672,019
FROM LEGAL AFFAIRS REVOLVING TRUST FUND 5,539
FROM MOTOR VEHICLE WARRANTY TRUST FUND 427,190
FROM OPERATING TRUST FUND 7,830

1256 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 110,951
FROM FEDERAL GRANTS TRUST FUND . . . 303,530
FROM GRANTS AND DONATIONS TRUST FUND 150,000
FROM LEGAL SERVICES TRUST FUND . . . 520,700
FROM LEGAL AFFAIRS REVOLVING TRUST FUND 51,938
FROM MOTOR VEHICLE WARRANTY TRUST FUND 44,114

1257 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 53,927
FROM FEDERAL GRANTS TRUST FUND . . . 203,551

1258 SPECIAL CATEGORIES
MEDICAID FRAUD INFORMANT REWARDS
FROM OPERATING TRUST FUND 2,000,000

1259 SPECIAL CATEGORIES
ANTITRUST INVESTIGATIONS
FROM LEGAL AFFAIRS REVOLVING TRUST FUND 1,478,868

1260 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 47,597
FROM FEDERAL GRANTS TRUST FUND . . . 144,731
FROM GRANTS AND DONATIONS TRUST FUND 1,500,000
FROM LEGAL SERVICES TRUST FUND . . . 719,580
FROM MOTOR VEHICLE WARRANTY TRUST FUND 74,281

1261 SPECIAL CATEGORIES
ECONOMIC CRIME LITIGATION
FROM LEGAL AFFAIRS REVOLVING TRUST FUND 5,152,068

1262 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 53,441
FROM FEDERAL GRANTS TRUST FUND . . . 113,871
FROM LEGAL SERVICES TRUST FUND . . . 159,954
FROM LEGAL AFFAIRS REVOLVING TRUST FUND 100,712
FROM MOTOR VEHICLE WARRANTY TRUST FUND 8,568

1263 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 62,376
FROM FEDERAL GRANTS TRUST FUND . . . 97,661

1264 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 32,376
FROM FEDERAL GRANTS TRUST FUND . . . 69,640
FROM LEGAL SERVICES TRUST FUND . . . 63,638
FROM LEGAL AFFAIRS REVOLVING TRUST FUND 32,182
FROM MOTOR VEHICLE WARRANTY TRUST FUND 8,708

1265 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM LEGAL AFFAIRS REVOLVING TRUST FUND 7,448

1266 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 12,483
FROM FEDERAL GRANTS TRUST FUND . . . 35,000
FROM LEGAL SERVICES TRUST FUND . . . 192,081

TOTAL: CIVIL ENFORCEMENT
FROM GENERAL REVENUE FUND 4,277,250
FROM TRUST FUNDS 50,694,332

TOTAL POSITIONS 564.00
TOTAL ALL FUNDS 54,971,582

CONSTITUTIONAL LEGAL SERVICES

APPROVED SALARY RATE 1,508,418

1267 SALARIES AND BENEFITS POSITIONS 22.50
FROM GENERAL REVENUE FUND 1,964,727
FROM CRIMES COMPENSATION TRUST FUND 402
FROM OPERATING TRUST FUND 97,449

1268 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 21,754

1269 EXPENSES
FROM GENERAL REVENUE FUND 179,558

1270 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 24,162

1271 SPECIAL CATEGORIES
CONTRACTED SERVICES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 5,920

1272 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 15,665

1273 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 8,291
FROM OPERATING TRUST FUND 421

TOTAL: CONSTITUTIONAL LEGAL SERVICES
FROM GENERAL REVENUE FUND 2,220,077
FROM TRUST FUNDS 98,272

TOTAL POSITIONS 22.50
TOTAL ALL FUNDS 2,318,349

CRIMINAL AND CIVIL LITIGATION DEFENSE

APPROVED SALARY RATE 18,844,344

1274 SALARIES AND BENEFITS POSITIONS 351.50
FROM GENERAL REVENUE FUND 11,103,871
FROM CRIMES COMPENSATION TRUST FUND 3,000
FROM LEGAL SERVICES TRUST FUND . . . 11,320,805
FROM OPERATING TRUST FUND 1,850,098

1275 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 46,057
FROM LEGAL SERVICES TRUST FUND . . . 806,161

1276 EXPENSES
FROM GENERAL REVENUE FUND 1,356,374
FROM LEGAL SERVICES TRUST FUND . . . 1,899,205

1277 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 178,632
FROM LEGAL SERVICES TRUST FUND . . . 362,691

1278 LUMP SUM
ATTORNEY GENERAL RESERVE POSITIONS FOR AGENCY CONTRACTS
POSITIONS 50.00

The positions in Specific Appropriation 1278 shall be released as necessary to allow the Office of the Attorney General to contract with state agencies to provide legal representation.

1279 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 104,367
FROM LEGAL SERVICES TRUST FUND . . . 1,273,819

1280 SPECIAL CATEGORIES
LITIGATION EXPENSES
FROM LEGAL SERVICES TRUST FUND . . . 46,500

1281 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 111,260
FROM LEGAL SERVICES TRUST FUND . . . 91,879

1282 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 69,067
FROM LEGAL SERVICES TRUST FUND . . . 61,912

1283 DATA PROCESSING SERVICES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
OTHER DATA PROCESSING SERVICES
FROM LEGAL SERVICES TRUST FUND . . . 30,972

TOTAL: CRIMINAL AND CIVIL LITIGATION DEFENSE
FROM GENERAL REVENUE FUND 12,969,628
FROM TRUST FUNDS 17,747,042

TOTAL POSITIONS 401.50
TOTAL ALL FUNDS 30,716,670

VICTIM SERVICES

APPROVED SALARY RATE 4,162,013

1284 SALARIES AND BENEFITS POSITIONS 99.00
FROM CRIMES COMPENSATION TRUST FUND 4,417,339
FROM CRIME STOPPERS TRUST FUND . . . 90,619
FROM FEDERAL GRANTS TRUST FUND . . . 906,980
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 326,761

1285 OTHER PERSONAL SERVICES
FROM CRIMES COMPENSATION TRUST FUND 55,060
FROM CRIME STOPPERS TRUST FUND . . . 5,100
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 155,796

1286 EXPENSES
FROM CRIMES COMPENSATION TRUST FUND 781,854
FROM CRIME STOPPERS TRUST FUND . . . 63,396
FROM FEDERAL GRANTS TRUST FUND . . . 108,689
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 99,564

1287 OPERATING CAPITAL OUTLAY
FROM CRIMES COMPENSATION TRUST FUND 123,407
FROM CRIME STOPPERS TRUST FUND . . . 2,380
FROM FEDERAL GRANTS TRUST FUND . . . 2,286
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 7,695

1288 SPECIAL CATEGORIES
AWARDS TO CLAIMANTS
FROM CRIMES COMPENSATION TRUST FUND 24,842,082
FROM FEDERAL GRANTS TRUST FUND . . . 13,192,000

1288A SPECIAL CATEGORIES
VICTIM SERVICES
FROM GENERAL REVENUE FUND 250,000

From the funds in Specific Appropriation 1288A, $250,000 in recurring general revenue funds is provided to the Florida Council Against Sexual Violence. At least 95 percent of the funds provided shall be distributed to certified rape crisis centers to provide services statewide for victims of sexual assault.

1289 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 481,192
FROM CRIMES COMPENSATION TRUST FUND 45,243
FROM FEDERAL GRANTS TRUST FUND . . . 30,000
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 108,408

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

From the funds in Specific Appropriation 1289, $100,000 from recurring general revenue funds is provided to the Family Justice Center in Hillsborough County for assistance to victims of domestic violence.

1290 SPECIAL CATEGORIES
GRANTS AND AIDS - MINORITY COMMUNITIES
CRIME PREVENTION PROGRAMS
FROM GENERAL REVENUE FUND 4,389,055

1291 SPECIAL CATEGORIES
GRANTS AND AIDS - CRIME STOPPERS
FROM CRIME STOPPERS TRUST FUND . . . 4,500,000

1292 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CRIMES COMPENSATION TRUST FUND 52,613
FROM CRIME STOPPERS TRUST FUND . . . 1,183
FROM FEDERAL GRANTS TRUST FUND . . . 2,691
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 1,353

1293 SPECIAL CATEGORIES
GRANTS AND AIDS - VICTIM ASSISTANCE SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 25,000,000

1294 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM CRIMES COMPENSATION TRUST FUND 29,520
FROM CRIME STOPPERS TRUST FUND . . . 262
FROM FEDERAL GRANTS TRUST FUND . . . 3,075
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 2,001

1294A SPECIAL CATEGORIES
CIVIL LEGAL ASSISTANCE
FROM GENERAL REVENUE FUND 1,000,000

TOTAL: VICTIM SERVICES
FROM GENERAL REVENUE FUND 6,120,247
FROM TRUST FUNDS 74,957,357

TOTAL POSITIONS 99.00
TOTAL ALL FUNDS 81,077,604

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 6,434,620

1295 SALARIES AND BENEFITS POSITIONS 133.00
FROM GENERAL REVENUE FUND 5,798,448
FROM ADMINISTRATIVE TRUST FUND . . . 3,219,235
FROM CRIMES COMPENSATION TRUST FUND 1,999
FROM LEGAL SERVICES TRUST FUND . . . 499
FROM OPERATING TRUST FUND 9,718

1296 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 50,000
FROM ADMINISTRATIVE TRUST FUND . . . 140,826

1297 EXPENSES
FROM GENERAL REVENUE FUND 292,911
FROM ADMINISTRATIVE TRUST FUND . . . 946,269

1298 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 62,461
FROM ADMINISTRATIVE TRUST FUND . . . 472,801

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

1299 SPECIAL CATEGORIES
ATTORNEY GENERAL'S LAW LIBRARY
FROM GENERAL REVENUE FUND 282,676

1300 SPECIAL CATEGORIES
COMMISSION ON THE STATUS OF WOMEN
FROM GENERAL REVENUE FUND 105,827

1301 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 175,531
FROM ADMINISTRATIVE TRUST FUND . . . 55,268

From the funds in Specific Appropriation 1301, $50,000 in recurring general revenue funds is provided for the Cuban American Bar Association Pro Bono Project.

1302 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 62,801
FROM ADMINISTRATIVE TRUST FUND . . . 32,513

1303 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 36,998
FROM ADMINISTRATIVE TRUST FUND . . . 13,699

1304 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 135,441
FROM ADMINISTRATIVE TRUST FUND . . . 157,876

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 7,003,094
FROM TRUST FUNDS 5,050,703

TOTAL POSITIONS 133.00
TOTAL ALL FUNDS 12,053,797

PROGRAM: OFFICE OF STATEWIDE PROSECUTION

PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME

APPROVED SALARY RATE 3,902,138

1305 SALARIES AND BENEFITS POSITIONS 63.50
FROM GENERAL REVENUE FUND 4,308,883
FROM CRIMES COMPENSATION TRUST FUND 1,272
FROM FEDERAL GRANTS TRUST FUND . . . 258,251
FROM OPERATING TRUST FUND 363,605

1306 SPECIAL CATEGORIES
STATEWIDE PROSECUTION
FROM GENERAL REVENUE FUND 824,724
FROM FEDERAL GRANTS TRUST FUND . . . 39,602
FROM OPERATING TRUST FUND 367,262

1307 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 41,980
FROM OPERATING TRUST FUND 902

1308 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 23,506
FROM OPERATING TRUST FUND 2,076

1308A SPECIAL CATEGORIES
STATE OPERATIONS - AMERICAN RECOVERY AND

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
REINVESTMENT ACT OF 2009
FROM FEDERAL GRANTS TRUST FUND . . . 1,500

1308B SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY
AND REINVESTMENT ACT OF 2009
FROM FEDERAL GRANTS TRUST FUND . . . 39,973

TOTAL: PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME
FROM GENERAL REVENUE FUND 5,199,093
FROM TRUST FUNDS 1,074,443

TOTAL POSITIONS 63.50
TOTAL ALL FUNDS 6,273,536

PROGRAM: FLORIDA ELECTIONS COMMISSION

CAMPAIGN FINANCE AND ELECTION FRAUD ENFORCEMENT

APPROVED SALARY RATE 702,039

1309 SALARIES AND BENEFITS POSITIONS 14.00
FROM ELECTIONS COMMISSION TRUST
FUND 970,026

1310 OTHER PERSONAL SERVICES
FROM ELECTIONS COMMISSION TRUST
FUND 76,354

1311 EXPENSES
FROM ELECTIONS COMMISSION TRUST
FUND 232,569

1312 OPERATING CAPITAL OUTLAY
FROM ELECTIONS COMMISSION TRUST
FUND 10,000

1313 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM ELECTIONS COMMISSION TRUST
FUND 8,779

1314 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ELECTIONS COMMISSION TRUST
FUND 13,348

1315 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ELECTIONS COMMISSION TRUST
FUND 8,867

1316 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ELECTIONS COMMISSION TRUST
FUND 5,663

TOTAL: CAMPAIGN FINANCE AND ELECTION FRAUD ENFORCEMENT
FROM TRUST FUNDS 1,325,606

TOTAL POSITIONS 14.00
TOTAL ALL FUNDS 1,325,606

TOTAL: LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL
FROM GENERAL REVENUE FUND 37,789,389
FROM TRUST FUNDS 150,947,755

TOTAL POSITIONS 1,297.50
TOTAL ALL FUNDS 188,737,144
TOTAL APPROVED SALARY RATE 60,593,952

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
PAROLE COMMISSION

PROGRAM: POST-INCARCERATION ENFORCEMENT AND
VICTIMS RIGHTS

APPROVED SALARY RATE 5,366,373

1317 SALARIES AND BENEFITS POSITIONS 121.00
FROM GENERAL REVENUE FUND 6,940,321
FROM FEDERAL GRANTS TRUST FUND . . . 51,237

1318 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 77,514

1319 EXPENSES
FROM GENERAL REVENUE FUND 726,925

From the funds in Specific Appropriation 1319, the Parole Commission shall conduct a study and provide the following to the Governor's Office of Policy and Budget, the President of the Senate and the Speaker of the House of Representatives by October 1, 2011:

1. An update on the impact of the March 9, 2011, Clemency Board rules and policy changes to the clemency process as administered by the Parole Commission including, but not limited to, current performance goals and measures, an explanation of the new rules and types of cases, a valid determination of the number of pending clemency cases existing on March 9, 2011 and July 1, 2011, along with an explanation of the methodology used to determine the number of cases and their status and disposition. Data must include total cases received for each of the past 5 years, the total number of cases processed for each of the past 5 years, and the total number of cases received or pending but not processed for each of the past 5 years;

2. An updated continuation plan reflecting the March 9, 2011, clemency rules changes using readily available data from existing automated systems;

3. Identification of all existing resources, workload, job descriptions, and internal business procedures for clemency activities; and

4. Proposed criteria, developed by case type to use in defining and classifying case backlogs which shall be based upon a reasonable length of time for the normal processing of cases. Case type refers to cases with a hearing and cases without a hearing.

1320 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 16,771

1321 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 172,950

1322 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 49,653

1323 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 194,450

TOTAL: PROGRAM: POST-INCARCERATION ENFORCEMENT AND
VICTIMS RIGHTS
FROM GENERAL REVENUE FUND 8,178,584
FROM TRUST FUNDS 51,237

TOTAL POSITIONS 121.00
TOTAL ALL FUNDS 8,229,821

TOTAL: PAROLE COMMISSION
FROM GENERAL REVENUE FUND 8,178,584
FROM TRUST FUNDS 51,237

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TOTAL POSITIONS 121.00
TOTAL ALL FUNDS 8,229,821
TOTAL APPROVED SALARY RATE 5,366,373

TOTAL OF SECTION 4

FROM GENERAL REVENUE FUND 3,344,429,340

FROM TRUST FUNDS 1,134,020,860

TOTAL POSITIONS 44,955.25

TOTAL ALL FUNDS 4,478,450,200

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION

The moneys contained herein are appropriated from the named funds to the Department of Agriculture and Consumer Services, Department of Community Affairs, Department of Environmental Protection, Fish and Wildlife Conservation Commission and the Department of Transportation as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF,
AND COMMISSIONER OF AGRICULTURE

The department shall submit a plan to the Governor's Office of Policy and Budget, the chair of the Senate Budget Committee, and the chair of the House Appropriations Committee by August 31 that allocates Specific Appropriations 1446, 1459, and 1471 to the relevant Salaries and Benefits, Other Personal Services, Expense, Operating Capital Outlay, and Contracted Services appropriation categories.

PROGRAM: OFFICE OF THE COMMISSIONER AND
ADMINISTRATION

AGRICULTURAL LAW ENFORCEMENT

APPROVED SALARY RATE 2,177,310

1324 SALARIES AND BENEFITS POSITIONS 38.00
FROM GENERAL REVENUE FUND 2,460,955
FROM CITRUS INSPECTION TRUST FUND . 58,541
FROM GENERAL INSPECTION TRUST FUND . 319,332
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 258,894

1325 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,000

1326 EXPENSES
FROM GENERAL REVENUE FUND 480,998
FROM FEDERAL GRANTS TRUST FUND . . . 60,000
FROM GENERAL INSPECTION TRUST FUND . 27,852
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 50,820

1327 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 8,028
FROM FEDERAL GRANTS TRUST FUND . . . 390,000

1328 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 99,773

1329 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 32,932
FROM AGRICULTURAL LAW ENFORCEMENT
TRUST FUND 4,607
FROM GENERAL INSPECTION TRUST FUND . 881

1330 SPECIAL CATEGORIES

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 11,705
FROM GENERAL INSPECTION TRUST FUND . 1,487
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 637

TOTAL: AGRICULTURAL LAW ENFORCEMENT
FROM GENERAL REVENUE FUND 3,109,391
FROM TRUST FUNDS 1,173,051

TOTAL POSITIONS 38.00
TOTAL ALL FUNDS 4,282,442

AGRICULTURAL WATER POLICY COORDINATION

APPROVED SALARY RATE 1,890,413

1331 SALARIES AND BENEFITS POSITIONS 35.00
FROM GENERAL INSPECTION TRUST FUND . 2,381,396

1332 EXPENSES
FROM GENERAL INSPECTION TRUST FUND . 398,865

1334 SPECIAL CATEGORIES
NITRATE RESEARCH AND REMEDIATION
FROM GENERAL INSPECTION TRUST FUND . 930,000

1335 SPECIAL CATEGORIES
BEST MANAGEMENT PRACTICES - COST SHARE
FROM GENERAL REVENUE FUND 11,000,000
FROM GENERAL INSPECTION TRUST FUND . 5,951,000

Of the funds in Specific Appropriation 1335, $50,000 in nonrecurring funds from the General Inspection Trust Fund is provided for the Association of Florida Conservation Districts' contract for support services to all Florida's Soil and Water Conservation Districts.

Of the funds in Specific Appropriation 1335, $4,000,000 in nonrecurring general revenue is provided for the Florida Water Quality Compliance and Improvement Best Management Practices project to adapt real-time radio frequency soil-sensor based systems from a limited research setting to deployment in agricultural fields to assess their effectiveness in irrigation decision-making, reduction in water use, and minimizing nutrient loss of nitrogen and phosphorous due to leaching and runoff. This project will include installing remote sensor systems in different field locations, calibrating the sensors to the fields, evaluating soil samples along a depth profile to determine moisture, nitrogen, and phosphorous content, and calculating daily water and nutrient uptake from different soil regions. The field data will be a concentration model for target crops that can be extended to the watershed level. Use of this model will augment weather, hydrologic, and water quality information for the development of improved best management practices for nutrient management and optimum irrigation scheduling for reduction of nutrient runoff and leaching.

From the funds in Specific Appropriation 1335, $3,000,000 in nonrecurring general revenue is provided for the operation and maintenance of existing hybrid wetland/chemical treatment projects within the Northern Everglades pursuant to section 373.4595(3)(b), Florida Statutes.

From the funds in Specific Appropriation 1335, $4,000,000 in recurring general revenue funds is provided for the Precision Agriculture Daily Logistics Online Calendar (PADLOC).

1336 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL INSPECTION TRUST FUND . 11,963

TOTAL: AGRICULTURAL WATER POLICY COORDINATION

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 11,000,000
FROM TRUST FUNDS 9,673,224

TOTAL POSITIONS 35.00
TOTAL ALL FUNDS 20,673,224

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 9,100,681

1337 SALARIES AND BENEFITS POSITIONS 172.75
FROM GENERAL REVENUE FUND 6,140,177
FROM ADMINISTRATIVE TRUST FUND . . . 5,541,245
FROM FEDERAL GRANTS TRUST FUND . . . 3,529
FROM GENERAL INSPECTION TRUST FUND . 585,120
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND 648

1338 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 70,524
FROM ADMINISTRATIVE TRUST FUND . . . 10,352

1339 EXPENSES
FROM GENERAL REVENUE FUND 342,047
FROM ADMINISTRATIVE TRUST FUND . . . 1,433,666
FROM GENERAL INSPECTION TRUST FUND . 158,223
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND 81,190

1340 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,614

1341 SPECIAL CATEGORIES
FEDERAL VALUE OF PRODUCTION SPECIALTY CROP GRANT
FROM FEDERAL GRANTS TRUST FUND . . . 6,000,000

1342 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 10,124
FROM ADMINISTRATIVE TRUST FUND . . . 41,821

1343 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,000
FROM ADMINISTRATIVE TRUST FUND . . . 618,000

1344 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 35,556
FROM ADMINISTRATIVE TRUST FUND . . . 66,871

1345 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 4,000

1346 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 40,213
FROM ADMINISTRATIVE TRUST FUND . . . 22,084
FROM FEDERAL GRANTS TRUST FUND . . . 19
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND 20

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 6,647,255
FROM TRUST FUNDS 14,562,788

TOTAL POSITIONS 172.75
TOTAL ALL FUNDS 21,210,043

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
DIVISION OF LICENSING

APPROVED SALARY RATE 6,120,732

1347 SALARIES AND BENEFITS POSITIONS 170.00
FROM DIVISION OF LICENSING TRUST FUND 8,849,644

1348 OTHER PERSONAL SERVICES
FROM DIVISION OF LICENSING TRUST FUND 1,321,832

1349 EXPENSES
FROM DIVISION OF LICENSING TRUST FUND 3,355,103

1350 OPERATING CAPITAL OUTLAY
FROM DIVISION OF LICENSING TRUST FUND 197,427

1351 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM DIVISION OF LICENSING TRUST FUND 4,844,519

1352 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DIVISION OF LICENSING TRUST FUND 79,704

1353 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM DIVISION OF LICENSING TRUST FUND 57,030

TOTAL: DIVISION OF LICENSING
FROM TRUST FUNDS 18,705,259

TOTAL POSITIONS 170.00
TOTAL ALL FUNDS 18,705,259

PROGRAM: FOREST AND RESOURCE PROTECTION

LAND MANAGEMENT

APPROVED SALARY RATE 16,364,223

1354 SALARIES AND BENEFITS POSITIONS 463.00
FROM GENERAL REVENUE FUND 6,597,079
FROM FEDERAL GRANTS TRUST FUND . . . 1,095,282
FROM INCIDENTAL TRUST FUND 3,914,318
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 10,814,552

1355 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 643,654
FROM INCIDENTAL TRUST FUND 375,769
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 358,576

1356 EXPENSES
FROM FEDERAL GRANTS TRUST FUND . . . 1,397,560
FROM INCIDENTAL TRUST FUND 2,683,957
FROM RELOCATION AND CONSTRUCTION TRUST FUND 10,000
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 2,961,504

1357 AID TO LOCAL GOVERNMENTS
AMERICA THE BEAUTIFUL PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 1,747,538

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1358	AID TO LOCAL GOVERNMENTS		
	STATE FOREST RECEIPT DISTRIBUTION		
	FROM INCIDENTAL TRUST FUND		595,000
1359	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	3,456	
	FROM FEDERAL GRANTS TRUST FUND . . .		159,150
	FROM CONSERVATION AND RECREATION		
	LANDS PROGRAM TRUST FUND		118,458
1360	SPECIAL CATEGORIES		
	PRIVATE LAND OWNER COST SHARE ASSISTANCE		
	PROGRAM		
	FROM FEDERAL GRANTS TRUST FUND . . .		600,000
1361	SPECIAL CATEGORIES		
	OFF-HIGHWAY VEHICLE RECREATION PROGRAM		
	FROM INCIDENTAL TRUST FUND		220,000
1362	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM FEDERAL GRANTS TRUST FUND . . .		806,825
	FROM INCIDENTAL TRUST FUND		313,351
	FROM RELOCATION AND CONSTRUCTION		
	TRUST FUND		40,000
	FROM CONSERVATION AND RECREATION		
	LANDS PROGRAM TRUST FUND		633,875
1363	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	170,369	
	FROM INCIDENTAL TRUST FUND		47,864
	FROM CONSERVATION AND RECREATION		
	LANDS PROGRAM TRUST FUND		253,983
1364	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	77,270	
	FROM FEDERAL GRANTS TRUST FUND . . .		7,572
	FROM INCIDENTAL TRUST FUND		13,144
	FROM CONSERVATION AND RECREATION		
	LANDS PROGRAM TRUST FUND		78,613
TOTAL:	LAND MANAGEMENT		
	FROM GENERAL REVENUE FUND	6,848,174	
	FROM TRUST FUNDS		29,890,545
	TOTAL POSITIONS	463.00	
	TOTAL ALL FUNDS		36,738,719

WILDFIRE PREVENTION AND MANAGEMENT

APPROVED SALARY RATE 25,191,006

1365	SALARIES AND BENEFITS POSITIONS	727.50	
	FROM GENERAL REVENUE FUND	34,336,305	
	FROM FEDERAL GRANTS TRUST FUND . . .		1,323,192
	FROM AGRICULTURAL EMERGENCY		
	ERADICATION TRUST FUND		973,248
	FROM INCIDENTAL TRUST FUND		2,290,150
1366	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	356,742	
	FROM FEDERAL GRANTS TRUST FUND . . .		277,349
	FROM INCIDENTAL TRUST FUND		25,000
1367	EXPENSES		
	FROM GENERAL REVENUE FUND	3,270,438	
	FROM FEDERAL GRANTS TRUST FUND . . .		1,591,567
	FROM INCIDENTAL TRUST FUND		2,280,167
	FROM CONSERVATION AND RECREATION		
	LANDS PROGRAM TRUST FUND		1,006,570

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1368	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - VOLUNTEER FIRE		
	ASSISTANCE		
	FROM FEDERAL GRANTS TRUST FUND . . .		275,763
1369	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - RURAL COMMUNITY FIRE		
	PROTECTION		
	FROM FEDERAL GRANTS TRUST FUND . . .		72,589
1370	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	10,731	
	FROM FEDERAL GRANTS TRUST FUND . . .		558,625
1371	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FEDERAL GRANTS TRUST FUND . . .		100,000
1372	SPECIAL CATEGORIES		
	FORESTRY WILDFIRE PROTECTION/SUPPRESSION		
	EQUIPMENT		
	FROM GENERAL REVENUE FUND	2,000,000	
	FROM FEDERAL GRANTS TRUST FUND . . .		400,000
	FROM INCIDENTAL TRUST FUND		156,868
1373	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	133,794	
	FROM FEDERAL GRANTS TRUST FUND . . .		2,099,078
	FROM INCIDENTAL TRUST FUND		123,756
	FROM CONSERVATION AND RECREATION		
	LANDS PROGRAM TRUST FUND		34,468
1374	SPECIAL CATEGORIES		
	ON-CALL FEES		
	FROM AGRICULTURAL EMERGENCY		
	ERADICATION TRUST FUND		333,296
	FROM INCIDENTAL TRUST FUND		10,000
1375	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,380,177	
	FROM INCIDENTAL TRUST FUND		329,926
1376	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	235,174	
	FROM FEDERAL GRANTS TRUST FUND . . .		7,856
	FROM INCIDENTAL TRUST FUND		12,615
1376A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - AMERICAN RECOVERY AND		
	REINVESTMENT ACT OF 2009		
	FROM FEDERAL GRANTS TRUST FUND . . .		3,200,000
TOTAL:	WILDFIRE PREVENTION AND MANAGEMENT		
	FROM GENERAL REVENUE FUND	41,723,361	
	FROM TRUST FUNDS		17,482,083
	TOTAL POSITIONS	727.50	
	TOTAL ALL FUNDS		59,205,444

PROGRAM: AGRICULTURE MANAGEMENT INFORMATION CENTER

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 2,192,102

1377	SALARIES AND BENEFITS POSITIONS	42.00	
	FROM GENERAL REVENUE FUND	1,133,252	
	FROM GENERAL INSPECTION TRUST FUND .		1,766,757

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1378 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 47,348

1379 EXPENSES
FROM GENERAL REVENUE FUND 166,801
FROM DIVISION OF LICENSING TRUST FUND 116,125
FROM GENERAL INSPECTION TRUST FUND . 2,166,225

1380 OPERATING CAPITAL OUTLAY
FROM GENERAL INSPECTION TRUST FUND . 125,000

1381 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 265,342
FROM GENERAL INSPECTION TRUST FUND . 375,295

1382 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 6,333
FROM GENERAL INSPECTION TRUST FUND . 8,800

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 1,619,076
FROM TRUST FUNDS 4,558,202

TOTAL POSITIONS 42.00
TOTAL ALL FUNDS 6,177,278

PROGRAM: FOOD SAFETY AND QUALITY

DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 829,550

1383 SALARIES AND BENEFITS POSITIONS 22.00
FROM GENERAL REVENUE FUND 1,116,287
FROM GENERAL INSPECTION TRUST FUND . 108,836

1384 EXPENSES
FROM GENERAL REVENUE FUND 212,347
FROM GENERAL INSPECTION TRUST FUND . 20,520

1385 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 10,500

1386 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 24,960

1387 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 29,444

1388 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 8,118

TOTAL: DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT
FROM GENERAL REVENUE FUND 1,401,656
FROM TRUST FUNDS 129,356

TOTAL POSITIONS 22.00
TOTAL ALL FUNDS 1,531,012

FOOD SAFETY INSPECTION AND ENFORCEMENT

APPROVED SALARY RATE 11,420,727

1389 SALARIES AND BENEFITS POSITIONS 292.00

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM FEDERAL GRANTS TRUST FUND . . . 1,785,137
FROM GENERAL INSPECTION TRUST FUND . 14,574,552

1390 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 223,441
FROM GENERAL INSPECTION TRUST FUND . 263,000

1391 EXPENSES
FROM FEDERAL GRANTS TRUST FUND . . . 732,195
FROM GENERAL INSPECTION TRUST FUND . 1,821,507

1392 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 250,747
FROM GENERAL INSPECTION TRUST FUND . 47,333

1393 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 370,707
FROM GENERAL INSPECTION TRUST FUND . 360,000

1394 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FEDERAL GRANTS TRUST FUND . . . 4,830
FROM GENERAL INSPECTION TRUST FUND . 180,706

1395 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM FEDERAL GRANTS TRUST FUND . . . 4,157
FROM GENERAL INSPECTION TRUST FUND . 91,554

1395A SPECIAL CATEGORIES
GRANTS AND AIDS - DEEPWATER HORIZON - STATE OPERATIONS
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND 4,842,667

TOTAL: FOOD SAFETY INSPECTION AND ENFORCEMENT
FROM TRUST FUNDS 25,552,533

TOTAL POSITIONS 292.00
TOTAL ALL FUNDS 25,552,533

PROGRAM: CONSUMER PROTECTION

AGRICULTURAL ENVIRONMENTAL SERVICES

APPROVED SALARY RATE 8,116,558

1396 SALARIES AND BENEFITS POSITIONS 199.00
FROM GENERAL REVENUE FUND 559,475
FROM FEDERAL GRANTS TRUST FUND . . . 618,654
FROM GENERAL INSPECTION TRUST FUND . 7,280,490
FROM PEST CONTROL TRUST FUND 2,926,738

1397 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 100
FROM FEDERAL GRANTS TRUST FUND . . . 145,000
FROM GENERAL INSPECTION TRUST FUND . 33,000
FROM PEST CONTROL TRUST FUND 41,530

1398 EXPENSES
FROM GENERAL REVENUE FUND 14,451
FROM FEDERAL GRANTS TRUST FUND . . . 338,295
FROM GENERAL INSPECTION TRUST FUND . 1,089,939
FROM PEST CONTROL TRUST FUND 375,731

1399 AID TO LOCAL GOVERNMENTS
MOSQUITO CONTROL PROGRAM
FROM GENERAL INSPECTION TRUST FUND . 1,293,368

Of the funds provided in Specific Appropriation 1399, $250,000 from the General Inspection Trust Fund shall be used for research into

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

practical methods of control to be used by local mosquito control agencies. The research shall be conducted by the Institute of Food and Agricultural Sciences (IFAS)/Florida Medical Entomology Laboratory.

1400 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,513
FROM FEDERAL GRANTS TRUST FUND . . . 102,500

1401 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 107,372
FROM FEDERAL GRANTS TRUST FUND . . . 396,278
FROM GENERAL INSPECTION TRUST FUND . 125,124
FROM PEST CONTROL TRUST FUND 106,425

1402 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 85,564
FROM GENERAL INSPECTION TRUST FUND . 42,786

1403 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 20,146
FROM FEDERAL GRANTS TRUST FUND . . . 1,870
FROM GENERAL INSPECTION TRUST FUND . 33,741
FROM PEST CONTROL TRUST FUND 16,648

TOTAL: AGRICULTURAL ENVIRONMENTAL SERVICES
FROM GENERAL REVENUE FUND 788,621
FROM TRUST FUNDS 14,968,117

TOTAL POSITIONS 199.00
TOTAL ALL FUNDS 15,756,738

CONSUMER PROTECTION

APPROVED SALARY RATE 4,479,414

1404 SALARIES AND BENEFITS POSITIONS 121.00
FROM GENERAL INSPECTION TRUST FUND . 6,022,526

1405 OTHER PERSONAL SERVICES
FROM GENERAL INSPECTION TRUST FUND . 68,713

1406 EXPENSES
FROM GENERAL INSPECTION TRUST FUND . 1,055,568

1407 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL INSPECTION TRUST FUND . 268,533

1408 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL INSPECTION TRUST FUND . 43,453

1409 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL INSPECTION TRUST FUND . 41,959

TOTAL: CONSUMER PROTECTION
FROM TRUST FUNDS 7,500,752

TOTAL POSITIONS 121.00
TOTAL ALL FUNDS 7,500,752

STANDARDS AND PETROLEUM QUALITY INSPECTION

APPROVED SALARY RATE 6,394,680

1410 SALARIES AND BENEFITS POSITIONS 181.00
FROM GENERAL INSPECTION TRUST FUND . 9,093,797

1411 OTHER PERSONAL SERVICES
FROM GENERAL INSPECTION TRUST FUND . 59,572

1412 EXPENSES
FROM GENERAL INSPECTION TRUST FUND . 1,829,714

1413 OPERATING CAPITAL OUTLAY
FROM GENERAL INSPECTION TRUST FUND . 437

1414 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 500,000
FROM GENERAL INSPECTION TRUST FUND . 590,000

From the funds in Specific Appropriation 1414, $500,000 in nonrecurring general revenue shall be transferred to the Technology Research and Development Authority for implementation of a clean technology entrepreneurship initiative.

1415 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL INSPECTION TRUST FUND . 195,907

1416 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL INSPECTION TRUST FUND . 61,192

TOTAL: STANDARDS AND PETROLEUM QUALITY INSPECTION
FROM GENERAL REVENUE FUND 500,000
FROM TRUST FUNDS 11,830,619

TOTAL POSITIONS 181.00
TOTAL ALL FUNDS 12,330,619

PROGRAM: AGRICULTURAL ECONOMIC DEVELOPMENT

FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT

APPROVED SALARY RATE 5,121,361

1417 SALARIES AND BENEFITS POSITIONS 147.00
FROM CITRUS INSPECTION TRUST FUND . 5,214,259
FROM GENERAL INSPECTION TRUST FUND . 2,427,024

1418 OTHER PERSONAL SERVICES
FROM CITRUS INSPECTION TRUST FUND . 678,425
FROM GENERAL INSPECTION TRUST FUND . 500,000

1419 EXPENSES
FROM CITRUS INSPECTION TRUST FUND . 1,124,640
FROM GENERAL INSPECTION TRUST FUND . 521,812

1420 OPERATING CAPITAL OUTLAY
FROM CITRUS INSPECTION TRUST FUND . 33,710

1421 SPECIAL CATEGORIES
AUTOMATED TESTING EQUIPMENT
FROM CITRUS INSPECTION TRUST FUND . 216,041

1422 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM CITRUS INSPECTION TRUST FUND . 98,428
FROM GENERAL INSPECTION TRUST FUND . 39,462

1423 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CITRUS INSPECTION TRUST FUND . 282,020
FROM GENERAL INSPECTION TRUST FUND . 78,824

1424 SPECIAL CATEGORIES

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM CITRUS INSPECTION TRUST FUND . 72,214
FROM GENERAL INSPECTION TRUST FUND . 22,197

TOTAL: FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT
FROM TRUST FUNDS 11,309,056

TOTAL POSITIONS 147.00
TOTAL ALL FUNDS 11,309,056

AGRICULTURAL PRODUCTS MARKETING

APPROVED SALARY RATE 6,506,512

1425 SALARIES AND BENEFITS POSITIONS 178.00
FROM GENERAL REVENUE FUND 611,346
FROM CITRUS INSPECTION TRUST FUND . 1,378,778
FROM FEDERAL GRANTS TRUST FUND . . . 660,451
FROM GENERAL INSPECTION TRUST FUND . 1,628,728
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 1,588,263
FROM MARKET IMPROVEMENTS WORKING
CAPITAL TRUST FUND 2,440,566
FROM SALTWATER PRODUCTS PROMOTION
TRUST FUND 865,750
FROM FLORIDA AGRICULTURAL
PROMOTION CAMPAIGN TRUST FUND . . . 43,801

1426 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8,600
FROM CITRUS INSPECTION TRUST FUND . 213,765
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 53,598
FROM MARKET IMPROVEMENTS WORKING
CAPITAL TRUST FUND 26,400

1427 EXPENSES
FROM GENERAL REVENUE FUND 198,541
FROM CITRUS INSPECTION TRUST FUND . 323,828
FROM FEDERAL GRANTS TRUST FUND . . . 1,013,100
FROM GENERAL INSPECTION TRUST FUND . 799,876
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 99,980
FROM MARKET TRADE SHOW TRUST FUND . 101,601
FROM MARKET IMPROVEMENTS WORKING
CAPITAL TRUST FUND 848,391
FROM SALTWATER PRODUCTS PROMOTION
TRUST FUND 200,959
FROM VITICULTURE TRUST FUND 9,580
FROM FLORIDA AGRICULTURAL
PROMOTION CAMPAIGN TRUST FUND . . . 121,622

1428 OPERATING CAPITAL OUTLAY
FROM MARKET IMPROVEMENTS WORKING
CAPITAL TRUST FUND 10,500

1429 SPECIAL CATEGORIES
GRANTS AND AIDS - VITICULTURE PROGRAM
FROM VITICULTURE TRUST FUND 600,000

1430 SPECIAL CATEGORIES
FLORIDA AGRICULTURE PROMOTION CAMPAIGN
FROM GENERAL REVENUE FUND 3,500,000
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 1,310,000

1431 SPECIAL CATEGORIES
FEDERAL SUPPORT FOR FLORIDA AGRICULTURE
PROMOTIONS
FROM FEDERAL GRANTS TRUST FUND . . . 1,000,000

1431A SPECIAL CATEGORIES

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

SUPPORT FOR FOOD BANK
FROM GENERAL REVENUE FUND 200,000
FROM GENERAL INSPECTION TRUST FUND . 300,000

Funds in Specific Appropriation 1431A are provided for the Florida Association of Food Banks.

1431B SPECIAL CATEGORIES
FLORIDA HORSE PARK
FROM GENERAL REVENUE FUND 500,000

1432 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 15,219
FROM CITRUS INSPECTION TRUST FUND . 25,000
FROM FEDERAL GRANTS TRUST FUND . . . 154,400
FROM GENERAL INSPECTION TRUST FUND . 175,600
FROM MARKET TRADE SHOW TRUST FUND . 75,000
FROM MARKET IMPROVEMENTS WORKING
CAPITAL TRUST FUND 28,600
FROM SALTWATER PRODUCTS PROMOTION
TRUST FUND 150,000

1433 SPECIAL CATEGORIES
GRANTS AND AIDS - MARKETING ORDERS
FROM CITRUS INSPECTION TRUST FUND . 7,149,231
FROM GENERAL INSPECTION TRUST FUND . 475,082

1433A SPECIAL CATEGORIES
AGRICULTURAL RESEARCH
FROM GENERAL REVENUE FUND 2,000,000

Funds in Specific Appropriation 1433A shall be transferred to the Citrus Research and Development Foundation, Inc., to conduct or cause to be conducted research projects on citrus disease. Distribution of such funds for a particular research project is contingent upon a dollar for dollar cash match from federal or private funds or from citrus box tax revenues. At no time shall the funds appropriated in Specific Appropriation 1433A allocated to a particular project, exceed the private, federal, and citrus box tax funds provided for that project.

1433B SPECIAL CATEGORIES
FARM SHARE PROGRAM
FROM GENERAL REVENUE FUND 200,000
FROM GENERAL INSPECTION TRUST FUND . 550,000

1434 SPECIAL CATEGORIES
GRANTS AND AIDS - PROMOTIONAL AWARDS
FROM GENERAL INSPECTION TRUST FUND . 300,000

1435 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY FEEDING
ORGANIZATIONS
FROM FEDERAL GRANTS TRUST FUND . . . 4,571,184

1436 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 25,018
FROM CITRUS INSPECTION TRUST FUND . 10,359
FROM FEDERAL GRANTS TRUST FUND . . . 8,437
FROM GENERAL INSPECTION TRUST FUND . 21,036
FROM MARKET IMPROVEMENTS WORKING
CAPITAL TRUST FUND 42,423
FROM SALTWATER PRODUCTS PROMOTION
TRUST FUND 10,614

1437 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 20,561
FROM CITRUS INSPECTION TRUST FUND . 8,816
FROM FEDERAL GRANTS TRUST FUND . . . 2,626
FROM GENERAL INSPECTION TRUST FUND . 9,425

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		16,470
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		5,574
	FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND		280
1437A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - DEEPWATER HORIZON - STATE OPERATIONS		
	FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND		5,000,000
1437B	FIXED CAPITAL OUTLAY		
	CODE AND LIFE SAFETY - STATE FARMERS' MARKETS - STATEWIDE		
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		85,000
1437C	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	TURNER AGRI-CIVIC CENTER		
	FROM GENERAL REVENUE FUND	100,000	
TOTAL:	AGRICULTURAL PRODUCTS MARKETING		
	FROM GENERAL REVENUE FUND	7,379,285	
	FROM TRUST FUNDS		34,514,694
	TOTAL POSITIONS	178.00	
	TOTAL ALL FUNDS		41,893,979

AQUACULTURE

APPROVED SALARY RATE 2,008,466

1438	SALARIES AND BENEFITS POSITIONS 49.50		
	FROM GENERAL REVENUE FUND	1,779,423	
	FROM GENERAL INSPECTION TRUST FUND		1,061,324
1439	OTHER PERSONAL SERVICES		
	FROM FEDERAL GRANTS TRUST FUND		116,700
	FROM GENERAL INSPECTION TRUST FUND		30,532
1440	EXPENSES		
	FROM GENERAL REVENUE FUND	500,173	
	FROM FEDERAL GRANTS TRUST FUND		109,000
	FROM GENERAL INSPECTION TRUST FUND		285,966
1441	OPERATING CAPITAL OUTLAY		
	FROM FEDERAL GRANTS TRUST FUND		50,000
	FROM GENERAL INSPECTION TRUST FUND		12,600
1442	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL INSPECTION TRUST FUND		85,000
1443	SPECIAL CATEGORIES		
	OYSTER PLANTING		
	FROM FEDERAL GRANTS TRUST FUND		917,175
1444	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	15,319	
	FROM GENERAL INSPECTION TRUST FUND		2,250
1445	SPECIAL CATEGORIES		
	AQUACULTURE DEVELOPMENT		
	FROM GENERAL REVENUE FUND	55,780	
	FROM GENERAL INSPECTION TRUST FUND		621,260

From the funds in Specific Appropriation 1445, $25,000 in nonrecurring funds from the General Inspection Trust Fund is provided for the Florida Aquaculture Association.

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
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1446	SPECIAL CATEGORIES		
	AQUACULTURE PROGRAM GRANTS		
	FROM FEDERAL GRANTS TRUST FUND		350,000
1447	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	13,780	
	FROM GENERAL INSPECTION TRUST FUND		3,838
TOTAL:	AQUACULTURE		
	FROM GENERAL REVENUE FUND	2,364,475	
	FROM TRUST FUNDS		3,645,645
	TOTAL POSITIONS	49.50	
	TOTAL ALL FUNDS		6,010,120

AGRICULTURAL INTERDICTION STATIONS

APPROVED SALARY RATE 9,329,566

1448	SALARIES AND BENEFITS POSITIONS 228.00		
	FROM GENERAL REVENUE FUND	12,480,276	
	FROM GENERAL INSPECTION TRUST FUND		129,869
	FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND		573,022
1449	EXPENSES		
	FROM GENERAL REVENUE FUND	709,929	
	FROM CITRUS INSPECTION TRUST FUND		36,715
	FROM GENERAL INSPECTION TRUST FUND		49,022
1450	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	5,747	
1451	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	123,380	
1452	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	147,529	
1453	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	78,015	
	FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND		18,428
1454	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	77,151	
	FROM GENERAL INSPECTION TRUST FUND		466
TOTAL:	AGRICULTURAL INTERDICTION STATIONS		
	FROM GENERAL REVENUE FUND	13,622,027	
	FROM TRUST FUNDS		807,522
	TOTAL POSITIONS	228.00	
	TOTAL ALL FUNDS		14,429,549

ANIMAL PEST AND DISEASE CONTROL

APPROVED SALARY RATE 5,323,447

1455	SALARIES AND BENEFITS POSITIONS 126.50		
	FROM GENERAL REVENUE FUND	5,836,226	
	FROM FEDERAL GRANTS TRUST FUND		396,794
	FROM GENERAL INSPECTION TRUST FUND		509,703
	FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND		433,074

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1456 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 11,866
FROM FEDERAL GRANTS TRUST FUND . . . 395,703
FROM GENERAL INSPECTION TRUST FUND . 61,642

1457 EXPENSES
FROM GENERAL REVENUE FUND 365,981
FROM FEDERAL GRANTS TRUST FUND . . . 967,670
FROM GENERAL INSPECTION TRUST FUND . 372,565

1458 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 50,949

1459 SPECIAL CATEGORIES
ANIMAL PEST AND DISEASE CONTROL
FROM FEDERAL GRANTS TRUST FUND . . . 969,309

1460 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL INSPECTION TRUST FUND . 300,373

1461 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 115,048
FROM GENERAL INSPECTION TRUST FUND . 83,701

1462 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 44,446
FROM FEDERAL GRANTS TRUST FUND . . . 2,358
FROM GENERAL INSPECTION TRUST FUND . 3,030

TOTAL: ANIMAL PEST AND DISEASE CONTROL
FROM GENERAL REVENUE FUND 6,424,516
FROM TRUST FUNDS 4,495,922

TOTAL POSITIONS 126.50
TOTAL ALL FUNDS 10,920,438

PLANT PEST AND DISEASE CONTROL

APPROVED SALARY RATE 12,578,866

1463 SALARIES AND BENEFITS POSITIONS 346.00
FROM GENERAL REVENUE FUND 8,202,890
FROM CITRUS INSPECTION TRUST FUND . 861,175
FROM FEDERAL GRANTS TRUST FUND . . . 3,323,259
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 2,833,257
FROM PLANT INDUSTRY TRUST FUND . . . 2,671,108

1464 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 21,170
FROM CITRUS INSPECTION TRUST FUND . 1,000
FROM FEDERAL GRANTS TRUST FUND . . . 419,808
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 19,817
FROM PLANT INDUSTRY TRUST FUND . . . 533,560

1465 EXPENSES
FROM GENERAL REVENUE FUND 893,333
FROM CITRUS INSPECTION TRUST FUND . 79,832
FROM FEDERAL GRANTS TRUST FUND . . . 437,167
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 23,748
FROM PLANT INDUSTRY TRUST FUND . . . 724,622

1466 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 66,195
FROM PLANT INDUSTRY TRUST FUND . . . 5,006

1467 SPECIAL CATEGORIES

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

AGRICULTURAL EMERGENCIES (MEDFLY PROGRAM)
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 1,002,374

1468 SPECIAL CATEGORIES
GRANTS AND AIDS - BOLL WEEVIL ERADICATION
FROM PLANT INDUSTRY TRUST FUND . . . 150,000

1469 SPECIAL CATEGORIES
APIARIAN INDEMNITIES
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 36,000

1470 SPECIAL CATEGORIES
ENDANGERED PLANT SPECIES
FROM PLANT INDUSTRY TRUST FUND . . . 240,000

1470A SPECIAL CATEGORIES
CITRUS HEALTH RESPONSE PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 5,606,038
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 1,522,159

1471 SPECIAL CATEGORIES
PLANT PEST AND DISEASE CONTROL
FROM FEDERAL GRANTS TRUST FUND . . . 3,000,000

1472 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 104,481
FROM CITRUS INSPECTION TRUST FUND . 7,144
FROM FEDERAL GRANTS TRUST FUND . . . 12,538
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 105,000
FROM PLANT INDUSTRY TRUST FUND . . . 118,049

1473 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 674,803
FROM FEDERAL GRANTS TRUST FUND . . . 200,520

1474 SPECIAL CATEGORIES
TRANSFER TO UNIVERSITY OF FLORIDA/
INSTITUTE OF FOOD AND AGRICULTURAL
SCIENCES FOR INVASIVE EXOTICS QUARANTINE
FACILITY
FROM PLANT INDUSTRY TRUST FUND . . . 720,000

1475 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 151,027
FROM CITRUS INSPECTION TRUST FUND . 10,271
FROM FEDERAL GRANTS TRUST FUND . . . 40,269
FROM PLANT INDUSTRY TRUST FUND . . . 34,740

TOTAL: PLANT PEST AND DISEASE CONTROL
FROM GENERAL REVENUE FUND 10,047,704
FROM TRUST FUNDS 24,804,656

TOTAL POSITIONS 346.00
TOTAL ALL FUNDS 34,852,360

TOTAL: AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF,
AND COMMISSIONER OF AGRICULTURE
FROM GENERAL REVENUE FUND 113,475,541
FROM TRUST FUNDS 235,604,024

TOTAL POSITIONS 3,538.25
TOTAL ALL FUNDS 349,079,565
TOTAL APPROVED SALARY RATE 135,145,614

COMMUNITY AFFAIRS, DEPARTMENT OF

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
PROGRAM: OFFICE OF THE SECRETARY

LAND ADMINISTRATION

APPROVED SALARY RATE 728,520

1476 SALARIES AND BENEFITS POSITIONS 16.00
FROM FLORIDA COMMUNITIES TRUST FUND 1,019,110

1477 OTHER PERSONAL SERVICES
FROM FLORIDA COMMUNITIES TRUST FUND 36,580

1478 EXPENSES
FROM FLORIDA COMMUNITIES TRUST FUND 181,379

1479 OPERATING CAPITAL OUTLAY
FROM FLORIDA COMMUNITIES TRUST FUND 1,920

1480 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FLORIDA COMMUNITIES TRUST FUND 1,389

1481 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM FLORIDA COMMUNITIES TRUST FUND 5,936

TOTAL: LAND ADMINISTRATION
FROM TRUST FUNDS 1,246,314

TOTAL POSITIONS 16.00
TOTAL ALL FUNDS 1,246,314

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 2,150,740

1482 SALARIES AND BENEFITS POSITIONS 77.00
FROM GENERAL REVENUE FUND 447,549
FROM ADMINISTRATIVE TRUST FUND . . . 2,612,367
FROM GRANTS AND DONATIONS TRUST FUND 37,939

1483 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 253,692

1484 EXPENSES
FROM GENERAL REVENUE FUND 56,457
FROM ADMINISTRATIVE TRUST FUND . . . 719,047
FROM GRANTS AND DONATIONS TRUST FUND 4,414

1485 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 49,159

1486 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 423,241

1487 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 24,720

1488 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 36,515

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SPECIFIC
APPROPRIATION
FROM ADMINISTRATIVE TRUST FUND . . . 50,775
FROM GRANTS AND DONATIONS TRUST FUND 51

1489 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 9,594
FROM ADMINISTRATIVE TRUST FUND . . . 10,850
FROM GRANTS AND DONATIONS TRUST FUND 223

1490 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM ADMINISTRATIVE TRUST FUND . . . 1,612

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 973,356
FROM TRUST FUNDS 3,764,849

TOTAL POSITIONS 77.00
TOTAL ALL FUNDS 4,738,205

PROGRAM: COMMUNITY PLANNING

COMMUNITY PLANNING

APPROVED SALARY RATE 2,184,789

1491 SALARIES AND BENEFITS POSITIONS 61.00
FROM GENERAL REVENUE FUND 2,699,343
FROM GRANTS AND DONATIONS TRUST FUND 299,404

1492 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 17,903
FROM GRANTS AND DONATIONS TRUST FUND 271,388

1493 EXPENSES
FROM GENERAL REVENUE FUND 229,539
FROM GRANTS AND DONATIONS TRUST FUND 47,500

1494 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,500
FROM GRANTS AND DONATIONS TRUST FUND 500

1494A SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 393,182

1495 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PLANNING COUNCILS
FROM GENERAL REVENUE FUND 2,500,000

Funds in Specific Appropriation 1495 are provided to the Regional Planning Councils, 70 percent of which must be divided equally among the councils and 30 percent of which must be allocated according to population. The funds shall be used to prepare and implement strategic regional policy plans, perform regional review and comment functions, and assist local governments in addressing problems of greater-than-local significance.

1496 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 7,774

1496A SPECIAL CATEGORIES
GRANTS AND AIDS - COASTAL MANAGEMENT REQUIREMENTS

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM GRANTS AND DONATIONS TRUST FUND 37,500

1497 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 20,587

1498 SPECIAL CATEGORIES
GRANTS AND AIDS - TECHNICAL AND PLANNING ASSISTANCE
FROM GRANTS AND DONATIONS TRUST FUND 1,079,994

TOTAL: COMMUNITY PLANNING
FROM GENERAL REVENUE FUND 5,869,828
FROM TRUST FUNDS 1,736,286

TOTAL POSITIONS 61.00
TOTAL ALL FUNDS 7,606,114

PROGRAM: EMERGENCY MANAGEMENT

EMERGENCY MANAGEMENT

The Division of Emergency Management shall submit quarterly status reports on the outstanding obligations for each open federally declared disaster event to the Executive Office of the Governor, and to the chairs of the Senate Committee on Budget and the House Appropriations Committee.

APPROVED SALARY RATE 5,687,154

1499 SALARIES AND BENEFITS POSITIONS 136.00
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 2,026,734
FROM FEDERAL GRANTS TRUST FUND . . . 3,008,890
FROM GRANTS AND DONATIONS TRUST FUND 525,891
FROM OPERATING TRUST FUND 729,013
FROM U.S. CONTRIBUTIONS TRUST FUND . 1,427,756

1500 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 425,518
FROM FEDERAL GRANTS TRUST FUND . . . 596,124
FROM GRANTS AND DONATIONS TRUST FUND 3,578
FROM OPERATING TRUST FUND 9,453
FROM U.S. CONTRIBUTIONS TRUST FUND . 10,917

1501 EXPENSES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 816,399
FROM FEDERAL GRANTS TRUST FUND . . . 1,420,030
FROM GRANTS AND DONATIONS TRUST FUND 268,928
FROM OPERATING TRUST FUND 259,230
FROM U.S. CONTRIBUTIONS TRUST FUND . 665,673

1502 AID TO LOCAL GOVERNMENTS
DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION
FROM FEDERAL GRANTS TRUST FUND . . . 2,389,944

1503 OPERATING CAPITAL OUTLAY
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 46,925
FROM FEDERAL GRANTS TRUST FUND . . . 48,415

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM GRANTS AND DONATIONS TRUST FUND 4,500
FROM OPERATING TRUST FUND 14,650

1503A LUMP SUM
EMERGENCY MANAGEMENT PERFORMANCE GRANT
FROM FEDERAL GRANTS TRUST FUND . . . 6,338,361

Funds in Specific Appropriation 1503A are provided for the Emergency Management Performance Grants funded by the United States Department of Homeland Security. The Division of Emergency Management shall submit the Emergency Management Performance Grant Work Plan to the Executive Office of the Governor, and to the chairs of the Senate Committee on Budget and the House Appropriations Committee for review prior to submission to the Federal Emergency Management Agency (FEMA). Upon approval of the work plan by FEMA, the Division of Emergency Management may submit a budget amendment for the release of the lump sum appropriation pursuant to chapter 216, Florida Statutes.

From the funds provided in Specific Appropriation 1503A, $250,000 shall be used for a statewide public education program campaign on television and radio to promote hurricane preparedness. Such funds shall be provided to a not-for-profit corporation, and must be matched on a 3 to 1 basis.

1503B SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FEDERAL GRANTS TRUST FUND . . . 67,000

1504 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT FLORIDA WING/ CIVIL AIR PATROL
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 49,500

1505 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 36,251
FROM FEDERAL GRANTS TRUST FUND . . . 1,456,638
FROM GRANTS AND DONATIONS TRUST FUND 10,881
FROM OPERATING TRUST FUND 11,134
FROM U.S. CONTRIBUTIONS TRUST FUND . 32,174

1505A SPECIAL CATEGORIES
PUBLIC ASSISTANCE FOR 2004 HURRICANES - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND 590,712
FROM U.S. CONTRIBUTIONS TRUST FUND . 5,316,407

1505B SPECIAL CATEGORIES
HAZARD MITIGATION FOR 2004 HURRICANES - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND 883,652
FROM U.S. CONTRIBUTIONS TRUST FUND . 2,650,956

1505C SPECIAL CATEGORIES
PUBLIC ASSISTANCE FOR 2004 HURRICANES - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND 2,795,780
FROM U.S. CONTRIBUTIONS TRUST FUND . 40,845,036

1505D SPECIAL CATEGORIES
HAZARD MITIGATION FOR 2004 HURRICANES - PASS THROUGH
FROM U.S. CONTRIBUTIONS TRUST FUND . 13,019,600

1505E SPECIAL CATEGORIES

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

PUBLIC ASSISTANCE - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND 65,588
FROM U.S. CONTRIBUTIONS TRUST FUND . 388,808

1505F SPECIAL CATEGORIES
HAZARD MITIGATION FOR 2005 HURRICANES - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND 435,527
FROM U.S. CONTRIBUTIONS TRUST FUND . 1,306,581

1505G SPECIAL CATEGORIES
HAZARD MITIGATION FOR 2005 HURRICANES - PASS THROUGH
FROM U.S. CONTRIBUTIONS TRUST FUND . 16,687,187

1505H SPECIAL CATEGORIES
HAZARD MITIGATION FOR 2006-07 HAZARDOUS WEATHER - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND 52,299
FROM U.S. CONTRIBUTIONS TRUST FUND . 156,897

1505I SPECIAL CATEGORIES
HAZARD MITIGATION FOR 2006-07 HAZARDOUS WEATHER MAJOR DISASTERS - PASS THROUGH
FROM U.S. CONTRIBUTIONS TRUST FUND . 593,327

1505J SPECIAL CATEGORIES
HAZARD MITIGATION FOR 2008-09 HURRICANES AND STORMS - STATE OPERATIONS
FROM U.S. CONTRIBUTIONS TRUST FUND . 298,782

1505K SPECIAL CATEGORIES
HAZARD MITIGATION FOR 2008-09 HURRICANES AND STORMS - PASS THROUGH
FROM U.S. CONTRIBUTIONS TRUST FUND . 2,496,140

1506 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY MANAGEMENT PROGRAMS
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 7,089,061

1507 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE DOMESTIC PREPAREDNESS PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 7,963,276

1507A SPECIAL CATEGORIES
GRANTS AND AID - REPETITIVE FLOOD CLAIMS PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 1,800,000

1507B SPECIAL CATEGORIES
GRANTS AND AIDS - SEVERE REPETITIVE LOSS PILOT PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 4,500,000

1508 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 29,372
FROM FEDERAL GRANTS TRUST FUND . . . 41,726
FROM GRANTS AND DONATIONS TRUST FUND 14,865
FROM OPERATING TRUST FUND 8,244
FROM U.S. CONTRIBUTIONS TRUST FUND . 79,816

1509 SPECIAL CATEGORIES
COMMISSION ON COMMUNITY SERVICE

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 300,000

1510 SPECIAL CATEGORIES
STATEWIDE HURRICANE PREPAREDNESS AND PLANNING
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 1,771,818
FROM FEDERAL GRANTS TRUST FUND . . . 421,927
FROM GRANTS AND DONATIONS TRUST FUND 83,952

1510A SPECIAL CATEGORIES
GRANTS AND AIDS - PREDISASTER MITIGATION
FROM FEDERAL GRANTS TRUST FUND . . . 3,500,000

Funds in Specific Appropriation 1510A are provided for the pre-disaster mitigation program. The 25 percent match requirement for the federal funds shall be provided by local governments.

1511 SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE LOSS MITIGATION
FROM GRANTS AND DONATIONS TRUST FUND 6,892,389

Funds in Specific Appropriation 1499 in the amount of $61,882; Specific Appropriation 1500 in the amount of $233; Specific Appropriation 1501 in the amount of $26,025; Specific Appropriation 1503 in the amount of $1,000; Specific Appropriation 1505 in the amount of $760; Specific Appropriation 1508 in the amount of $525; Specific Appropriation 1512 in the amount of $356; Specific Appropriation 1515 in the amount of $527; Specific Appropriation 1511 in the amount of $6,891,639, and indirect costs of $17,053 funded from the Grants and Donations Trust Fund, reflect the transfer of $7,000,000 of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to section 215.555(7), Florida Statutes. These funds shall be utilized for Hurricane Loss Mitigation programs as specified in section 215.559(2)(a), Florida Statutes; and after the provisions of section 215.559(3)(a) and (4), Florida Statutes, $925,000 shall fund the Building Code Compliance and Mitigation Program pursuant to section 553.841, Florida Statutes. The moneys allocated in section 215.559(3)(a), Florida Statutes, shall be distributed directly to Tallahassee Community College for the uses set forth in section 215.559(3)(a), Florida Statutes.

1511A SPECIAL CATEGORIES
FLOOD MITIGATION ASSISTANCE PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 4,000,000

1512 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 12,148
FROM FEDERAL GRANTS TRUST FUND . . . 17,782
FROM GRANTS AND DONATIONS TRUST FUND 4,603
FROM OPERATING TRUST FUND 4,323
FROM U.S. CONTRIBUTIONS TRUST FUND . 21,201

1512A SPECIAL CATEGORIES
NON-FEDERAL REIMBURSEABLE DISASTER ACTIVITIES
FROM GRANTS AND DONATIONS TRUST FUND 280,000

1513 SPECIAL CATEGORIES
FLORIDA HAZARDOUS MATERIALS PLANNING PROGRAM
FROM OPERATING TRUST FUND 966,597

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1514 SPECIAL CATEGORIES
HAZARDOUS MATERIALS EMERGENCY PLANNING GRANT
FROM FEDERAL GRANTS TRUST FUND . . . 686,996

1514A SPECIAL CATEGORIES
HAZARD MITIGATION FOR 2008-09 SEVERE WEATHER AND FLOODING - STATE OPERATIONS
FROM U.S. CONTRIBUTIONS TRUST FUND . 223,795

1514B SPECIAL CATEGORIES
HAZARD MITIGATION FOR 2008-09 SEVERE WEATHER AND FLOODING - PASS THROUGH
FROM U.S. CONTRIBUTIONS TRUST FUND . 1,800,000

1514C SPECIAL CATEGORIES
GRANTS AND AIDS - 2005 HURRICANES - STATE OPERATIONS
FROM U.S. CONTRIBUTIONS TRUST FUND . 5,293,816

1514D SPECIAL CATEGORIES
GRANTS AND AIDS - 2005 HURRICANES - PASS THROUGH OF STATE AND FEDERAL FUNDS TO LOCAL GOVERNMENTS
FROM GRANTS AND DONATIONS TRUST FUND 134,128
FROM U.S. CONTRIBUTIONS TRUST FUND . 65,876,682

1514E SPECIAL CATEGORIES
GRANTS AND AIDS - 2008-09 SEVERE WEATHER AND FLOODING - STATE OPERATIONS
FROM U.S. CONTRIBUTIONS TRUST FUND . 95,073

1514F SPECIAL CATEGORIES
GRANTS AND AIDS - 2008-09 SEVERE WEATHER AND FLOODING - PASS THROUGH OF STATE AND FEDERAL FUNDS TO LOCAL GOVERNMENTS
FROM GRANTS AND DONATIONS TRUST FUND 1,869,518
FROM U.S. CONTRIBUTIONS TRUST FUND . 10,354,184

1514G SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2006-07 - HAZARDOUS WEATHER - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND 9,153
FROM U.S. CONTRIBUTIONS TRUST FUND . 27,458

1514H SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2006-07 - HAZARDOUS WEATHER - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND 460,553
FROM U.S. CONTRIBUTIONS TRUST FUND . 2,567,746

1514I SPECIAL CATEGORIES
GRANTS AND AIDS - 2008-09 HURRICANES - STATE OPERATIONS
FROM U.S. CONTRIBUTIONS TRUST FUND . 253,404

1514J SPECIAL CATEGORIES
GRANTS AND AIDS - 2008-09 HURRICANES - PASS THROUGH OF STATE AND FEDERAL FUNDS TO LOCAL GOVERNMENTS
FROM GRANTS AND DONATIONS TRUST FUND 5,339,537
FROM U.S. CONTRIBUTIONS TRUST FUND . 29,348,027

1514K SPECIAL CATEGORIES
STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 87,481

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1514L SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 208,695

1515 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 15,627
FROM FEDERAL GRANTS TRUST FUND . . . 22,340
FROM GRANTS AND DONATIONS TRUST FUND 8,690
FROM OPERATING TRUST FUND 4,495
FROM U.S. CONTRIBUTIONS TRUST FUND . 51,715

1515A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
EMERGENCY MANAGEMENT CRITICAL FACILITY NEEDS
FROM GENERAL REVENUE FUND 5,000,000
FROM GRANTS AND DONATIONS TRUST FUND 3,000,000

Funds in Specific Appropriation 1515A from the Grants and Donations Trust Fund reflect the transfer of $3,000,000 of mitigation funds from the Hurricane Catastrophe Fund pursuant to section 215.555(7)(c), Florida Statutes.

From the funds in Specific Appropriation 1515A, $5,000,000 from the General Revenue Fund shall be provided to Glades County to assist in the construction of an emergency operations center.

TOTAL: EMERGENCY MANAGEMENT
FROM GENERAL REVENUE FUND 5,000,000
FROM TRUST FUNDS 278,825,999

TOTAL POSITIONS 136.00
TOTAL ALL FUNDS 283,825,999

PROGRAM: HOUSING AND COMMUNITY DEVELOPMENT

AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT

APPROVED SALARY RATE 1,563,998

1516 SALARIES AND BENEFITS POSITIONS 35.00
FROM GENERAL REVENUE FUND 523,925
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND 1,284,649
FROM FEDERAL GRANTS TRUST FUND . . . 167,538
FROM OPERATING TRUST FUND 155,110

1517 OTHER PERSONAL SERVICES
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND 443,206

1518 EXPENSES
FROM GENERAL REVENUE FUND 74,112
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND 429,528
FROM OPERATING TRUST FUND 26,220

1519 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 960
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT

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PROGRAM FUND 2,000

1519A SPECIAL CATEGORIES
GRANTS AND AIDS TO COMMUNITY SERVICES
FROM GENERAL REVENUE FUND 4,750,000

Funds in Specific Appropriation 1519A shall be allocated as follows:

We Help Community Development Corporation - Miami..... 100,000
Pine Hills Neighborhood Redevelopment Project - Orange County..... 3,400,000
Renaissance of the Parramore Neighborhood in Downtown Orlando..... 900,000
Marydia Neighborhood Community Center - Osceola County..... 350,000

1520 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 480
FROM OPERATING TRUST FUND 480

1521 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,527

1522 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 4,416
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND 5,954
FROM FEDERAL GRANTS TRUST FUND . . . 954
FROM OPERATING TRUST FUND 882

1522A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND 34,000,000

1522B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - NEIGHBORHOOD STABILIZATION PROGRAM (NSP)
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND 8,511,111

1522C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
HOUSING AND URBAN DEVELOPMENT DISASTER GRANTS
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND 26,894,183

TOTAL: AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT
FROM GENERAL REVENUE FUND 5,356,420
FROM TRUST FUNDS 71,921,815

TOTAL POSITIONS 35.00
TOTAL ALL FUNDS 77,278,235

BUILDING CODE COMPLIANCE AND HAZARD MITIGATION

APPROVED SALARY RATE 691,482

1523 SALARIES AND BENEFITS POSITIONS 15.00
FROM OPERATING TRUST FUND 971,758

1524 OTHER PERSONAL SERVICES

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APPROPRIATION
FROM GRANTS AND DONATIONS TRUST FUND 530,100
FROM OPERATING TRUST FUND 1,583,413

1525 EXPENSES
FROM OPERATING TRUST FUND 324,192

1526 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 1,920

1527 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH
FROM OPERATING TRUST FUND 282,637

In the event that the Building Permit Surcharge revenue collections are insufficient to fund the level of appropriation in Specific Appropriation 1527, this transfer shall be reduced to reflect the amount actually collected.

1528 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM OPERATING TRUST FUND 11,678

1529 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 24,980

1530 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM OPERATING TRUST FUND 6,122

TOTAL: BUILDING CODE COMPLIANCE AND HAZARD MITIGATION
FROM TRUST FUNDS 3,736,800

TOTAL POSITIONS 15.00
TOTAL ALL FUNDS 3,736,800

PUBLIC SERVICE AND ENERGY INITIATIVES

APPROVED SALARY RATE 754,572

1531 SALARIES AND BENEFITS POSITIONS 18.00
FROM FEDERAL GRANTS TRUST FUND . . . 1,161,571

1532 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 384,658

1533 EXPENSES
FROM FEDERAL GRANTS TRUST FUND . . . 333,193

1534 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 2,550

1535 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SERVICES BLOCK GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 17,876,599

1536 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME ENERGY ASSISTANCE
FROM FEDERAL GRANTS TRUST FUND . . . 111,164,000

1537 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 500

1538 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FEDERAL GRANTS TRUST FUND . . . 1,484

1539 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT

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APPROPRIATION
SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM FEDERAL GRANTS TRUST FUND . . . 6,309

1539A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - WEATHERIZATION GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 3,000,000

1539B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - WEATHERIZATION/LOW INCOME HOME ENERGY ASSISTANCE PROGRAM GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 10,000,000

TOTAL: PUBLIC SERVICE AND ENERGY INITIATIVES
FROM TRUST FUNDS 143,930,864

TOTAL POSITIONS 18.00
TOTAL ALL FUNDS 143,930,864

TOTAL: COMMUNITY AFFAIRS, DEPARTMENT OF
FROM GENERAL REVENUE FUND 17,199,604
FROM TRUST FUNDS 505,162,927

TOTAL POSITIONS 358.00
TOTAL ALL FUNDS 522,362,531
TOTAL APPROVED SALARY RATE 13,761,255

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 14,170,993

1544 SALARIES AND BENEFITS POSITIONS 276.00
FROM GENERAL REVENUE FUND 1,258,897
FROM ADMINISTRATIVE TRUST FUND . . . 16,725,975
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 72,532
FROM INLAND PROTECTION TRUST FUND . 212,421
FROM FEDERAL GRANTS TRUST FUND . . . 721,648
FROM INTERNAL IMPROVEMENT TRUST FUND 387,645

1545 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 530,015
FROM FEDERAL GRANTS TRUST FUND . . . 381,879
FROM GRANTS AND DONATIONS TRUST FUND 7,000
FROM INTERNAL IMPROVEMENT TRUST FUND 523,332

1546 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 2,786,791
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 28,809
FROM INLAND PROTECTION TRUST FUND . 37,781
FROM FEDERAL GRANTS TRUST FUND . . . 902,783
FROM GRANTS AND DONATIONS TRUST FUND 500
FROM INTERNAL IMPROVEMENT TRUST FUND 4,980

1547 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 16,275
FROM FEDERAL GRANTS TRUST FUND . . . 1,399

1548 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND . . . 191,684

1549 SPECIAL CATEGORIES
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM
FROM ADMINISTRATIVE TRUST FUND . . . 22,906

1550 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 184,000
FROM INTERNAL IMPROVEMENT TRUST FUND 2,859,188

1551 SPECIAL CATEGORIES
POLLUTION RESTORATION CONTRACTS
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 4,066

1552 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 94,625

1553 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND . . . 9,910

1554 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND . 107,407

1555 SPECIAL CATEGORIES
PETROLEUM CLEANUP AUDITS
FROM INLAND PROTECTION TRUST FUND . 142,196

1556 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 19,085
FROM ADMINISTRATIVE TRUST FUND . . . 95,912
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 409
FROM INLAND PROTECTION TRUST FUND . 843
FROM FEDERAL GRANTS TRUST FUND . . . 4,067

1556A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FLORIDA COASTAL ZONE MANAGEMENT PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 2,200,000

1556B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
CLEAN MARINA
FROM FEDERAL GRANTS TRUST FUND . . . 1,500,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 1,277,982
FROM TRUST FUNDS 30,758,978

TOTAL POSITIONS 276.00
TOTAL ALL FUNDS 32,036,960

FLORIDA GEOLOGICAL SURVEY

APPROVED SALARY RATE 1,257,363

1557 SALARIES AND BENEFITS POSITIONS 27.50
FROM INTERNAL IMPROVEMENT TRUST FUND 437,422
FROM LAND ACQUISITION TRUST FUND . . 621,143
FROM MINERALS TRUST FUND 281,309
FROM WATER QUALITY ASSURANCE TRUST FUND 410,565

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1558 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 242,622
FROM GRANTS AND DONATIONS TRUST FUND 126,147
FROM WATER QUALITY ASSURANCE TRUST FUND 22,208

1559 EXPENSES
FROM FEDERAL GRANTS TRUST FUND . . . 57,264
FROM GRANTS AND DONATIONS TRUST FUND 60,905
FROM WATER QUALITY ASSURANCE TRUST FUND 300,442

1560 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 1,500
FROM GRANTS AND DONATIONS TRUST FUND 21,000
FROM MINERALS TRUST FUND 48,868
FROM WATER QUALITY ASSURANCE TRUST FUND 19,838

1561 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 71,799
FROM GRANTS AND DONATIONS TRUST FUND 78,077
FROM MINERALS TRUST FUND 5,700
FROM WATER QUALITY ASSURANCE TRUST FUND 80,000

1562 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM MINERALS TRUST FUND 3,038

1563 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INTERNAL IMPROVEMENT TRUST FUND 2,848
FROM LAND ACQUISITION TRUST FUND . . 3,382
FROM MINERALS TRUST FUND 4,922
FROM WATER QUALITY ASSURANCE TRUST FUND 957

TOTAL: FLORIDA GEOLOGICAL SURVEY
FROM TRUST FUNDS 2,901,956

TOTAL POSITIONS 27.50
TOTAL ALL FUNDS 2,901,956

TECHNOLOGY AND INFORMATION SERVICES

APPROVED SALARY RATE 3,604,922

1564 SALARIES AND BENEFITS POSITIONS 79.00
FROM WORKING CAPITAL TRUST FUND . . 4,884,718

1565 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND . . 738,340

1566 EXPENSES
FROM WORKING CAPITAL TRUST FUND . . 1,944,355

1567 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND . . 20,625

1568 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM WORKING CAPITAL TRUST FUND . . 1,200,000

1569 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND . . 5,283

1570 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM WORKING CAPITAL TRUST FUND . . 33,304

1571 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM WORKING CAPITAL TRUST FUND . . 2,165,655

TOTAL: TECHNOLOGY AND INFORMATION SERVICES
FROM TRUST FUNDS 10,992,280

TOTAL POSITIONS 79.00
TOTAL ALL FUNDS 10,992,280

PROGRAM: STATE LANDS

LAND ADMINISTRATION

APPROVED SALARY RATE 1,914,007

1572 SALARIES AND BENEFITS POSITIONS 41.00
FROM INTERNAL IMPROVEMENT TRUST FUND 2,450,659
FROM LAND ACQUISITION TRUST FUND . . 222,564
FROM WATER MANAGEMENT LANDS TRUST FUND 61,921

1574 EXPENSES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 109,278
FROM INTERNAL IMPROVEMENT TRUST FUND 342,833
FROM LAND ACQUISITION TRUST FUND . . 18,394
FROM WATER MANAGEMENT LANDS TRUST FUND 6,648

1575 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 44,994
FROM INTERNAL IMPROVEMENT TRUST FUND 320,000

1576 SPECIAL CATEGORIES
NATURAL AREAS INVENTORY
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 222,947

1577 SPECIAL CATEGORIES
PAYMENT IN LIEU OF TAXES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,360,000

1578 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INTERNAL IMPROVEMENT TRUST FUND 17,849
FROM LAND ACQUISITION TRUST FUND . . 1,420
FROM WATER MANAGEMENT LANDS TRUST FUND 397

1578A FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE
FROM FLORIDA FOREVER TRUST FUND . . 305,000,000

Funds in Specific Appropriation 1578A are provided from the proceeds of

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surplus lands and interest earnings. The Division of State Lands, acting on behalf of the Board of Trustees, shall proceed with the disposition of surplus state lands in order to provide up to $305,000,000 for purchase of conservation lands.

1579 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND . . 417,753,438

Funds provided in Specific Appropriation 1579 are for Fiscal Year 2011-2012 debt service on bonds. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service varies due to a change in the interest rate, timing of issuance, or other circumstances, there is hereby appropriated from the Land Acquisition Trust Fund an amount sufficient to pay such debt service.

1580 FIXED CAPITAL OUTLAY
DEBT SERVICE - SAVE OUR EVERGLADES BONDS
FROM SAVE OUR EVERGLADES TRUST
FUND 19,394,454

Funds provided in Specific Appropriation 1580 are for Fiscal Year 2011-2012 debt service on bonds authorized pursuant to section 215.619, Florida Statutes, including any other continuing payments necessary or incidental to the repayment of the bonds, such as remarketing agent fees, tender agent fees, liquidity facility provider fees and similar fees and expenses. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service varies due to a change in the interest rate, timing of issuance, or other circumstances, there is hereby appropriated from the Save Our Everglades Trust Fund an amount sufficient to pay such debt service.

1580A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
AID TO WATER MANAGEMENT DISTRICTS-LAND
ACQUISITION
FROM WATER MANAGEMENT LANDS TRUST
FUND 15,863,535

1580B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
EVERGLADES RESTORATION
FROM GENERAL REVENUE FUND 10,000,000
FROM SAVE OUR EVERGLADES TRUST
FUND 19,955,500

Funds in Specific Appropriation 1580B are provided for the design, engineering, construction and implementation of project components identified in the Comprehensive Everglades Restoration Plan, the Lake Okeechobee Protection Plan, Caloosahatchee Watershed Protection Plan and St. Lucie River Watershed Protection Plan, and for the acquisition of lands for projects included in the plans.

From the funds in Specific Appropriation 1580B, $3,000,000 is provided to the Department of Agriculture and Consumer Services for implementation of agricultural nonpoint source controls in the Okeechobee, Caloosahatchee, and St. Lucie River watersheds.

From funds in Specific Appropriation 1580B, $500,000 is provided to the Department of Environmental Protection to study and quantify urban and other sources of phosphorus introduced into the Lake Okeechobee watershed, to evaluate and report on relative contributions of those sources to water quality impairment, and to make recommendations on source reduction strategies that can be efficiently applied across the watershed.

TOTAL: LAND ADMINISTRATION
FROM GENERAL REVENUE FUND 10,000,000
FROM TRUST FUNDS 783,146,831

TOTAL POSITIONS 41.00
TOTAL ALL FUNDS 793,146,831

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LAND MANAGEMENT

APPROVED SALARY RATE 4,181,818

1581 SALARIES AND BENEFITS POSITIONS 95.00
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 866,409
FROM INTERNAL IMPROVEMENT TRUST
FUND 4,802,559

1582 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 250,178
FROM GRANTS AND DONATIONS TRUST
FUND 574,024

1583 EXPENSES
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 139,844
FROM GRANTS AND DONATIONS TRUST
FUND 494,788
FROM INTERNAL IMPROVEMENT TRUST
FUND 791,396

1584 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST
FUND 150,000
FROM INTERNAL IMPROVEMENT TRUST
FUND 15,000

1585 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE
PLANT INDUSTRY TRUST FUND
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 240,000

1586 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 20,000
FROM INTERNAL IMPROVEMENT TRUST
FUND 164,020

1587 SPECIAL CATEGORIES
STATE LANDS STEWARDSHIP
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 250,000
FROM INTERNAL IMPROVEMENT TRUST
FUND 200,000

1588 SPECIAL CATEGORIES
NATIONAL OCEAN SURVEY
FROM INTERNAL IMPROVEMENT TRUST
FUND 84,000

1589 SPECIAL CATEGORIES
RICO ACT- DISTRIBUTION OF PROCEEDS FROM
PROPERTY SALES
FROM INTERNAL IMPROVEMENT TRUST
FUND 350,000

1590 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INTERNAL IMPROVEMENT TRUST
FUND 107,793

1591 SPECIAL CATEGORIES
TRANSFER - DIVISION OF FORESTRY INCIDENTAL
TRUST FUND
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 14,678,468

1592 SPECIAL CATEGORIES
TRANSFER TO FISH AND WILDLIFE CONSERVATION

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APPROPRIATION
COMMISSION FOR MANAGEMENT OF CARL LANDS
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 12,362,672

1593 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF STATE FOR GRANTS
AND DONATIONS TRUST FUND
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 4,910,483

1594 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 5,717
FROM INTERNAL IMPROVEMENT TRUST
FUND 33,545

TOTAL: LAND MANAGEMENT
FROM TRUST FUNDS 41,490,896

TOTAL POSITIONS 95.00
TOTAL ALL FUNDS 41,490,896

PROGRAM: DISTRICT OFFICES

WATER RESOURCE PROTECTION AND RESTORATION

APPROVED SALARY RATE 18,811,791

1595 SALARIES AND BENEFITS POSITIONS 455.00
FROM GENERAL REVENUE FUND 10,108,736
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 2,979,805
FROM FEDERAL GRANTS TRUST FUND . . . 854,470
FROM INTERNAL IMPROVEMENT TRUST
FUND 1,013,749
FROM LAND ACQUISITION TRUST FUND . . 5,301,999
FROM PERMIT FEE TRUST FUND 5,827,476

1596 OTHER PERSONAL SERVICES
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 294,303

1597 EXPENSES
FROM GENERAL REVENUE FUND 152,112
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 1,633,735
FROM FEDERAL GRANTS TRUST FUND . . . 36,826
FROM LAND ACQUISITION TRUST FUND . . 217,399
FROM PERMIT FEE TRUST FUND 354,937

1598 SPECIAL CATEGORIES
WATER QUALITY MANAGEMENT/PLANNING GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 2,621,399
FROM GRANTS AND DONATIONS TRUST
FUND 320,673

1599 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 8,225
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 6,750
FROM FEDERAL GRANTS TRUST FUND . . . 30
FROM LAND ACQUISITION TRUST FUND . . 1,100
FROM PERMIT FEE TRUST FUND 5,370

1600 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 55,911
FROM FEDERAL GRANTS TRUST FUND . . . 3,045
FROM PERMIT FEE TRUST FUND 8,766

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
1601 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 90,243
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 24,584
FROM FEDERAL GRANTS TRUST FUND . . . 4,625
FROM LAND ACQUISITION TRUST FUND . . 8,412
FROM PERMIT FEE TRUST FUND 38,543

TOTAL: WATER RESOURCE PROTECTION AND RESTORATION
FROM GENERAL REVENUE FUND 10,359,316
FROM TRUST FUNDS 21,613,907

TOTAL POSITIONS 455.00
TOTAL ALL FUNDS 31,973,223

AIR POLLUTION PREVENTION

APPROVED SALARY RATE 4,239,500

1608 SALARIES AND BENEFITS POSITIONS 94.00
FROM AIR POLLUTION CONTROL TRUST
FUND 5,593,979
FROM GRANTS AND DONATIONS TRUST
FUND 103,128

1609 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST
FUND 202,601

1610 EXPENSES
FROM AIR POLLUTION CONTROL TRUST
FUND 612,204

1611 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST
FUND 98,307

1612 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM AIR POLLUTION CONTROL TRUST
FUND 15,050

1613 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM AIR POLLUTION CONTROL TRUST
FUND 23,971

1614 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM AIR POLLUTION CONTROL TRUST
FUND 34,166
FROM GRANTS AND DONATIONS TRUST
FUND 987

TOTAL: AIR POLLUTION PREVENTION
FROM TRUST FUNDS 6,684,393

TOTAL POSITIONS 94.00
TOTAL ALL FUNDS 6,684,393

WASTE CONTROL

APPROVED SALARY RATE 6,927,202

1615 SALARIES AND BENEFITS POSITIONS 162.00
FROM INLAND PROTECTION TRUST FUND . 2,714,328
FROM FEDERAL GRANTS TRUST FUND . . . 1,258,295
FROM PERMIT FEE TRUST FUND 686,822
FROM SOLID WASTE MANAGEMENT TRUST

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FUND 1,623,612
FROM WATER QUALITY ASSURANCE TRUST
FUND 3,239,067

1616 OTHER PERSONAL SERVICES
FROM INLAND PROTECTION TRUST FUND . 110,000

1617 EXPENSES
FROM INLAND PROTECTION TRUST FUND . 591,982
FROM FEDERAL GRANTS TRUST FUND . . . 109,016
FROM PERMIT FEE TRUST FUND 40,204
FROM SOLID WASTE MANAGEMENT TRUST
FUND 149,759
FROM WATER QUALITY ASSURANCE TRUST
FUND 314,784

1618 OPERATING CAPITAL OUTLAY
FROM SOLID WASTE MANAGEMENT TRUST
FUND 60,919

1619 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INLAND PROTECTION TRUST FUND . 1,860
FROM FEDERAL GRANTS TRUST FUND . . . 550
FROM SOLID WASTE MANAGEMENT TRUST
FUND 6,550
FROM WATER QUALITY ASSURANCE TRUST
FUND 16,145

1620 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST
FUND 190,535

1621 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND . 147,566
FROM FEDERAL GRANTS TRUST FUND . . . 5,757
FROM SOLID WASTE MANAGEMENT TRUST
FUND 12,123

1622 SPECIAL CATEGORIES
RESEARCH, DEVELOPMENT AND TECHNICAL
ASSISTANCE - WASTE TIRE ABATEMENT PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST
FUND 14,000

1623 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INLAND PROTECTION TRUST FUND . 16,812
FROM FEDERAL GRANTS TRUST FUND . . . 7,793
FROM PERMIT FEE TRUST FUND 4,728
FROM SOLID WASTE MANAGEMENT TRUST
FUND 10,055
FROM WATER QUALITY ASSURANCE TRUST
FUND 20,093

TOTAL: WASTE CONTROL
FROM TRUST FUNDS 11,353,355

TOTAL POSITIONS 162.00
TOTAL ALL FUNDS 11,353,355

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 4,164,701

1624 SALARIES AND BENEFITS POSITIONS 87.00
FROM GENERAL REVENUE FUND 1,002,345
FROM ADMINISTRATIVE TRUST FUND . . . 3,276,091
FROM AIR POLLUTION CONTROL TRUST
FUND 922,318

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM SOLID WASTE MANAGEMENT TRUST
FUND 312,789

1625 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 127,564
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 18,621

1626 EXPENSES
FROM GENERAL REVENUE FUND 944,015
FROM ADMINISTRATIVE TRUST FUND . . . 720,601
FROM AIR POLLUTION CONTROL TRUST
FUND 286,560
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 21,337
FROM LAND ACQUISITION TRUST FUND . . 27,923
FROM SOLID WASTE MANAGEMENT TRUST
FUND 58,316

1627 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 3,451

1628 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 44,795
FROM ADMINISTRATIVE TRUST FUND . . . 90,085
FROM AIR POLLUTION CONTROL TRUST
FUND 8,894

1629 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 82,579
FROM ADMINISTRATIVE TRUST FUND . . . 89,165

1630 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 15,116
FROM ADMINISTRATIVE TRUST FUND . . . 10,844
FROM AIR POLLUTION CONTROL TRUST
FUND 6,027
FROM SOLID WASTE MANAGEMENT TRUST
FUND 1,855

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,088,850
FROM TRUST FUNDS 5,982,441

TOTAL POSITIONS 87.00
TOTAL ALL FUNDS 8,071,291

PROGRAM: ENVIRONMENTAL ASSESSMENT AND RESTORATION

WATER SCIENCE AND LABORATORY SERVICES

APPROVED SALARY RATE 8,006,564

1634 SALARIES AND BENEFITS POSITIONS 180.00
FROM GENERAL REVENUE FUND 735,359
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 4,783,835
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 389,398
FROM FEDERAL GRANTS TRUST FUND . . . 2,751,062
FROM LAND ACQUISITION TRUST FUND . . 66,411
FROM PERMIT FEE TRUST FUND 54,495
FROM WATER QUALITY ASSURANCE TRUST
FUND 2,242,992

1635 OTHER PERSONAL SERVICES
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 185,969
FROM WATER QUALITY ASSURANCE TRUST

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FUND 70,950

1636 EXPENSES
FROM GENERAL REVENUE FUND 32,201
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 1,378,497
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 164,960
FROM PERMIT FEE TRUST FUND 96,923
FROM WATER QUALITY ASSURANCE TRUST
FUND 272,602

1637 OPERATING CAPITAL OUTLAY
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 198,800

1638 SPECIAL CATEGORIES
GROUND WATER QUALITY MONITORING NETWORK
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 125,000
FROM WATER QUALITY ASSURANCE TRUST
FUND 1,798,745

1639 SPECIAL CATEGORIES
WATER MANAGEMENT DISTRICTS LABORATORY
SUPPORT
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 176,425

1640 SPECIAL CATEGORIES
EVERGLADES LAB SUPPORT
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 469,471

1641 SPECIAL CATEGORIES
WATER QUALITY MANAGEMENT/PLANNING GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 2,454,380

1642 SPECIAL CATEGORIES
LABORATORY SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 250,000

1643 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 436,559

1644 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 312,710

1645 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 53,728

1646 SPECIAL CATEGORIES
U.S. GEOLOGIC SURVEY COOPERATIVE AGREEMENT
FROM FEDERAL GRANTS TRUST FUND . . . 78,500
FROM WATER QUALITY ASSURANCE TRUST
FUND 214,897

1647 SPECIAL CATEGORIES
TRANSFER TO INSTITUTE OF FOOD AND
AGRICULTURE SCIENCES (IFAS) - LAKEWATCH
FROM INTERNAL IMPROVEMENT TRUST
FUND 275,000

1648 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 8,948

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 32,900
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 2,649
FROM FEDERAL GRANTS TRUST FUND . . . 16,554
FROM LAND ACQUISITION TRUST FUND . . 1,573
FROM PERMIT FEE TRUST FUND 357
FROM WATER QUALITY ASSURANCE TRUST
FUND 13,260

1648A FIXED CAPITAL OUTLAY
TOTAL MAXIMUM DAILY LOADS
FROM LAND ACQUISITION TRUST FUND . . 6,385,000

From the funds in Specific Appropriation 1648A, $100,000 shall be used by the Department of Environmental Protection in consultation with the South Florida Water Management District, U.S. Department of Agriculture, Florida Department of Agriculture and Consumer Services and providers of natural biological nutrient removal systems to identify toxins in the Taylor Creek watershed that prevent performance of natural biological nutrient removal systems. A written report shall be provided to the South Florida Water Management District by June 30, 2012. The report shall contain the results of the study and identify what toxins were found in the watershed and what effect they have on the performance of natural biological nutrient removal systems.

1648B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AID - NON-POINT SOURCE (NPS)
MANAGEMENT PLANNING GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 10,000,000
FROM WATER QUALITY ASSURANCE TRUST
FUND 2,400,000

1648C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
TOTAL MAXIMUM DAILY LOADS SPRINGS
ENVIRONMENTAL MONITORING
FROM GENERAL REVENUE FUND 4,000,000

Of the funds in Specific Appropriation 1648C, $4,000,000 in nonrecurring funds from the General Revenue Fund is provided for management of Florida's springs, which requires a science based methodology using tools that provide the ability to define the interactions of multiple physical, chemical and biological variables. Innovative monitoring systems shall be used within the drainage area of priority springs to define the fate and transport mechanisms associated with pollutants that threaten the health of these unique resources that are critical to the economic well being of the state. Targeted springs shall be those where restoration will have the greatest economic benefit to the region. Management activities will include installing monitoring equipment in different locations and measuring sources and management systems performance. The field data will be used to augment weather, hydrologic, water quality information, and watershed models for the development of improved restoration activities, including best management practices for reduction of nutrient runoff and leaching.

TOTAL: WATER SCIENCE AND LABORATORY SERVICES
FROM GENERAL REVENUE FUND 4,776,508
FROM TRUST FUNDS 38,154,602
TOTAL POSITIONS 180.00
TOTAL ALL FUNDS 42,931,110

PROGRAM: WATER RESOURCE MANAGEMENT

BEACH MANAGEMENT

APPROVED SALARY RATE 3,015,560

1649 SALARIES AND BENEFITS POSITIONS 68.00
FROM GENERAL REVENUE FUND 2,808
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 3,388,446

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM PERMIT FEE TRUST FUND 686,657

1650 OTHER PERSONAL SERVICES
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 302,857

1651 EXPENSES
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 329,875
FROM PERMIT FEE TRUST FUND 307,101

1652 OPERATING CAPITAL OUTLAY
FROM PERMIT FEE TRUST FUND 4,597

1653 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 2,807
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 22,975
FROM PERMIT FEE TRUST FUND 2,708

1653A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
BEACH PROJECTS - STATEWIDE
FROM GENERAL REVENUE FUND 7,999,701

Funds in Specific Appropriation 1653A, as part of the Department of Environmental Protection's Beach Management Funding Assistance Program for Fiscal Year 2011-2012, shall be allocated to the top 12 individual projects on the department's Beach Restoration and Nourishment Projects List.

Additionally, pursuant to section 161.143(5)(a), Florida Statutes, 10 percent of the amount appropriated will be used for the three highest ranked projects on the department's separate inlet management list. Further, post-construction monitoring required by state and federal permits shall receive 10 percent of the total amount appropriated for beach nourishment projects in the order presented in the department's submission.

TOTAL: BEACH MANAGEMENT
FROM GENERAL REVENUE FUND 8,005,316
FROM TRUST FUNDS 5,045,216

TOTAL POSITIONS 68.00
TOTAL ALL FUNDS 13,050,532

WATER RESOURCE MANAGEMENT

APPROVED SALARY RATE 10,516,545

1675A SALARIES AND BENEFITS POSITIONS 220.50
FROM GENERAL REVENUE FUND 261,237
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 342,490
FROM FEDERAL GRANTS TRUST FUND . . . 6,829,199
FROM LAND ACQUISITION TRUST FUND . . 524,391
FROM MINERALS TRUST FUND 2,263,047
FROM NON-MANDATORY LAND
RECLAMATION TRUST FUND 1,298,765
FROM PERMIT FEE TRUST FUND 1,366,582
FROM WATER QUALITY ASSURANCE TRUST
FUND 1,410,809

1675B OTHER PERSONAL SERVICES
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 358,779
FROM LAND ACQUISITION TRUST FUND . . 40,000
FROM MINERALS TRUST FUND 84,045
FROM NON-MANDATORY LAND
RECLAMATION TRUST FUND 59,938
FROM WATER QUALITY ASSURANCE TRUST
FUND 225,168

1675C EXPENSES
FROM GENERAL REVENUE FUND 16,898
FROM LAND ACQUISITION TRUST FUND . . 97,750
FROM NON-MANDATORY LAND
RECLAMATION TRUST FUND 494,233
FROM PERMIT FEE TRUST FUND 463,870
FROM WATER QUALITY ASSURANCE TRUST
FUND 209,928

1675D AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NORTHWEST FLORIDA WATER
MANAGEMENT DISTRICT ENVIRONMENTAL RESOURCE
PERMITTING PROGRAM
FROM WATER MANAGEMENT LANDS TRUST
FUND 1,851,231

1675E AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SUWANNEE RIVER WATER
MANAGEMENT DISTRICT - ENVIRONMENTAL
RESOURCE PERMITTING
FROM WATER MANAGEMENT LANDS TRUST
FUND 453,000

1675F AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NW FLORIDA WATER
MANAGEMENT DISTRICT OPERATIONS
FROM WATER MANAGEMENT LANDS TRUST
FUND 522,463

1675G AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WATER MANAGEMENT
DISTRICT PERMITTING ASSISTANCE
FROM WATER MANAGEMENT LANDS TRUST
FUND 100,000

1675H AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WATER MANAGEMENT
DISTRICTS - WETLANDS PROTECTION
FROM WATER MANAGEMENT LANDS TRUST
FUND 547,000

1675I OPERATING CAPITAL OUTLAY
FROM MINERALS TRUST FUND 1,132
FROM NON-MANDATORY LAND
RECLAMATION TRUST FUND 40,125

1675J SPECIAL CATEGORIES
WATER QUALITY MANAGEMENT/PLANNING GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 3,260,043

1675K SPECIAL CATEGORIES
NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM PROGRAM
FROM PERMIT FEE TRUST FUND 965,293

1675L SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM MINERALS TRUST FUND 20,000

1675M SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST
FUND 2,040,964

1675N SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 47,108
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 32,769
FROM MINERALS TRUST FUND 3,561
FROM PERMIT FEE TRUST FUND 11,782

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1675O SPECIAL CATEGORIES
HABITAT RESTORATION
FROM NON-MANDATORY LAND
RECLAMATION TRUST FUND 200,000

1675P SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND . 200,000

1675Q SPECIAL CATEGORIES
WATER WELL CLEANUP
FROM WATER QUALITY ASSURANCE TRUST
FUND 1,031,061

1675R SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 12,615
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 2,614
FROM FEDERAL GRANTS TRUST FUND . . . 29,415
FROM LAND ACQUISITION TRUST FUND . . 2,733
FROM MINERALS TRUST FUND 15,084
FROM NON-MANDATORY LAND
RECLAMATION TRUST FUND 8,683
FROM PERMIT FEE TRUST FUND 7,726
FROM WATER QUALITY ASSURANCE TRUST
FUND 9,275

1675S SPECIAL CATEGORIES
WETLANDS PROTECTION
FROM FEDERAL GRANTS TRUST FUND . . . 284,459

1675T FIXED CAPITAL OUTLAY
HAZARDOUS SITES CLEANUP - PHOSPHATE/
MULBERRY/PINEY POINT
FROM NON-MANDATORY LAND
RECLAMATION TRUST FUND 3,030,000

1675U GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - WATER PROJECTS
FROM GENERAL REVENUE FUND 2,775,000
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 1,925,000

Nonrecurring funds in Specific Appropriation 1675U from the General Revenue Fund shall be used for the following water projects:

City of Port Orange - Nova Canal Flood Control and Integrated Water Resources Project..... 1,250,000
Glades County Wastewater Improvements..... 850,000
Imperial River - Oak Creek Water Quality Project and Harbor River Ponds/Spring Creek Water Enhancement..... 250,000
North LaBelle Stormwater Improvements..... 400,000

Of the funds in Specific Appropriation 1675U $1,950,000 in nonrecurring funds from the General Revenue Fund and the Ecosystem Management and Restoration Trust Fund is provided for the payment of Statewide Revolving Fund loans 60006P and 60007L for the City of Frostproof in the Department of Environmental Protection.

1675V GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AID - NON-POINT SOURCE (NPS)
MANAGEMENT PLANNING GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 4,500,000
FROM GRANTS AND DONATIONS TRUST
FUND 500,000

1675W GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
DRINKING WATER FACILITY CONSTRUCTION -

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

STATE REVOLVING LOAN
FROM GENERAL REVENUE FUND 8,554,012
FROM DRINKING WATER REVOLVING LOAN
TRUST FUND 82,499,582

1675X GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
WASTEWATER TREATMENT FACILITY CONSTRUCTION
FROM GENERAL REVENUE FUND 10,422,464
FROM WASTEWATER TREATMENT AND
STORMWATER MANAGEMENT REVOLVING
LOAN TRUST FUND 153,924,260

1675Y GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - CITY OF WINTER HAVEN -
PEACE CREEK WATERSHED
FROM GENERAL REVENUE FUND 2,623,823
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 676,177

1675Z GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
RESTORATION/ST JOHNS RIVER
FROM GENERAL REVENUE FUND 10,000,000

1675AA GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
SMALL COUNTY WASTEWATER TREATMENT GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 16,600,000

TOTAL: WATER RESOURCE MANAGEMENT
FROM GENERAL REVENUE FUND 34,713,157
FROM TRUST FUNDS 291,364,426

TOTAL POSITIONS 220.50
TOTAL ALL FUNDS 326,077,583

PROGRAM: WASTE MANAGEMENT

WASTE MANAGEMENT

APPROVED SALARY RATE 10,382,943

1703A SALARIES AND BENEFITS POSITIONS 233.00
FROM INLAND PROTECTION TRUST FUND . 5,365,633
FROM FEDERAL GRANTS TRUST FUND . . . 2,214,220
FROM PERMIT FEE TRUST FUND 378
FROM SOLID WASTE MANAGEMENT TRUST
FUND 2,405,155
FROM WATER QUALITY ASSURANCE TRUST
FUND 4,212,096

1703B OTHER PERSONAL SERVICES
FROM INLAND PROTECTION TRUST FUND . 23,780
FROM FEDERAL GRANTS TRUST FUND . . . 266,193
FROM SOLID WASTE MANAGEMENT TRUST
FUND 142,552
FROM WATER QUALITY ASSURANCE TRUST
FUND 12,000

1703C EXPENSES
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 4,438
FROM INLAND PROTECTION TRUST FUND . 690,369
FROM FEDERAL GRANTS TRUST FUND . . . 386,909
FROM SOLID WASTE MANAGEMENT TRUST
FUND 281,784
FROM WATER QUALITY ASSURANCE TRUST
FUND 387,956

1703D AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SOUTHERN WASTE
INFORMATION EXCHANGE CLEARING HOUSE

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

	FROM SOLID WASTE MANAGEMENT TRUST FUND	300,000
1703E	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LOCAL HAZARDOUS WASTE COLLECTION FROM WATER QUALITY ASSURANCE TRUST FUND	509,994
1703F	OPERATING CAPITAL OUTLAY FROM INLAND PROTECTION TRUST FUND .	9,929
	FROM SOLID WASTE MANAGEMENT TRUST FUND	44,094
	FROM WATER QUALITY ASSURANCE TRUST FUND	11,023
1703G	SPECIAL CATEGORIES STORAGE TANK COMPLIANCE VERIFICATION FROM INLAND PROTECTION TRUST FUND .	7,000,000
1703H	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF HEALTH FOR BIOMEDICAL WASTE REGULATION FROM SOLID WASTE MANAGEMENT TRUST FUND	880,000
1703I	SPECIAL CATEGORIES CONTRACTED SERVICES FROM INLAND PROTECTION TRUST FUND .	109,045
	FROM FEDERAL GRANTS TRUST FUND . . .	4,200
	FROM SOLID WASTE MANAGEMENT TRUST FUND	102,500
	FROM WATER QUALITY ASSURANCE TRUST FUND	62,100
1703J	SPECIAL CATEGORIES FEDERAL WASTE PLANNING GRANTS FROM FEDERAL GRANTS TRUST FUND . . .	993,050
1703K	SPECIAL CATEGORIES HAZARDOUS WASTE CLEANUP FROM WATER QUALITY ASSURANCE TRUST FUND	1,907,327
1703L	SPECIAL CATEGORIES HAZARDOUS WASTE SITES RESTORATION FROM FEDERAL GRANTS TRUST FUND . . .	1,999,847
1703M	SPECIAL CATEGORIES HAZARDOUS WASTE COMPLIANCE ASSISTANCE AND EDUCATION FROM SOLID WASTE MANAGEMENT TRUST FUND	100,000
1703N	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES - MOSQUITO CONTROL PROGRAM FROM SOLID WASTE MANAGEMENT TRUST FUND	1,293,368
1703O	SPECIAL CATEGORIES DRYCLEANING CONTAMINATION CLEANUP FROM WATER QUALITY ASSURANCE TRUST FUND	100,000
1703P	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM INLAND PROTECTION TRUST FUND .	27,651
	FROM SOLID WASTE MANAGEMENT TRUST FUND	18,768
	FROM WATER QUALITY ASSURANCE TRUST FUND	27,279

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
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1703Q	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF REVENUE - ADMINISTRATION OF LEAD ACID BATTERY FEE FROM WATER QUALITY ASSURANCE TRUST FUND	231,092
1703R	SPECIAL CATEGORIES TRANSFER TO UNIVERSITY OF FLORIDA - RESEARCH AND TESTING FROM SOLID WASTE MANAGEMENT TRUST FUND	700,000
1703S	SPECIAL CATEGORIES UNDERGROUND STORAGE TANK CLEANUP FROM INLAND PROTECTION TRUST FUND .	6,028,157
1703T	SPECIAL CATEGORIES LOCAL GOVERNMENT CLEANUP CONTRACTING FROM INLAND PROTECTION TRUST FUND .	7,000,000
1703U	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM INLAND PROTECTION TRUST FUND .	35,434
	FROM FEDERAL GRANTS TRUST FUND . . .	13,026
	FROM SOLID WASTE MANAGEMENT TRUST FUND	13,450
	FROM WATER QUALITY ASSURANCE TRUST FUND	26,080
1703V	FIXED CAPITAL OUTLAY DRY CLEANING SOLVENT CONTAMINATED SITE CLEANUP FROM WATER QUALITY ASSURANCE TRUST FUND	4,000,000
1703W	FIXED CAPITAL OUTLAY CLEANUP OF STATE OWNED LANDS FROM INLAND PROTECTION TRUST FUND .	1,000,000
1703X	FIXED CAPITAL OUTLAY PETROLEUM TANKS CLEANUP - PREAPPROVALS FROM INLAND PROTECTION TRUST FUND .	128,000,000
1703Y	FIXED CAPITAL OUTLAY HAZARDOUS WASTE CONTAMINATED SITE CLEANUP FROM WATER QUALITY ASSURANCE TRUST FUND	4,000,000
1703Z	FIXED CAPITAL OUTLAY DEBT SERVICE - INLAND PROTECTION FINANCING CORPORATION FROM INLAND PROTECTION TRUST FUND .	9,785,807

Funds in Specific Appropriation 1703Z are for Fiscal Year 2011-2012 debt service on bonds pursuant to Specific Appropriation 1733, chapter 2009-81, Laws of Florida, and any administrative expenses of the Inland Protection Financing Corporation for the purpose of rehabilitation of petroleum contamination sites pursuant to sections 376.30 through 376.317, Florida Statutes.

1703AA	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY SOLID WASTE MANAGEMENT FROM SOLID WASTE MANAGEMENT TRUST FUND	2,400,000
TOTAL:	WASTE MANAGEMENT FROM TRUST FUNDS	195,126,684
	TOTAL POSITIONS 233.00	
	TOTAL ALL FUNDS	195,126,684

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
PROGRAM: RECREATION AND PARKS

LAND MANAGEMENT

APPROVED SALARY RATE 1,852,317

1704 SALARIES AND BENEFITS POSITIONS 40.00
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 42,383
FROM LAND ACQUISITION TRUST FUND . . 2,028,404

1705 OTHER PERSONAL SERVICES
FROM LAND ACQUISITION TRUST FUND . . 755,408

1706 EXPENSES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 43,689
FROM LAND ACQUISITION TRUST FUND . . 422,850

1707 SPECIAL CATEGORIES
MANAGEMENT OF WATER CONTROL STRUCTURES
FROM LAND ACQUISITION TRUST FUND . . 150,000

1708 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 16,640
FROM LAND ACQUISITION TRUST FUND . . 74,053

1709 SPECIAL CATEGORIES
GREENWAYS CARL MANAGEMENT FUNDING
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 2,179,609

1710 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 378
FROM LAND ACQUISITION TRUST FUND . . 20,746

1710A FIXED CAPITAL OUTLAY
FLORIDA KEYS OVERSEAS HERITAGE TRAIL
FROM LAND ACQUISITION TRUST FUND . . 2,000,000

1710B FIXED CAPITAL OUTLAY
GREENWAY RECREATIONAL IMPROVEMENTS - INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT
FROM FEDERAL GRANTS TRUST FUND . . . 6,000,000

1710C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FEDERAL LAND AND WATER CONSERVATION FUND GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 2,096,222

1710D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
NATIONAL RECREATIONAL TRAIL GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 3,500,000

TOTAL: LAND MANAGEMENT
FROM TRUST FUNDS 19,330,382

TOTAL POSITIONS 40.00
TOTAL ALL FUNDS 19,330,382

RECREATIONAL ASSISTANCE TO LOCAL GOVERNMENTS

APPROVED SALARY RATE 282,143

1711 SALARIES AND BENEFITS POSITIONS 2.00

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM LAND ACQUISITION TRUST FUND . . 190,170

1713 EXPENSES
FROM LAND ACQUISITION TRUST FUND . . 9,548

1714 SPECIAL CATEGORIES
TRANSFER TO THE DEPARTMENT OF COMMUNITY AFFAIRS - FLORIDA COMMUNITIES TRUST
FROM LAND ACQUISITION TRUST FUND . . 1,210,682

1715 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM LAND ACQUISITION TRUST FUND . . 2,731

1715A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - LOCAL RECREATIONAL PROJECTS
FROM GENERAL REVENUE FUND 500,000

From the funds in Specific Appropriation 1715A, $500,000 in nonrecurring funds from the General Revenue Fund is provided to Polk County for safety and horticultural upgrades to the botanical gardens associated with the Department of Environmental Protection's conservation easement.

TOTAL: RECREATIONAL ASSISTANCE TO LOCAL GOVERNMENTS
FROM GENERAL REVENUE FUND 500,000
FROM TRUST FUNDS 1,413,131

TOTAL POSITIONS 2.00
TOTAL ALL FUNDS 1,913,131

STATE PARK OPERATIONS

APPROVED SALARY RATE 32,887,805

1716 SALARIES AND BENEFITS POSITIONS 1,022.50
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,218,258
FROM STATE PARK TRUST FUND 45,562,984

1717 OTHER PERSONAL SERVICES
FROM STATE PARK TRUST FUND 3,324,400

1718 EXPENSES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 40,861
FROM STATE PARK TRUST FUND 12,612,818

1719 OPERATING CAPITAL OUTLAY
FROM STATE PARK TRUST FUND 82,673

1720 SPECIAL CATEGORIES
DISTRIBUTION OF SURCHARGE FEES
FROM STATE PARK TRUST FUND 700,000

1721 SPECIAL CATEGORIES
DISBURSE DONATIONS
FROM FEDERAL GRANTS TRUST FUND . . . 60,000
FROM GRANTS AND DONATIONS TRUST FUND 200,000
FROM STATE PARK TRUST FUND 250,000

1722 SPECIAL CATEGORIES
LAND MANAGEMENT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,529,552

1723 SPECIAL CATEGORIES
AMERICORPS PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 700,000

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1724 SPECIAL CATEGORIES
OUTSOURCING/PRIVATIZATION
FROM STATE PARK TRUST FUND 4,891,903

1725 SPECIAL CATEGORIES
CONTROL OF INVASIVE EXOTICS
FROM STATE PARK TRUST FUND 287,996

1726 SPECIAL CATEGORIES
PURCHASES FOR RESALE
FROM STATE PARK TRUST FUND 290,756

1727 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 848,098
FROM STATE PARK TRUST FUND 3,696,315

1728 SPECIAL CATEGORIES
LAND USE PROCEEDS DISBURSEMENTS
FROM STATE PARK TRUST FUND 175,000

1729 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 11,474
FROM STATE PARK TRUST FUND 445,330

1729A FIXED CAPITAL OUTLAY
STATE PARK FACILITY IMPROVEMENTS
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 5,000,000

1729B FIXED CAPITAL OUTLAY
DISASTER RELATED REPAIRS
FROM FEDERAL GRANTS TRUST FUND . . . 1,000,000

1729C FIXED CAPITAL OUTLAY
REMOVE ACCESSIBILITY BARRIERS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND . . 1,000,000

1729D FIXED CAPITAL OUTLAY
GRANTS AND DONATIONS SPENDING AUTHORITY
FROM FEDERAL GRANTS TRUST FUND . . . 700,000
FROM GRANTS AND DONATIONS TRUST
FUND 1,750,000

1730 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND . . 8,023,504

TOTAL: STATE PARK OPERATIONS
FROM TRUST FUNDS 94,401,922

TOTAL POSITIONS 1,022.50
TOTAL ALL FUNDS 94,401,922

COASTAL AND AQUATIC MANAGED AREAS

APPROVED SALARY RATE 4,263,841

1731 SALARIES AND BENEFITS POSITIONS 93.00
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 454,110
FROM FEDERAL GRANTS TRUST FUND . . . 1,671,008
FROM LAND ACQUISITION TRUST FUND . . 3,240,250

1732 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 176,608
FROM LAND ACQUISITION TRUST FUND . . 195,926

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1733 EXPENSES
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 184,858
FROM LAND ACQUISITION TRUST FUND . . 648,228

1734 OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 9,292
FROM LAND ACQUISITION TRUST FUND . . 100

1735 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FEDERAL GRANTS TRUST FUND . . . 141,135

From the funds provided in Specific Appropriation 1735, the Department of Environmental Protection may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 150,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

1736 SPECIAL CATEGORIES
SUBMERGED RESOURCE DAMAGED RESTORATIONS
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 57,834

1737 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 50,000
FROM LAND ACQUISITION TRUST FUND . . 62,253

1738 SPECIAL CATEGORIES
MARINE RESEARCH GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 3,837,883
FROM GRANTS AND DONATIONS TRUST
FUND 300,000
FROM LAND ACQUISITION TRUST FUND . . 303,389

1739 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 207,547
FROM FEDERAL GRANTS TRUST FUND . . . 2,223
FROM LAND ACQUISITION TRUST FUND . . 107,306

1740 SPECIAL CATEGORIES
COASTAL AND AQUATIC MANAGED AREAS (CAMA) -
CARL MANAGEMENT FUNDS
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 243,082

1741 SPECIAL CATEGORIES
LAND USE PROCEEDS DISBURSEMENTS
FROM LAND ACQUISITION TRUST FUND . . 100,000

1742 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 3,527
FROM FEDERAL GRANTS TRUST FUND . . . 10,410
FROM LAND ACQUISITION TRUST FUND . . 27,269

1742A FIXED CAPITAL OUTLAY
NATURAL RESOURCE DAMAGE RESTORATION -
DEEPWATER HORIZON OIL SPILL
FROM COASTAL PROTECTION TRUST FUND . 100,000,000

Funds provided in Specific Appropriation 1742A are provided to the Department of Environmental Protection from the Coastal Protection Trust Fund for early restoration projects to address injuries to natural resources caused by the Deepwater Horizon oil spill. Funding to support this appropriation shall be provided based on the Early Restoration

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

Framework Agreement executed by BP Exploration and Production, Inc., and the Natural Resource Trustees on April 20, 2011. All draft early restoration plans shall be subject to public review and comment, plus environmental review, as required by law. Projects to be funded by this appropriation shall be approved by the Trustee Council and included in a stipulation executed by BP Exploration and Production, Inc., and the Trustees. The department shall provide a summary of the approved projects or copies of the executed stipulation between BP Exploration and Production, Inc., and the Trustees for each project to the chairs of the legislative appropriations committees with each associated request for release of these funds.

TOTAL: COASTAL AND AQUATIC MANAGED AREAS
FROM TRUST FUNDS 112,034,238

TOTAL POSITIONS 93.00
TOTAL ALL FUNDS 112,034,238

PROGRAM: AIR RESOURCES MANAGEMENT

UTILITIES SITING AND COORDINATION

APPROVED SALARY RATE 319,744

1760 SALARIES AND BENEFITS POSITIONS 7.00
FROM PERMIT FEE TRUST FUND 440,670

1761 EXPENSES
FROM PERMIT FEE TRUST FUND 48,246

1762 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM PERMIT FEE TRUST FUND 1,000

1763 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PERMIT FEE TRUST FUND 785

1764 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PERMIT FEE TRUST FUND 2,501

TOTAL: UTILITIES SITING AND COORDINATION
FROM TRUST FUNDS 493,202

TOTAL POSITIONS 7.00
TOTAL ALL FUNDS 493,202

AIR RESOURCES MANAGEMENT

APPROVED SALARY RATE 3,831,922

1764A SALARIES AND BENEFITS POSITIONS 76.00
FROM AIR POLLUTION CONTROL TRUST FUND 5,079,304

1764B OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND 5,438,616

1764C EXPENSES
FROM AIR POLLUTION CONTROL TRUST FUND 1,438,176

1764D OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST FUND 387,680

1764E SPECIAL CATEGORIES
DISTRIBUTION TO COUNTIES - MOTOR VEHICLE REGISTRATION PROCEEDS
FROM AIR POLLUTION CONTROL TRUST FUND 7,325,936

1764F SPECIAL CATEGORIES
ASBESTOS REMOVAL PROGRAM FEES
FROM AIR POLLUTION CONTROL TRUST FUND 150,000

1764G SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND 22,000

1764H SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM AIR POLLUTION CONTROL TRUST FUND 22,072

1764I SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM AIR POLLUTION CONTROL TRUST FUND 29,823

TOTAL: AIR RESOURCES MANAGEMENT
FROM TRUST FUNDS 19,893,607

TOTAL POSITIONS 76.00
TOTAL ALL FUNDS 19,893,607

PROGRAM: LAW ENFORCEMENT

ENVIRONMENTAL INVESTIGATION

APPROVED SALARY RATE 2,776,877

1765 SALARIES AND BENEFITS POSITIONS 54.50
FROM COASTAL PROTECTION TRUST FUND . 523,798
FROM INLAND PROTECTION TRUST FUND . 659,619
FROM SOLID WASTE MANAGEMENT TRUST FUND 2,821,735

1766 OTHER PERSONAL SERVICES
FROM COASTAL PROTECTION TRUST FUND . 78,283

1767 EXPENSES
FROM COASTAL PROTECTION TRUST FUND . 85,344
FROM INLAND PROTECTION TRUST FUND . 750,743

1768 OPERATING CAPITAL OUTLAY
FROM COASTAL PROTECTION TRUST FUND . 16,794

1769 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM COASTAL PROTECTION TRUST FUND . 62,350

1770 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INLAND PROTECTION TRUST FUND . 50,000
FROM GRANTS AND DONATIONS TRUST FUND 100,000

1771 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM COASTAL PROTECTION TRUST FUND . 17,558
FROM INLAND PROTECTION TRUST FUND . 226,962

1772 SPECIAL CATEGORIES
OVERTIME
FROM COASTAL PROTECTION TRUST FUND . 40,400
FROM INLAND PROTECTION TRUST FUND . 40,400

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1773 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND . 50,536

1774 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM COASTAL PROTECTION TRUST FUND . 18,040
FROM INLAND PROTECTION TRUST FUND . 26,010

1775 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 18,018
FROM COASTAL PROTECTION TRUST FUND . 3,048
FROM INLAND PROTECTION TRUST FUND . 2,252

TOTAL: ENVIRONMENTAL INVESTIGATION
FROM GENERAL REVENUE FUND 18,018
FROM TRUST FUNDS 5,573,872

TOTAL POSITIONS 54.50
TOTAL ALL FUNDS 5,591,890

PATROL ON STATE LANDS

APPROVED SALARY RATE 3,726,450

1776 SALARIES AND BENEFITS POSITIONS 93.00
FROM LAND ACQUISITION TRUST FUND . . 5,972,482

1777 OTHER PERSONAL SERVICES
FROM LAND ACQUISITION TRUST FUND . . 42,639

1778 EXPENSES
FROM LAND ACQUISITION TRUST FUND . . 216,853

1779 OPERATING CAPITAL OUTLAY
FROM LAND ACQUISITION TRUST FUND . . 73,445

1780 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM LAND ACQUISITION TRUST FUND . . 222,901

1781 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM FEDERAL GRANTS TRUST FUND . . . 300,000
FROM LAND ACQUISITION TRUST FUND . . 211,218

1782 SPECIAL CATEGORIES
OVERTIME
FROM LAND ACQUISITION TRUST FUND . . 65,550

1783 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM LAND ACQUISITION TRUST FUND . . 131,822

1784 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM LAND ACQUISITION TRUST FUND . . 95,462

1785 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM LAND ACQUISITION TRUST FUND . . 36,804

TOTAL: PATROL ON STATE LANDS
FROM TRUST FUNDS 7,369,176

TOTAL POSITIONS 93.00
TOTAL ALL FUNDS 7,369,176

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
EMERGENCY RESPONSE

APPROVED SALARY RATE 1,475,158

1786 SALARIES AND BENEFITS POSITIONS 28.00
FROM COASTAL PROTECTION TRUST FUND . 1,357,417
FROM INLAND PROTECTION TRUST FUND . 537,379

1787 OTHER PERSONAL SERVICES
FROM COASTAL PROTECTION TRUST FUND . 195,411

1788 EXPENSES
FROM COASTAL PROTECTION TRUST FUND . 154,815
FROM INLAND PROTECTION TRUST FUND . 57,190

1789 OPERATING CAPITAL OUTLAY
FROM COASTAL PROTECTION TRUST FUND . 7,818

1790 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM COASTAL PROTECTION TRUST FUND . 63,594

1791 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM COASTAL PROTECTION TRUST FUND . 921,027

1792 SPECIAL CATEGORIES
ON-CALL FEES
FROM COASTAL PROTECTION TRUST FUND . 98,902

1793 SPECIAL CATEGORIES
PAYMENTS FOR RESTORATION AND DAMAGE
FROM COASTAL PROTECTION TRUST FUND . 25,000

1794 SPECIAL CATEGORIES
ABANDONED DRUM REMOVAL AND DISPOSAL
FROM COASTAL PROTECTION TRUST FUND . 100,000

1795 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND . 51,368

1796 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND . 214,759

1797 SPECIAL CATEGORIES
TRANSFER TO MARINE RESOURCES CONSERVATION TRUST FUND IN THE FISH AND WILDLIFE CONSERVATION COMMISSION
FROM COASTAL PROTECTION TRUST FUND . 11,197,242

1798 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM COASTAL PROTECTION TRUST FUND . 7,634
FROM INLAND PROTECTION TRUST FUND . 3,021

TOTAL: EMERGENCY RESPONSE
FROM TRUST FUNDS 14,992,577

TOTAL POSITIONS 28.00
TOTAL ALL FUNDS 14,992,577

TOTAL: ENVIRONMENTAL PROTECTION, DEPARTMENT OF
FROM GENERAL REVENUE FUND 71,739,147
FROM TRUST FUNDS 1,720,118,072

TOTAL POSITIONS 3,434.00
TOTAL ALL FUNDS 1,791,857,219
TOTAL APPROVED SALARY RATE 142,610,166

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FISH AND WILDLIFE CONSERVATION COMMISSION

PROGRAM: EXECUTIVE DIRECTION AND ADMINISTRATIVE SERVICES

OFFICE OF EXECUTIVE DIRECTION AND ADMINISTRATIVE SUPPORT SERVICES

APPROVED SALARY RATE 9,314,333

1799 SALARIES AND BENEFITS POSITIONS 215.50
FROM ADMINISTRATIVE TRUST FUND . . . 10,334,152
FROM MARINE RESOURCES CONSERVATION TRUST FUND 864,013
FROM NON-GAME WILDLIFE TRUST FUND . 302,150
FROM STATE GAME TRUST FUND 1,234,090
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 417,941

1800 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 220,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND 18,171
FROM STATE GAME TRUST FUND 75,533

1801 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 1,174,399
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 20,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND 600,000
FROM NON-GAME WILDLIFE TRUST FUND . 17,062
FROM SAVE THE MANATEE TRUST FUND . . 20,000
FROM STATE GAME TRUST FUND 471,492
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 121

1802 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 75,057
FROM MARINE RESOURCES CONSERVATION TRUST FUND 4,704
FROM STATE GAME TRUST FUND 16,557

1803 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 491,324

1804 SPECIAL CATEGORIES
NON-CARL WILDLIFE MANAGEMENT
FROM STATE GAME TRUST FUND 123,205

1806 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 441,509
FROM MARINE RESOURCES CONSERVATION TRUST FUND 234,514
FROM NON-GAME WILDLIFE TRUST FUND . 1,945
FROM STATE GAME TRUST FUND 2,041,364

1807 SPECIAL CATEGORIES
PAYMENT OF REWARDS
FROM ADMINISTRATIVE TRUST FUND . . . 5,000

1808 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 82,243
FROM MARINE RESOURCES CONSERVATION TRUST FUND 5,153
FROM STATE GAME TRUST FUND 14,669
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 2,378

1809 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND . . . 3,300

1810 SPECIAL CATEGORIES
INFORMATION TECHNOLOGY SERVICES - FISH AND WILDLIFE CONSERVATION COMMISSION
FROM ADMINISTRATIVE TRUST FUND . . . 2,258,764

1811 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 69,896
FROM MARINE RESOURCES CONSERVATION TRUST FUND 7,525
FROM NON-GAME WILDLIFE TRUST FUND . 1,838
FROM STATE GAME TRUST FUND 3,818
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 2,594

1812 SPECIAL CATEGORIES
CONTRACT AND GRANT REIMBURSED ACTIVITIES
FROM ADMINISTRATIVE TRUST FUND . . . 1,000,000
FROM FEDERAL GRANTS TRUST FUND . . . 390,000
FROM GRANTS AND DONATIONS TRUST FUND 150,000

1813 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM ADMINISTRATIVE TRUST FUND . . . 103,167
FROM STATE GAME TRUST FUND 5,615

1813A FIXED CAPITAL OUTLAY
MAJOR REPAIRS OR IMPROVEMENTS STATEWIDE
FROM GENERAL REVENUE FUND 975,000

TOTAL: OFFICE OF EXECUTIVE DIRECTION AND ADMINISTRATIVE SUPPORT SERVICES
FROM GENERAL REVENUE FUND 975,000
FROM TRUST FUNDS 23,305,263

TOTAL POSITIONS 215.50
TOTAL ALL FUNDS 24,280,263

PROGRAM: LAW ENFORCEMENT

FISH, WILDLIFE AND BOATING LAW ENFORCEMENT

APPROVED SALARY RATE 40,925,722

1814 SALARIES AND BENEFITS POSITIONS 902.50
FROM GENERAL REVENUE FUND 20,778,233
FROM FEDERAL GRANTS TRUST FUND . . . 5,738,552
FROM MARINE RESOURCES CONSERVATION TRUST FUND 28,510,889
FROM NON-GAME WILDLIFE TRUST FUND . 291,321
FROM STATE GAME TRUST FUND 2,729,254
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 2,083,724

1815 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 74,210
FROM FEDERAL GRANTS TRUST FUND . . . 58,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND 236,348
FROM STATE GAME TRUST FUND 56,677

1816 EXPENSES
FROM GENERAL REVENUE FUND 1,622,776
FROM FEDERAL GRANTS TRUST FUND . . . 6,351,541
FROM MARINE RESOURCES CONSERVATION TRUST FUND 2,177,251
FROM STATE GAME TRUST FUND 525,536
FROM CONSERVATION AND RECREATION

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

	LANDS PROGRAM TRUST FUND		313,415
1817	OPERATING CAPITAL OUTLAY		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		125,097
	FROM STATE GAME TRUST FUND		812
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		62,500
1819	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF PATROL VEHICLES		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		659,921
1820	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		727,415
1821	SPECIAL CATEGORIES		
	ENHANCED WILDLIFE MANAGEMENT		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		272,166
1822	SPECIAL CATEGORIES		
	800 MHZ RADIO LAW ENFORCEMENT SYSTEM EQUIPMENT AND MAINTENANCE		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		44,760
1823	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	445,358	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		575,207
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		1,500
1823A	SPECIAL CATEGORIES		
	DOMESTIC SECURITY		
	FROM FEDERAL GRANTS TRUST FUND . . .		375,000
1823B	SPECIAL CATEGORIES		
	LAW ENFORCEMENT RURAL CRIMES FEDERAL GRANT/ AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)		
	FROM FEDERAL GRANTS TRUST FUND . . .		1,698,351
1824	SPECIAL CATEGORIES		
	BOAT RAMP MAINTENANCE CATEGORY		
	FROM FEDERAL GRANTS TRUST FUND . . .		431,250
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		181,878
	FROM STATE GAME TRUST FUND		143,750
1825	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND	765,000	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		2,065,885
	FROM STATE GAME TRUST FUND		128,447
1826	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	389,152	
	FROM FEDERAL GRANTS TRUST FUND . . .		28,215
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		865,009
	FROM STATE GAME TRUST FUND		475,214
1827	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

	FROM GENERAL REVENUE FUND	43,963	
	FROM FEDERAL GRANTS TRUST FUND . . .		14,926
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		497,467
	FROM STATE GAME TRUST FUND		59,100
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		20,160
1828	SPECIAL CATEGORIES		
	BOATING AND WATERWAYS ACTIVITIES		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,926,025
1829	SPECIAL CATEGORIES		
	BOATING AND WATERWAYS GRANTS		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		50,000
1830	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	61,863	
	FROM FEDERAL GRANTS TRUST FUND . . .		8,361
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		250,022
	FROM STATE GAME TRUST FUND		13,112
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		12,455
1831	SPECIAL CATEGORIES		
	CONTRACT AND GRANT REIMBURSED ACTIVITIES		
	FROM FEDERAL GRANTS TRUST FUND . . .		14,928,808
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		686,450
	FROM STATE GAME TRUST FUND		1,208,746
1832	SPECIAL CATEGORIES		
	BOATING SAFETY EDUCATION PROGRAM		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		550,650
1832A	FIXED CAPITAL OUTLAY		
	BOATING INFRASTRUCTURE		
	FROM FEDERAL GRANTS TRUST FUND . . .		3,200,000

From the funds in Specific Appropriation 1832A, $338,335 shall be used for the LaBelle City Wharf project.

1832B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	FLORIDA BOATING IMPROVEMENT PROGRAM		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,185,200
	FROM STATE GAME TRUST FUND		1,250,000

From the funds in Specific Appropriation 1832B, $97,779 in nonrecurring funds from the Marine Resources Conservation Trust Fund shall be used for the LaBelle City Wharf project.

TOTAL: FISH, WILDLIFE AND BOATING LAW ENFORCEMENT			
	FROM GENERAL REVENUE FUND	24,180,555	
	FROM TRUST FUNDS		83,796,367
	TOTAL POSITIONS	902.50	
	TOTAL ALL FUNDS		107,976,922

PROGRAM: WILDLIFE

HUNTING AND GAME MANAGEMENT

APPROVED SALARY RATE 1,898,473

1833	SALARIES AND BENEFITS	POSITIONS	45.00

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM FEDERAL GRANTS TRUST FUND . . . 638,138
FROM STATE GAME TRUST FUND 1,587,741
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 477,061

1834 OTHER PERSONAL SERVICES
FROM STATE GAME TRUST FUND 222,303

1835 EXPENSES
FROM STATE GAME TRUST FUND 534,873
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 1,852

1836 OPERATING CAPITAL OUTLAY
FROM STATE GAME TRUST FUND 4,538

1837 SPECIAL CATEGORIES
FISH AND WILDLIFE CONSERVATION COMMISSION YOUTH HUNTING AND FISHING PROGRAMS
FROM STATE GAME TRUST FUND 120,500

1838 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 48,015

1839 SPECIAL CATEGORIES
NON-CARL WILDLIFE MANAGEMENT
FROM STATE GAME TRUST FUND 115,595

1840 SPECIAL CATEGORIES
DEER MANAGEMENT PROGRAM
FROM STATE GAME TRUST FUND 300,000

1841 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE GAME TRUST FUND 255,710

1842 SPECIAL CATEGORIES
TRANSFER DEPARTMENT OF AGRICULTURE - ALLIGATOR MARKETING AND EDUCATION
FROM STATE GAME TRUST FUND 150,000

1843 SPECIAL CATEGORIES
PUBLIC DOVE FIELD DEVELOPMENT
FROM STATE GAME TRUST FUND 49,000

1844 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE GAME TRUST FUND 614,961
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 44,972

1845 SPECIAL CATEGORIES
WILDLIFE MANAGEMENT AREA USER PAY
FROM STATE GAME TRUST FUND 638,266

1846 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM STATE GAME TRUST FUND 14,776
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 3,181

1847 SPECIAL CATEGORIES
CONTRACT AND GRANT REIMBURSED ACTIVITIES
FROM FEDERAL GRANTS TRUST FUND . . . 1,001,129
FROM GRANTS AND DONATIONS TRUST FUND 129,450
FROM STATE GAME TRUST FUND 30,000

1848 SPECIAL CATEGORIES
WILD TURKEY PROJECTS

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM STATE GAME TRUST FUND 300,000

TOTAL: HUNTING AND GAME MANAGEMENT
FROM TRUST FUNDS 7,282,061

TOTAL POSITIONS 45.00
TOTAL ALL FUNDS 7,282,061

PROGRAM: HABITAT AND SPECIES CONSERVATION

HABITAT AND SPECIES CONSERVATION

APPROVED SALARY RATE 14,354,380

1849 SALARIES AND BENEFITS POSITIONS 354.00
FROM INVASIVE PLANT CONTROL TRUST FUND 2,195,388
FROM FEDERAL GRANTS TRUST FUND . . . 3,095,938
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 225,581
FROM GRANTS AND DONATIONS TRUST FUND 805
FROM LAND ACQUISITION TRUST FUND . . 477,152
FROM MARINE RESOURCES CONSERVATION TRUST FUND 562,164
FROM NON-GAME WILDLIFE TRUST FUND . 1,703,266
FROM SAVE THE MANATEE TRUST FUND . . 839,080
FROM STATE GAME TRUST FUND 5,579,717
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 5,482,981

1850 OTHER PERSONAL SERVICES
FROM INVASIVE PLANT CONTROL TRUST FUND 457,080
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 138,094
FROM LAND ACQUISITION TRUST FUND . . 121,350
FROM MARINE RESOURCES CONSERVATION TRUST FUND 150,759
FROM NON-GAME WILDLIFE TRUST FUND . 198,903
FROM SAVE THE MANATEE TRUST FUND . . 176,047
FROM STATE GAME TRUST FUND 240,143
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 79,496

1851 EXPENSES
FROM INVASIVE PLANT CONTROL TRUST FUND 817,822
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 179,912
FROM LAND ACQUISITION TRUST FUND . . 89,831
FROM MARINE RESOURCES CONSERVATION TRUST FUND 107,590
FROM NON-GAME WILDLIFE TRUST FUND . 568,750
FROM SAVE THE MANATEE TRUST FUND . . 293,072
FROM STATE GAME TRUST FUND 1,152,989
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 1,197,637

1852 OPERATING CAPITAL OUTLAY
FROM INVASIVE PLANT CONTROL TRUST FUND 10,488
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 1,250
FROM MARINE RESOURCES CONSERVATION TRUST FUND 6,250
FROM NON-GAME WILDLIFE TRUST FUND . 18,278
FROM SAVE THE MANATEE TRUST FUND . . 8,625
FROM STATE GAME TRUST FUND 59,422
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 10,625

1853 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF BOATS,

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
MOTORS, AND TRAILERS
FROM STATE GAME TRUST FUND 18,650

1854 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 2,074,955

1855 SPECIAL CATEGORIES
NON-CARL WILDLIFE MANAGEMENT
FROM STATE GAME TRUST FUND 2,398,292

1856 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INVASIVE PLANT CONTROL TRUST
FUND 204,250
FROM FLORIDA PANTHER RESEARCH AND
MANAGEMENT TRUST FUND 20,912
FROM LAND ACQUISITION TRUST FUND . . 35,844
FROM NON-GAME WILDLIFE TRUST FUND . 40,010
FROM SAVE THE MANATEE TRUST FUND . . 20,771
FROM STATE GAME TRUST FUND 46,867
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 65,196

1857 SPECIAL CATEGORIES
LAKE RESTORATION
FROM STATE GAME TRUST FUND 3,984,291

1858 SPECIAL CATEGORIES
GRANTS AND AIDS - FEDERAL ENDANGERED
SPECIES - SECTION 6
FROM FEDERAL GRANTS TRUST FUND . . . 1,430,819

1859 SPECIAL CATEGORIES
LAND MANAGEMENT/SAVE OUR RIVERS
FROM STATE GAME TRUST FUND 298,412

1860 SPECIAL CATEGORIES
MARINE RESEARCH GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 27,500

1861 SPECIAL CATEGORIES
DUCKS UNLIMITED MARSH PROJECT
FROM STATE GAME TRUST FUND 106,792

1862 SPECIAL CATEGORIES
CONTROL OF INVASIVE EXOTICS
FROM INVASIVE PLANT CONTROL TRUST
FUND 23,323,647

1863 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FLORIDA PANTHER RESEARCH AND
MANAGEMENT TRUST FUND 7,320
FROM LAND ACQUISITION TRUST FUND . . 7,950
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 8,923
FROM NON-GAME WILDLIFE TRUST FUND . 63,854
FROM SAVE THE MANATEE TRUST FUND . . 17,781
FROM STATE GAME TRUST FUND 327,349
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 181,931

1864 SPECIAL CATEGORIES
TRANSFER TO THE UNIVERSITY OF FLORIDA -
COOPERATIVE AQUATIC PLANT EDUCATION
PROGRAM
FROM INVASIVE PLANT CONTROL TRUST
FUND 25,000

1865 SPECIAL CATEGORIES
HABITAT RESTORATION
FROM LAND ACQUISITION TRUST FUND . . 2,979,857

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
1866 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES/ IFAS/INVASIVE EXOTIC
PLANT RESEARCH
FROM INVASIVE PLANT CONTROL TRUST
FUND 844,171

1867 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INVASIVE PLANT CONTROL TRUST
FUND 11,922
FROM FEDERAL GRANTS TRUST FUND . . . 2,688
FROM FLORIDA PANTHER RESEARCH AND
MANAGEMENT TRUST FUND 1,753
FROM GRANTS AND DONATIONS TRUST
FUND 367
FROM LAND ACQUISITION TRUST FUND . . 2,907
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 1,887
FROM NON-GAME WILDLIFE TRUST FUND . 15,602
FROM SAVE THE MANATEE TRUST FUND . . 6,416
FROM STATE GAME TRUST FUND 63,043
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 41,150

1868 SPECIAL CATEGORIES
HABITAT CONSERVATION PLAN LANDS
ACQUISITION PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 4,474,973

1869 SPECIAL CATEGORIES
CONTRACT AND GRANT REIMBURSED ACTIVITIES
FROM FEDERAL GRANTS TRUST FUND . . . 11,595,264
FROM GRANTS AND DONATIONS TRUST
FUND 562,070
FROM NON-GAME WILDLIFE TRUST FUND . 91,652
FROM STATE GAME TRUST FUND 165,201

1869A FIXED CAPITAL OUTLAY
LAKE RESTORATION
FROM STATE GAME TRUST FUND 2,000,000

1869B FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY
ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS,
STATEWIDE
FROM FEDERAL GRANTS TRUST FUND . . . 1,000,000

TOTAL: HABITAT AND SPECIES CONSERVATION
FROM TRUST FUNDS 84,844,724

TOTAL POSITIONS 354.00
TOTAL ALL FUNDS 84,844,724

PROGRAM: FRESHWATER FISHERIES

FRESHWATER FISHERIES MANAGEMENT

APPROVED SALARY RATE 2,755,924

1870 SALARIES AND BENEFITS POSITIONS 69.50
FROM FEDERAL GRANTS TRUST FUND . . . 2,703,664
FROM STATE GAME TRUST FUND 1,342,373
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 45,906

1871 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 40,134
FROM STATE GAME TRUST FUND 26,035

1872 EXPENSES
FROM FEDERAL GRANTS TRUST FUND . . . 418,510

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM STATE GAME TRUST FUND 254,904
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 20,000

1873 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 15,625
FROM STATE GAME TRUST FUND 15,914

1874 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF BOATS,
MOTORS, AND TRAILERS
FROM FEDERAL GRANTS TRUST FUND . . . 5,571

1875 SPECIAL CATEGORIES
FISH AND WILDLIFE CONSERVATION COMMISSION
YOUTH HUNTING AND FISHING PROGRAMS
FROM STATE GAME TRUST FUND 95,500

1876 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM FEDERAL GRANTS TRUST FUND . . . 20,019
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 40,800

1877 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 37,553
FROM STATE GAME TRUST FUND 29,996

1878 SPECIAL CATEGORIES
LAKE RESTORATION
FROM STATE GAME TRUST FUND 695,000

1879 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE GAME TRUST FUND 32,355
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 1,601

1880 SPECIAL CATEGORIES
LAND USE PROCEEDS DISBURSEMENTS
FROM STATE GAME TRUST FUND 350,000

1881 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM STATE GAME TRUST FUND 26,041
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 938

1882 SPECIAL CATEGORIES
CONTRACT AND GRANT REIMBURSED ACTIVITIES
FROM FEDERAL GRANTS TRUST FUND . . . 2,053,837

TOTAL: FRESHWATER FISHERIES MANAGEMENT
FROM TRUST FUNDS 8,272,276

TOTAL POSITIONS 69.50
TOTAL ALL FUNDS 8,272,276

PROGRAM: MARINE FISHERIES

MARINE FISHERIES MANAGEMENT

APPROVED SALARY RATE 1,405,991

1883 SALARIES AND BENEFITS POSITIONS 30.00
FROM FEDERAL GRANTS TRUST FUND . . . 573,676
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 1,383,999

1884 OTHER PERSONAL SERVICES
FROM MARINE RESOURCES CONSERVATION

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
TRUST FUND 55,250

1885 EXPENSES
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 251,166

1886 OPERATING CAPITAL OUTLAY
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 423

1887 SPECIAL CATEGORIES
FISH AND WILDLIFE CONSERVATION COMMISSION
YOUTH HUNTING AND FISHING PROGRAMS
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 159,000
FROM STATE GAME TRUST FUND 25,000

1888 SPECIAL CATEGORIES
AQUATIC RESOURCES EDUCATION
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 327,935

1889 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 195,987

1890 SPECIAL CATEGORIES
GULF STATES MARINE FISHERIES
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 22,500

1891 SPECIAL CATEGORIES
MARINE RESEARCH GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 829,912

1892 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 22,544

1893 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM FEDERAL GRANTS TRUST FUND . . . 1,466
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 10,005

1894 SPECIAL CATEGORIES
CONTRACT AND GRANT REIMBURSED ACTIVITIES
FROM FEDERAL GRANTS TRUST FUND . . . 1,000,000
FROM GRANTS AND DONATIONS TRUST
FUND 50,000

1894A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
ARTIFICIAL FISHING REEF CONSTRUCTION
PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 500,000
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 300,000

TOTAL: MARINE FISHERIES MANAGEMENT
FROM TRUST FUNDS 5,708,863

TOTAL POSITIONS 30.00
TOTAL ALL FUNDS 5,708,863

PROGRAM: RESEARCH

FISH AND WILDLIFE RESEARCH INSTITUTE

APPROVED SALARY RATE 14,269,915

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1895 SALARIES AND BENEFITS POSITIONS 330.50
FROM FEDERAL GRANTS TRUST FUND . . . 5,087,316
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 192,030
FROM GRANTS AND DONATIONS TRUST FUND 531
FROM MARINE RESOURCES CONSERVATION TRUST FUND 9,273,153
FROM NON-GAME WILDLIFE TRUST FUND . 1,105,543
FROM SAVE THE MANATEE TRUST FUND . . 947,822
FROM STATE GAME TRUST FUND 2,862,063
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 163,539

From the funds in Specific Appropriations 1895, 1896 and 1897, the Florida Fish and Wildlife Conservation Commission will conduct panther research on both public and private lands, as permitted by private landowners. The commission will develop improved methods to generate statistically sound estimates of the panther population size using best available science. The commission, in conjunction with the U.S. Fish and Wildlife Service and other partners, will use best available science to evaluate panther carrying capacity (ranges) and the consequences of inter-breeding the Florida panther with the Texas cougar. The commission will report progress on these objectives to the Office of Policy and Budget in the Governor's Office, the chair of the Senate Budget Committee and the chair of the House Appropriations Committee by December 15.

1896 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 776,000
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 60,867
FROM MARINE RESOURCES CONSERVATION TRUST FUND 4,076,345
FROM NON-GAME WILDLIFE TRUST FUND . 327,508
FROM SAVE THE MANATEE TRUST FUND . . 726,436
FROM STATE GAME TRUST FUND 108,693

1897 EXPENSES
FROM GENERAL REVENUE FUND 262,764
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 84,511
FROM MARINE RESOURCES CONSERVATION TRUST FUND 2,890,358
FROM NON-GAME WILDLIFE TRUST FUND . 413,459
FROM SAVE THE MANATEE TRUST FUND . . 470,100
FROM STATE GAME TRUST FUND 509,369
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 3,952

1898 OPERATING CAPITAL OUTLAY
FROM MARINE RESOURCES CONSERVATION TRUST FUND 151,239
FROM NON-GAME WILDLIFE TRUST FUND . 7,335
FROM SAVE THE MANATEE TRUST FUND . . 8,125
FROM STATE GAME TRUST FUND 36,932

1899 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 12,500

From the funds provided in Specific Appropriation 1899, the Fish and Wildlife Conservation Commission may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 150,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

1900 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 42,217
FROM SAVE THE MANATEE TRUST FUND . . 3,500

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM STATE GAME TRUST FUND 17,141

1901 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 87,964

1903 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 2,760
FROM MARINE RESOURCES CONSERVATION TRUST FUND 222,403
FROM NON-GAME WILDLIFE TRUST FUND . 35,875
FROM SAVE THE MANATEE TRUST FUND . . 18,448
FROM STATE GAME TRUST FUND 33,068
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 2,760

1904 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 325,945

1905 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM FEDERAL GRANTS TRUST FUND . . . 3,685
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 1,520
FROM MARINE RESOURCES CONSERVATION TRUST FUND 101,573
FROM NON-GAME WILDLIFE TRUST FUND . 9,069
FROM SAVE THE MANATEE TRUST FUND . . 7,498
FROM STATE GAME TRUST FUND 23,915
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 1,294

1906 SPECIAL CATEGORIES
RED TIDE RESEARCH
FROM GENERAL REVENUE FUND 640,993

1907 SPECIAL CATEGORIES
CONTRACT AND GRANT REIMBURSED ACTIVITIES
FROM FEDERAL GRANTS TRUST FUND . . . 12,823,566
FROM GRANTS AND DONATIONS TRUST FUND 659,941
FROM MARINE RESOURCES CONSERVATION TRUST FUND 3,045,616
FROM NON-GAME WILDLIFE TRUST FUND . 115,112
FROM STATE GAME TRUST FUND 500,000

TOTAL: FISH AND WILDLIFE RESEARCH INSTITUTE
FROM GENERAL REVENUE FUND 1,679,757
FROM TRUST FUNDS 47,604,596

TOTAL POSITIONS 330.50
TOTAL ALL FUNDS 49,284,353

TOTAL: FISH AND WILDLIFE CONSERVATION COMMISSION
FROM GENERAL REVENUE FUND 26,835,312
FROM TRUST FUNDS 260,814,150

TOTAL POSITIONS 1,947.00
TOTAL ALL FUNDS 287,649,462
TOTAL APPROVED SALARY RATE 84,924,738

TRANSPORTATION, DEPARTMENT OF

Funds in Specific Appropriations 1918A through 1919, 1938A through 1938C, 1938E through 1938V, and 1976A through 1976K are provided from the named funds to the department to fund the five year Work Program developed pursuant to provisions of section 339.135, Florida Statutes.

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
Those appropriations used by the department for grants and aids may be advanced in part or in total.

TRANSPORTATION SYSTEMS DEVELOPMENT

PROGRAM: TRANSPORTATION SYSTEMS DEVELOPMENT

APPROVED SALARY RATE 101,226,677

1908 SALARIES AND BENEFITS POSITIONS 1,747.00
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 134,710,998
FROM TRANSPORTATION DISADVANTAGED
TRUST FUND 893,021

1909 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 176,347
FROM TRANSPORTATION DISADVANTAGED
TRUST FUND 26,600

1910 EXPENSES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 3,905,088
FROM TRANSPORTATION DISADVANTAGED
TRUST FUND 358,155

1911 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 626,084
FROM TRANSPORTATION DISADVANTAGED
TRUST FUND 10,000

1912 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 7,217,625

1913 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 2,859,792
FROM TRANSPORTATION DISADVANTAGED
TRUST FUND 306,530

1914 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 879,387

1915 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 37,373

1916 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 25,795

1917 SPECIAL CATEGORIES
GRANTS AND AIDS - TRANSPORTATION
DISADVANTAGED
FROM TRANSPORTATION DISADVANTAGED
TRUST FUND 39,904,800

1918 SPECIAL CATEGORIES
GRANTS AND AIDS - TRANSPORTATION
DISADVANTAGED - MEDICAID SERVICES
FROM TRANSPORTATION DISADVANTAGED
TRUST FUND 65,486,126

1918A FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING CONSULTANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 54,378,132

1918B FIXED CAPITAL OUTLAY
AVIATION DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 187,442,157

From the funds in Specific Appropriation 1918B, $2,000,000 shall be used to fund a transportation improvement project at an airport as defined in section 339.63(4), Florida Statutes.

From the funds in Specific Appropriation 1918B, $16,000,000 from the State Transportation Trust Fund as proposed in the Transportation Work Program is provided to Space Florida for up to 100 percent of the non-federal share of the Spaceport Launch Complex and Spaceport Infrastructure projects.

From the funds in Specific Appropriation 1918B, $1,500,000 from the State Transportation Trust Fund shall be used to fund stormwater facility needs for the runway extension project at the Sebring Airport.

1918C FIXED CAPITAL OUTLAY
PUBLIC TRANSIT DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 343,572,957

1918D FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 544,201,863
FROM RIGHT-OF-WAY ACQUISITION AND
BRIDGE CONSTRUCTION TRUST FUND . . 176,540,927

1918E FIXED CAPITAL OUTLAY
SEAPORT - ECONOMIC DEVELOPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 15,000,000

1918F FIXED CAPITAL OUTLAY
SEAPORTS ACCESS PROGRAM
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 10,000,000

1918G FIXED CAPITAL OUTLAY
SEAPORT GRANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 117,751,305

1918H FIXED CAPITAL OUTLAY
RAIL DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 144,646,083

The Florida Department of Transportation is directed to collaborate with the Florida East Coast Railroad (FEC), Port of Palm Beach, and the City of Riviera Beach and provide cost effective measures to address the congestion caused by the switching movements resulting from moving cargo in and out of the Port of Palm Beach.

1918I FIXED CAPITAL OUTLAY
INTERMODAL DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 94,879,638

From the funds in Specific Appropriation 1918I, $55,831,244 is provided for the Port of Miami Dredging Project.

1918J FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 627,856,120
FROM RIGHT-OF-WAY ACQUISITION AND
BRIDGE CONSTRUCTION TRUST FUND . . 4,972,130

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1918K FIXED CAPITAL OUTLAY
RIGHT-OF-WAY SUPPORT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 43,657,537
FROM RIGHT-OF-WAY ACQUISITION AND
BRIDGE CONSTRUCTION TRUST FUND . . 6,395,477

1918L FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING GRANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 27,741,014

1919 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM RIGHT-OF-WAY ACQUISITION AND
BRIDGE CONSTRUCTION TRUST FUND . . 152,330,426

TOTAL: PROGRAM: TRANSPORTATION SYSTEMS DEVELOPMENT
FROM TRUST FUNDS 2,808,789,487

TOTAL POSITIONS 1,747.00
TOTAL ALL FUNDS 2,808,789,487

FLORIDA RAIL ENTERPRISE

APPROVED SALARY RATE 243,270

1920 SALARIES AND BENEFITS POSITIONS 2.00
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 306,432

1921 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 827

1922 EXPENSES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 25,200

1923 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 505

1924 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 4,089

1925 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 5,714

TOTAL: FLORIDA RAIL ENTERPRISE
FROM TRUST FUNDS 342,767

TOTAL POSITIONS 2.00
TOTAL ALL FUNDS 342,767

TRANSPORTATION SYSTEMS OPERATIONS

PROGRAM: HIGHWAY OPERATIONS

APPROVED SALARY RATE 160,204,825

1926 SALARIES AND BENEFITS POSITIONS 3,742.00
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 220,016,716

1927 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 225,376

1928 EXPENSES

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 14,037,837

1929 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 1,004,038

1930 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 4,148,969

1931 SPECIAL CATEGORIES
FAIRBANKS HAZARDOUS WASTE SITE
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 180,600

1932 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 2,197,831

1933 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 4,670,919

1933A SPECIAL CATEGORIES
TRANSFER TO HIGHWAY SAFETY/FLORIDA HIGHWAY
PATROL - MOTOR CARRIER COMPLIANCE PROGRAM
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 23,857,507
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 837,492

1934 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 873,488

1935 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 1,191,476

1937 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 33,236,078

1938A FIXED CAPITAL OUTLAY
STATE INFRASTRUCTURE BANK LOAN REPAYMENTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 35,501,526

1938B FIXED CAPITAL OUTLAY
SMALL COUNTY RESURFACE ASSISTANCE PROGRAM
(SCRAP)
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 10,000,000

1938C FIXED CAPITAL OUTLAY
SMALL COUNTY OUTREACH PROGRAM (SCOP)
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 21,362,190

1938D FIXED CAPITAL OUTLAY
UNDERGROUND STORAGE TANK PROGRAM -
STATEWIDE
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 100,000

1938E FIXED CAPITAL OUTLAY
COUNTY TRANSPORTATION PROGRAMS

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 55,007,529

1938F FIXED CAPITAL OUTLAY
BOND GUARANTEE
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 500,000

1938G FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 378,443,185

From the funds in Specific Appropriation 1938G, an amount not less than $8,440,000 in state revenues shall be used for the Road Ranger program. Road Ranger services provided through sponsorships, local contributions or federal funds are not restricted.

From the funds in Specific Appropriation 1938G, the Department of Transportation may contract with non-profit youth organizations in Florida to perform work on the state highway system. All non-profit youth organizations providing services under contract with the Department of Transportation must certify to the department that all participating youth are Florida residents. In order to maintain continuity and quality, the department shall give preference to those youth organizations with which it has previously contracted for such services.

The department is specifically limited to an expenditure level of $2,000,000 for any contract with a single youth organization or for any group of contracts with two or more youth organizations that have the same registered agent or substantially similar officers and directors. The department shall not supplement these funds from any source in the absence of express legislative authority.

1938H FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 1,048,684,593

From the funds in Specific Appropriation 1938H, $5,000,000 shall be utilized by the department for a pilot program in Districts 1 and 4 for the retrofitting and reinforcement of traffic signalization. This program shall retrofit existing span wire signalization along evacuation routes or intersections located within one-half mile proximate to an interstate highway or state or federally designated evacuation route as determined by the Florida Division of Emergency Management, State Emergency Response Team. All procurements related to this pilot program shall be competitively bid by the department.

1938I FIXED CAPITAL OUTLAY
ARTERIAL HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 780,126,627

1938J FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 301,439,975
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND . . 21,711,245

1938K FIXED CAPITAL OUTLAY
ENVIRONMENTAL SITE RESTORATION
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 1,180,000

1938L FIXED CAPITAL OUTLAY
HIGHWAY SAFETY CONSTRUCTION/GRANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 107,933,292

1938M FIXED CAPITAL OUTLAY

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
RESURFACING
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 670,817,785

1938N FIXED CAPITAL OUTLAY
BRIDGE CONSTRUCTION
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 265,414,715
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND . . 94,568,958

1938O FIXED CAPITAL OUTLAY
CONTRACT MAINTENANCE WITH THE DEPARTMENT OF CORRECTIONS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 19,146,000

1938P FIXED CAPITAL OUTLAY
HIGHWAY BEAUTIFICATION GRANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 1,000,000

1938Q FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION EXPRESSWAY AUTHORITIES
FROM TOLL FACILITIES REVOLVING TRUST FUND 4,000,000

1938R FIXED CAPITAL OUTLAY
MATERIALS AND RESEARCH
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 17,710,493

1938S FIXED CAPITAL OUTLAY
TRANSFER TO EXEC OFFICE OF THE GOVERNOR, OFFICE OF TOURISM, TRADE & ECONOMIC DEVELOPMENT FOR TRANSPORTATION PROJECTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 15,000,000

No funds in Specific Appropriation 1938S shall be transferred to the Economic Development Transportation Trust Fund until the Office of Tourism, Trade, and Economic Development certifies that the transfer of funds is required to fulfill project commitments. The Department of Transportation may utilize any interest and temporarily use any balance of such funds for ongoing Department of Transportation expenditures until the transfer of funds is necessary.

1938T FIXED CAPITAL OUTLAY
BRIDGE INSPECTION
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 11,119,999

1938U FIXED CAPITAL OUTLAY
TRAFFIC ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 61,421,493

1938V FIXED CAPITAL OUTLAY
LOCAL GOVERNMENT REIMBURSEMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 30,388,811

TOTAL: PROGRAM: HIGHWAY OPERATIONS
FROM TRUST FUNDS 4,259,056,743

TOTAL POSITIONS 3,742.00
TOTAL ALL FUNDS 4,259,056,743

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 40,900,460

1940 SALARIES AND BENEFITS POSITIONS 784.00

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 55,063,532

1941 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 520,047

1942 EXPENSES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 6,672,474

1943 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 113,943

1944 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 61,456

1945 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 1,078,587

1946 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 2,495,999

1947 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 116,260

1948 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 41,278

1949 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 14,269,603

1950 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE - OTHER
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 1,838,903

1951 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 3,120

1952 SPECIAL CATEGORIES
TRANSFER TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR EVERGLADES RESTORATION
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 2,000,000

1953 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF REVENUE FOR HIGHWAY TAX COMPLIANCE
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 200,000

1954 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 361,095

1955 SPECIAL CATEGORIES

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 2,709,815
FROM TRANSPORTATION DISADVANTAGED TRUST FUND 5,170

1955A FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 785,400

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 88,336,682

TOTAL POSITIONS 784.00
TOTAL ALL FUNDS 88,336,682

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 10,979,983

1956 SALARIES AND BENEFITS POSITIONS 231.00
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 16,241,165

1957 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 32,998

1958 EXPENSES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 7,743,520

1959 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 496,724

1960 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 7,731,036

1961 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 33,532

1962 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 29,738

1963 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 6,270,911

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 38,579,624

TOTAL POSITIONS 231.00
TOTAL ALL FUNDS 38,579,624

FLORIDA'S TURNPIKE SYSTEMS

FLORIDA'S TURNPIKE ENTERPRISE

APPROVED SALARY RATE 22,035,906

1964 SALARIES AND BENEFITS POSITIONS 433.00
FROM STATE TRANSPORTATION

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
(PRIMARY) TRUST FUND 30,287,510

1965 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 316,769

1966 EXPENSES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 21,044,911

1967 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 143,611

1968 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 61,633

1969 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 1,168,631

1970 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 20,860,753

1971 SPECIAL CATEGORIES
TOLL OPERATION CONTRACTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 67,274,257

1972 SPECIAL CATEGORIES
PAYMENT TO EXPRESSWAY AUTHORITIES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 11,152,281

From the funds in Specific Appropriation 1972, $500,000 in nonrecurring funds is provided for an Expressway Authority designated in s. 348.9952, Florida Statutes.

1973 SPECIAL CATEGORIES
FLORIDA HIGHWAY PATROL SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 19,311,625

1974 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 134,949

1975 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 147,739

1976 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 5,668,409

1976A FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 46,591,050

From the funds in Specific Appropriation 1976A, an amount not less than $2,560,000 in state revenues shall be used for the Road Ranger program. Road Ranger services provided through sponsorships, local contributions or federal funds are not restricted.

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

From the funds in Specific Appropriation 1976A, the Department of Transportation may contract with non-profit youth organizations in Florida to perform work on the state highway system. All non-profit youth organizations providing services under contract with the Department of Transportation must certify to the department that all participating youth are Florida residents. In order to maintain continuity and quality, the department shall give preference to those youth organizations with which it has previously contracted for such services.

The department is specifically limited to an expenditure level of $2,000,000 for any contract with a single youth organization or for any group of contracts with two or more youth organizations that have the same registered agent or substantially similar officers and directors. The department shall not supplement these funds from any source in the absence of express legislative authority.

1976B FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 9,422,519
FROM TURNPIKE GENERAL RESERVE TRUST FUND 202,307,235
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 150,000

1976C FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 11,805,961
FROM TURNPIKE GENERAL RESERVE TRUST FUND 16,445,891

1976D FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM TURNPIKE GENERAL RESERVE TRUST FUND 553,000

1976E FIXED CAPITAL OUTLAY
RESURFACING
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 71,769,134

1976F FIXED CAPITAL OUTLAY
BRIDGE CONSTRUCTION
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 700,000
FROM TURNPIKE GENERAL RESERVE TRUST FUND 14,673,081

1976G FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 9,862,684
FROM TURNPIKE GENERAL RESERVE TRUST FUND 59,017,425
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 14,868,088

1976H FIXED CAPITAL OUTLAY
RIGHT-OF-WAY SUPPORT
FROM TURNPIKE GENERAL RESERVE TRUST FUND 205,000

1976I FIXED CAPITAL OUTLAY
BRIDGE INSPECTION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 3,620,000

1976J FIXED CAPITAL OUTLAY
TURNPIKE SYSTEM EQUIPMENT AND DEVELOPMENT
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 106,000
FROM TURNPIKE GENERAL RESERVE

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
TRUST FUND 50,024,085

1976K FIXED CAPITAL OUTLAY
TOLLS SYSTEM EQUIPMENT AND DEVELOPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 23,140,500

TOTAL: FLORIDA'S TURNPIKE ENTERPRISE
FROM TRUST FUNDS 712,834,731

TOTAL POSITIONS 433.00
TOTAL ALL FUNDS 712,834,731

TOTAL: TRANSPORTATION, DEPARTMENT OF
FROM TRUST FUNDS 7,907,940,034

TOTAL POSITIONS 6,939.00
TOTAL ALL FUNDS 7,907,940,034
TOTAL APPROVED SALARY RATE 335,591,121

TOTAL OF SECTION 5

FROM GENERAL REVENUE FUND 229,249,604

FROM TRUST FUNDS 10,629,639,207

TOTAL POSITIONS 16,216.25

TOTAL ALL FUNDS 10,858,888,811

SECTION 6 - GENERAL GOVERNMENT

The moneys contained herein are appropriated from the named funds to the Agency for Workforce Innovation, Administered Funds, Department of Business and Professional Regulation, Department of Citrus, Department of Financial Services, Executive Office of the Governor, Department of Highway Safety and Motor Vehicles, Legislative Branch, Department of the Lottery, Department of Management Services, Department of Military Affairs, Public Service Commission, Department of Revenue, and the Department of State as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

PROGRAM: ADMINISTERED FUNDS

1977 LUMP SUM
CASUALTY INSURANCE PREMIUM DEFICIT
FROM GENERAL REVENUE FUND 7,867,800

1978 LUMP SUM
HUMAN RESOURCES OUTSOURCING CONTINGENCY
FROM GENERAL REVENUE FUND 300,000

1978A LUMP SUM
HUMAN RESOURCES ASSESSMENT REDUCTION
FROM GENERAL REVENUE FUND . . . . . -902,513
FROM TRUST FUNDS . . . . . -805,820

1978B LUMP SUM
MYFLORIDA NET CONTRACT RENEWAL SAVINGS
FROM GENERAL REVENUE FUND . . . . . -500,247
FROM TRUST FUNDS . . . . . -1,413,920

1978C LUMP SUM
STRENGTHENING DOMESTIC SECURITY
FROM TRUST FUNDS 94,303,313

Funds provided in Specific Appropriation 1978C are contingent on federal grants being awarded. Should the amount awarded for each federal grant be less than the amount appropriated, funds shall be awarded in priority order for the individual projects as indicated in the Fiscal Year 2011-2012 Domestic Security Funding Request of the Domestic Security Oversight Board. Once federal funding is received and projects are funded in priority order, the Board may transfer funding between any of the funded projects. Funds may be allocated to projects

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not listed below with approval of the Legislative Budget Commission.

Department of Agriculture and Consumer Services
State Agricultural Response Team (SART) Support..... 237,718
Mutual Aid Radio Cache (MARC) Repeater Request..... 61,020
Sustain Training & Exercises for USAR, HazMat and IMTs.... 165,830
Food and Ag Lab Maint. Agmts & Security Upgrades..... 205,977
Food and Agriculture Emergency Planning Support..... 196,730
Mobile VACIS: Maint contracts (2 units)..... 238,632
Time Lapse Video Monitoring System Maint..... 130,000
Department of Environmental Protection
Forensic Response Teams Sustainment and Build Out..... 80,000
Department of Education
K-20 Target Hardening/Access Control..... 1,879,259
K-20 Mass Communications..... 1,366,934
K-20 Emergency Communications..... 1,082,180
Agency for Enterprise Information Technology
State CI Key Resource Target Hardening..... 150,000
Department of Management Services
FIN - Sustainment and Maintenance..... 2,173,284
FIN - Mutual Aid Build-out, Sustainment and Maintenance... 2,967,953
Department of Financial Services
SWAT/EOD Capabilities Sustainment and Enhancement..... 135,000
USAR Hazmat Sustainment..... 1,289,716
Sustain Training & Exercises for USAR, HazMat and IMTs.... 1,853,704
USAR and Hazmat Critical Needs..... 473,712
Mutual Aid Radio Cache (MARC) Repeater Request..... 224,590
Mutual Aid Radio Cache (MARC) Maint. & Sustain..... 120,716
Department of Health
Enhancement of Radiological Response..... 412,000
Department of Highway Safety and Motor Vehicles
FL Driver Lic. Biometric ID Facial Recognition System..... 500,000
Department of Transportation
Preventative Radiological/Nuclear Detection Enhancement... 404,000
Florida Wildlife Commission
Statewide Waterborne Response Team..... 452,926
Florida Department of Law Enforcement
Sustain RDSTF Planners..... 500,000
Florida Law Enforcement Exchange (FLEX) Metadata Planners. 450,000
Critical Infrastructure Planners..... 500,375
ThreatCom..... 34,483
Law Enforcement Analyst Training Programs..... 415,000
Florida Fusion Center..... 191,120
Analyst Notebook Software (State)..... 40,000
Query Tool for Comm. Public & State Owned LE Data..... 1,343,296
FCIC / NCIC Validations Software Implementation..... 26,250
FL Law Enforcement Exchange Maintenance - RLEX..... 937,000
Cyber Incident Exercise..... 100,000
Buffer Zone Protection Program (BZPP)..... 2,400,000
Management & Administration..... 136,125
Division of Emergency Management
SWAT/EOD Capabilities Sustainment and Enhancement..... 1,850,480
Sustain RDSTF Planners..... 600,000
Aviation Sustainment and Build out..... 548,491
Local Planning, Training and Exercises..... 1,264,500
Joint Information System/Center Workshop and Exercise..... 75,000
Statewide Waterborne Response Team..... 121,450
Regional Planning, Training and Exercise..... 1,165,000
EOC Capabilities..... 875,288
Regional Security Teams..... 725,100
Forensic Response Team Sustainment & Build Out..... 166,080
Region 7 - 700 MHz Radio System Overlay..... 2,868,280
FLEX Metadata Planners..... 270,000
Region 2 Fusion Analysts..... 160,000
Region 6 Fusion Center..... 259,070
Region 1 Northwest Florida Fusion Center Analysts..... 159,250
Region 1 Datashare/FLEX..... 144,000
Region 4 Analyst Notebook and Analytic Software..... 82,848
Region 7 LE Prevention PRND..... 200,000
Region 3 Critical Infrastructure Improvements..... 514,760
Region 5 PRND Equipment..... 174,000
Region 2 Critical Infrastructure Protection..... 205,000
Region 2 Rapid ID..... 500,000
Region 5 Critical Infrastructure..... 193,077

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Manatee County Security Imaging System and Cameras	211,700
Region 3 Rapid ID	595,200
Tampa Govt. Facility Access Control Hardening	299,010
Region 7 Critical Infrastructure Request	547,000
Region 1 Bay County Sheriff's Office Target Hardening	70,000
Management and Administration	1,989,824
Ft. Lauderdale Urban Area Security Initiative	5,890,614
Jacksonville Urban Area Security Initiative	9,268,948
Miami Urban Area Security Initiative	10,718,397
Orlando Urban Area Security Initiative	6,910,314
Tampa Urban Area Security Initiative	7,528,633
Metropolitan Medical Response Systems (MMRS)	2,221,933
Citizen Corps Program (CCP)	630,795
Interop. Emergency Comms Grant Program (IECGP)	2,243,500
Emergency Operation Center Program (EOC)	8,180,241

1978D LUMP SUM
EMPLOYEE COMPENSATION AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -186,522,000
FROM TRUST FUNDS . . . . . -169,391,000

1978E LUMP SUM
STATE MATCH FOR FEDERAL FEMA FUNDING
FROM GENERAL REVENUE FUND 16,276,906

1979 SPECIAL CATEGORIES
ASSOCIATION DUES
FROM GENERAL REVENUE FUND 215,170

1980 SPECIAL CATEGORIES
ADMINISTRATION COMMISSION AND FLORIDA LAND AND WATER ADJUDICATORY COMMISSION - ADMINISTRATIVE APPEALS
FROM GENERAL REVENUE FUND 10,000

1981 SPECIAL CATEGORIES
DEFICIENCY
FROM GENERAL REVENUE FUND 400,000

1982 SPECIAL CATEGORIES
EMERGENCY
FROM GENERAL REVENUE FUND 250,000

1983 SPECIAL CATEGORIES
TRANSFER TO PLANNING AND BUDGETING SYSTEM TRUST FUND
FROM GENERAL REVENUE FUND 5,438,809

1983A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND . . . . . -431,028
FROM TRUST FUNDS . . . . . -385,403

TOTAL: PROGRAM: ADMINISTERED FUNDS
FROM GENERAL REVENUE FUND . . . . . -157,597,103
FROM TRUST FUNDS . . . . . -77,692,830

TOTAL ALL FUNDS . . . . . -235,289,933

AGENCY FOR WORKFORCE INNOVATION

From the funds in Specific Appropriations 1984 through 2038, any expenditure from the Temporary Assistance for Needy Families (TANF) Block Grant must be expended in accordance with the requirements and limitations of Part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Before any funds are released by the Department of Children and Family Services, each provider shall identify the number of clients to be served and certify their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified.

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The agency head or a designee shall certify that controls are in place to ensure that such funds are expended in accordance with the requirements and limitations of federal law and that reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

From the funds in Specific Appropriations 1984 through 2038, no federal or state funds shall be used to pay for space being leased by a Regional Workforce Board, Workforce Florida, Inc., or the Agency for Workforce Innovation if it has been determined by whichever entity is the lessee that there is no longer a need for the leased space. All leases, and performance and obligations under the leases, are subject to and contingent upon an annual appropriation by the Florida Legislature. In the event that such annual appropriation does not occur, or in the alternative, there is either a reduction in funding from the prior annual appropriation or the entity which is the lessee determines that the annual appropriation is insufficient to meet the requirements of the leases, then the lessee has the right to terminate the lease upon written notice by the lessee and the lessee shall have no further obligations under the contracts.

EXECUTIVE DIRECTION AND SUPPORT SERVICES

EXECUTIVE LEADERSHIP

APPROVED SALARY RATE 2,295,624

1984 SALARIES AND BENEFITS POSITIONS 34.00
FROM GENERAL REVENUE FUND 229,243
FROM ADMINISTRATIVE TRUST FUND . . . 2,793,885
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 181,685

1985 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 20,000

1986 EXPENSES
FROM GENERAL REVENUE FUND 16,358
FROM ADMINISTRATIVE TRUST FUND . . . 477,108
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 55,071

1987 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 5,866

1988 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 5,000
FROM ADMINISTRATIVE TRUST FUND . . . 30,000
FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 103,935

1989 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 99
FROM ADMINISTRATIVE TRUST FUND . . . 12,137
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 1,060

1990 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 544
FROM ADMINISTRATIVE TRUST FUND . . . 9,409
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 682

TOTAL: EXECUTIVE LEADERSHIP
FROM GENERAL REVENUE FUND 251,244
FROM TRUST FUNDS 3,690,838

TOTAL POSITIONS 34.00

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APPROPRIATION
TOTAL ALL FUNDS 3,942,082

AGENCY SUPPORT SERVICES

APPROVED SALARY RATE 9,508,116

1991 SALARIES AND BENEFITS POSITIONS 159.50
FROM GENERAL REVENUE FUND 415,731
FROM ADMINISTRATIVE TRUST FUND . . . 11,396,385
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 439,464
FROM REVOLVING TRUST FUND 906,047

1992 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 172,049
FROM REVOLVING TRUST FUND 50,000

1993 EXPENSES
FROM GENERAL REVENUE FUND 409,748
FROM ADMINISTRATIVE TRUST FUND . . . 1,328,573
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 90,141
FROM REVOLVING TRUST FUND 1,508,683

1994 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 123,375

1996 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 139,464
FROM ADMINISTRATIVE TRUST FUND . . . 1,303,081
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 300,000
FROM REVOLVING TRUST FUND 946,300

1997 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 168
FROM ADMINISTRATIVE TRUST FUND . . . 36,566
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 1,498
FROM REVOLVING TRUST FUND 3,980

1998 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 1,629
FROM ADMINISTRATIVE TRUST FUND . . . 42,351
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 1,322
FROM REVOLVING TRUST FUND 5,175

1999 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM ADMINISTRATIVE TRUST FUND . . . 154,232

1999A FIXED CAPITAL OUTLAY
REED ACT BUILDINGS PROJECTS - STATEWIDE
FROM REVOLVING TRUST FUND 530,000

TOTAL: AGENCY SUPPORT SERVICES
FROM GENERAL REVENUE FUND 966,740
FROM TRUST FUNDS 19,339,222

TOTAL POSITIONS 159.50
TOTAL ALL FUNDS 20,305,962

PROGRAM: WORKFORCE SERVICES

PROGRAM SUPPORT

From the funds in Specific Appropriation 2000 through 2010, it is the intent of the Legislature that the administration and delivery of workforce services and programs that are currently provided by agency employees working in One Stop Career Centers operated by the Regional Workforce Boards may be transferred from the Agency for Workforce Innovation to the Regional Workforce Boards. Such transfers shall only occur if the agency determines that the Regional Workforce Boards would more effectively and efficiently deliver services and if such transfers comply with applicable federal regulations. For all transfers made, the agency shall submit budget amendments pursuant to chapter 216, Florida Statutes, to move positions to the Executive Office of the Governor's reserve and realign the budget into the appropriate operating budget appropriation categories to implement the transfer of programs and service delivery to the Regional Workforce Boards.

From the funds in Specific Appropriations 2000 through 2010, the Agency for Workforce Innovation shall determine whether any funds provided for specific workforce programs, projects or initiatives are not an allowable use of federal funds. If the agency finds that any project or initiative for which funds are specifically appropriated in this act is not an allowable use of federal funds, the agency shall notify the Executive Office of the Governor, the chair of the Senate Committee on Budget and the chair of the House Appropriations Committee.

APPROVED SALARY RATE 23,421,815

2000 SALARIES AND BENEFITS POSITIONS 634.50
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 32,694,518
FROM WELFARE TRANSITION TRUST FUND . 1,238,897
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 595,589

2001 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 2,831,599
FROM WELFARE TRANSITION TRUST FUND . 65,313

2002 EXPENSES
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 1,233,676
FROM WELFARE TRANSITION TRUST FUND . 1,105,389
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 50,085

2003 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 112,914
FROM WELFARE TRANSITION TRUST FUND . 26,424
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 195,033

2003A SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE PROJECTS
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 850,000

Funds provided in Specific Appropriation 2003A shall be allocated as follows:

Florida Goodwill Association..... 500,000
Goodwill Industries of South Florida..... 250,000
Connections Job Development Program..... 100,000

2004 SPECIAL CATEGORIES
NON CUSTODIAL PARENT PROGRAM
FROM WELFARE TRANSITION TRUST FUND . 1,416,000

From the funds provided in Specific Appropriation 2004, $750,000 from the Welfare Transition Trust Fund is provided for the Non Custodial Parent Program in Pinellas, Pasco, and Hillsborough counties. The Pinellas Workforce Board (WorkNet) shall administer the funds, which shall be maintained as a single project for the three counties.

From the funds in Specific Appropriation 2004, $666,000 from the Welfare Transition Trust Fund is provided to continue Gulf Coast

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Community Care's current Non Custodial Parent Program in Miami-Dade County, which shall be administered by the South Florida Workforce Board.

2005 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 21,071,761
FROM WELFARE TRANSITION TRUST FUND . 575,000
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 1,389,401

2006 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL WORKFORCE
BOARDS
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 170,030,741
FROM WELFARE TRANSITION TRUST FUND . 79,012,178

Funds provided in Specific Appropriation 2006 from the Welfare Transition Trust Fund shall be allocated for workforce services based on a plan approved by Workforce Florida, Inc. The plan shall identify funds provided for state-level and discretionary initiatives, and shall maximize funds distributed directly to the Regional Workforce Boards. The plan shall provide for equitable distribution of funds to the boards based on anticipated client caseload and the achievement of performance standards. Copies of the proposed allocation shall be provided to the Governor's Office of Policy and Budget, the chair of the Senate Committee on Budget and the chair of the House Appropriations Committee.

From the funds in Specific Appropriation 2006, $9,997,271 from the Welfare Transition Trust Fund is contingent upon the Temporary Assistance for Needy Families Block Grant Supplemental Funds being received during Fiscal Year 2011-2012. In the event that the full amount of the Temporary Assistance for Needy Families Block Grant Supplemental Funds is not received, the release of authority shall be in direct proportion to the amount of funds received.

From the funds provided in Specific Appropriation 2006 from the Employment Security Administration Trust Fund, and allocated by Workforce Florida, Inc, or the Agency for Workforce Innovation to the regional workforce boards covering Baker, Clay, Duval, Nassau, Putnam and St. Johns counties (First Coast Workforce Development, Inc.), Orange, Osceola, Seminole, Lake, and Sumter counties (Workforce Central Florida), and Broward County (Workforce One), $1,000,000 shall be used by each of the three regional workforce boards to provide competitively-procured contracts for the purpose of providing year-round youth services to eligible low-income youth from disadvantaged neighborhoods. Special consideration shall be given to youth providers with established track records of providing services to low-income youth from disadvantaged neighborhoods.

From the funds provided in Specific Appropriation 2006, any expenditures by regional workforce boards for "outreach," "advertising," or "public relations" must have a direct program benefit and shall be spent in strict accordance with all applicable federal regulations and guidance. Costs of promotional items, including but not limited to capes, blankets, clothing, and memorabilia, including models, gifts, and souvenirs, which exceed $5,000 for outreach purposes must be approved prior to purchase by the Agency for Workforce Innovation.

No funds in Specific Appropriation 2006 may be used directly or indirectly to pay for meals, food, or beverages for board members, staff, or employees of regional workforce boards, Workforce Florida, Inc., or the Agency for Workforce Innovation except as expressly authorized by state law. Preapproved, reasonable, and necessary per diem allowances and travel expenses may be reimbursed. Such reimbursement shall be at the standard travel reimbursement rates established in section 112.061, Florida Statutes, and shall be in compliance with all applicable federal and state requirements. No funds in Specific Appropriation 2006 may be used for entertainment costs and recreational activities for board members and employees as these terms are defined in 2 C.F.R. part 230.

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APPROPRIATION
No funds in Specific Appropriation 2006 may be used for any contract exceeding $25,000 between a regional workforce board and a member of that board that has any relationship with the contracting vendor, unless the contract has been reviewed by the Agency for Workforce Innovation and Workforce Florida, Inc.

2007 SPECIAL CATEGORIES
GRANTS AND AIDS - DISPLACED HOMEMAKERS
FROM DISPLACED HOMEMAKER TRUST
FUND 1,816,434

2008 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 1,370,695
FROM WELFARE TRANSITION TRUST FUND . 6,194

2009 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 266,268
FROM WELFARE TRANSITION TRUST FUND . 6,388
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 560

2010 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 218,410
FROM WELFARE TRANSITION TRUST FUND . 200,000

TOTAL: PROGRAM SUPPORT
FROM TRUST FUNDS 318,379,467

TOTAL POSITIONS 634.50
TOTAL ALL FUNDS 318,379,467

UNEMPLOYMENT COMPENSATION

APPROVED SALARY RATE 22,796,002

2011 SALARIES AND BENEFITS POSITIONS 612.00
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 34,750,537

2012 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 15,288,980

2013 EXPENSES
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 20,791,254

2014 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 314,258

2015 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 42,649,517

2016 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 405,604

2017 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM EMPLOYMENT SECURITY

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APPROPRIATION
ADMINISTRATION TRUST FUND 276,319

2017A QUALIFIED EXPENDITURE CATEGORY
UNEMPLOYMENT COMPENSATION CLAIMS AND BENEFITS INFORMATION SYSTEM
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 16,105,969

2018 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 1,793,634

TOTAL: UNEMPLOYMENT COMPENSATION
FROM TRUST FUNDS 132,376,072

TOTAL POSITIONS 612.00
TOTAL ALL FUNDS 132,376,072

WORKFORCE FLORIDA, INC.

APPROVED SALARY RATE 721,538

2019 SALARIES AND BENEFITS POSITIONS 9.00
FROM ADMINISTRATIVE TRUST FUND . . . 909,004

2020 SPECIAL CATEGORIES
WORKFORCE FLORIDA INC. OPERATIONS
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 1,380,554
FROM WELFARE TRANSITION TRUST FUND . 1,043,931
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 539,816

2021 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 553
FROM WELFARE TRANSITION TRUST FUND . 417
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 219

2022 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 2,362

2022A SPECIAL CATEGORIES
QUICK RESPONSE TRAINING
FROM GENERAL REVENUE FUND 2,600,000
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 3,400,000

2023 SPECIAL CATEGORIES
INCUMBENT WORKER TRAINING PROGRAM
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 2,000,000

TOTAL: WORKFORCE FLORIDA, INC.
FROM GENERAL REVENUE FUND 2,600,000
FROM TRUST FUNDS 9,276,856

TOTAL POSITIONS 9.00
TOTAL ALL FUNDS 11,876,856

UNEMPLOYMENT APPEALS COMMISSION

APPROVED SALARY RATE 2,592,091

2024 SALARIES AND BENEFITS POSITIONS 43.00
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 3,418,975

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2025 SPECIAL CATEGORIES
UNEMPLOYMENT APPEALS COMMISSION OPERATIONS
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 765,371

2026 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 8,899

2027 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 16,949

TOTAL: UNEMPLOYMENT APPEALS COMMISSION
FROM TRUST FUNDS 4,210,194

TOTAL POSITIONS 43.00
TOTAL ALL FUNDS 4,210,194

EARLY LEARNING

EARLY LEARNING SERVICES

APPROVED SALARY RATE 4,573,450

2028 SALARIES AND BENEFITS POSITIONS 83.00
FROM GENERAL REVENUE FUND 3,037,238
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 3,005,996

2029 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,000
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 87,000

2030 EXPENSES
FROM GENERAL REVENUE FUND 293,203
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 752,139
FROM WELFARE TRANSITION TRUST FUND . 265,163

2031 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROJECTS, CONTRACTS AND GRANTS
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 500,000

2032 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5,785
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 15,000

2033 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL READINESS SERVICES
FROM GENERAL REVENUE FUND 137,516,235
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 358,586,808
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 500,000
FROM WELFARE TRANSITION TRUST FUND . 116,353,182
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 3,806,411

From the Child Care and Development Block Grant Trust Fund in Specific Appropriation 2033, a minimum of $3,000,000 shall be used to enhance the quality of child care through the Teacher Education and Compensation Helps Program (T.E.A.C.H.).

From the funds in Specific Appropriation 2033 in the Welfare

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Transition Trust Fund, $1,400,000 from recurring funds is provided for the Home Instruction Program for Pre-School Youngsters (HIPPY).

Funds in Specific Appropriation 2033 from the Child Care and Development Block Grant Trust Fund may be used to provide a rate differential or stipend to programs which reach the Gold Seal Quality Care designation. The rate differential shall not exceed twenty percent of the reimbursement rate.

Funds in Specific Appropriation 2033 require a match from local sources for working poor eligible participants of six percent on child care slots. In-kind match is allowable provided there is not a reduction in the number of slots or level of services from the provision of in-kind match. The Agency for Workforce Innovation may adopt a policy to grant a waiver of the six percent match requirement to a rural county that demonstrates a significant hardship in meeting the match requirement. Progress towards meeting this requirement shall be monitored by the Agency for Workforce Innovation, and shall be considered satisfactorily attained if the six percent requirement is met on a statewide basis.

From the funds in Specific Appropriation 2033, the Agency for Workforce Innovation shall designate an amount to be used for the Child Care Executive Partnership Program, as defined in section 411.0102, Florida Statutes, as match to expand the provision of services to low income families at or below 200 percent of the federal poverty level. Funds for this program may be used to match funds for statewide contracts.

From the funds in Specific Appropriation 2033, $18,340,755 from the Welfare Transition Trust Fund and $11,887,136 from the Child Care Development Block Grant Trust Fund are contingent upon the Temporary Assistance for Needy Families Block Grant Supplemental Funds being received during Fiscal Year 2011-2012. In the event that the full amount of the Temporary Assistance for Needy Families Block Grant Supplemental Funds is not received, the release of authority shall be in direct proportion to the amount of funds received.

From the funds provided in Specific Appropriation 2033 from the Child Care and Development Block Grant Trust Fund, $5,000,000 is contingent upon the receipt of additional discretionary federal grant funds.

2034 SPECIAL CATEGORIES
GRANTS AND AIDS - DATA SYSTEMS FOR SCHOOL READINESS
FROM GENERAL REVENUE FUND 240,595
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 868,403

2035 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,854
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 11,345

2036 SPECIAL CATEGORIES
GRANTS AND AIDS - VOLUNTARY PREKINDERGARTEN PROGRAM
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 384,606,382

Funds in Specific Appropriation 2036 shall be allocated and distributed in accordance with the proviso associated with Specific Appropriation 66 in this act.

2037 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 14,105
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 6,247

2037A SPECIAL CATEGORIES

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APPROPRIATION
STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 11,846

2037B SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 2,259,153

2037C SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 186,836

2037D QUALIFIED EXPENDITURE CATEGORY
EARLY LEARNING INFO SYSTEM DEVELOPMENT (ELIS)
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 2,641,071
FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 551,327

2038 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 7,715

TOTAL: EARLY LEARNING SERVICES
FROM GENERAL REVENUE FUND 141,116,015
FROM TRUST FUNDS 875,022,024

TOTAL POSITIONS 83.00
TOTAL ALL FUNDS 1,016,138,039

TOTAL: AGENCY FOR WORKFORCE INNOVATION
FROM GENERAL REVENUE FUND 144,933,999
FROM TRUST FUNDS 1,362,294,673

TOTAL POSITIONS 1,575.00
TOTAL ALL FUNDS 1,507,228,672
TOTAL APPROVED SALARY RATE 65,908,636

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF

PROGRAM: OFFICE OF THE SECRETARY AND ADMINISTRATION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 7,669,517

2039 SALARIES AND BENEFITS POSITIONS 153.50
FROM ADMINISTRATIVE TRUST FUND . . . 10,411,007

2040 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 720,587

2041 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 1,606,311

2042 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 50,221

2043 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND . . . 297,768

2044 SPECIAL CATEGORIES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 254,780

2045 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND . . . 6,500

2046 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 138,324

2047 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND . . . 5,060

2048 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 58,492

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 13,549,050

TOTAL POSITIONS 153.50
TOTAL ALL FUNDS 13,549,050

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 2,922,264

2049 SALARIES AND BENEFITS POSITIONS 54.00
FROM ADMINISTRATIVE TRUST FUND . . . 3,924,245

2050 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 94,096

2051 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 1,470,903

2052 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 100,000

2053 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 2,507,127

2054 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 16,088

2055 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 19,133

2056 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM ADMINISTRATIVE TRUST FUND . . . 5,000

2057 DATA PROCESSING SERVICES
NORTHWOOD SHARED RESOURCE CENTER
FROM ADMINISTRATIVE TRUST FUND . . . 887,669

2057A DATA PROCESSING SERVICES
NORTHWEST REGIONAL DATA CENTER (NWRDC)
FROM ADMINISTRATIVE TRUST FUND . . . 23,520

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 9,047,781

TOTAL POSITIONS 54.00
TOTAL ALL FUNDS 9,047,781

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
PROGRAM: SERVICE OPERATION

CUSTOMER CONTACT CENTER

APPROVED SALARY RATE 3,019,323

2058 SALARIES AND BENEFITS POSITIONS 92.00
FROM ADMINISTRATIVE TRUST FUND . . . 4,305,241

2059 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 225,000

2060 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 527,055

2061 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 3,000

2062 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 9,000

2063 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 22,237

2064 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 33,250

TOTAL: CUSTOMER CONTACT CENTER
FROM TRUST FUNDS 5,124,783

TOTAL POSITIONS 92.00
TOTAL ALL FUNDS 5,124,783

CENTRAL INTAKE

APPROVED SALARY RATE 3,472,732

2065 SALARIES AND BENEFITS POSITIONS 108.50
FROM ADMINISTRATIVE TRUST FUND . . . 5,036,708

2066 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 372,954

2067 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 603,386

2068 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 3,000

2069 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 800,000

2070 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 20,482

2071 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 44,219

TOTAL: CENTRAL INTAKE
FROM TRUST FUNDS 6,880,749

TOTAL POSITIONS 108.50
TOTAL ALL FUNDS 6,880,749

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
PROGRAM: PROFESSIONAL REGULATION

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 8,475,804

2072 SALARIES AND BENEFITS POSITIONS 208.00
FROM PROFESSIONAL REGULATION TRUST FUND 11,899,921

2073 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND 650,329

2074 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND 2,480,890

2075 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND 5,000

2076 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PROFESSIONAL REGULATION TRUST FUND 251,900

From the funds provided in Specific Appropriation 2076, the Department of Business and Professional Regulation may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 150,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

2077 SPECIAL CATEGORIES
LEGAL SERVICES CONTRACT
FROM PROFESSIONAL REGULATION TRUST FUND 899,080

2078 SPECIAL CATEGORIES
UNLICENSED ACTIVITIES
FROM PROFESSIONAL REGULATION TRUST FUND 700,050

From the funds in Specific Appropriation 2078, up to $285,000 from the Professional Regulation Trust Fund is provided to the Department of Business and Professional Regulation to prevent, combat, and publicize the dangers of unlicensed real estate activity in Florida. The department shall develop, implement, and maintain an unlicensed activity campaign in consultation with a corporation that is registered under chapter 617, Florida Statutes, as a not-for-profit corporation and qualified under the Internal Revenue Service Code as a 501(c)(6) corporation, and that represents the largest number of licensed Florida real estate professionals. The campaign shall encompass media production, advertising, and other techniques that the department may wish to utilize after first consulting with the not-for-profit corporation. Special emphasis shall be placed on the investigation and prosecution of unlicensed real estate activities. To further the purpose of the unlicensed activity campaign, the department shall be authorized to accept in-kind contributions of services, media production, or advertising materials from the not-for-profit corporation. Any advertising, media, or materials produced as a result of contributions shall carry acknowledgements of joint production and sponsorship. The department may not allocate overhead charges to these unlicensed activity campaign funds.

From the funds in Specific Appropriation 2078, up to $60,000 from the Professional Regulation Trust Fund is provided to the Department of Business and Professional Regulation to institute an unlicensed activity campaign for the purpose of informing and educating the public: (1) that public accounting is a regulated profession with requirements of licensure pursuant to chapter 473, Florida Statutes; (2) that some services provided by unlicensed individuals, although legal, are regulated when provided by a licensed Florida Certified Public Accountant; and (3) that certain

SECTION 6 - GENERAL GOVERNMENT
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services may only be performed by a licensed Florida Certified Public Accountant. The department shall develop the campaign in consultation with a corporation that is registered under chapter 617, Florida Statutes, as a not-for-profit corporation and qualified under the Internal Revenue Service Code as a 501(c)(6) corporation, and that represents the largest number of licensed Florida Certified Public Accountants. Any advertising, media, or materials produced as a result of contributions shall carry acknowledgements of joint production and sponsorship. The department may not allocate overhead charges to these unlicensed activity campaign funds.

From the funds in Specific Appropriation 2078, the Department of Business and Professional Regulation shall submit a report to the chair of the Senate Budget Committee and the chair of the House of Representatives Appropriations Committee by November 1, 2011, detailing the unlicensed activity functions performed by the department during Fiscal Year 2010-2011. The report shall contain a detailed breakout of activities, revenues, and expenditures by board and/or profession, and include any relevant information to indicate the department's compliance with section 455.2281, Florida Statutes.

2079 SPECIAL CATEGORIES
CLAIMS PAYMENTS FROM CONSTRUCTION RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND 900,000

2080 SPECIAL CATEGORIES
CLAIMS PAYMENT/AUCTIONEER RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND 25,000

2081 SPECIAL CATEGORIES
TRANSFER ARCHITECT & INTERIOR DESIGN ACTIVITIES CH. 2002-274
FROM PROFESSIONAL REGULATION TRUST FUND 425,239

2082 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND 162,960

2083 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM PROFESSIONAL REGULATION TRUST FUND 163,236

2084 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST FUND 160,610

2085 SPECIAL CATEGORIES
MINORITY SCHOLARSHIPS - CERTIFIED PUBLIC ACCOUNTING
FROM PROFESSIONAL REGULATION TRUST FUND 100,000

2086 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PROFESSIONAL REGULATION TRUST FUND 85,973

2087 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ENGINEERING MANAGEMENT CORPORATION (FEMC) CONTRACTED SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND 2,070,000

2088 FINANCIAL ASSISTANCE PAYMENTS

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
SCHOLARSHIPS AND REAL ESTATE RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST
FUND 450,000

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 21,430,188

TOTAL POSITIONS 208.00
TOTAL ALL FUNDS 21,430,188

FLORIDA BOXING COMMISSION

APPROVED SALARY RATE 222,062

2089 SALARIES AND BENEFITS POSITIONS 4.00
FROM PROFESSIONAL REGULATION TRUST
FUND 303,489

2090 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST
FUND 129,219

2091 EXPENSES
FROM PROFESSIONAL REGULATION TRUST
FUND 180,642

2092 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM PROFESSIONAL REGULATION TRUST
FUND 2,000

2093 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST
FUND 2,110

2094 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM PROFESSIONAL REGULATION TRUST
FUND 4,138

TOTAL: FLORIDA BOXING COMMISSION
FROM TRUST FUNDS 621,598

TOTAL POSITIONS 4.00
TOTAL ALL FUNDS 621,598

TESTING AND CONTINUING EDUCATION

APPROVED SALARY RATE 1,487,564

2095 SALARIES AND BENEFITS POSITIONS 43.00
FROM PROFESSIONAL REGULATION TRUST
FUND 2,101,209

2096 EXPENSES
FROM PROFESSIONAL REGULATION TRUST
FUND 368,391

2097 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST
FUND 3,000

2098 SPECIAL CATEGORIES
EXAMINATION TESTING SERVICES FOR
PROFESSIONAL REGULATION
FROM PROFESSIONAL REGULATION TRUST
FUND 781,407

2099 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM PROFESSIONAL REGULATION TRUST
FUND 10,000

2100 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM PROFESSIONAL REGULATION TRUST
FUND 1,000

2101 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST
FUND 4,459

2102 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM PROFESSIONAL REGULATION TRUST
FUND 15,818

TOTAL: TESTING AND CONTINUING EDUCATION
FROM TRUST FUNDS 3,285,284

TOTAL POSITIONS 43.00
TOTAL ALL FUNDS 3,285,284

FARM AND CHILD LABOR REGULATION

APPROVED SALARY RATE 1,038,622

2103 SALARIES AND BENEFITS POSITIONS 30.00
FROM PROFESSIONAL REGULATION TRUST
FUND 1,530,551

2104 EXPENSES
FROM PROFESSIONAL REGULATION TRUST
FUND 162,990

2105 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM PROFESSIONAL REGULATION TRUST
FUND 20,590

2106 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM PROFESSIONAL REGULATION TRUST
FUND 69,400

2107 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST
FUND 21,972

2108 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM PROFESSIONAL REGULATION TRUST
FUND 10,464

TOTAL: FARM AND CHILD LABOR REGULATION
FROM TRUST FUNDS 1,815,967

TOTAL POSITIONS 30.00
TOTAL ALL FUNDS 1,815,967

PROGRAM: PARI-MUTUEL WAGERING

PARI-MUTUEL WAGERING

APPROVED SALARY RATE 2,752,337

2109 SALARIES AND BENEFITS POSITIONS 65.00
FROM PARI-MUTUEL WAGERING TRUST
FUND 3,829,289

SECTION 6 - GENERAL GOVERNMENT
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APPROPRIATION
2110 OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST
FUND 1,636,166

2111 EXPENSES
FROM PARI-MUTUEL WAGERING TRUST
FUND 750,890

2112 OPERATING CAPITAL OUTLAY
FROM PARI-MUTUEL WAGERING TRUST
FUND 13,032

2113 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PARI-MUTUEL WAGERING TRUST
FUND 24,802

From the funds provided in Specific Appropriation 2113, the Department of Business and Professional Regulation may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 150,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

2113A SPECIAL CATEGORIES
COMPREHENSIVE GAMING STUDY/OPPAGA
FROM GENERAL REVENUE FUND 400,000

Funds in Specific Appropriation 2113A are provided for the Office of Program Policy Analysis and Government Accountability to conduct a comprehensive gaming study of the revenues derived, the expenses incurred, and the potential benefits to Florida from destination resorts and horse racing. The Office of Program Policy Analysis and Government Accountability shall recommend an independent consultant for the study subject to the approval of the Legislative Budget Commission.

2114 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM PARI-MUTUEL WAGERING TRUST
FUND 7,317

2115 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM PARI-MUTUEL WAGERING TRUST
FUND 22,000

2116 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PARI-MUTUEL WAGERING TRUST
FUND 81,298

2117 SPECIAL CATEGORIES
RACING ANIMAL MEDICAL RESEARCH
FROM PARI-MUTUEL WAGERING TRUST
FUND 100,000

2118 SPECIAL CATEGORIES
PARI-MUTUEL LABORATORY CONTRACTED SERVICES
FROM PARI-MUTUEL WAGERING TRUST
FUND 2,266,000

2119 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PARI-MUTUEL WAGERING TRUST
FUND 46,250

2120 SPECIAL CATEGORIES
CONTRACT FOR PARI-MUTUEL WAGERING COMPLIANCE AND AUDIT SYSTEM
FROM PARI-MUTUEL WAGERING TRUST
FUND 296,476

TOTAL: PARI-MUTUEL WAGERING
FROM GENERAL REVENUE FUND 400,000
FROM TRUST FUNDS 9,073,520

TOTAL POSITIONS 65.00
TOTAL ALL FUNDS 9,473,520

SLOT MACHINE REGULATION

APPROVED SALARY RATE 2,134,053

2121 SALARIES AND BENEFITS POSITIONS 50.00
FROM PARI-MUTUEL WAGERING TRUST
FUND 3,030,480

2122 OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST
FUND 10,000

2123 EXPENSES
FROM PARI-MUTUEL WAGERING TRUST
FUND 278,096

2124 OPERATING CAPITAL OUTLAY
FROM PARI-MUTUEL WAGERING TRUST
FUND 10,863

2125 SPECIAL CATEGORIES
COMPULSIVE AND ADDICTIVE GAMBLING PREVENTION CONTRACT
FROM PARI-MUTUEL WAGERING TRUST
FUND 264,700

2126 SPECIAL CATEGORIES
TRANSFER TO THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT - SLOT INVESTIGATIONS
FROM PARI-MUTUEL WAGERING TRUST
FUND 238,839

2127 SPECIAL CATEGORIES
TRANSFER TO THE OFFICE OF THE STATE ATTORNEY - SLOT INVESTIGATIONS AND PROSECUTIONS
FROM PARI-MUTUEL WAGERING TRUST
FUND 184,875

2128 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM PARI-MUTUEL WAGERING TRUST
FUND 90,000

2129 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM PARI-MUTUEL WAGERING TRUST
FUND 19,743

2130 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PARI-MUTUEL WAGERING TRUST
FUND 5,763

2131 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PARI-MUTUEL WAGERING TRUST
FUND 18,776

TOTAL: SLOT MACHINE REGULATION
FROM TRUST FUNDS 4,152,135

TOTAL POSITIONS 50.00
TOTAL ALL FUNDS 4,152,135

PROGRAM: HOTELS AND RESTAURANTS

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APPROPRIATION
COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 11,034,402

2132 SALARIES AND BENEFITS POSITIONS 296.00
FROM HOTEL AND RESTAURANT TRUST
FUND 15,560,301

2133 OTHER PERSONAL SERVICES
FROM HOTEL AND RESTAURANT TRUST
FUND 28,591

2134 EXPENSES
FROM HOTEL AND RESTAURANT TRUST
FUND 1,596,495

2135 OPERATING CAPITAL OUTLAY
FROM HOTEL AND RESTAURANT TRUST
FUND 8,500

2136 SPECIAL CATEGORIES
TRANSFERS TO DEPARTMENT OF HEALTH FOR
EPIDEMIOLOGICAL SERVICES
FROM HOTEL AND RESTAURANT TRUST
FUND 607,149

2136A SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL-TO-CAREER
FROM HOTEL AND RESTAURANT TRUST
FUND 706,698

2137 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HOTEL AND RESTAURANT TRUST
FUND 70,509

2138 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM HOTEL AND RESTAURANT TRUST
FUND 390,794

2139 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HOTEL AND RESTAURANT TRUST
FUND 177,673

2140 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM HOTEL AND RESTAURANT TRUST
FUND 103,010

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 19,249,720

TOTAL POSITIONS 296.00
TOTAL ALL FUNDS 19,249,720

PROGRAM: ALCOHOLIC BEVERAGES AND TOBACCO

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 8,574,908

2141 SALARIES AND BENEFITS POSITIONS 185.75
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 11,896,399

2142 OTHER PERSONAL SERVICES
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 7,075

2143 EXPENSES
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 1,520,017

2145 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 315,644
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 300,000

2146 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 78,044

2147 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL
VEHICLES
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 783,675

2148 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 693,997

2149 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 219,996

2150 SPECIAL CATEGORIES
TRANSFER FOR CONTRACTED DISPATCH SERVICES
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 140,000

2150A SPECIAL CATEGORIES
ENFORCING UNDERAGE DRINKING LAWS - BLOCK
GRANT
FROM FEDERAL GRANTS TRUST FUND . . . 439,062

2151 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 67,795

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 16,461,704

TOTAL POSITIONS 185.75
TOTAL ALL FUNDS 16,461,704

STANDARDS AND LICENSURE

APPROVED SALARY RATE 2,521,211

2152 SALARIES AND BENEFITS POSITIONS 64.00
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 3,688,110

2153 OTHER PERSONAL SERVICES
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 800

2154 EXPENSES
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 610,565

2155 OPERATING CAPITAL OUTLAY
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 5,000

SECTION 6 - GENERAL GOVERNMENT
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APPROPRIATION
2156 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 17,733

2157 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 9,740

2158 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 4,680

2159 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 22,852

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 4,359,480

TOTAL POSITIONS 64.00
TOTAL ALL FUNDS 4,359,480

TAX COLLECTION

APPROVED SALARY RATE 3,228,881

2160 SALARIES AND BENEFITS POSITIONS 85.00
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 4,613,376

2161 EXPENSES
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 755,821

2162 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 21,180

2163 SPECIAL CATEGORIES
CIGARETTE TAX STAMPS
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 976,505

2164 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 16,387

2165 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 31,136

TOTAL: TAX COLLECTION
FROM TRUST FUNDS 6,414,405

TOTAL POSITIONS 85.00
TOTAL ALL FUNDS 6,414,405

PROGRAM: DRUGS, DEVICES, COSMETICS, AND HOUSEHOLD PRODUCTS REGULATION

DRUGS, DEVICES, COSMETICS, AND HOUSEHOLD PRODUCTS REGULATION

SECTION 6 - GENERAL GOVERNMENT
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APPROPRIATION
APPROVED SALARY RATE 1,830,030

2165A SALARIES AND BENEFITS POSITIONS 33.00
FROM FLORIDA DRUG, DEVICE AND
COSMETIC TRUST FUND 1,889,871

2165B OTHER PERSONAL SERVICES
FROM FLORIDA DRUG, DEVICE AND
COSMETIC TRUST FUND 26,704

2165C EXPENSES
FROM FLORIDA DRUG, DEVICE AND
COSMETIC TRUST FUND 395,725

2165D SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM FLORIDA DRUG, DEVICE AND
COSMETIC TRUST FUND 58,500

2165E SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM FLORIDA DRUG, DEVICE AND
COSMETIC TRUST FUND 13,297

TOTAL: DRUGS, DEVICES, COSMETICS, AND HOUSEHOLD PRODUCTS REGULATION
FROM TRUST FUNDS 2,384,097

TOTAL POSITIONS 33.00
TOTAL ALL FUNDS 2,384,097

PROGRAM: FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 4,343,750

2166 SALARIES AND BENEFITS POSITIONS 111.00
FROM DIVISION OF FLORIDA
CONDOMINIUMS, TIMESHARES AND
MOBILE HOMES TRUST FUND 6,065,258

2167 OTHER PERSONAL SERVICES
FROM DIVISION OF FLORIDA
CONDOMINIUMS, TIMESHARES AND
MOBILE HOMES TRUST FUND 49,076

2168 EXPENSES
FROM DIVISION OF FLORIDA
CONDOMINIUMS, TIMESHARES AND
MOBILE HOMES TRUST FUND 964,081

2169 OPERATING CAPITAL OUTLAY
FROM DIVISION OF FLORIDA
CONDOMINIUMS, TIMESHARES AND
MOBILE HOMES TRUST FUND 1,298

2170 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM DIVISION OF FLORIDA
CONDOMINIUMS, TIMESHARES AND
MOBILE HOMES TRUST FUND 17,500

2171 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DIVISION OF FLORIDA
CONDOMINIUMS, TIMESHARES AND
MOBILE HOMES TRUST FUND 44,257

2172 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM DIVISION OF FLORIDA
CONDOMINIUMS, TIMESHARES AND
MOBILE HOMES TRUST FUND 41,531

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 7,183,001

TOTAL POSITIONS 111.00
TOTAL ALL FUNDS 7,183,001

TOTAL: BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF
FROM GENERAL REVENUE FUND 400,000
FROM TRUST FUNDS 131,033,462

TOTAL POSITIONS 1,582.75
TOTAL ALL FUNDS 131,433,462
TOTAL APPROVED SALARY RATE 64,727,460

PROGRAM: CITRUS, DEPARTMENT OF

CITRUS RESEARCH

APPROVED SALARY RATE 1,368,951

2173 SALARIES AND BENEFITS POSITIONS 21.00
FROM CITRUS ADVERTISING TRUST FUND . 1,765,492

2174 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND . 78,000

2175 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND . 1,011,896

2176 OPERATING CAPITAL OUTLAY
FROM CITRUS ADVERTISING TRUST FUND . 251,000

2177 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM CITRUS ADVERTISING TRUST FUND . 9,920,494

2178 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND . 182,000

2179 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM CITRUS ADVERTISING TRUST FUND . 7,739

TOTAL: CITRUS RESEARCH
FROM TRUST FUNDS 13,216,621

TOTAL POSITIONS 21.00
TOTAL ALL FUNDS 13,216,621

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 1,494,857

2180 SALARIES AND BENEFITS POSITIONS 25.00
FROM CITRUS ADVERTISING TRUST FUND . 2,156,261

2181 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND . 78,000

2182 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND . 1,172,985

2183 OPERATING CAPITAL OUTLAY
FROM CITRUS ADVERTISING TRUST FUND . 119,779

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2184 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM CITRUS ADVERTISING TRUST FUND . 810,000

2185 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND . 75,000

2186 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CITRUS ADVERTISING TRUST FUND . 16,101

2187 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM CITRUS ADVERTISING TRUST FUND . 11,826

2188 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM CITRUS ADVERTISING TRUST FUND . 8,000

2189 DATA PROCESSING SERVICES
NORTHWOOD SHARED RESOURCE CENTER
FROM CITRUS ADVERTISING TRUST FUND . 47,982

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 4,495,934

TOTAL POSITIONS 25.00
TOTAL ALL FUNDS 4,495,934

AGRICULTURAL PRODUCTS MARKETING

APPROVED SALARY RATE 1,226,226

2190 SALARIES AND BENEFITS POSITIONS 14.00
FROM CITRUS ADVERTISING TRUST FUND . 1,751,238

2191 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND . 17,000

2192 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND . 1,161,331

From the funds provided in Specific Appropriation 2192, the Department of Citrus may contract to reimburse the Florida Commission on Tourism/Florida Tourism Industry Marketing Corporation for an amount not to exceed $240,000 for the cost of citrus juice dispensed at the Florida Welcome Stations.

2193 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM CITRUS ADVERTISING TRUST FUND . 100,000

2194 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND . 45,695,526

2195 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM CITRUS ADVERTISING TRUST FUND . 6,925

TOTAL: AGRICULTURAL PRODUCTS MARKETING
FROM TRUST FUNDS 48,732,020

TOTAL POSITIONS 14.00
TOTAL ALL FUNDS 48,732,020

TOTAL: PROGRAM: CITRUS, DEPARTMENT OF
FROM TRUST FUNDS 66,444,575

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TOTAL POSITIONS 60.00
TOTAL ALL FUNDS 66,444,575
TOTAL APPROVED SALARY RATE 4,090,034

FINANCIAL SERVICES, DEPARTMENT OF

PROGRAM: OFFICE OF CHIEF FINANCIAL OFFICER AND ADMINISTRATION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 6,891,987

2196 SALARIES AND BENEFITS POSITIONS 154.50
FROM ADMINISTRATIVE TRUST FUND . . . 10,082,267

2197 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 27,801

2198 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 1,709,034

2199 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 10,000

2200 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 427,325

2200A SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND . . . 3,500

2201 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 99,785

2201A SPECIAL CATEGORIES
TENANT BROKER COMMISSIONS
FROM ADMINISTRATIVE TRUST FUND . . . 60,000

2202 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 58,193

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 12,477,905

TOTAL POSITIONS 154.50
TOTAL ALL FUNDS 12,477,905

LEGAL SERVICES

APPROVED SALARY RATE 4,376,352

2203 SALARIES AND BENEFITS POSITIONS 87.00
FROM ADMINISTRATIVE TRUST FUND . . . 5,899,876

2204 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 169,388

2205 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 928,497

2206 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 3,639

2207 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND . . . 437,807

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2208 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 163,306

2209 SPECIAL CATEGORIES
HOLOCAUST VICTIMS ASSISTANCE ADMINISTRATION
FROM INSURANCE REGULATORY TRUST FUND 308,007

2210 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 22,412

2211 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 31,588

TOTAL: LEGAL SERVICES
FROM TRUST FUNDS 7,964,520

TOTAL POSITIONS 87.00
TOTAL ALL FUNDS 7,964,520

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 5,941,463

2212 SALARIES AND BENEFITS POSITIONS 127.00
FROM ADMINISTRATIVE TRUST FUND . . . 8,178,763

2213 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 98,834

2214 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 3,225,468

2215 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 1,028,196

2216 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 4,474,986

2216A SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND . . . 2,900

2217 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 33,982

2218 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 46,137

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 17,089,266

TOTAL POSITIONS 127.00
TOTAL ALL FUNDS 17,089,266

CONSUMER ADVOCATE

APPROVED SALARY RATE 479,372

2219 SALARIES AND BENEFITS POSITIONS 5.00
FROM INSURANCE REGULATORY TRUST FUND 520,735

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2220 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 25,229

2221 EXPENSES
FROM INSURANCE REGULATORY TRUST
FUND 50,265

2222 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST
FUND 4,000

2223 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 50,471

2224 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST
FUND 1,178

2225 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST
FUND 2,077

TOTAL: CONSUMER ADVOCATE
FROM TRUST FUNDS 653,955

TOTAL POSITIONS 5.00
TOTAL ALL FUNDS 653,955

INFORMATION TECHNOLOGY - FLAIR INFRASTRUCTURE

APPROVED SALARY RATE 4,816,729

2226 SALARIES AND BENEFITS POSITIONS 105.00
FROM GENERAL REVENUE FUND 6,631,336
FROM ADMINISTRATIVE TRUST FUND . . . 53,704

2227 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 132,400

2228 EXPENSES
FROM GENERAL REVENUE FUND 1,573,732
FROM ADMINISTRATIVE TRUST FUND . . . 112,000

2229 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 490,794
FROM ADMINISTRATIVE TRUST FUND . . . 25,000

2230 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,818,816
FROM ADMINISTRATIVE TRUST FUND . . . 431,500

2231 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 15,319

2232 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 37,725

TOTAL: INFORMATION TECHNOLOGY - FLAIR INFRASTRUCTURE
FROM GENERAL REVENUE FUND 11,700,122
FROM TRUST FUNDS 622,204

TOTAL POSITIONS 105.00

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TOTAL ALL FUNDS 12,322,326

PROGRAM: TREASURY

DEPOSIT SECURITY

APPROVED SALARY RATE 963,124

2233 SALARIES AND BENEFITS POSITIONS 23.50
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 1,445,504

2234 OTHER PERSONAL SERVICES
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 1,500

2235 EXPENSES
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 249,729

2236 OPERATING CAPITAL OUTLAY
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 1,783

2237 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 80,205

2238 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 20,240

2239 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 8,332

TOTAL: DEPOSIT SECURITY
FROM TRUST FUNDS 1,807,293

TOTAL POSITIONS 23.50
TOTAL ALL FUNDS 1,807,293

STATE FUNDS MANAGEMENT AND INVESTMENT

APPROVED SALARY RATE 1,183,429

2240 SALARIES AND BENEFITS POSITIONS 28.50
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 1,728,927

2241 OTHER PERSONAL SERVICES
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 17,500

2242 EXPENSES
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 349,846

2243 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 848,785

2244 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 10,129

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TOTAL: STATE FUNDS MANAGEMENT AND INVESTMENT
FROM TRUST FUNDS 2,955,187

TOTAL POSITIONS 28.50
TOTAL ALL FUNDS 2,955,187

SUPPLEMENTAL RETIREMENT PLAN

APPROVED SALARY RATE 437,759

2245 SALARIES AND BENEFITS POSITIONS 12.50
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 658,907

2246 OTHER PERSONAL SERVICES
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 10,100

2247 EXPENSES
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 110,733

2248 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 252

2249 SPECIAL CATEGORIES
DEFERRED COMPENSATION ADMINISTRATIVE
SERVICES
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 1,050,000

2250 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 4,125

TOTAL: SUPPLEMENTAL RETIREMENT PLAN
FROM TRUST FUNDS 1,834,117

TOTAL POSITIONS 12.50
TOTAL ALL FUNDS 1,834,117

PROGRAM: FINANCIAL ACCOUNTABILITY FOR PUBLIC FUNDS

STATE FINANCIAL INFORMATION AND STATE AGENCY
ACCOUNTING

APPROVED SALARY RATE 8,236,372

2251 SALARIES AND BENEFITS POSITIONS 177.00
FROM GENERAL REVENUE FUND 10,044,214
FROM ADMINISTRATIVE TRUST FUND . . . 1,189,225

From the funds in Specific Appropriations 2251, 2253, and 2260, $300,000 from the General Revenue Fund and three positions are contingent upon Senate Bill 1292 or similar legislation, relating to chart of accounts financial data, becoming a law.

2252 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 86,763
FROM ADMINISTRATIVE TRUST FUND . . . 35,198

2253 EXPENSES
FROM GENERAL REVENUE FUND 1,419,842
FROM ADMINISTRATIVE TRUST FUND . . . 426,022

2254 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 27,000

2255 SPECIAL CATEGORIES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
POSTCONVICTION CAPITAL COLLATERAL CASES -
REGISTRY ATTORNEYS
FROM ADMINISTRATIVE TRUST FUND . . . 1,716,384

2256 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 505,949

From the funds in Specific Appropriation 2256, up to $50,000 shall be used to contract for the independent verification of tobacco settlement receipts received by the state.

2257A SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 3,100

2258 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 40,004
FROM ADMINISTRATIVE TRUST FUND . . . 90,859

2259 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 700

2260 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 57,979
FROM ADMINISTRATIVE TRUST FUND . . . 6,829

2261 SPECIAL CATEGORIES
TRANSFER TO THE PRISON INDUSTRY
ENHANCEMENT (PIE) PROGRAM
FROM PRISON INDUSTRIES TRUST FUND . 750,000

Funds in Specific Appropriation 2261 are provided for transfer to the Prison Industries Enhancement Program. Funds in the Prison Industries Trust Fund may be expended by the corporation for allowable expenditures under sections 946.522 and 946.523, Florida Statutes. Such funds may be paid by warrants drawn by the Chief Financial Officer upon receipt of a corporate resolution that has been duly authorized by the board of directors of the corporation, authorized under part II of chapter 946, Florida Statutes.

TOTAL: STATE FINANCIAL INFORMATION AND STATE AGENCY
ACCOUNTING
FROM GENERAL REVENUE FUND 12,185,551
FROM TRUST FUNDS 4,214,517

TOTAL POSITIONS 177.00
TOTAL ALL FUNDS 16,400,068

RECOVERY AND RETURN OF UNCLAIMED PROPERTY

APPROVED SALARY RATE 2,217,150

2262 SALARIES AND BENEFITS POSITIONS 57.00
FROM UNCLAIMED PROPERTY TRUST FUND . 2,799,258

2263 OTHER PERSONAL SERVICES
FROM UNCLAIMED PROPERTY TRUST FUND . 180,000

2264 EXPENSES
FROM UNCLAIMED PROPERTY TRUST FUND . 756,467

2265 OPERATING CAPITAL OUTLAY
FROM UNCLAIMED PROPERTY TRUST FUND . 7,500

2266 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM UNCLAIMED PROPERTY TRUST FUND . 176,794

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2267 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM UNCLAIMED PROPERTY TRUST FUND . 8,755

2268 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM UNCLAIMED PROPERTY TRUST FUND . 20,766

TOTAL: RECOVERY AND RETURN OF UNCLAIMED PROPERTY
FROM TRUST FUNDS 3,949,540

TOTAL POSITIONS 57.00
TOTAL ALL FUNDS 3,949,540

PROGRAM: FIRE MARSHAL

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 2,675,107

2269 SALARIES AND BENEFITS POSITIONS 69.00
FROM INSURANCE REGULATORY TRUST FUND 3,641,144

2270 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND 15,339

2271 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND 525,227

2272 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND 9,144

2273 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST FUND 68,000

2274 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST FUND 18,405

2274A SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST FUND 33,700

2275 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE REGULATORY TRUST FUND 8,000

2276 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND 23,893

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 4,342,852

TOTAL POSITIONS 69.00
TOTAL ALL FUNDS 4,342,852

FIRE AND ARSON INVESTIGATIONS

APPROVED SALARY RATE 5,998,568

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2277 SALARIES AND BENEFITS POSITIONS 128.00
FROM INSURANCE REGULATORY TRUST FUND 8,599,618

2278 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND 19,028

2279 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND 1,426,521

Funds from Specific Appropriations 2279 and 2280, shall not be used by the Department of Financial Services for the purchase of assault-type weapons.

2280 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND 82,409

2281 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST FUND 378,467

2282 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST FUND 155,374

2283 SPECIAL CATEGORIES
ON-CALL FEES
FROM INSURANCE REGULATORY TRUST FUND 250,000

2283A SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST FUND 133,900

2284 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE REGULATORY TRUST FUND 144,174

2285 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE REGULATORY TRUST FUND 5,000

2286 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND 45,138

TOTAL: FIRE AND ARSON INVESTIGATIONS
FROM TRUST FUNDS 11,239,629

TOTAL POSITIONS 128.00
TOTAL ALL FUNDS 11,239,629

PROFESSIONAL TRAINING AND STANDARDS

APPROVED SALARY RATE 1,183,290

2287 SALARIES AND BENEFITS POSITIONS 31.00
FROM INSURANCE REGULATORY TRUST FUND 1,755,831

2288 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND 240,000

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2289 EXPENSES
FROM INSURANCE REGULATORY TRUST
FUND 562,164

2290 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST
FUND 23,294

2291 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 133,697

2292 SPECIAL CATEGORIES
DOMESTIC SECURITY
FROM INSURANCE REGULATORY TRUST
FUND 250,000

2292A SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST
FUND 17,900

2293 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE REGULATORY TRUST
FUND 17,500

2294 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST
FUND 13,846

TOTAL: PROFESSIONAL TRAINING AND STANDARDS
FROM TRUST FUNDS 3,014,232

TOTAL POSITIONS 31.00
TOTAL ALL FUNDS 3,014,232

FIRE MARSHAL ADMINISTRATIVE AND SUPPORT SERVICES

APPROVED SALARY RATE 764,673

2295 SALARIES AND BENEFITS POSITIONS 15.00
FROM INSURANCE REGULATORY TRUST
FUND 1,229,273

2296 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 9,102

2297 EXPENSES
FROM INSURANCE REGULATORY TRUST
FUND 238,439

2298 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST
FUND 6,000

2299 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 126,189

2299A SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST
FUND 1,300

2300 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST
FUND 425,269

2301 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE REGULATORY TRUST
FUND 7,500

2302 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST
FUND 6,824

TOTAL: FIRE MARSHAL ADMINISTRATIVE AND SUPPORT SERVICES
FROM TRUST FUNDS 2,049,896

TOTAL POSITIONS 15.00
TOTAL ALL FUNDS 2,049,896

PROGRAM: STATE PROPERTY AND CASUALTY CLAIMS

STATE SELF-INSURED CLAIMS ADJUSTMENT

APPROVED SALARY RATE 3,923,940

2303 SALARIES AND BENEFITS POSITIONS 105.00
STATE RISK MANAGEMENT TRUST FUND . . 5,683,262

2304 OTHER PERSONAL SERVICES
STATE RISK MANAGEMENT TRUST FUND . . 35,000

2305 EXPENSES
STATE RISK MANAGEMENT TRUST FUND . . 887,025

2306 OPERATING CAPITAL OUTLAY
STATE RISK MANAGEMENT TRUST FUND . . 1,805

2307 SPECIAL CATEGORIES
CONTRACTED SERVICES
STATE RISK MANAGEMENT TRUST FUND . . 15,210,951

The funds in Specific Appropriation 2307 reflects the adjustment based on the most recent Risk Management Revenue Estimating Conference. The Department of Financial Services is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase the appropriation in the event that the Revenue Estimating Conference determines that expenditures are greater than the amount appropriated.

2308 SPECIAL CATEGORIES
CONTRACTED LEGAL SERVICES - OFFICE OF THE ATTORNEY GENERAL
STATE RISK MANAGEMENT TRUST FUND . . 4,302,284

2309 SPECIAL CATEGORIES
CONTRACTED LEGAL SERVICES
STATE RISK MANAGEMENT TRUST FUND . . 19,001,020

The funds in Specific Appropriation 2309 reflects the adjustment based on the most recent Risk Management Revenue Estimating Conference. The Department of Financial Services is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase the appropriation in the event that the Revenue Estimating Conference determines that expenditures are greater than the amount appropriated.

2310 SPECIAL CATEGORIES
EXCESS INSURANCE AND CLAIM SERVICE
STATE RISK MANAGEMENT TRUST FUND . . 13,700,000

2311 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
STATE RISK MANAGEMENT TRUST FUND . . 116,934

2312 SPECIAL CATEGORIES

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TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
STATE RISK MANAGEMENT TRUST FUND . . 37,226

TOTAL: STATE SELF-INSURED CLAIMS ADJUSTMENT
FROM TRUST FUNDS 58,975,507

TOTAL POSITIONS 105.00
TOTAL ALL FUNDS 58,975,507

PROGRAM: LICENSING AND CONSUMER PROTECTION

INSURANCE COMPANY REHABILITATION AND LIQUIDATION

APPROVED SALARY RATE 431,201

2313 SALARIES AND BENEFITS POSITIONS 7.00
FROM INSURANCE REGULATORY TRUST FUND 592,690

2314 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND 34,771

2315 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND 110,627

2316 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND 1,120

2317 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST FUND 232,517

2318 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST FUND 1,963

2319 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND 2,787

TOTAL: INSURANCE COMPANY REHABILITATION AND LIQUIDATION
FROM TRUST FUNDS 976,475

TOTAL POSITIONS 7.00
TOTAL ALL FUNDS 976,475

LICENSURE, SALES APPOINTMENT AND OVERSIGHT

APPROVED SALARY RATE 5,453,882

2320 SALARIES AND BENEFITS POSITIONS 146.00
FROM INSURANCE REGULATORY TRUST FUND 7,323,585

2321 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND 3,938

2322 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND 961,252

2323 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND 2,500

2324 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST FUND 46,750

From the funds provided in Specific Appropriation 2324, the Department of Financial Services may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 150,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

2324A SPECIAL CATEGORIES
ELECTRONIC COMMERCE FEES FOR COLLECTION OF REVENUE
FROM INSURANCE REGULATORY TRUST FUND 2,100,000

2325 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST FUND 2,918,892

2325A SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST FUND 5,200

2326 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST FUND 164,963

2327 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND 53,439

TOTAL: LICENSURE, SALES APPOINTMENT AND OVERSIGHT
FROM TRUST FUNDS 13,580,519

TOTAL POSITIONS 146.00
TOTAL ALL FUNDS 13,580,519

INSURANCE FRAUD

APPROVED SALARY RATE 9,106,509

2328 SALARIES AND BENEFITS POSITIONS 189.00
FROM INSURANCE REGULATORY TRUST FUND 12,607,652

2329 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND 45,000

2330 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND 1,830,664

Funds from Specific Appropriations 2330 and 2331, shall not be used by the Department of Financial Services for the purchase of assault-type weapons.

2331 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND 1,700

2332 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST

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APPROPRIATION
FUND 297,000

2333 SPECIAL CATEGORIES
TRANSFER TO JUSTICE ADMINISTRATION
COMMISSION FOR PROSECUTION OF PIP FRAUD
FROM INSURANCE REGULATORY TRUST
FUND 1,263,669

Funds in Specific Appropriation 2333 from the Insurance Regulatory Trust Fund are provided for transfer to the Justice Administrative Commission for the specific purpose of funding attorneys and paralegals dedicated solely to the prosecution of insurance fraud cases in Duval, Orange, Miami-Dade, Hillsborough, Palm Beach, and Broward counties. These funds may not be used for any purpose other than the funding of attorney and paralegal positions that prosecute crimes of insurance fraud.

2334 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 214,617

2334A SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST
FUND 96,600

2335 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST
FUND 149,090

2336 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE REGULATORY TRUST
FUND 216,256

2337 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST
FUND 70,559

TOTAL: INSURANCE FRAUD
FROM TRUST FUNDS 16,792,807

TOTAL POSITIONS 189.00
TOTAL ALL FUNDS 16,792,807

CONSUMER ASSISTANCE

APPROVED SALARY RATE 4,739,408

2338 SALARIES AND BENEFITS POSITIONS 116.50
FROM ADMINISTRATIVE TRUST FUND . . . 32,037
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 34,427
FROM INSURANCE REGULATORY TRUST
FUND 5,945,938
FROM REGULATORY TRUST FUND 309,618

2339 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 102,731

2340 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 16,463
FROM INSURANCE REGULATORY TRUST
FUND 1,002,591
FROM REGULATORY TRUST FUND 23,655

2341 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST

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APPROPRIATION
FUND 2,200

2341A SPECIAL CATEGORIES
TRANSFER TO FLORIDA CATASTROPHIC STORM
RISK MANAGEMENT CENTER AT FLORIDA STATE
UNIVERSITY
FROM INSURANCE REGULATORY TRUST
FUND 950,000

From the funds in Specific Appropriation 2341A, $700,000 is provided to meet the requirements set forth in section 1004.647, Florida Statutes.

From the funds in Specific Appropriation 2341A, $250,000 is provided to complete the study authorized in chapter 2004-390, Laws of Florida, regarding the factors affecting premium levels and availability of personal lines property and casualty insurance.

2342 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 120
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 355
FROM INSURANCE REGULATORY TRUST
FUND 645,374
FROM REGULATORY TRUST FUND 2,766

2342A SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST
FUND 1,500

2343 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST
FUND 90,178

2344 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 462
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 308
FROM INSURANCE REGULATORY TRUST
FUND 41,084
FROM REGULATORY TRUST FUND 2,392

TOTAL: CONSUMER ASSISTANCE
FROM TRUST FUNDS 9,204,199

TOTAL POSITIONS 116.50
TOTAL ALL FUNDS 9,204,199

FUNERAL AND CEMETERY SERVICES

APPROVED SALARY RATE 1,032,727

2345 SALARIES AND BENEFITS POSITIONS 23.00
FROM REGULATORY TRUST FUND 1,428,025

2346 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 25,000

2347 EXPENSES
FROM REGULATORY TRUST FUND 398,172

2348 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 9,500

2348A SPECIAL CATEGORIES
ELECTRONIC COMMERCE FEES FOR COLLECTION OF
REVENUE
FROM REGULATORY TRUST FUND 14,100

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2349 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM REGULATORY TRUST FUND 135,325

2349A SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM REGULATORY TRUST FUND 8,700

2350 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 4,770

2351 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM REGULATORY TRUST FUND 13,534

TOTAL: FUNERAL AND CEMETERY SERVICES
FROM TRUST FUNDS 2,037,126

TOTAL POSITIONS 23.00
TOTAL ALL FUNDS 2,037,126

PUBLIC ASSISTANCE FRAUD

APPROVED SALARY RATE 4,291,185

2351A SALARIES AND BENEFITS POSITIONS 63.00
FROM GENERAL REVENUE FUND 306,334
FROM ADMINISTRATIVE TRUST FUND . . . 200,000
FROM FEDERAL GRANTS TRUST FUND . . . 3,163,392
FROM INSURANCE REGULATORY TRUST FUND 1,359,463

2351B OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 144
FROM INSURANCE REGULATORY TRUST FUND 1,406

2351C EXPENSES
FROM GENERAL REVENUE FUND 167,966
FROM ADMINISTRATIVE TRUST FUND . . . 75,000
FROM FEDERAL GRANTS TRUST FUND . . . 400,869
FROM INSURANCE REGULATORY TRUST FUND 368,604

2351D OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 18,000
FROM INSURANCE REGULATORY TRUST FUND 55,058

2351E SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 527
FROM INSURANCE REGULATORY TRUST FUND 21,529

2351F SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,200
FROM INSURANCE REGULATORY TRUST FUND 9,736

2351G SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 4,500
FROM FEDERAL GRANTS TRUST FUND . . . 24,892
FROM INSURANCE REGULATORY TRUST FUND 13,641

2351H DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 109,722
FROM INSURANCE REGULATORY TRUST FUND 34,204

TOTAL: PUBLIC ASSISTANCE FRAUD
FROM GENERAL REVENUE FUND 500,000
FROM TRUST FUNDS 5,838,187

TOTAL POSITIONS 63.00
TOTAL ALL FUNDS 6,338,187

PROGRAM: WORKERS' COMPENSATION

WORKERS' COMPENSATION

APPROVED SALARY RATE 11,901,653

2352 SALARIES AND BENEFITS POSITIONS 316.00
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 16,225,735
FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND 978,397

2353 OTHER PERSONAL SERVICES
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 237,570
FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND 17,550

2354 EXPENSES
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 3,474,939
FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND 129,150

2355 OPERATING CAPITAL OUTLAY
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 200,021
FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND 16,851

2355A SPECIAL CATEGORIES
ELECTRONIC COMMERCE FEES FOR COLLECTION OF REVENUE
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 288,000

2356 SPECIAL CATEGORIES
TRANSFER TO DISTRICT COURTS OF APPEAL - WORKERS' COMPENSATION APPEALS
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 1,834,732

Funds in Specific Appropriation 2356, are provided for transfer to the First District Court of Appeal for workload associated with workers' compensation appeals and the workers' compensation appeals unit.

2356A SPECIAL CATEGORIES
TRANSFER TO THE UNIVERSITY OF SOUTH FLORIDA - OCCUPATIONAL SAFETY GRANT MATCH
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 250,000

2357 SPECIAL CATEGORIES
TRANSFER TO JUSTICE ADMINISTRATION COMMISSION FOR PROSECUTION OF WORKERS' COMPENSATION FRAUD
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 278,498

The funds in Specific Appropriation 2357, from the Workers' Compensation Administrative Trust Fund are provided for transfer to the Justice Administrative Commission for the specific purpose of funding

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attorneys and paralegals in the Eleventh and Thirteenth Judicial Circuits for the prosecution of workers' compensation insurance fraud. These funds may not be used for any purpose other than the funding of attorney and paralegal positions that prosecute crimes of workers' compensation fraud.

2358 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 3,267,499
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 86,360

2358A SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 44,800

2359 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 348,326

2360 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 113,696
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 7,353

TOTAL: WORKERS' COMPENSATION
FROM TRUST FUNDS 27,799,477

TOTAL POSITIONS 316.00
TOTAL ALL FUNDS 27,799,477

PROGRAM: FINANCIAL SERVICES COMMISSION

OFFICE OF INSURANCE REGULATION

COMPLIANCE AND ENFORCEMENT - INSURANCE

From the funds in Specific Appropriations 2361 through 2370, the Office of Insurance Regulation shall submit a report that provides a detailed listing of all rate filings submitted during Fiscal Year 2010-2011 for personal lines property residential coverage. For each such filing, the report shall include: (1) the name of the company submitting the filing; (2) the date the filing was submitted to the Office of Insurance Regulation; (3) the overall rate change requested; (4) the name of the Office of Insurance Regulation actuary responsible for reviewing the filing; (5) the number of days from the date of the original submission to the final disposition of the rate filing; (6) whether the submitted filing was approved as submitted, approved at a different rate level, disapproved in its entirety, or found to be incomplete or withdrawn; (7) if a rate was approved, the overall rate level which was approved; (8) if the rate was denied; the specific basis for the denial; and (9) if a rate filing was withdrawn and resubmitted, it shall be identified as part of the initial rate filing for purposes of this report.

The report shall be submitted to the chairs of the Senate Budget Committee and the House of Representatives Appropriations Committee by September 1, 2011.

APPROVED SALARY RATE 11,735,463

2361 SALARIES AND BENEFITS POSITIONS 249.00
FROM INSURANCE REGULATORY TRUST
FUND 15,783,207

2362 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 125,000

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2363 EXPENSES
FROM INSURANCE REGULATORY TRUST
FUND 2,771,363

2364 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST
FUND 2,000

2365 SPECIAL CATEGORIES
FLORIDA PUBLIC HURRICANE LOSS MODEL - OFFICE OF INSURANCE REGULATION
FROM INSURANCE REGULATORY TRUST
FUND 588,639

2366 SPECIAL CATEGORIES
FINANCIAL EXAMINATION CONTRACTS - PROPERTY AND CASUALTY EXAMINATIONS
FROM INSURANCE REGULATORY TRUST
FUND 4,651,763

2367 SPECIAL CATEGORIES
FINANCIAL EXAMINATION CONTRACTS - LIFE AND HEALTH EXAMINATIONS
FROM INSURANCE REGULATORY TRUST
FUND 50,000

2368 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 688,016

2369 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST
FUND 115,643

2370 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST
FUND 97,243

TOTAL: COMPLIANCE AND ENFORCEMENT - INSURANCE
FROM TRUST FUNDS 24,872,874

TOTAL POSITIONS 249.00
TOTAL ALL FUNDS 24,872,874

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 2,013,646

2371 SALARIES AND BENEFITS POSITIONS 34.00
FROM INSURANCE REGULATORY TRUST
FUND 2,605,908

2372 EXPENSES
FROM INSURANCE REGULATORY TRUST
FUND 144,457

2373 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 117,710

2374 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST
FUND 13,589

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES

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APPROPRIATION
FROM TRUST FUNDS 2,881,664

TOTAL POSITIONS 34.00
TOTAL ALL FUNDS 2,881,664

OFFICE OF FINANCIAL REGULATION

SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM

APPROVED SALARY RATE 6,897,424

2375 SALARIES AND BENEFITS POSITIONS 119.00
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 8,994,216

2376 OTHER PERSONAL SERVICES
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 872,000

2377 EXPENSES
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 1,802,578

2378 OPERATING CAPITAL OUTLAY
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 7,130

2379 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 367,012

2380 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 119,098

2381 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 46,224

TOTAL: SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM
FROM TRUST FUNDS 12,208,258

TOTAL POSITIONS 119.00
TOTAL ALL FUNDS 12,208,258

FINANCIAL INVESTIGATIONS

APPROVED SALARY RATE 2,952,618

2382 SALARIES AND BENEFITS POSITIONS 63.00
FROM ADMINISTRATIVE TRUST FUND . . . 3,864,416

2383 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 5,321

2384 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 509,366
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 51,758

2385 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 10,600

2386 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 36,354

2387 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

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FROM ADMINISTRATIVE TRUST FUND . . . 64,593

2388 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 22,312

TOTAL: FINANCIAL INVESTIGATIONS
FROM TRUST FUNDS 4,564,720

TOTAL POSITIONS 63.00
TOTAL ALL FUNDS 4,564,720

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 1,973,870

2389 SALARIES AND BENEFITS POSITIONS 34.00
FROM ADMINISTRATIVE TRUST FUND . . . 2,785,727

2390 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 432,552

2391 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 11,048

2392 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 49,454

2393 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 17,080

2393A DATA PROCESSING SERVICES
REGULATORY ENFORCEMENT AND LICENSING
SYSTEM - OFFICE OF FINANCIAL REGULATION
FROM ADMINISTRATIVE TRUST FUND . . . 3,769,125

From the funds in Specific Appropriation 2393A, $1,540,111 shall be held in reserve. The Office of Financial Regulation may submit budget amendments in accordance with chapter 216, Florida Statutes, requesting the release of funds upon submission of options, recommendations, and a detailed transition work and spending plan related to the management and oversight of the Regulatory Enforcement and Licensing System.

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 7,064,986

TOTAL POSITIONS 34.00
TOTAL ALL FUNDS 7,064,986

FINANCE REGULATION

APPROVED SALARY RATE 5,568,444

2394 SALARIES AND BENEFITS POSITIONS 120.00
FROM REGULATORY TRUST FUND 7,312,954

2395 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 100,000

2396 EXPENSES
FROM REGULATORY TRUST FUND 978,489

2397 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 5,631

2399 SPECIAL CATEGORIES
CONTRACTED SERVICES

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APPROPRIATION
FROM REGULATORY TRUST FUND 2,741,565

2401 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 113,039

2402 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM REGULATORY TRUST FUND 39,805

TOTAL: FINANCE REGULATION
FROM TRUST FUNDS 11,291,483

TOTAL POSITIONS 120.00
TOTAL ALL FUNDS 11,291,483

SECURITIES REGULATION

APPROVED SALARY RATE 4,704,557

2404 SALARIES AND BENEFITS POSITIONS 102.00
FROM REGULATORY TRUST FUND 6,397,361

2405 OTHER PERSONAL SERVICES
FROM ANTI-FRAUD TRUST FUND 12,538
FROM REGULATORY TRUST FUND 4,466

2406 EXPENSES
FROM ANTI-FRAUD TRUST FUND 62,885
FROM REGULATORY TRUST FUND 798,671

2407 OPERATING CAPITAL OUTLAY
FROM ANTI-FRAUD TRUST FUND 24,528
FROM REGULATORY TRUST FUND 12,066

2408 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ANTI-FRAUD TRUST FUND 100,049
FROM REGULATORY TRUST FUND 4,500

2409 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 89,826

2410 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM REGULATORY TRUST FUND 36,363

TOTAL: SECURITIES REGULATION
FROM TRUST FUNDS 7,543,253

TOTAL POSITIONS 102.00
TOTAL ALL FUNDS 7,543,253

TOTAL: FINANCIAL SERVICES, DEPARTMENT OF
FROM GENERAL REVENUE FUND 24,385,673
FROM TRUST FUNDS 279,846,648

TOTAL POSITIONS 2,706.50
TOTAL ALL FUNDS 304,232,321
TOTAL APPROVED SALARY RATE 122,891,902

GOVERNOR, EXECUTIVE OFFICE OF THE

PROGRAM: GENERAL OFFICE

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2411 SALARIES AND BENEFITS POSITIONS 118.00
FROM GENERAL REVENUE FUND 8,350,769

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APPROPRIATION
FROM GRANTS AND DONATIONS TRUST FUND 217,184

2412 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - EXECUTIVE/ADMINISTRATION
FROM GENERAL REVENUE FUND 1,757,306
FROM GRANTS AND DONATIONS TRUST FUND 488,033

2413 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - WASHINGTON OFFICE
FROM GENERAL REVENUE FUND 116,858

2414 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 24,990

2415 SPECIAL CATEGORIES
CONTINGENT - DISCRETIONARY
FROM GENERAL REVENUE FUND 29,244

2416 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 183,239
FROM GRANTS AND DONATIONS TRUST FUND 36,805

2417 SPECIAL CATEGORIES
CHILD ABUSE PREVENTION
FROM GENERAL REVENUE FUND 150,000

2418 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 48,902
FROM GRANTS AND DONATIONS TRUST FUND 1,217

2419 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 75,349

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 10,736,657
FROM TRUST FUNDS 743,239

TOTAL POSITIONS 118.00
TOTAL ALL FUNDS 11,479,896

LEGISLATIVE APPROPRIATIONS SYSTEM/PLANNING AND BUDGETING SUBSYSTEM

2425 SALARIES AND BENEFITS POSITIONS 48.00
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 4,473,659

2426 LUMP SUM
LEGISLATIVE APPROPRIATION SYSTEM/PLANNING AND BUDGETING SUBSYSTEM
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 1,292,231

2427 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 87,807

2428 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
PURCHASED PER STATEWIDE CONTRACT
FROM PLANNING AND BUDGETING SYSTEM
TRUST FUND 16,565

2429 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM PLANNING AND BUDGETING SYSTEM
TRUST FUND 10,729

TOTAL: LEGISLATIVE APPROPRIATIONS SYSTEM/PLANNING AND BUDGETING SUBSYSTEM
FROM TRUST FUNDS 5,880,991

TOTAL POSITIONS 48.00
TOTAL ALL FUNDS 5,880,991

EXECUTIVE PLANNING AND BUDGETING

2430 SALARIES AND BENEFITS POSITIONS 104.00
FROM GENERAL REVENUE FUND 8,808,778

2431 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF PLANNING AND BUDGETING
FROM GENERAL REVENUE FUND 763,010

2432 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 19,639

2433 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 157,358

2434 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 40,454

TOTAL: EXECUTIVE PLANNING AND BUDGETING
FROM GENERAL REVENUE FUND 9,789,239

TOTAL POSITIONS 104.00
TOTAL ALL FUNDS 9,789,239

FLORIDA ENERGY AND CLIMATE COMMISSION

2435 SALARIES AND BENEFITS POSITIONS 15.00
FROM GRANTS AND DONATIONS TRUST FUND 1,358,069

2436 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - FLORIDA ENERGY AND CLIMATE COMMISSION
FROM GRANTS AND DONATIONS TRUST FUND 785,187

2437 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GRANTS AND DONATIONS TRUST FUND 2,510

2438 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GRANTS AND DONATIONS TRUST FUND 3,750

TOTAL: FLORIDA ENERGY AND CLIMATE COMMISSION
FROM TRUST FUNDS 2,149,516

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TOTAL POSITIONS 15.00
TOTAL ALL FUNDS 2,149,516

PROGRAM: OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 1,349,877

2439 SALARIES AND BENEFITS POSITIONS 22.00
FROM GENERAL REVENUE FUND 811,093
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 484,406
FROM GRANTS AND DONATIONS TRUST FUND 37
FROM TOURISM PROMOTION TRUST FUND . 455,222

2440 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT
FROM GENERAL REVENUE FUND 1,268,941
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 102,512
FROM GRANTS AND DONATIONS TRUST FUND 750
FROM TOURISM PROMOTION TRUST FUND . 111,840

2441 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 70
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 3,606
FROM TOURISM PROMOTION TRUST FUND . 3,344

2442 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 4,157
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 2,531
FROM TOURISM PROMOTION TRUST FUND . 2,377

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,084,261
FROM TRUST FUNDS 1,166,625

TOTAL POSITIONS 22.00
TOTAL ALL FUNDS 3,250,886

ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS

2442A LUMP SUM
ECONOMIC DEVELOPMENT TOOLS
FROM GENERAL REVENUE FUND 17,500,000
FROM ECONOMIC DEVELOPMENT TRUST FUND 4,250,000

From the funds provided in Specific Appropriation 2442A from nonrecurring general revenue, $17,000,000 shall be for the Qualified Targeted Industries, Qualified Defense Contractors, and High Impact Performance Incentive programs. These funds shall not be released for any other purpose and shall only be disbursed when projects meet the contracted performance requirements.

From the funds provided in Specific Appropriation 2442A from nonrecurring general revenue, $500,000 shall be provided to the Florida Manufacturing Extension Partnership for the purpose of leveraging federal and private resources for the support and delivery of services to the manufacturing community, which will provide economic stimulus through job creation and retention and assist Florida manufacturers to become more efficient and globally competitive.

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
Funds from the Economic Development Trust Fund in Specific Appropriation 2442A represent local match funds.

2442B SPECIAL CATEGORIES
GRANTS AND AIDS - BLACK BUSINESS
INVESTMENT BOARD
FROM GENERAL REVENUE FUND 2,475,000

From the funds in Specific Appropriation 2442B, $200,000 is provided for the Black Business Investment Board for operations and administration of the board, and $2,275,000 is provided for the Black Business Loan Program.

2442C SPECIAL CATEGORIES
HISPANIC BUSINESS INITIATIVE FUND OUTREACH
PROGRAM
FROM GENERAL REVENUE FUND 200,000

2442D SPECIAL CATEGORIES
GRANTS AND AIDS - ECONOMIC GARDENING -
UNIVERSITY OF CENTRAL FLORIDA
FROM GENERAL REVENUE FUND 2,000,000

The recurring funds provided in Specific Appropriation 2442D from the General Revenue Fund are for the Economic Gardening Technical Assistance Program.

2442E SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA SMALL BUSINESS
DEVELOPMENT CENTER NETWORK
FROM GENERAL REVENUE FUND 500,000

2442F SPECIAL CATEGORIES
GRANTS AND AIDS - ADVOCATING INTERNATIONAL
RELATIONSHIPS
FROM GENERAL REVENUE FUND 1,150,000

Funds provided in Specific Appropriation 2442F shall be allocated as follows:

Florida Association of Volunteer Action/Caribbean & Americas (FAVACA) - Haiti Business Linkage Program	300,000
Florida Association of Volunteer Action/Caribbean & Americas (FAVACA) - Haiti Pilot Project	50,000
Florida Association of Volunteer Action/Caribbean & Americas(FAVACA) - International Volunteer Corp	400,000
Southeast US/Japan & FLOR/KOR	200,000
Florida Gateway	150,000
The Greater Caribbean Chamber of Commerce	50,000

2442G SPECIAL CATEGORIES
ECONOMIC DEVELOPMENT PROJECTS
FROM GENERAL REVENUE FUND 13,650,000

Funds in Specific Appropriation 2442G shall be allocated as follows:

CAMACOL Florida Trade and Exhibition Center	350,000
CAMACOL Film and Entertainment Industry Development Program	150,000
Florida Holocaust Museum (St. Petersburg)	150,000
World Class International Regatta Sports Center - Nathan Benderson Park (Sarasota)	5,000,000
Sanford-Burnham Medical Research Institute	2,000,000
Economic Aid - Florida Panhandle	6,000,000

2443 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA SPORTS
FOUNDATION
FROM GENERAL REVENUE FUND 200,000
FROM PROFESSIONAL SPORTS
DEVELOPMENT TRUST FUND 2,500,000

From the funds in Specific Appropriation 2443, $200,000 of nonrecurring funds from the General Revenue Fund is provided for the Sunshine State Games.

2444 SPECIAL CATEGORIES
GRANTS AND AIDS - ENTERPRISE FLORIDA
PROGRAM
FROM GENERAL REVENUE FUND 6,200,000
FROM FLORIDA INTERNATIONAL TRADE
AND PROMOTION TRUST FUND 4,900,000

From the funds in Specific Appropriation 2444, $4,900,000 from the International Trade and Promotion Trust Fund shall be provided for International programs.

2444A SPECIAL CATEGORIES
GRANTS AND AIDS - MILITARY BASE PROTECTION
FROM GENERAL REVENUE FUND 1,000,000

Funds in Specific Appropriation 2444A shall be allocated as follows:

Military Base Protection	150,000
Defense Reinvestment	850,000

2445 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA COMMISSION ON
TOURISM
FROM GENERAL REVENUE FUND 16,600,000
FROM TOURISM PROMOTION TRUST FUND . 18,299,209

2445A SPECIAL CATEGORIES
GRANTS AND AIDS - BROWNFIELDS
REDEVELOPMENT PROJECT
FROM GENERAL REVENUE FUND 1,000,000
FROM ECONOMIC DEVELOPMENT TRUST
FUND 250,000

2445B SPECIAL CATEGORIES
GRANTS AND AIDS - SPACE FLORIDA
FROM GENERAL REVENUE FUND 10,039,943

2445C SPECIAL CATEGORIES
RURAL COMMUNITY DEVELOPMENT
FROM GENERAL REVENUE FUND 360,000
FROM ECONOMIC DEVELOPMENT TRUST
FUND 810,000

2445D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
SPACE, DEFENSE, AND RURAL INFRASTRUCTURE
FROM GENERAL REVENUE FUND 3,162,489

Funds provided in Specific Appropriation 2445D shall be allocated as follows:

Defense Infrastructure	1,581,245
Rural Infrastructure	1,581,244

2445E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
ECONOMIC DEVELOPMENT TRANSPORTATION
PROJECTS
FROM ECONOMIC DEVELOPMENT
TRANSPORTATION TRUST FUND 15,000,000

A portion of the funds in Specific Appropriation 2445E shall be allocated as follows:

West End Bridge Crossing	500,000
Bayfront Parkway/9th Avenue Roundabout	417,000
Wiregrass Ranch Boulevard & Reverse Frontage Road	4,000,000

The funds in Specific Appropriation 2445E provided for constructing Wiregrass Ranch Boulevard and Reverse Frontage Road in Pasco County, are to assist with site development for a business expansion expected to create capacity for 750 corporate services jobs.

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SPECIFIC
APPROPRIATION
TOTAL: ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS
FROM GENERAL REVENUE FUND 76,037,432
FROM TRUST FUNDS 46,009,209

TOTAL ALL FUNDS 122,046,641

PROGRAM: AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

APPROVED SALARY RATE 1,165,386

2446 SALARIES AND BENEFITS POSITIONS 16.00
FROM GENERAL REVENUE FUND 1,466,255

2447 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,000

2448 EXPENSES
FROM GENERAL REVENUE FUND 155,141

2449 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 9,000

2450 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 27,808

2451 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,510

2452 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 1,920

2452A DATA PROCESSING SERVICES
EDUCATION TECHNOLOGY AND INFORMATION SERVICES
FROM GENERAL REVENUE FUND 3,192

TOTAL: AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 1,666,826

TOTAL POSITIONS 16.00
TOTAL ALL FUNDS 1,666,826

TOTAL: GOVERNOR, EXECUTIVE OFFICE OF THE
FROM GENERAL REVENUE FUND 100,314,415
FROM TRUST FUNDS 55,949,580

TOTAL POSITIONS 323.00
TOTAL ALL FUNDS 156,263,995
TOTAL APPROVED SALARY RATE 2,515,263

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 9,038,027

2453 SALARIES AND BENEFITS POSITIONS 217.50
FROM HIGHWAY SAFETY OPERATING TRUST FUND 12,591,742
FROM LAW ENFORCEMENT TRUST FUND . . 146,257

2454 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND 89,196

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2455 EXPENSES
FROM HIGHWAY SAFETY OPERATING TRUST FUND 923,361
FROM LAW ENFORCEMENT TRUST FUND . . 7,516

2456 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND 125,478

2457 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM HIGHWAY SAFETY OPERATING TRUST FUND 25,607

2458 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND 1,323,893

2459 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND 185,910

2460 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM HIGHWAY SAFETY OPERATING TRUST FUND 84,169

2461 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM HIGHWAY SAFETY OPERATING TRUST FUND 1,676,511

2461A FIXED CAPITAL OUTLAY
SPECIAL PROJECTS AND IMPROVEMENTS - ADMINISTRATIVE SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND 135,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 17,314,640

TOTAL POSITIONS 217.50
TOTAL ALL FUNDS 17,314,640

PROGRAM: FLORIDA HIGHWAY PATROL

HIGHWAY SAFETY

No funds are provided in Specific Appropriations 2462 through 2476 for Fiscal Year 2011-2012 with regard to any existing contracts, leases or other contractual obligations with the exception of those contracts required to maintain state property until disposal of such property held by the state or any of its agencies and entities associated with the following Florida Highway Patrol stations is complete: Arcadia (DeSoto County), Crestview (Okaloosa County), East Palatka (Putnam County), Fruitland Park (Lake County), Madison (Madison County), Marianna (Jackson County), Naples (Collier County), Quincy (Gadsden County), Starke (Bradford County), and Lake Placid (Highlands County).

APPROVED SALARY RATE 98,391,467

2462 SALARIES AND BENEFITS POSITIONS 2,157.00
FROM HIGHWAY SAFETY OPERATING TRUST FUND 144,053,005
FROM FEDERAL GRANTS TRUST FUND . . . 541,890
FROM GAS TAX COLLECTION TRUST FUND . 267,768
FROM LAW ENFORCEMENT TRUST FUND . . 378,935

2463 OTHER PERSONAL SERVICES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 9,975,734
FROM FEDERAL GRANTS TRUST FUND . . . 553,000
FROM LAW ENFORCEMENT TRUST FUND . . 69,000

2464 EXPENSES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 7,300,827
FROM FEDERAL GRANTS TRUST FUND . . . 793,726
FROM LAW ENFORCEMENT TRUST FUND . . 65,475
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 185,923

2465 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 428,505
FROM FEDERAL GRANTS TRUST FUND . . . 497,410
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 252,572

2466 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 5,000,000
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 2,867,965

2467 SPECIAL CATEGORIES
FLORIDA HIGHWAY PATROL COMMUNICATION
SYSTEMS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 1,537,500

2468 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 1,460,786
FROM LAW ENFORCEMENT TRUST FUND . . 50,000

2469 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 13,964,517
FROM FEDERAL GRANTS TRUST FUND . . . 20,250
FROM LAW ENFORCEMENT TRUST FUND . . 856,801

2470 SPECIAL CATEGORIES
AUXILLIARY UNIFORMS AND EQUIPMENT
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 138,238

2471 SPECIAL CATEGORIES
PAYMENT OF DEATH AND DISMEMBERMENT CLAIMS
FROM HIGHWAY PATROL INSURANCE
TRUST FUND 325,995

2472 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 4,850,478

2473 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 1,397,348
FROM FEDERAL GRANTS TRUST FUND . . . 15,600

2474 SPECIAL CATEGORIES
TRANSFER TO HIGHWAY PATROL INSURANCE TRUST
FUND
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 325,995

2475 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 2,452,414

2476 SPECIAL CATEGORIES
MOBILE DATA TERMINAL SYSTEM
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 2,348,410

2476A FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND
IMPROVEMENTS - STATEWIDE
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 198,000

TOTAL: HIGHWAY SAFETY
FROM GENERAL REVENUE FUND 5,000,000
FROM TRUST FUNDS 198,174,067

TOTAL POSITIONS 2,157.00
TOTAL ALL FUNDS 203,174,067

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 1,743,774

2477 SALARIES AND BENEFITS POSITIONS 24.00
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 2,405,700

2478 EXPENSES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 260,735

2479 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 8,000

2480 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 19,838

2481 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 4,135

2482 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 7,790

2483 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 59,232

2484 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 20,315

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 2,785,745

TOTAL POSITIONS 24.00
TOTAL ALL FUNDS 2,785,745

MOTOR CARRIER COMPLIANCE

APPROVED SALARY RATE 12,561,514

2484A SALARIES AND BENEFITS POSITIONS 304.00
FROM HIGHWAY SAFETY OPERATING

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TRUST FUND 17,989,123

2484B OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 15,689

2484C EXPENSES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 2,427,261
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 522,012

No funds are provided in Specific Appropriation 2484C and 2484F, in Fiscal Year 2011-2012 for the use of the property after December 31, 2011, on any existing contracts, lease or other contractual obligations held by the state or any of its agencies for the Office of Motor Carrier Compliance: Ocala (Marion County), Tampa (Hillsborough County), Panama City (Bay County), DeLand (Volusia County), and the Office of Motor Carrier Compliance Headquarters in Tallahassee (Leon County).

2484D OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 2,651,968
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 136,320

2484E SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 1,338,567
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 173,760

2484F SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 1,978,017
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 5,400

2484G SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 860,362

2484H SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 1,654,397

2484I SPECIAL CATEGORIES
OVERTIME
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 3,123,173

2484J SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 218,240

2484K SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 4,174

TOTAL: MOTOR CARRIER COMPLIANCE
FROM TRUST FUNDS 33,098,463

TOTAL POSITIONS 304.00
TOTAL ALL FUNDS 33,098,463

PROGRAM: MOTORIST SERVICES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
MOTORIST SERVICES

No funds are provided in Specific Appropriations 2484L through 2484W for Fiscal Year 2011-2012 with regard to any existing contracts, leases or other contractual obligations with the exception of those contracts required to maintain state property until disposal of such property held by the state or any of its agencies and entities associated with the following Driver License Offices is complete: Marianna (Administration), Milton (A04), Gulf Breeze (A05), Crestview (A06), Port St. Joe (B03), Gainesville (D20/Administration), Titusville (H02), Melbourne (H04), Plant City (K06), Lantana (P03), Palm Beach Gardens (P05), and Jupiter (P11).

No funds are provided in Specific Appropriations 2484L through 2484W for Fiscal Year 2011-2012 to make payments for the use of the property after July 23, 2011, on any existing contracts, lease or other contractual obligations held by the state or any of its agencies and entities associated with the Lady Lake (G09) Driver License Office.

No funds are provided in Specific Appropriations 2484L through 2484W for Fiscal Year 2011-2012 to make payments for the use of the property after August 31, 2011, on any existing contracts, lease or other contractual obligations held by the state or any of its agencies and entities associated with the Lutz (K03) Driver License Office.

No funds are provided in Specific Appropriations 2484L through 2484W for Fiscal Year 2011-2012 to make payments for the use of the property after September 30, 2011, on any existing contracts, lease or other contractual obligations with the exception of those contracts required to maintain state property until disposal of such property held by the state or any of its agencies and entities associated with the following Driver License Offices is complete: Marianna (B05), Panama City (B10) Driver License Issuance Office, and Brooksville (L07).

No funds are provided in Specific Appropriations 2484L through 2484W for Fiscal Year 2011-2012 to make payments for the use of the property after November 30, 2011, on any existing contracts, lease or other contractual obligations with the exception of those contracts required to maintain state property until disposal of such property held by the state or any of its agencies and entities associated with the Quincy (B14) Driver License Office is complete.

No funds are provided in Specific Appropriations 2484L through 2484W for Fiscal Year 2011-2012 to make payments for the use of the property after May 20, 2012, on any existing contracts, lease or other contractual obligations held by the state or any of its agencies and entities associated with the Port St. Lucie (P08) Driver License Office.

No funds are provided in Specific Appropriations 2484L through 2484W for Fiscal Year 2011-2012 to make payments for the use of the property after May 31, 2012, on any existing contracts, lease or other contractual obligations held by the state or any of its agencies and entities associated with the Defuniak Springs (A08) Driver License Office.

APPROVED SALARY RATE 50,557,832

2484L SALARIES AND BENEFITS POSITIONS 1,664.00
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 68,846,707
FROM FEDERAL GRANTS TRUST FUND . . . 247,102
FROM GAS TAX COLLECTION TRUST FUND . 2,955,503

2484M OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 817,650
FROM FEDERAL GRANTS TRUST FUND . . . 1,161,010
FROM GAS TAX COLLECTION TRUST FUND . 11,438

2484N EXPENSES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 11,969,854
FROM FEDERAL GRANTS TRUST FUND . . . 1,629,585
FROM GAS TAX COLLECTION TRUST FUND . 341,509

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2484O OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND 234,866
FROM FEDERAL GRANTS TRUST FUND . . . 1,127,584
FROM GAS TAX COLLECTION TRUST FUND . 5,001

2484P SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND 3,092,365
FROM FEDERAL GRANTS TRUST FUND . . . 796,726
FROM GAS TAX COLLECTION TRUST FUND . 3,040

From the funds in Specific Appropriation 2484P, $250,000 in nonrecurring funds from the Highway Safety Operating Trust Fund are for the purpose of promoting motorcycle safety awareness through public information and education campaigns. These funds are provided to the American Bikers Aiming Toward Education of Florida, Inc. The American Bikers Aiming Toward Education of Florida, Inc. is required to provide an independent program audit to the Department of Highway Safety and Motor Vehicles to ensure that these funds were utilized to enhance motorcycle safety education. The expense of this required independent program audit may be funded from a portion of the funds provided.

2484Q SPECIAL CATEGORIES
DOMESTIC SECURITY
FROM HIGHWAY SAFETY OPERATING TRUST FUND 2,811,434

2484R SPECIAL CATEGORIES
AUTOMATED UNIFORM TRAFFIC ACCOUNTING SYSTEM
FROM HIGHWAY SAFETY OPERATING TRUST FUND 913,905

2484S SPECIAL CATEGORIES
PAYMENT TO OUTSIDE CONTRACTOR
FROM HIGHWAY SAFETY OPERATING TRUST FUND 6,299,454

2484T SPECIAL CATEGORIES
PURCHASE OF DRIVER LICENSES
FROM HIGHWAY SAFETY OPERATING TRUST FUND 11,088,304

2484U SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASE OF LICENSE PLATES
FROM HIGHWAY SAFETY OPERATING TRUST FUND 6,575,197

2484V SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND 1,576,285
FROM GAS TAX COLLECTION TRUST FUND . 71,382

2484W SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM HIGHWAY SAFETY OPERATING TRUST FUND 292,513

2484X SPECIAL CATEGORIES
TRANSFER TO TRANSPORTATION SECURITY ADMINISTRATION AND FLORIDA DEPARTMENT OF LAW ENFORCEMENT FOR BACKGROUND CHECKS
FROM HIGHWAY SAFETY OPERATING TRUST FUND 1,532,656

2484Y FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE
FROM HIGHWAY SAFETY OPERATING TRUST FUND 165,000

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TOTAL: MOTORIST SERVICES
FROM TRUST FUNDS 124,566,070

TOTAL POSITIONS 1,664.00
TOTAL ALL FUNDS 124,566,070

PROGRAM: KIRKMAN DATA CENTER

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 7,913,368

2527 SALARIES AND BENEFITS POSITIONS 175.00
FROM HIGHWAY SAFETY OPERATING TRUST FUND 11,123,310

2528 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND 262,740

2529 EXPENSES
FROM HIGHWAY SAFETY OPERATING TRUST FUND 4,771,508
FROM GAS TAX COLLECTION TRUST FUND . 213,265
FROM LAW ENFORCEMENT TRUST FUND . . 3,752

2530 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND 700,134

2531 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND 1,254,401
FROM GAS TAX COLLECTION TRUST FUND . 17,333

2532 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND 75,833

2533 SPECIAL CATEGORIES
TAX COLLECTOR NETWORK - COUNTY SYSTEMS
FROM HIGHWAY SAFETY OPERATING TRUST FUND 5,285,330

2534 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM HIGHWAY SAFETY OPERATING TRUST FUND 2,868,123

2535 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM HIGHWAY SAFETY OPERATING TRUST FUND 1,583,901

2535A DATA PROCESSING SERVICES
NORTHWOOD SHARED RESOURCE CENTER
FROM HIGHWAY SAFETY OPERATING TRUST FUND 1,005,142

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 29,164,772

TOTAL POSITIONS 175.00
TOTAL ALL FUNDS 29,164,772

TOTAL: HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF
FROM GENERAL REVENUE FUND 5,000,000
FROM TRUST FUNDS 405,103,757

TOTAL POSITIONS 4,541.50
TOTAL ALL FUNDS 410,103,757
TOTAL APPROVED SALARY RATE 180,205,982

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
LEGISLATIVE BRANCH

SENATE

2536 LUMP SUM
SENATE
FROM GENERAL REVENUE FUND 45,096,989

HOUSE OF REPRESENTATIVES

2537 LUMP SUM
HOUSE
FROM GENERAL REVENUE FUND 55,352,061

LEGISLATIVE SUPPORT SERVICES

2538 LUMP SUM
LEGISLATIVE SUPPORT SERVICES - SENATE
FROM GENERAL REVENUE FUND 24,285,630
FROM GRANTS AND DONATIONS TRUST FUND 1,011,423
FROM LEGISLATIVE LOBBYIST REGISTRATION TRUST FUND 152,590

2539 LUMP SUM
LEGISLATIVE SUPPORT SERVICES - HOUSE
FROM GENERAL REVENUE FUND 23,615,178
FROM GRANTS AND DONATIONS TRUST FUND 948,314
FROM LEGISLATIVE LOBBYIST REGISTRATION TRUST FUND 142,974

From funds provided in Specific Appropriation 2539 and 2538, $400,000 in non-recurring general revenue is appropriated to the Office of Program Policy Analysis and Government Accountability to contract for a study that shall review and make recommendations in all of the following areas:

1. The workload of the Supreme Court, separated by civil and criminal cases, and whether it could be enhanced through a more effective structure.
2. The case law output and administrative organization of the Supreme Court, in terms of both quality and efficiency.
3. The staffing of the Supreme Court, including number of staff at the Office of State Courts Administrator, functions, duties and efficiencies, and whether different staffing would be more effective.
4. The impact on case processing of restructuring the Supreme Court into a Criminal Division and a Civil Division.
5. The structure, function and effectiveness of the Judicial Nominating Commission in providing the best judicial candidates for Florida.
6. The structure, function and effectiveness of the Judicial Qualifications Commission in disciplining and reviewing the conduct of judges and justices.
7. The effectiveness of the judicial merit retention system in providing meaningful opportunity for voter review and evaluation of judicial performance

The Supreme Court shall cooperate with the party conducting the study in providing requested data on all relevant areas of internal Supreme Court operations. The party conducting the study shall evaluate the data, make selected audits of such data as necessary, and report to the Legislature regarding the accuracy of such data. The study shall be provided to the President of the Senate, Speaker of the House of Representatives, the Chief Justice of the Supreme Court and the Governor not later than December 15, 2011.

2540 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 401,432
FROM LEGISLATIVE LOBBYIST REGISTRATION TRUST FUND 393

TOTAL: LEGISLATIVE SUPPORT SERVICES
FROM GENERAL REVENUE FUND 48,302,240
FROM TRUST FUNDS 2,255,694

TOTAL ALL FUNDS 50,557,934

OFFICE OF PUBLIC COUNSEL

2545 LUMP SUM
PUBLIC COUNSEL
FROM GENERAL REVENUE FUND 2,382,392

2546 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 32,112

TOTAL: OFFICE OF PUBLIC COUNSEL
FROM GENERAL REVENUE FUND 2,414,504

TOTAL ALL FUNDS 2,414,504

ETHICS, COMMISSION ON

2547 LUMP SUM
LOBBY REGISTRATION
FROM EXECUTIVE BRANCH LOBBY REGISTRATION TRUST FUND 216,477

2548 LUMP SUM
ETHICS COMMISSION
FROM GENERAL REVENUE FUND 2,325,038

2549 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 15,364

2550 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,034
FROM EXECUTIVE BRANCH LOBBY REGISTRATION TRUST FUND 131

TOTAL: ETHICS, COMMISSION ON
FROM GENERAL REVENUE FUND 2,343,436
FROM TRUST FUNDS 216,608

TOTAL ALL FUNDS 2,560,044

AUDITOR GENERAL

2553 LUMP SUM
AUDITOR GENERAL
FROM GENERAL REVENUE FUND 35,259,195

2554 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 78,839

TOTAL: AUDITOR GENERAL
FROM GENERAL REVENUE FUND 35,338,034

TOTAL ALL FUNDS 35,338,034

TOTAL: LEGISLATIVE BRANCH
FROM GENERAL REVENUE FUND 188,847,264
FROM TRUST FUNDS 2,472,302

TOTAL ALL FUNDS 191,319,566

LOTTERY, DEPARTMENT OF THE

PROGRAM: LOTTERY OPERATIONS

APPROVED SALARY RATE 17,559,626

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2557 SALARIES AND BENEFITS POSITIONS 424.00
FROM OPERATING TRUST FUND 26,212,969

2558 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 289,796

2559 EXPENSES
FROM OPERATING TRUST FUND 6,270,649

2560 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 204,479

2560A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM OPERATING TRUST FUND 177,070

From the funds provided in Specific Appropriation 2560A, the Department of the Lottery may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 150,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

2560B SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM OPERATING TRUST FUND 5,853

2561 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM OPERATING TRUST FUND 3,279,917

2562 SPECIAL CATEGORIES
INSTANT TICKET PURCHASE
FROM OPERATING TRUST FUND 32,831,400

The Department of the Lottery is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2562, in the event instant ticket sales are greater than the projected sales used to calculate the amount appropriated.

2563 SPECIAL CATEGORIES
ADVERTISING AGENCY FEES
FROM OPERATING TRUST FUND 3,156,945

2564 SPECIAL CATEGORIES
COMPULSIVE GAMBLING PROGRAM
FROM OPERATING TRUST FUND 569,000

From the funds provided in Specific Appropriation 2564, the Department of the Lottery shall contract with an appropriate Florida organization to conduct a compulsive gambling program.

2565 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM OPERATING TRUST FUND 30,593,508

From the funds provided in Specific Appropriation 2565, the Department of the Lottery shall not expend in excess of $200,000 for the development, publication, and distribution of any report by the department for the purpose of carrying out the provisions of section 24.1215, Florida Statutes.

From the funds provided in Specific Appropriation 2565, the Department of the Lottery shall not expend in excess of $650,000 for services provided in accordance with the "Agreement for Production Services and Related Commodities and Services" contract executed by the department on December 30, 2009.

2566 SPECIAL CATEGORIES
ONLINE GAMES CONTRACT
FROM OPERATING TRUST FUND 26,476,880

The Department of the Lottery is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
Appropriation 2566 in the event on-line sales are greater than the projected sales used to calculate the amount appropriated.

The Department of the Lottery is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2566 to acquire up to 500 additional ticket terminals. Prior to the submission of any budget amendment that increases the size of the lottery retailer network, the Revenue Estimating Conference shall determine if sales will increase sufficiently to cover the cost of the machines, offset any losses to the existing network, and generate additional revenue that benefits the state. The budget amendments will be contingent upon the agency's submission of a plan that includes not only a positive Revenue Estimating Conference impact analysis, but also identifies the specific terminal needs and a plan for distribution of the additional terminals.

2567 SPECIAL CATEGORIES
LOTTERY INSTANT TICKET VENDING MACHINES
FROM OPERATING TRUST FUND 5,010,600

From the funds provided in Specific Appropriation 2567, the Department of the Lottery shall report the net amount of ticket sale revenue generated by each instant ticket vending machine, and in total for all machines. The report shall include the amount of instant ticket vending machine revenue that replaced the amount of counter ticket sale revenue. The report shall be provided to the chair of the Senate Budget Subcommittee on General Government Appropriations and the chair of the House Government Operations Appropriations Subcommittee on a quarterly basis. The first report shall be due on July 31, 2011, for ticket sale activity for the period April 1, 2011, through June 30, 2011, and for each quarter thereafter.

2568 SPECIAL CATEGORIES
RETAILER INCENTIVES
FROM OPERATING TRUST FUND 1,750,000

2569 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 375,065

2570 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM OPERATING TRUST FUND 16,060

2571 SPECIAL CATEGORIES
CONTRACTED LEGAL SERVICES
FROM OPERATING TRUST FUND 120,000

2572 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM OPERATING TRUST FUND 159,184

2573 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM OPERATING TRUST FUND 35,346

TOTAL: PROGRAM: LOTTERY OPERATIONS
FROM TRUST FUNDS 137,534,721

TOTAL POSITIONS 424.00
TOTAL ALL FUNDS 137,534,721

TOTAL: LOTTERY, DEPARTMENT OF THE
FROM TRUST FUNDS 137,534,721

TOTAL POSITIONS 424.00
TOTAL ALL FUNDS 137,534,721
TOTAL APPROVED SALARY RATE 17,559,626

MANAGEMENT SERVICES, DEPARTMENT OF

PROGRAM: ADMINISTRATION PROGRAM

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 4,361,256

2574 SALARIES AND BENEFITS POSITIONS 74.00
FROM ADMINISTRATIVE TRUST FUND . . . 5,855,465
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 153,021

From the funds provided in Specific Appropriation 2574, $684,567 and salary rate of 526,752 in the Administrative Trust Fund shall be placed in reserve for the purpose of addressing a department reported shortage in salary rate and budget. The department is authorized to submit budget amendments for the release of salary rate and funds for review and approval by the Legislative Budget Commission in accordance with chapter 216, Florida Statutes. The budget amendments shall have a detailed plan of how salary rate and funds placed in reserve will be used, including, but not be limited to, title, position number, pay plan, amount of salary rate and budget, organizational placement, and the role and responsibilities for each position to be funded.

2575 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 38,329

2576 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 647,694
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 45,597

2577 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 9,688

2579 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 102,700
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 81,200

2580 SPECIAL CATEGORIES
MAIL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 113,424

2581 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 31,536
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 85

2582 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM ADMINISTRATIVE TRUST FUND . . . 15,380

2583 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 32,326
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 816

2584 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM ADMINISTRATIVE TRUST FUND . . . 401,087
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 22,111

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 7,550,459

TOTAL POSITIONS 74.00
TOTAL ALL FUNDS 7,550,459

STATE EMPLOYEE LEASING

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
APPROVED SALARY RATE 261,344

2585 SALARIES AND BENEFITS POSITIONS 4.00
FROM ADMINISTRATIVE TRUST FUND . . . 433,931

2586 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 1,680

TOTAL: STATE EMPLOYEE LEASING
FROM TRUST FUNDS 435,611

TOTAL POSITIONS 4.00
TOTAL ALL FUNDS 435,611

PROGRAM: FACILITIES PROGRAM

FACILITIES MANAGEMENT

The funds provided in Specific Appropriations 2587 through 2599C, shall not be used for the purpose of paying any costs associated with repairs, maintenance, utilities, services, inspections, security, insurance, or grounds keeping for the leased aircraft hanger located at the Tallahassee Regional Airport, 3266 Capital Circle SW, Tallahassee, FL 32310.

APPROVED SALARY RATE 9,270,775

2587 SALARIES AND BENEFITS POSITIONS 288.50
FROM SUPERVISION TRUST FUND 13,446,108

From the funds provided in Specific Appropriation 2587, $314,365 and salary rate of 28,776 shall be placed in reserve for the purpose of addressing a department reported shortage in salary rate and budget. The department is authorized to submit budget amendments for the release of salary rate and funds for review and approval by the Legislative Budget Commission in accordance with chapter 216, Florida Statutes. The budget amendments shall have a detailed plan of how salary rate and funds placed in reserve will be used, including, but not be limited to, title, position number, pay plan, amount of salary rate and budget, organizational placement, and the role and responsibilities for each position to be funded.

2588 OTHER PERSONAL SERVICES
FROM SUPERVISION TRUST FUND 17,000

2589 EXPENSES
FROM SUPERVISION TRUST FUND 4,753,049

2590 OPERATING CAPITAL OUTLAY
FROM SUPERVISION TRUST FUND 73,727

2591 SPECIAL CATEGORIES
TRANSFER TO THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT - CAPITOL POLICE
FROM SUPERVISION TRUST FUND 6,108,949

2592 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM SUPERVISION TRUST FUND 8,895,794

2593 SPECIAL CATEGORIES
DEPARTMENT OF MANAGEMENT SERVICES PROVISIONS FOR FACILITIES SECURITY
FROM SUPERVISION TRUST FUND 1,148,387

2593A SPECIAL CATEGORIES
INTERIOR REFURBISHMENT - LEASE SPACE
FROM SUPERVISION TRUST FUND 1,446,080

2593B SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF ENVIRONMENTAL

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
PROTECTION
FROM SUPERVISION TRUST FUND 320,000

2593C SPECIAL CATEGORIES
MASTER LEASE SPACE TENANT IMPROVEMENT
FUNDS
FROM OPERATING TRUST FUND 577,845

Funds in Specific Appropriation 2593C shall be placed in reserve until the department submits to the chair of the Senate Budget Subcommittee on General Government Appropriations and the chair of the House Government Operations Appropriations Subcommittee an updated project plan that includes, but is not limited to, all expenditures related to the proposed projects and the associated funding sources. The plan shall also include: a prioritization of all outstanding requests by agencies for improvement projects in spaces leased under the Tallahassee area private sector master leases; identify all out-year projects required to improve and maintain the leased space for the duration of the 15-year leases; and provide an explanation of why improvements are required or not required for each fiscal year. No earlier than 14 days after submission of the plan to the legislative committees, the department may request the release of the funds pursuant to the provisions of chapter 216, Florida Statutes.

2594 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM SUPERVISION TRUST FUND 307,139

2595 SPECIAL CATEGORIES
STATE UTILITY PAYMENTS
FROM SUPERVISION TRUST FUND 19,348,977

The department is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2595, in the event utility costs exceed the amount appropriated.

2596 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM SUPERVISION TRUST FUND 1,907,550

2597 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM SUPERVISION TRUST FUND 101,706

2598 SPECIAL CATEGORIES
STATE CAPITOL - MAINTENANCE AND REPAIRS
FROM SUPERVISION TRUST FUND 50,000

2599 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM SUPERVISION TRUST FUND 96,448

2599A FIXED CAPITAL OUTLAY
COMPLIANCE WITH THE AMERICANS WITH
DISABILITIES ACT
FROM SUPERVISION TRUST FUND 1,178,577

2599B FIXED CAPITAL OUTLAY
LIFE SAFETY CODE COMPLIANCE PROJECTS
STATEWIDE - DMS MGD
FROM SUPERVISION TRUST FUND 1,321,750

2599C FIXED CAPITAL OUTLAY
STATEWIDE CAPITAL DEPRECIATION - GENERAL -
DMS MGD
FROM SUPERVISION TRUST FUND 5,800,579

Funds provided in Specific Appropriation 2599C, are for projects identified in the Department of Management Services' Capital Improvements Plan submitted October 2010 to the Executive Office of the Governor and the Legislature. The department may only depart from this plan when there is an unforeseen circumstance

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
involving a building, facility grounds, or parking garage that affects facility code compliance; life safety or environment deficiencies; Americans with Disabilities Act compliance; mechanical, component or structural failures; or impacts a building's operations, integrity or habitability. In the event the department receives reimbursement for any of the projects in the plan, or if actual project costs are lower than the estimated costs shown in the plan, the department may use the funds to address deferred projects or projects that allow for additional occupancy of any non-occupied space that may exist in the Florida Facilities Pool.

2600 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM FLORIDA FACILITIES POOL
CLEARING TRUST FUND 38,239,062

TOTAL: FACILITIES MANAGEMENT
FROM TRUST FUNDS 105,138,727

TOTAL POSITIONS 288.50
TOTAL ALL FUNDS 105,138,727

BUILDING CONSTRUCTION

Funds provided in Specific Appropriations 2601 through 2606 from the Architects Incidental Trust Fund are based on an assessment against each fixed capital outlay appropriation in which the Department of Management Services serves as the owner-representative on behalf of the state. The assessments for appropriations made for the 2011-2012 fiscal year shall be calculated in accordance with the formula submitted by the department to the Executive Office of the Governor on October 7, 1991, as required by chapter 91-193, Laws of Florida.

APPROVED SALARY RATE 528,835

2601 SALARIES AND BENEFITS POSITIONS 10.00
FROM ARCHITECTS INCIDENTAL TRUST
FUND 738,544

2602 EXPENSES
FROM ARCHITECTS INCIDENTAL TRUST
FUND 122,047

2603 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ARCHITECTS INCIDENTAL TRUST
FUND 46,341

2604 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ARCHITECTS INCIDENTAL TRUST
FUND 23,411

2605 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ARCHITECTS INCIDENTAL TRUST
FUND 3,724

2606 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM ARCHITECTS INCIDENTAL TRUST
FUND 12,053

TOTAL: BUILDING CONSTRUCTION
FROM TRUST FUNDS 946,120

TOTAL POSITIONS 10.00
TOTAL ALL FUNDS 946,120

PROGRAM: SUPPORT PROGRAM

FEDERAL PROPERTY ASSISTANCE

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
APPROVED SALARY RATE 141,876

2610 SALARIES AND BENEFITS POSITIONS 5.00
FROM SURPLUS PROPERTY REVOLVING
TRUST FUND 244,802

2611 EXPENSES
FROM SURPLUS PROPERTY REVOLVING
TRUST FUND 63,231

2612 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM SURPLUS PROPERTY REVOLVING
TRUST FUND 6,379

2613 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM SURPLUS PROPERTY REVOLVING
TRUST FUND 2,349

2614 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM SURPLUS PROPERTY REVOLVING
TRUST FUND 1,692

2615 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM SURPLUS PROPERTY REVOLVING
TRUST FUND 2,738

TOTAL: FEDERAL PROPERTY ASSISTANCE
FROM TRUST FUNDS 321,191

TOTAL POSITIONS 5.00
TOTAL ALL FUNDS 321,191

MOTOR VEHICLE AND WATERCRAFT MANAGEMENT

APPROVED SALARY RATE 333,595

2616 SALARIES AND BENEFITS POSITIONS 6.00
FROM OPERATING TRUST FUND 479,612

From the funds provided in Specific Appropriation 2616, $9,599 and salary rate of 58,455 shall be placed in reserve for the purpose of addressing a department reported shortage in salary rate and budget. The department is authorized to submit budget amendments for the release of salary rate and funds for review and approval by the Legislative Budget Commission in accordance with chapter 216, Florida Statutes. The budget amendments shall have a detailed plan of how salary rate and funds placed in reserve will be used, including, but not be limited to, title, position number, pay plan, amount of salary rate and budget, organizational placement, and the role and responsibilities for each position to be funded.

2617 EXPENSES
FROM OPERATING TRUST FUND 106,421

2618 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM OPERATING TRUST FUND 4,332

2619 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 1,984

2620 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM OPERATING TRUST FUND 3,047

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2621 SPECIAL CATEGORIES
PAYMENT OF EXPENSES FROM SALE OF AGENCY
VEHICLES
FROM OPERATING TRUST FUND 750,000

2622 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM OPERATING TRUST FUND 169,174

TOTAL: MOTOR VEHICLE AND WATERCRAFT MANAGEMENT
FROM TRUST FUNDS 1,514,570

TOTAL POSITIONS 6.00
TOTAL ALL FUNDS 1,514,570

PURCHASING OVERSIGHT

APPROVED SALARY RATE 3,253,098

2623 SALARIES AND BENEFITS POSITIONS 60.00
FROM GENERAL REVENUE FUND 981,675
FROM OPERATING TRUST FUND 3,536,284

To improve vendor oversight and contract management, the department shall ensure that private prisons resolve any violations cited by the Department of Corrections related to security, infirmary, and contraband operations audits. The department must, through attrition of staff, hire managers and contract monitors with adult corrections expertise. The department must provide relevant training as recommended by the Department of Corrections to all current and future staff responsible for overseeing the private prisons, including training in prison safety and security procedures, inmate manipulation resistance, defensive tactics, and contraband detection and control.

The Division of Purchasing shall submit a business case plan as defined in section 287.0571, Florida Statutes, for the competitive solicitation of the state purchasing system (known as MyFloridaMarketPlace) by August 15, 2011. The plan shall include a detailed cost benefit analysis of options as defined in section 287.0571, Florida Statutes, as well as a transition plan in the event a new vendor is selected. Upon approval of the business case plan by the Legislative Budget Commission, the department shall competitively solicit a contract for operation of the state purchasing system pursuant to section 287.057, Florida Statutes.

From the funds provided in Specific Appropriation 2623, $223,638 and salary rate of 163,272 in the Purchasing Oversight account of the Operating Trust Fund shall be placed in reserve for the purpose of addressing a department reported shortage in salary rate and budget. The department is authorized to submit budget amendments for the release of salary rate and funds for review and approval by the Legislative Budget Commission in accordance with chapter 216, Florida Statutes. The budget amendments shall have a detailed plan of how salary rate and funds placed in reserve will be used, including, but not be limited to, title, position number, pay plan, amount of salary rate and budget, organizational placement, and the role and responsibilities for each position to be funded.

From the funds provided in Specific Appropriation 2623, three positions, $350,000, and salary rate of 271,658 shall be placed in reserve in the Purchasing Oversight account of the Operating Trust Fund. The department is authorized to submit budget amendments for the release of salary rate and funds for review and approval by the Legislative Budget Commission in accordance with chapter 216, Florida Statutes. The budget amendments shall have a detailed plan of how salary rate and funds placed in reserve will be used, including, but not be limited to, title, position number, pay plan, amount of salary rate and budget, organizational placement, and the role and responsibilities for each position to be funded.

2624 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,200
FROM OPERATING TRUST FUND 10,000

2625 EXPENSES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 83,686
FROM OPERATING TRUST FUND 299,904

2626 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,890
FROM OPERATING TRUST FUND 15,859

2627 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 13,056
FROM OPERATING TRUST FUND 91,267

2628 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,962
FROM OPERATING TRUST FUND 12,203

2629 SPECIAL CATEGORIES
CONTRACTED LEGAL SERVICES
FROM GENERAL REVENUE FUND 23,169
FROM OPERATING TRUST FUND 30,000

2630 SPECIAL CATEGORIES
WEB-BASED E-PROCUREMENT SYSTEM
FROM OPERATING TRUST FUND 14,800,000

2632 SPECIAL CATEGORIES
ADMINISTRATIVE OVERHEAD
FROM GENERAL REVENUE FUND 103,673

2633 SPECIAL CATEGORIES
PRIVATE PRISONS - MAINTENANCE AND REPAIR REIMBURSEMENT
FROM OPERATING TRUST FUND 959,588

2634 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 4,727
FROM OPERATING TRUST FUND 15,233

2635 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 5,708
FROM OPERATING TRUST FUND 609,467

TOTAL: PURCHASING OVERSIGHT
FROM GENERAL REVENUE FUND 1,236,746
FROM TRUST FUNDS 20,379,805

TOTAL POSITIONS 60.00
TOTAL ALL FUNDS 21,616,551

OFFICE OF SUPPLIER DIVERSITY

APPROVED SALARY RATE 206,638

2636 SALARIES AND BENEFITS POSITIONS 6.00
FROM OPERATING TRUST FUND 317,274

From the funds provided in Specific Appropriation 2636, salary rate of 4,555 shall be placed in reserve for the purpose of addressing a department reported shortage in salary rate. The department is authorized to submit budget amendments for the release of salary rate for review and approval by the Legislative Budget Commission in accordance with chapter 216, Florida Statutes. The budget amendments shall have a detailed plan of how salary rate placed in reserve will be used, including, but not be limited to, title, position number, pay plan, amount of salary rate, organizational placement, and the role and responsibilities for each position.

2637 EXPENSES
FROM OPERATING TRUST FUND 33,399

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2638 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM OPERATING TRUST FUND 34,170

2639 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 3,177

2640 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM OPERATING TRUST FUND 3,634

2641 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM OPERATING TRUST FUND 13,912

TOTAL: OFFICE OF SUPPLIER DIVERSITY
FROM TRUST FUNDS 405,566

TOTAL POSITIONS 6.00
TOTAL ALL FUNDS 405,566

WORKFORCE PROGRAMS

PROGRAM: HUMAN RESOURCE MANAGEMENT

APPROVED SALARY RATE 2,005,473

2642 SALARIES AND BENEFITS POSITIONS 32.00
FROM STATE PERSONNEL SYSTEM TRUST FUND 2,687,693

From the funds provided in Specific Appropriation 2642, no less than 15 positions shall be assigned to the People First project team.

Funds provided in Specific Appropriations 2642 through 2653 from the State Personnel System Trust Fund are based upon a human resources services assessment to state entities at the following rates:

FTE	$355.94
OPS	$117.61
Justice Administrative Commission	$258.36
State Court System	$223.55
County Health Department	$258.36

2643 OTHER PERSONAL SERVICES
FROM STATE PERSONNEL SYSTEM TRUST FUND 10,000

2644 EXPENSES
FROM STATE PERSONNEL SYSTEM TRUST FUND 227,607

2645 OPERATING CAPITAL OUTLAY
FROM STATE PERSONNEL SYSTEM TRUST FUND 5,000

2646 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE PERSONNEL SYSTEM TRUST FUND 45,151

2647 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE PERSONNEL SYSTEM TRUST FUND 82,177

2648 SPECIAL CATEGORIES
CONTRACTED LEGAL SERVICES
FROM STATE PERSONNEL SYSTEM TRUST FUND 100,000

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2650 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM STATE PERSONNEL SYSTEM TRUST FUND 14,799

2651 SPECIAL CATEGORIES
HUMAN RESOURCES SERVICES / STATEWIDE CONTRACT
FROM STATE PERSONNEL SYSTEM TRUST FUND 38,195,091

2653 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM STATE PERSONNEL SYSTEM TRUST FUND 24,879

TOTAL: PROGRAM: HUMAN RESOURCE MANAGEMENT
FROM TRUST FUNDS 41,392,397

TOTAL POSITIONS 32.00
TOTAL ALL FUNDS 41,392,397

PROGRAM: INSURANCE BENEFITS ADMINISTRATION

APPROVED SALARY RATE 1,291,953

2654 SALARIES AND BENEFITS POSITIONS 23.00
FROM PRETAX BENEFITS TRUST FUND . . 429,301
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 21,014
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 1,340,684
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 27,503

From the funds provided in Specific Appropriation 2654, $13,817 shall be placed in reserve for the purpose of addressing a department reported shortage in budget. The department is authorized to submit budget amendments for the release of funds for review and approval by the Legislative Budget Commission in accordance with chapter 216, Florida Statutes. The budget amendments shall have a detailed plan of how funds placed in reserve will be used, including, but not be limited to, title, position number, pay plan, amount of budget, organizational placement, and the role and responsibilities for each position to be funded.

From the funds provided in Specific Appropriations 2654 through 2667, the Division of State Group Insurance shall develop health insurance plan alternatives for the state's health insurance offerings. The department shall provide a report by October 1, 2011, to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives of the different plan alternatives and options for the state employee health insurance program.

2655 OTHER PERSONAL SERVICES
FROM PRETAX BENEFITS TRUST FUND . . 2,500
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 2,500

2656 EXPENSES
FROM PRETAX BENEFITS TRUST FUND . . 48,832
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 1,984
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 284,219
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 2,875

2657 OPERATING CAPITAL OUTLAY
FROM PRETAX BENEFITS TRUST FUND . . 10,000
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 10,000

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2658 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 49,019

2658A SPECIAL CATEGORIES
POST PAYMENT CLAIMS AUDIT SERVICES
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 1,300,000

The department is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2658A in the event the contractor identifies claim overpayments that result in compensation that exceeds the amount appropriated.

2659 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM PRETAX BENEFITS TRUST FUND . . 348,505
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 499,157

From the funds provided in Specific Appropriation 2659, the department shall use certified or licensed professionals who are providing solicited services to other clients when contracting with benefit or actuarial consultants.

From the funds provided in Specific Appropriation 2659, $205,741 in the State Employees' Health Insurance Trust Fund and $174,252 in the Pretax Benefits Trust Fund shall be placed in reserve. The department is authorized to submit budget amendments for the release of funds in accordance with chapter 216, Florida Statutes. The budget amendments shall include a spending plan detailing the scope of services, deliverables, and estimated costs relating to the funds requested for release.

2660 SPECIAL CATEGORIES
ADMINISTRATIVE SERVICES ONLY CONTRACT FOR HEALTH INSURANCE
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 20,100,000

The department is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2660 in the event administrative service payments for health insurance exceed the amount of budget authority appropriated.

2661 SPECIAL CATEGORIES
PRESCRIPTION DRUG CLAIMS ADMINISTRATION
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 319,200

2662 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PRETAX BENEFITS TRUST FUND . . 2,971
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 517
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 9,170
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 258

2663 SPECIAL CATEGORIES
CONTRACTED LEGAL SERVICES
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 50,000

2664 SPECIAL CATEGORIES
PAYMENT OF EMPLOYER CONTRIBUTIONS TO HEALTH SAVINGS ACCOUNT CUSTODIAN
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 786,443

2665 SPECIAL CATEGORIES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
CONTRACTED BANK SERVICES
FROM STATE EMPLOYEES HEALTH
INSURANCE TRUST FUND 44,000

2666 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM PRETAX BENEFITS TRUST FUND . . 4,390
FROM STATE EMPLOYEES LIFE
INSURANCE TRUST FUND 306
FROM STATE EMPLOYEES HEALTH
INSURANCE TRUST FUND 11,292
FROM STATE EMPLOYEES DISABILITY
INSURANCE TRUST FUND 146

2667 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM PRETAX BENEFITS TRUST FUND . . 21,883
FROM STATE EMPLOYEES LIFE
INSURANCE TRUST FUND 4,615
FROM STATE EMPLOYEES HEALTH
INSURANCE TRUST FUND 54,973
FROM STATE EMPLOYEES DISABILITY
INSURANCE TRUST FUND 8,552

TOTAL: PROGRAM: INSURANCE BENEFITS ADMINISTRATION
FROM TRUST FUNDS 25,796,809

TOTAL POSITIONS 23.00
TOTAL ALL FUNDS 25,796,809

PROGRAM: RETIREMENT BENEFITS ADMINISTRATION

APPROVED SALARY RATE 7,470,749

2668 SALARIES AND BENEFITS POSITIONS 194.00
FROM GENERAL REVENUE FUND 476,496
FROM OPERATING TRUST FUND 9,899,657
FROM OPTIONAL RETIREMENT PROGRAM
TRUST FUND 140,860
FROM POLICE AND FIREFIGHTER'S
PREMIUM TAX TRUST FUND 773,473
FROM RETIREE HEALTH INSURANCE
SUBSIDY TRUST FUND 41,450

From the funds provided in Specific Appropriation 2668, the department shall expend available cash balances from the Police and Firefighter's Premium Tax Trust Fund prior to the use of general revenue funding.

Funds provided in Specific Appropriations 2668 through 2677 from the Optional Retirement Program Trust Fund are based on an assessment of .01 percent of the participants' salaries and shall be used only for administration of the Optional Retirement Program.

2669 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 6,029
FROM POLICE AND FIREFIGHTER'S
PREMIUM TAX TRUST FUND 100

2670 EXPENSES
FROM OPERATING TRUST FUND 3,058,827
FROM OPTIONAL RETIREMENT PROGRAM
TRUST FUND 13,633
FROM POLICE AND FIREFIGHTER'S
PREMIUM TAX TRUST FUND 82,889
FROM RETIREE HEALTH INSURANCE
SUBSIDY TRUST FUND 11,370

2671 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 161,354
FROM OPTIONAL RETIREMENT PROGRAM
TRUST FUND 4,000
FROM POLICE AND FIREFIGHTER'S
PREMIUM TAX TRUST FUND 2,400

2672 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM OPERATING TRUST FUND 22,314

2673 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM OPERATING TRUST FUND 3,616,850
FROM OPTIONAL RETIREMENT PROGRAM
TRUST FUND 500
FROM POLICE AND FIREFIGHTER'S
PREMIUM TAX TRUST FUND 191,355
FROM RETIREE HEALTH INSURANCE
SUBSIDY TRUST FUND 30,000

2674 SPECIAL CATEGORIES
OVERTIME
FROM OPERATING TRUST FUND 122,571

2675 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 66,308

2676 SPECIAL CATEGORIES
CONTRACTED LEGAL SERVICES
FROM OPERATING TRUST FUND 159,872

2677 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM OPERATING TRUST FUND 60,682
FROM OPTIONAL RETIREMENT PROGRAM
TRUST FUND 628
FROM POLICE AND FIREFIGHTER'S
PREMIUM TAX TRUST FUND 4,479
FROM RETIREE HEALTH INSURANCE
SUBSIDY TRUST FUND 249

2678 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM OPERATING TRUST FUND 243,985

2679 PENSIONS AND BENEFITS
DISABILITY BENEFITS TO JUSTICES AND JUDGES
FROM GENERAL REVENUE FUND 788,849

2680 PENSIONS AND BENEFITS
FLORIDA NATIONAL GUARD
FROM GENERAL REVENUE FUND 16,122,152

2681 PENSIONS AND BENEFITS
STATE OFFICERS AND EMPLOYEES (NON-
CONTRIBUTORY)
FROM GENERAL REVENUE FUND 752,775

2682 PENSIONS AND BENEFITS
TEACHER'S SPECIAL PENSIONS
FROM GENERAL REVENUE FUND 2,168

TOTAL: PROGRAM: RETIREMENT BENEFITS ADMINISTRATION
FROM GENERAL REVENUE FUND 18,142,440
FROM TRUST FUNDS 18,715,835

TOTAL POSITIONS 194.00
TOTAL ALL FUNDS 36,858,275

PROGRAM: TECHNOLOGY PROGRAM

TELECOMMUNICATIONS SERVICES

APPROVED SALARY RATE 3,915,246

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

2683 SALARIES AND BENEFITS POSITIONS 75.00
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 4,969,054
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 435,633

2684 OTHER PERSONAL SERVICES
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 74,268
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 84,290

2685 EXPENSES
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 719,130
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 515,781

2686 AID TO LOCAL GOVERNMENTS
DISTRIBUTIONS TO COUNTIES - WIRELESS 911 TELEPHONE SYSTEMS
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 70,190,273

2687 AID TO LOCAL GOVERNMENTS
DISTRIBUTIONS TO SERVICE PROVIDERS - WIRELESS 911 TELEPHONE SYSTEMS
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 15,484,846

2688 AID TO LOCAL GOVERNMENTS
DISTRIBUTIONS TO COUNTIES - NON-WIRELESS E911
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 50,030,674

2689 OPERATING CAPITAL OUTLAY
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 92,159
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 3,600

2690 SPECIAL CATEGORIES
CENTREX AND SUNCOM PAYMENTS
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 108,035,421

The department is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2690, in the event that payments for telecommunications services exceed the amount appropriated.

2691 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 2,010,063
FROM FEDERAL GRANTS TRUST FUND . . . 2,402,028
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 250,827

2692 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 13,591

2693 SPECIAL CATEGORIES
CONTRACTED LEGAL SERVICES
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 92,159

2694 SPECIAL CATEGORIES
NTIA - BROADBAND SERVICES DEPLOYMENT-AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM FEDERAL GRANTS TRUST FUND . . . 2,512,693

From the funds provided in Specific Appropriation 2694, the department shall expedite the use of federal funds awarded and available as part of the State Broadband Data and Development Grant in order to advance broadband internet service throughout the state. In carrying out its authority granted in section 364.0135, Florida Statutes, relating to the promotion of broadband deployment, the department shall not expend in excess of 10 percent of grant funds for the cost of management and oversight of the grant.

2695 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 25,632
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 855

2696 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 642,758
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 4,992

TOTAL: TELECOMMUNICATIONS SERVICES
FROM TRUST FUNDS 258,590,727

TOTAL POSITIONS 75.00
TOTAL ALL FUNDS 258,590,727

WIRELESS SERVICES

APPROVED SALARY RATE 796,762

2697 SALARIES AND BENEFITS POSITIONS 13.00
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 89,889
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 1,073,753

2698 OTHER PERSONAL SERVICES
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 20,000

2699 EXPENSES
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 7,723
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 265,540

2700 OPERATING CAPITAL OUTLAY
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 22,000

2701 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 1,500,000

2701A SPECIAL CATEGORIES
DOMESTIC SECURITY
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 1,014,115

2702 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 514
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 1,279

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2704 SPECIAL CATEGORIES
STATEWIDE LAW ENFORCEMENT RADIO SYSTEM
CONTRACT PAYMENT
FROM LAW ENFORCEMENT RADIO SYSTEM
TRUST FUND 18,220,000

2705 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM COMMUNICATIONS WORKING
CAPITAL TRUST FUND 768
FROM LAW ENFORCEMENT RADIO SYSTEM
TRUST FUND 4,042

2706 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM LAW ENFORCEMENT RADIO SYSTEM
TRUST FUND 1,145

TOTAL: WIRELESS SERVICES
FROM TRUST FUNDS 22,220,768

TOTAL POSITIONS 13.00
TOTAL ALL FUNDS 22,220,768

PROGRAM: SOUTHWOOD SHARED RESOURCE CENTER

SOUTHWOOD SHARED RESOURCE CENTER

From the funds in Specific Appropriation 2707 through 2711, the Southwood Shared Resource Center (SSRC) shall implement the Plan for Standardization of Mainframe Software to Achieve Cost Savings and Operational Efficiencies that was submitted by the technical group comprised of subject matter experts from the SSRC and SSRC agency mainframe customers on November 1, 2010. If one of the affected agency mainframe customers is unable to comply with the implementation schedule that is included in the plan, the agency must submit a report to the Executive Office of the Governor, the chair of the Senate Budget Subcommittee on General Government Appropriations, and the chair of the House Government Operations Appropriations Subcommittee no later than August 1, 2011, explaining the specific issues preventing compliance and describing its plan and schedule for resolving the issues.

From funds in Specific Appropriations 2707 through 2711, the Southwood Shared Resource center shall develop a plan by December 31, 2011, to (1) consolidate the mainframe from the Department of Corrections with its existing mainframe platform and (2) standardize or replace existing mainframe software products to achieve cost savings and other operational efficiencies for mainframe services. In producing the plan, the SSRC shall identify specific software functions that can be performed more effectively through standardization or replacement, estimate the potential savings, and identify the timeframe for achieving the savings and other related benefits.

APPROVED SALARY RATE 6,267,792

2707 SALARIES AND BENEFITS POSITIONS 121.00
FROM WORKING CAPITAL TRUST FUND . . 7,347,987

2708 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND . . 30,000

2709 EXPENSES
FROM WORKING CAPITAL TRUST FUND . . 60,427

2710 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND . . 385,364

2711 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM WORKING CAPITAL TRUST FUND . . 14,798,383

2712 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND . . 23,809

2713 SPECIAL CATEGORIES
DATA PROCESSING CONTRACTS FOR DATA CENTER
FROM WORKING CAPITAL TRUST FUND . . 876,119

2714 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM WORKING CAPITAL TRUST FUND . . 1,424,077

2715 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM WORKING CAPITAL TRUST FUND . . 32,771

TOTAL: SOUTHWOOD SHARED RESOURCE CENTER
FROM TRUST FUNDS 24,978,937

TOTAL POSITIONS 121.00
TOTAL ALL FUNDS 24,978,937

PROGRAM: PUBLIC EMPLOYEES RELATIONS COMMISSION

PUBLIC EMPLOYEES RELATIONS

APPROVED SALARY RATE 1,716,297

2716 SALARIES AND BENEFITS POSITIONS 26.00
FROM GENERAL REVENUE FUND 1,350,652
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 1,234,606

2717 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 9,277
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 53,628

2718 EXPENSES
FROM GENERAL REVENUE FUND 27,094
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 354,664

2719 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 7,399
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 5,721

2720 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 35,070
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 32,500

2721 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,555
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 12,542

2722 SPECIAL CATEGORIES
ADMINISTRATIVE OVERHEAD
FROM GENERAL REVENUE FUND 34,314

2723 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 6,181
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 5,306

2724 DATA PROCESSING SERVICES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
SOUTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 8,388
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 10,900

TOTAL: PUBLIC EMPLOYEES RELATIONS
FROM GENERAL REVENUE FUND 1,486,930
FROM TRUST FUNDS 1,709,867

TOTAL POSITIONS 26.00
TOTAL ALL FUNDS 3,196,797

PROGRAM: AGENCY FOR ENTERPRISE BUSINESS SERVICES

ENTERPRISE BUSINESS SERVICES

2724A LUMP SUM
AGENCY FOR ENTERPRISE BUSINESS SERVICES
POSITIONS 3.00
FROM GENERAL REVENUE FUND 300,000

The funds and positions in Specific Appropriation 2724A are contingent upon Senate Bill 1738 or similar legislation, relating to the Agency for Enterprise Business Services, becoming a law.

PROGRAM: COMMISSION ON HUMAN RELATIONS

HUMAN RELATIONS

APPROVED SALARY RATE 2,017,764

2725 SALARIES AND BENEFITS POSITIONS 48.50
FROM GENERAL REVENUE FUND 1,960,818
FROM OPERATING TRUST FUND 922,737

2726 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 1,040

2727 EXPENSES
FROM OPERATING TRUST FUND 229,326

2728 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,736

2729 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 642,726

2730 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 3,506
FROM OPERATING TRUST FUND 16,000

2731 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 44,022
FROM OPERATING TRUST FUND 11,608

2732 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 17,804
FROM OPERATING TRUST FUND 4,910

2733 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM OPERATING TRUST FUND 25,015

TOTAL: HUMAN RELATIONS
FROM GENERAL REVENUE FUND 2,670,612
FROM TRUST FUNDS 1,210,636

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TOTAL POSITIONS 48.50
TOTAL ALL FUNDS 3,881,248

ADMINISTRATIVE HEARINGS

PROGRAM: ADJUDICATION OF DISPUTES

APPROVED SALARY RATE 5,468,536

2734 SALARIES AND BENEFITS POSITIONS 67.00
FROM OPERATING TRUST FUND 7,057,160

2735 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 20,091

2736 EXPENSES
FROM OPERATING TRUST FUND 1,096,029

2737 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 65,000

2738 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM OPERATING TRUST FUND 188,914

2739 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 38,962

2740 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM OPERATING TRUST FUND 24,819

TOTAL: PROGRAM: ADJUDICATION OF DISPUTES
FROM TRUST FUNDS 8,490,975

TOTAL POSITIONS 67.00
TOTAL ALL FUNDS 8,490,975

PROGRAM: WORKERS' COMPENSATION APPEALS - JUDGES OF COMPENSATION CLAIMS

APPROVED SALARY RATE 9,804,347

2741 SALARIES AND BENEFITS POSITIONS 182.00
FROM OPERATING TRUST FUND 13,324,651

2742 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 17,836

2743 EXPENSES
FROM OPERATING TRUST FUND 2,886,118

2744 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 25,916

2745 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM OPERATING TRUST FUND 994,049

2746 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 80,743

2747 SPECIAL CATEGORIES
CONTRACTED LEGAL SERVICES
FROM OPERATING TRUST FUND 1,279

2748 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM OPERATING TRUST FUND 72,307

TOTAL: PROGRAM: WORKERS' COMPENSATION APPEALS - JUDGES OF COMPENSATION CLAIMS
FROM TRUST FUNDS 17,402,899

TOTAL POSITIONS 182.00
TOTAL ALL FUNDS 17,402,899

TOTAL: MANAGEMENT SERVICES, DEPARTMENT OF
FROM GENERAL REVENUE FUND 23,836,728
FROM TRUST FUNDS 557,201,899

TOTAL POSITIONS 1,238.00
TOTAL ALL FUNDS 581,038,627
TOTAL APPROVED SALARY RATE 59,112,336

MILITARY AFFAIRS, DEPARTMENT OF

PROGRAM: READINESS AND RESPONSE

DRUG INTERDICTION AND PREVENTION

2749 EXPENSES
FROM FEDERAL GRANTS TRUST FUND . . . 75,000
FROM FEDERAL LAW ENFORCEMENT TRUST FUND 305,000

2750 OPERATING CAPITAL OUTLAY
FROM FEDERAL LAW ENFORCEMENT TRUST FUND 200,000

2751 SPECIAL CATEGORIES
PROJECTS, CONTRACTS AND GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 6,600,000

2752 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM FEDERAL LAW ENFORCEMENT TRUST FUND 10,000

2753 SPECIAL CATEGORIES
MAINTENANCE AND OPERATIONS CONTRACTS
FROM FEDERAL LAW ENFORCEMENT TRUST FUND 10,000

2753A FIXED CAPITAL OUTLAY
REHABILITATION OF COUNTER DRUG TRAINING ACADEMY CAMP BLANDING TRAINING SITE - STARKE, FLORIDA
FROM FEDERAL LAW ENFORCEMENT TRUST FUND 200,000

TOTAL: DRUG INTERDICTION AND PREVENTION
FROM TRUST FUNDS 7,400,000

TOTAL ALL FUNDS 7,400,000

MILITARY READINESS AND RESPONSE

APPROVED SALARY RATE 3,190,310

2754 SALARIES AND BENEFITS POSITIONS 92.00
FROM GENERAL REVENUE FUND 3,348,594
FROM CAMP BLANDING MANAGEMENT TRUST FUND 1,110,372

2755 OTHER PERSONAL SERVICES
FROM CAMP BLANDING MANAGEMENT TRUST FUND 18,172

2756 EXPENSES
FROM GENERAL REVENUE FUND 4,690,563
FROM CAMP BLANDING MANAGEMENT TRUST FUND 90,000

2756A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WOUNDED WARRIOR PROJECT
FROM GENERAL REVENUE FUND 3,250,000

The Department of Military of Affairs shall contract with the Wounded Warrior Project to assist the organization with the transition of wounded service members back into society.

2757 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 162,810

2758 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 15,000
FROM CAMP BLANDING MANAGEMENT TRUST FUND 113,678

2759 SPECIAL CATEGORIES
NATIONAL GUARD TUITION ASSISTANCE
FROM GENERAL REVENUE FUND 1,781,900

2760 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 333,500
FROM CAMP BLANDING MANAGEMENT TRUST FUND 25,000

2761 SPECIAL CATEGORIES
MAINTENANCE AND OPERATIONS CONTRACTS
FROM GENERAL REVENUE FUND 171,000
FROM CAMP BLANDING MANAGEMENT TRUST FUND 25,000

2762 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CAMP BLANDING MANAGEMENT TRUST FUND 99,428

2763 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 24,348
FROM CAMP BLANDING MANAGEMENT TRUST FUND 8,219

2763A FIXED CAPITAL OUTLAY
FLORIDA READINESS CENTERS REVITALIZATION PLAN - STATEWIDE
FROM GENERAL REVENUE FUND 15,000,000

TOTAL: MILITARY READINESS AND RESPONSE
FROM GENERAL REVENUE FUND 28,777,715
FROM TRUST FUNDS 1,489,869

TOTAL POSITIONS 92.00
TOTAL ALL FUNDS 30,267,584

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 2,907,482

2764 SALARIES AND BENEFITS POSITIONS 53.00
FROM GENERAL REVENUE FUND 3,884,601
FROM FEDERAL GRANTS TRUST FUND . . . 321,498

2765 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 54,533

2766 EXPENSES
FROM GENERAL REVENUE FUND 708,311

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2767 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 33,126

2768 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 25,000

2769 SPECIAL CATEGORIES
INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 25,000

2770 SPECIAL CATEGORIES
LEGAL SERVICES CONTRACT
FROM GENERAL REVENUE FUND 5,000

2772 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 30,200

2773 SPECIAL CATEGORIES
MAINTENANCE AND OPERATIONS CONTRACTS
FROM GENERAL REVENUE FUND 22,000

2774 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 211,423

2774A SPECIAL CATEGORIES
WORKER'S COMPENSATION FOR STATE ACTIVE DUTY - FLORIDA NATIONAL GUARD
FROM GENERAL REVENUE FUND 238,576

2775 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 17,404
FROM FEDERAL GRANTS TRUST FUND . . . 1,548

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 5,255,174
FROM TRUST FUNDS 323,046

TOTAL POSITIONS 53.00
TOTAL ALL FUNDS 5,578,220

FEDERAL/STATE COOPERATIVE AGREEMENTS

APPROVED SALARY RATE 7,600,387

2776 SALARIES AND BENEFITS POSITIONS 228.00
FROM FEDERAL GRANTS TRUST FUND . . . 10,201,023

2777 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 87,000

2778 EXPENSES
FROM GENERAL REVENUE FUND 221,540
FROM FEDERAL GRANTS TRUST FUND . . . 12,126,031

2779 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 385,987

2780 FOOD PRODUCTS
FROM FEDERAL GRANTS TRUST FUND . . . 450,000

2780A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FEDERAL GRANTS TRUST FUND . . . 100,000

2781 SPECIAL CATEGORIES
LABORATORY SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 70,000

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2782 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 443,150
FROM FEDERAL GRANTS TRUST FUND . . . 6,980,000

2782A SPECIAL CATEGORIES
GRANTS AND AIDS - WAGES CONTRACTING WITH MILITARY AFFAIRS
FROM GENERAL REVENUE FUND 2,000,000

From the funds in Specific Appropriation 2782A, $1,250,000 of nonrecurring general revenue funds is provided for the Forward March Program, and $750,000 of nonrecurring general revenue funds is provided for the About Face Program.

2783 SPECIAL CATEGORIES
ENGINEERING CONSULTANTS
FROM FEDERAL GRANTS TRUST FUND . . . 30,000

2784 SPECIAL CATEGORIES
MAINTENANCE AND OPERATIONS CONTRACTS
FROM FEDERAL GRANTS TRUST FUND . . . 920,000

2785 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM FEDERAL GRANTS TRUST FUND . . . 85,867

2785A FIXED CAPITAL OUTLAY
PLAN NEW ARMORY - EGLIN AIR FORCE BASE, FT. WALTON
FROM FEDERAL GRANTS TRUST FUND . . . 832,000

2785B FIXED CAPITAL OUTLAY
WEST PALM BEACH ARMED FORCES RESERVE CENTER - PARKING EXPANSION AND SECURITY FENCE - DESIGN AND BUILD
FROM FEDERAL GRANTS TRUST FUND . . . 3,412,000

TOTAL: FEDERAL/STATE COOPERATIVE AGREEMENTS
FROM GENERAL REVENUE FUND 2,664,690
FROM TRUST FUNDS 35,679,908

TOTAL POSITIONS 228.00
TOTAL ALL FUNDS 38,344,598

TOTAL: MILITARY AFFAIRS, DEPARTMENT OF
FROM GENERAL REVENUE FUND 36,697,579
FROM TRUST FUNDS 44,892,823

TOTAL POSITIONS 373.00
TOTAL ALL FUNDS 81,590,402
TOTAL APPROVED SALARY RATE 13,698,179

PUBLIC SERVICE COMMISSION

PROGRAM: COMMISSIONERS AND ADMINISTRATIVE SERVICES

PUBLIC SERVICE COMMISSIONERS

APPROVED SALARY RATE 1,498,559

2786 SALARIES AND BENEFITS POSITIONS 18.00
FROM REGULATORY TRUST FUND 2,021,750

2787 EXPENSES
FROM REGULATORY TRUST FUND 328,046

2788 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 6,000

2789 SPECIAL CATEGORIES
CONTRACTED SERVICES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM REGULATORY TRUST FUND 6,859

2790 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 5,550

2791 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM REGULATORY TRUST FUND 6,531

TOTAL: PUBLIC SERVICE COMMISSIONERS
FROM TRUST FUNDS 2,374,736

TOTAL POSITIONS 18.00
TOTAL ALL FUNDS 2,374,736

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 3,445,170

2792 SALARIES AND BENEFITS POSITIONS 68.00
FROM REGULATORY TRUST FUND 4,575,872

From the funds provided in Specific Appropriation 2792, the commission shall eliminate six positions, $391,655, and salary rate of 282,934 that are allocated to the Office of Public Information.

2793 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 117,258

2794 EXPENSES
FROM REGULATORY TRUST FUND 1,152,947

2795 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 200,000

2796 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM REGULATORY TRUST FUND 72,055

From the funds provided in Specific Appropriation 2796, the Public Service Commission may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 150,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

2797 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM REGULATORY TRUST FUND 263,067

2798 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 24,667

2799 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM REGULATORY TRUST FUND 29,388

2800 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM REGULATORY TRUST FUND 70,555

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 6,505,809

TOTAL POSITIONS 68.00
TOTAL ALL FUNDS 6,505,809

LEGAL SERVICES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
APPROVED SALARY RATE 1,837,445

2801 SALARIES AND BENEFITS POSITIONS 30.00
FROM REGULATORY TRUST FUND 2,303,656

2802 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 17,000

2803 EXPENSES
FROM REGULATORY TRUST FUND 382,008

2804 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 4,100

2805 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM REGULATORY TRUST FUND 37,955

2806 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 9,866

2807 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM REGULATORY TRUST FUND 12,337

TOTAL: LEGAL SERVICES
FROM TRUST FUNDS 2,766,922

TOTAL POSITIONS 30.00
TOTAL ALL FUNDS 2,766,922

PROGRAM: UTILITY REGULATION AND CONSUMER ASSISTANCE

UTILITY REGULATION

APPROVED SALARY RATE 6,959,371

2808 SALARIES AND BENEFITS POSITIONS 149.00
FROM REGULATORY TRUST FUND 9,648,249

2809 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 66,330

2810 EXPENSES
FROM REGULATORY TRUST FUND 1,521,881

2811 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 52,000

2812 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM REGULATORY TRUST FUND 181,968

2813 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 49,024

2814 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM REGULATORY TRUST FUND 58,416

2815 SPECIAL CATEGORIES
STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM REGULATORY TRUST FUND 350,000

TOTAL: UTILITY REGULATION
FROM TRUST FUNDS 11,927,868

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TOTAL POSITIONS 149.00
TOTAL ALL FUNDS 11,927,868

AUDITING AND PERFORMANCE ANALYSIS

APPROVED SALARY RATE 1,462,324

2816 SALARIES AND BENEFITS POSITIONS 31.00
FROM REGULATORY TRUST FUND 1,957,717

2817 EXPENSES
FROM REGULATORY TRUST FUND 430,580

2818 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 4,100

2819 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM REGULATORY TRUST FUND 12,955

2820 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 10,484

2821 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM REGULATORY TRUST FUND 12,337

TOTAL: AUDITING AND PERFORMANCE ANALYSIS
FROM TRUST FUNDS 2,428,173

TOTAL POSITIONS 31.00
TOTAL ALL FUNDS 2,428,173

TOTAL: PUBLIC SERVICE COMMISSION
FROM TRUST FUNDS 26,003,508

TOTAL POSITIONS 296.00
TOTAL ALL FUNDS 26,003,508
TOTAL APPROVED SALARY RATE 15,202,869

REVENUE, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES PROGRAM

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 13,227,777

2822 SALARIES AND BENEFITS POSITIONS 259.00
FROM GENERAL REVENUE FUND 9,719,865
FROM FEDERAL GRANTS TRUST FUND . . . 5,754,855
FROM OPERATING TRUST FUND 2,279,834

2823 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 73,740

2824 EXPENSES
FROM GENERAL REVENUE FUND 365,530
FROM FEDERAL GRANTS TRUST FUND . . . 461,726
FROM OPERATING TRUST FUND 1,346,164

2825 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,929
FROM OPERATING TRUST FUND 117,985

2826 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM FEDERAL GRANTS TRUST FUND . . . 1,368,025
FROM OPERATING TRUST FUND 783,296

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2827 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 198,161
FROM FEDERAL GRANTS TRUST FUND . . . 281,028
FROM OPERATING TRUST FUND 1,053,170

2828 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 93,815
FROM FEDERAL GRANTS TRUST FUND . . . 11,208
FROM OPERATING TRUST FUND 103,605

2829 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 1,494,942
FROM FEDERAL GRANTS TRUST FUND . . . 162,218
FROM OPERATING TRUST FUND 254,939

2830 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 1,174

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 11,880,416
FROM TRUST FUNDS 14,051,793

TOTAL POSITIONS 259.00
TOTAL ALL FUNDS 25,932,209

PROGRAM: PROPERTY TAX OVERSIGHT PROGRAM

COMPLIANCE DETERMINATION

APPROVED SALARY RATE 5,434,843

2831 SALARIES AND BENEFITS POSITIONS 125.00
FROM GENERAL REVENUE FUND 7,273,893

2832 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 11,455

2833 EXPENSES
FROM GENERAL REVENUE FUND 858,574

2834 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 16,012

2835 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 263,161

2836 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 159,225

2837 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 26,327

TOTAL: COMPLIANCE DETERMINATION
FROM GENERAL REVENUE FUND 8,608,647

TOTAL POSITIONS 125.00
TOTAL ALL FUNDS 8,608,647

COMPLIANCE ASSISTANCE

APPROVED SALARY RATE 2,373,761

2838 SALARIES AND BENEFITS POSITIONS 49.00
FROM GENERAL REVENUE FUND 3,247,945
FROM CERTIFICATION PROGRAM TRUST

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FUND 204,841

2839 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 9,715

2840 EXPENSES
FROM GENERAL REVENUE FUND 91,445

2841 AID TO LOCAL GOVERNMENTS
AERIAL PHOTOGRAPHY AND MAPPING
FROM GENERAL REVENUE FUND 500,000
FROM CERTIFICATION PROGRAM TRUST
FUND 876,266

From the funds in Specific Appropriation 2841, $500,000 in nonrecurring general revenue is provided to the Department of Revenue to fund aerial photography and mapping for counties with a population of 50,000 or less.

2842 SPECIAL CATEGORIES
PROPERTY APPRAISER AND TAX COLLECTOR
CERTIFICATION PROGRAM
FROM CERTIFICATION PROGRAM TRUST
FUND 485,000

2843 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 195,901

2844 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 73,690

2844A SPECIAL CATEGORIES
FISCALLY CONSTRAINED COUNTIES -
CONSERVATION LANDS
FROM GENERAL REVENUE FUND 537,260

2844B SPECIAL CATEGORIES
FISCALLY CONSTRAINED COUNTIES
FROM GENERAL REVENUE FUND 25,000,000

TOTAL: COMPLIANCE ASSISTANCE
FROM GENERAL REVENUE FUND 29,655,956
FROM TRUST FUNDS 1,566,107

TOTAL POSITIONS 49.00
TOTAL ALL FUNDS 31,222,063

PROGRAM: CHILD SUPPORT ENFORCEMENT PROGRAM

CASE PROCESSING

APPROVED SALARY RATE 27,139,606

2845 SALARIES AND BENEFITS POSITIONS 931.00
FROM GENERAL REVENUE FUND 11,511,774
FROM CHILD SUPPORT ENFORCEMENT
APPLICATION AND PROGRAM REVENUE
TRUST FUND 858,750
FROM FEDERAL GRANTS TRUST FUND . . . 24,821,286

2846 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 10,059
FROM CHILD SUPPORT ENFORCEMENT
APPLICATION AND PROGRAM REVENUE
TRUST FUND 28,862
FROM FEDERAL GRANTS TRUST FUND . . . 321,396

2847 EXPENSES
FROM GENERAL REVENUE FUND 3,412,541
FROM CHILD SUPPORT ENFORCEMENT
APPLICATION AND PROGRAM REVENUE
TRUST FUND 7,014

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM FEDERAL GRANTS TRUST FUND . . . 6,799,601

2848 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 17,193
FROM FEDERAL GRANTS TRUST FUND . . . 67,000

2849 SPECIAL CATEGORIES
CHILD SUPPORT ENFORCEMENT ANNUAL FEE
FROM GENERAL REVENUE FUND 1,980,000
FROM OPERATING TRUST FUND 1,049,598

2850 SPECIAL CATEGORIES
PURCHASE OF SERVICES - CHILD SUPPORT
ENFORCEMENT
FROM GENERAL REVENUE FUND 5,717,093
FROM CHILD SUPPORT INCENTIVE TRUST
FUND 9,812,606
FROM FEDERAL GRANTS TRUST FUND . . . 25,186,229

2851 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 130,679
FROM FEDERAL GRANTS TRUST FUND . . . 253,668

2852 DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM GENERAL REVENUE FUND 1,435,585
FROM FEDERAL GRANTS TRUST FUND . . . 2,868,071

2853 DATA PROCESSING SERVICES
NORTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 367,440
FROM FEDERAL GRANTS TRUST FUND . . . 713,702

TOTAL: CASE PROCESSING
FROM GENERAL REVENUE FUND 24,582,364
FROM TRUST FUNDS 72,787,783

TOTAL POSITIONS 931.00
TOTAL ALL FUNDS 97,370,147

REMITTANCE AND DISTRIBUTION

APPROVED SALARY RATE 2,413,762

2854 SALARIES AND BENEFITS POSITIONS 79.00
FROM GENERAL REVENUE FUND 1,275,510
FROM CHILD SUPPORT ENFORCEMENT
APPLICATION AND PROGRAM REVENUE
TRUST FUND 28,555
FROM FEDERAL GRANTS TRUST FUND . . . 2,533,705

2855 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8,298
FROM CHILD SUPPORT ENFORCEMENT
APPLICATION AND PROGRAM REVENUE
TRUST FUND 8,720
FROM FEDERAL GRANTS TRUST FUND . . . 33,036

2856 EXPENSES
FROM GENERAL REVENUE FUND 163,556
FROM CHILD SUPPORT ENFORCEMENT
APPLICATION AND PROGRAM REVENUE
TRUST FUND 786
FROM FEDERAL GRANTS TRUST FUND . . . 330,532

2857 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5,859
FROM FEDERAL GRANTS TRUST FUND . . . 13,761

2858 SPECIAL CATEGORIES
TRANSFER GENERAL REVENUE TO CHILD SUPPORT
ENFORCEMENT
FROM GENERAL REVENUE FUND 2,241,987

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2859 SPECIAL CATEGORIES
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT
FROM GENERAL REVENUE FUND 4,401,513
FROM CHILD SUPPORT INCENTIVE TRUST FUND 9,069,997
FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND 1,618,998
FROM FEDERAL GRANTS TRUST FUND . . . 22,584,361

2860 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 11,292
FROM FEDERAL GRANTS TRUST FUND . . . 21,919

2861 FINANCIAL ASSISTANCE PAYMENTS
CHILD SUPPORT INCENTIVE PAYMENTS - POLITICAL SUBDIVISIONS
FROM CHILD SUPPORT INCENTIVE TRUST FUND 750,000

2862 DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM GENERAL REVENUE FUND 1,357,858
FROM FEDERAL GRANTS TRUST FUND . . . 2,609,950

2863 DATA PROCESSING SERVICES
NORTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 349,949
FROM FEDERAL GRANTS TRUST FUND . . . 679,721

TOTAL: REMITTANCE AND DISTRIBUTION
FROM GENERAL REVENUE FUND 9,815,822
FROM TRUST FUNDS 40,284,041

TOTAL POSITIONS 79.00
TOTAL ALL FUNDS 50,099,863

ESTABLISHMENT

APPROVED SALARY RATE 22,056,221

2864 SALARIES AND BENEFITS POSITIONS 659.00
FROM GENERAL REVENUE FUND 10,224,790
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND 283,078
FROM FEDERAL GRANTS TRUST FUND . . . 20,493,757

2865 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 54,935
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND 36,844
FROM FEDERAL GRANTS TRUST FUND . . . 178,158

2866 EXPENSES
FROM GENERAL REVENUE FUND 1,649,405
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND 2,411
FROM FEDERAL GRANTS TRUST FUND . . . 3,298,071

2867 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 11,585
FROM FEDERAL GRANTS TRUST FUND . . . 90,988

2868 SPECIAL CATEGORIES
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT
FROM GENERAL REVENUE FUND 5,795,928
FROM CHILD SUPPORT INCENTIVE TRUST FUND 10,061,036

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND 710,773
FROM FEDERAL GRANTS TRUST FUND . . . 22,887,554

From the funds in Specific Appropriation 2868, up to $85,000 from the Child Support Enforcement Application and Program Revenue Trust Fund and $165,000 from the Federal Grants Trust Fund may be used by the Department of Revenue to fund the child support guideline review, which will be conducted by the Office of Economic and Demographic Research. From the funds provided for this purpose, the department shall reimburse the Office of Economic and Demographic Research for contractual costs incurred to conduct the review of the child support guidelines schedule. The review is in accordance with the federal Family Support Act of 1988, to ensure appropriate determination of child support award amounts and shall include development of a percent-of-obligor income and/or modified percent-of-obligor income model for Florida and estimated cost-savings and benefits to citizens and other entities of the proposed model. A final report is due to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2011. The Office of Economic and Demographic Research may contract with a state university or a nationally recognized organization for the purpose of collecting and analyzing the economic data necessary for the review.

2869 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 93,082
FROM FEDERAL GRANTS TRUST FUND . . . 180,690

2870 DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM GENERAL REVENUE FUND 1,193,607
FROM FEDERAL GRANTS TRUST FUND . . . 2,276,941

2871 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 67,990
FROM FEDERAL GRANTS TRUST FUND . . . 131,980

2872 DATA PROCESSING SERVICES
NORTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 329,744
FROM FEDERAL GRANTS TRUST FUND . . . 640,478

2873 DATA PROCESSING SERVICES
NORTHWEST REGIONAL DATA CENTER (NWRDC)
FROM GENERAL REVENUE FUND 219,609
FROM FEDERAL GRANTS TRUST FUND . . . 426,299

2874 DATA PROCESSING SERVICES
NORTHWOOD SHARED RESOURCE CENTER (NSRC)
DEPRECIATION FEDERAL SHARE BILLINGS
FROM FEDERAL GRANTS TRUST FUND . . . 188,787

TOTAL: ESTABLISHMENT
FROM GENERAL REVENUE FUND 19,640,675
FROM TRUST FUNDS 61,887,845

TOTAL POSITIONS 659.00
TOTAL ALL FUNDS 81,528,520

COMPLIANCE

APPROVED SALARY RATE 20,735,572

2875 SALARIES AND BENEFITS POSITIONS 627.00
FROM GENERAL REVENUE FUND 10,305,436
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND 233,875
FROM FEDERAL GRANTS TRUST FUND . . . 19,796,753

2876 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 10,001

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND 88,774
FROM FEDERAL GRANTS TRUST FUND . . . 191,755

2877 EXPENSES
FROM GENERAL REVENUE FUND 2,430,535
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND 3,125
FROM FEDERAL GRANTS TRUST FUND . . . 4,818,414

2878 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 8,544
FROM FEDERAL GRANTS TRUST FUND . . . 83,644

2879 SPECIAL CATEGORIES
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT
FROM GENERAL REVENUE FUND 4,000,855
FROM CHILD SUPPORT INCENTIVE TRUST FUND 6,513,518
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND 371,449
FROM FEDERAL GRANTS TRUST FUND . . . 12,183,277

2880 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 88,488
FROM FEDERAL GRANTS TRUST FUND . . . 171,771

TOTAL: COMPLIANCE
FROM GENERAL REVENUE FUND 16,843,859
FROM TRUST FUNDS 44,456,355

TOTAL POSITIONS 627.00
TOTAL ALL FUNDS 61,300,214

PROGRAM: GENERAL TAX ADMINISTRATION PROGRAM

TAX PROCESSING

APPROVED SALARY RATE 13,484,269

2881 SALARIES AND BENEFITS POSITIONS 426.50
FROM GENERAL REVENUE FUND 17,323,909
FROM FEDERAL GRANTS TRUST FUND . . . 3,028,758
FROM OPERATING TRUST FUND 3,178,002

2882 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 22,157

2883 EXPENSES
FROM GENERAL REVENUE FUND 591,166
FROM FEDERAL GRANTS TRUST FUND . . . 824,254
FROM OPERATING TRUST FUND 3,083,172

2884 AID TO LOCAL GOVERNMENTS
EMERGENCY DISTRIBUTIONS
FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND . . . 16,367,042

2885 AID TO LOCAL GOVERNMENTS
INMATE SUPPLEMENTAL DISTRIBUTION
FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND . . . 592,958

2886 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 40,988
FROM FEDERAL GRANTS TRUST FUND . . . 5,377
FROM OPERATING TRUST FUND 140,466

2887 SPECIAL CATEGORIES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
ADMINISTRATION OF UNEMPLOYMENT COMPENSATION TAX
FROM FEDERAL GRANTS TRUST FUND . . . 387,700

2888 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 642,346
FROM FEDERAL GRANTS TRUST FUND . . . 268,642
FROM OPERATING TRUST FUND 722,581

2889 SPECIAL CATEGORIES
PURCHASE OF SERVICES - COLLECTION AGENCIES
FROM OPERATING TRUST FUND 97,049

2890 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 117,374
FROM OPERATING TRUST FUND 64,740

TOTAL: TAX PROCESSING
FROM GENERAL REVENUE FUND 18,715,783
FROM TRUST FUNDS 28,782,898

TOTAL POSITIONS 426.50
TOTAL ALL FUNDS 47,498,681

TAXPAYER AID

APPROVED SALARY RATE 5,112,545

2891 SALARIES AND BENEFITS POSITIONS 128.00
FROM GENERAL REVENUE FUND 6,532,609
FROM FEDERAL GRANTS TRUST FUND . . . 145,401
FROM OPERATING TRUST FUND 376,047

2892 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 3,798

2893 EXPENSES
FROM GENERAL REVENUE FUND 888,571
FROM FEDERAL GRANTS TRUST FUND . . . 312,822
FROM OPERATING TRUST FUND 683,133

2894 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 2,161
FROM OPERATING TRUST FUND 54,485

2895 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 297,651
FROM FEDERAL GRANTS TRUST FUND . . . 126,315
FROM OPERATING TRUST FUND 138,216

2896 SPECIAL CATEGORIES
PURCHASE OF SERVICES - COLLECTION AGENCIES
FROM OPERATING TRUST FUND 39,000

2897 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 47,166
FROM OPERATING TRUST FUND 26,017

TOTAL: TAXPAYER AID
FROM GENERAL REVENUE FUND 7,765,997
FROM TRUST FUNDS 1,907,395

TOTAL POSITIONS 128.00
TOTAL ALL FUNDS 9,673,392

COMPLIANCE DETERMINATION

APPROVED SALARY RATE 50,143,165

2898 SALARIES AND BENEFITS POSITIONS 1,156.00

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 37,953,703
FROM FEDERAL GRANTS TRUST FUND . . . 8,589,253
FROM OPERATING TRUST FUND 15,565,626

2899 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 11,147

2900 EXPENSES
FROM GENERAL REVENUE FUND 274,424
FROM FEDERAL GRANTS TRUST FUND . . . 2,329,249
FROM OPERATING TRUST FUND 8,999,580

2901 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,350
FROM FEDERAL GRANTS TRUST FUND . . . 13,845
FROM OPERATING TRUST FUND 218,788

2902 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,255,053
FROM FEDERAL GRANTS TRUST FUND . . . 652,281
FROM OPERATING TRUST FUND 1,442,984

2903 SPECIAL CATEGORIES
PURCHASE OF SERVICES - COLLECTION AGENCIES
FROM OPERATING TRUST FUND 249,900

2904 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 302,233
FROM OPERATING TRUST FUND 166,705

2905 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 7,890

2906 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 50,333

TOTAL: COMPLIANCE DETERMINATION
FROM GENERAL REVENUE FUND 39,844,986
FROM TRUST FUNDS 38,239,358

TOTAL POSITIONS 1,156.00
TOTAL ALL FUNDS 78,084,344

COMPLIANCE RESOLUTION

APPROVED SALARY RATE 18,894,914

2907 SALARIES AND BENEFITS POSITIONS 528.50
FROM GENERAL REVENUE FUND 15,763,661
FROM FEDERAL GRANTS TRUST FUND . . . 3,975,537
FROM OPERATING TRUST FUND 9,336,171

2908 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 6,292
FROM OPERATING TRUST FUND 6,606

2909 EXPENSES
FROM GENERAL REVENUE FUND 2,017,572
FROM FEDERAL GRANTS TRUST FUND . . . 974,041
FROM OPERATING TRUST FUND 2,053,688

2910 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 22,218
FROM FEDERAL GRANTS TRUST FUND . . . 6,318
FROM OPERATING TRUST FUND 59,342

2911 SPECIAL CATEGORIES
CONTRACTED SERVICES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 653,207
FROM FEDERAL GRANTS TRUST FUND . . . 310,497
FROM OPERATING TRUST FUND 433,371

2912 SPECIAL CATEGORIES
PURCHASE OF SERVICES - COLLECTION AGENCIES
FROM OPERATING TRUST FUND 114,051

2913 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 137,933
FROM OPERATING TRUST FUND 76,084

TOTAL: COMPLIANCE RESOLUTION
FROM GENERAL REVENUE FUND 18,600,883
FROM TRUST FUNDS 17,345,706

TOTAL POSITIONS 528.50
TOTAL ALL FUNDS 35,946,589

PROGRAM: INFORMATION SERVICES PROGRAM

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 7,618,911

2914 SALARIES AND BENEFITS POSITIONS 175.00
FROM GENERAL REVENUE FUND 4,885,846
FROM FEDERAL GRANTS TRUST FUND . . . 1,636,589
FROM OPERATING TRUST FUND 4,022,365

2915 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 172,260
FROM OPERATING TRUST FUND 29,252

2916 EXPENSES
FROM GENERAL REVENUE FUND 4,702
FROM FEDERAL GRANTS TRUST FUND . . . 212,063
FROM OPERATING TRUST FUND 2,063,030

2917 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,233
FROM FEDERAL GRANTS TRUST FUND . . . 227,029
FROM OPERATING TRUST FUND 517,752

2918 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 688
FROM FEDERAL GRANTS TRUST FUND . . . 1,977,349
FROM OPERATING TRUST FUND 2,040,174

2919 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,002
FROM FEDERAL GRANTS TRUST FUND . . . 11,232
FROM OPERATING TRUST FUND 12,506

2920 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 74,714
FROM OPERATING TRUST FUND 139,709

2921 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 706,882
FROM OPERATING TRUST FUND 1,783,079

2922 DATA PROCESSING SERVICES
NORTHWEST REGIONAL DATA CENTER (NWRDC)
FROM GENERAL REVENUE FUND 141,067
FROM OPERATING TRUST FUND 241,927

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 5,991,394

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM TRUST FUNDS 14,914,056

TOTAL POSITIONS 175.00
TOTAL ALL FUNDS 20,905,450

TOTAL: REVENUE, DEPARTMENT OF
FROM GENERAL REVENUE FUND 211,946,782
FROM TRUST FUNDS 336,223,337

TOTAL POSITIONS 5,143.00
TOTAL ALL FUNDS 548,170,119
TOTAL APPROVED SALARY RATE 188,635,346

STATE, DEPARTMENT OF

PROGRAM: OFFICE OF THE SECRETARY AND ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 4,623,216

2923 SALARIES AND BENEFITS POSITIONS 86.00
FROM GENERAL REVENUE FUND 4,527,027
FROM FEDERAL GRANTS TRUST FUND . . . 1,025,811
FROM GRANTS AND DONATIONS TRUST FUND 431,138
FROM RECORDS MANAGEMENT TRUST FUND . 81,938

2924 EXPENSES
FROM GENERAL REVENUE FUND 587,294
FROM FEDERAL GRANTS TRUST FUND . . . 10,453

2925 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,250

2926 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 28,640

2926A SPECIAL CATEGORIES
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 500,000

2927 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 41,678

2928 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 31,203
FROM FEDERAL GRANTS TRUST FUND . . . 4,846
FROM GRANTS AND DONATIONS TRUST FUND 336

2929 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 15,000

2930 DATA PROCESSING SERVICES
NORTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 675,612

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 6,407,704
FROM TRUST FUNDS 1,554,522

TOTAL POSITIONS 86.00
TOTAL ALL FUNDS 7,962,226

PROGRAM: ELECTIONS

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
ELECTIONS

APPROVED SALARY RATE 2,024,832

2931 SALARIES AND BENEFITS POSITIONS 54.00
FROM GENERAL REVENUE FUND 1,033,241
FROM FEDERAL GRANTS TRUST FUND . . . 1,842,721

2932 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 87,150
FROM FEDERAL GRANTS TRUST FUND . . . 300,000

2933 EXPENSES
FROM GENERAL REVENUE FUND 839,672
FROM FEDERAL GRANTS TRUST FUND . . . 608,335

2933A AID TO LOCAL GOVERNMENTS
SPECIAL ELECTIONS
FROM GENERAL REVENUE FUND 1,600,000

2934 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 73,086
FROM FEDERAL GRANTS TRUST FUND . . . 3,125

2935 SPECIAL CATEGORIES
VOTING SYSTEMS ASSISTANCE
FROM FEDERAL GRANTS TRUST FUND . . . 525,000

2936 SPECIAL CATEGORIES
STATEWIDE VOTER REGISTRATION SYSTEM - HELP AMERICA VOTE ACT (HAVA)
FROM FEDERAL GRANTS TRUST FUND . . . 2,794,815

2937 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 283,541
FROM FEDERAL GRANTS TRUST FUND . . . 300,058

2938 SPECIAL CATEGORIES
ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES
FROM FEDERAL GRANTS TRUST FUND . . . 800,000

2939 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 91,021

2939A SPECIAL CATEGORIES
TRANSFER TO GRANTS AND DONATIONS TRUST FUND
FROM GENERAL REVENUE FUND 207,522

2940 SPECIAL CATEGORIES
ELECTION FRAUD PREVENTION
FROM GENERAL REVENUE FUND 445,379

2941 SPECIAL CATEGORIES
GRANTS AND AIDS - FEDERAL ELECTION ACTIVITIES (HELP AMERICA VOTE ACT)
FROM FEDERAL GRANTS TRUST FUND . . . 2,000,000

Funds in Specific Appropriation 2941 shall be distributed to county supervisors of elections to be used for election administration activities such as voter education; pollworker training; standardizing elections results reporting; or other federal election administrative activities as approved by the Department of State.

County supervisors of elections will receive funds only after providing the Department of State a detailed description of the programs that will be implemented. Funds distributed to county supervisors of elections require a certification from the county that matching funds will be provided in an amount equal to fifteen percent of the amount to be received from the state.

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
To be eligible, a county must segregate federal funds and required county matching dollars in a separate account established to hold only such funds. Funds in this account must be used only for the activities for which the funds were received. Funds shall remain in the account to be used for the same purposes for subsequent years or until such funds are expended. Supervisors of elections shall report to the Department of State any unspent funds remaining at June 30, 2012.

2942 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 9,469
FROM FEDERAL GRANTS TRUST FUND . . . 7,259

2943 DATA PROCESSING SERVICES
NORTHWOOD SHARED RESOURCE CENTER
FROM FEDERAL GRANTS TRUST FUND . . . 40,122

TOTAL: ELECTIONS
FROM GENERAL REVENUE FUND 4,670,081
FROM TRUST FUNDS 9,221,435

TOTAL POSITIONS 54.00
TOTAL ALL FUNDS 13,891,516

PROGRAM: HISTORICAL RESOURCES

HISTORICAL RESOURCES PRESERVATION AND EXHIBITION

APPROVED SALARY RATE 1,920,354

2944 SALARIES AND BENEFITS POSITIONS 52.00
FROM GENERAL REVENUE FUND 1,128,011
FROM FEDERAL GRANTS TRUST FUND . . . 329,985
FROM GRANTS AND DONATIONS TRUST FUND 1,330,886

2945 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 29,317
FROM FEDERAL GRANTS TRUST FUND . . . 500,251
FROM GRANTS AND DONATIONS TRUST FUND 1,329,752

2946 EXPENSES
FROM GENERAL REVENUE FUND 231,165
FROM FEDERAL GRANTS TRUST FUND . . . 569,300
FROM GRANTS AND DONATIONS TRUST FUND 932,672

2947 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 15,625

2948 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 96,275
FROM FEDERAL GRANTS TRUST FUND . . . 189,307
FROM GRANTS AND DONATIONS TRUST FUND 236,162

2949 SPECIAL CATEGORIES
GRANTS AND AIDS - HISTORIC PRESERVATION GRANTS
FROM GENERAL REVENUE FUND 1,100,000
FROM FEDERAL GRANTS TRUST FUND . . . 118,250

A portion of the funds in Specific Appropriation 2949 shall be allocated as follows:

Historic Hampton House - Miami..... 100,000
Government House Interpretive Film and Exhibit - St. Augustine..... 200,000
Government House Museum Renovations - St. Augustine..... 200,000
Town of Eatonville Historic Preservation..... 100,000

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2950 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 31,674
FROM FEDERAL GRANTS TRUST FUND . . . 14,906

2951 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 12,387
FROM FEDERAL GRANTS TRUST FUND . . . 2,499
FROM GRANTS AND DONATIONS TRUST FUND 10,448

2952 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GRANTS AND DONATIONS TRUST FUND 34,746

2952A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
HISTORIC PROJECT - HOLOCAUST DOCUMENTATION AND EDUCATION CENTER RAIL CAR RENOVATION
FROM GENERAL REVENUE FUND 250,000

TOTAL: HISTORICAL RESOURCES PRESERVATION AND EXHIBITION
FROM GENERAL REVENUE FUND 2,878,829
FROM TRUST FUNDS 5,614,789

TOTAL POSITIONS 52.00
TOTAL ALL FUNDS 8,493,618

PROGRAM: CORPORATIONS

COMMERCIAL RECORDINGS AND REGISTRATIONS

APPROVED SALARY RATE 3,693,674

2953 SALARIES AND BENEFITS POSITIONS 108.00
FROM GENERAL REVENUE FUND 5,155,421

2954 EXPENSES
FROM GENERAL REVENUE FUND 2,028,884

2955 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 25,920

2956 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 332,539

2957 SPECIAL CATEGORIES
RICO ACT - ALIEN CORPORATIONS
FROM GENERAL REVENUE FUND 322,797

2958 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 29,469

2959 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 45,062

TOTAL: COMMERCIAL RECORDINGS AND REGISTRATIONS
FROM GENERAL REVENUE FUND 7,940,092

TOTAL POSITIONS 108.00
TOTAL ALL FUNDS 7,940,092

PROGRAM: LIBRARY AND INFORMATION SERVICES

LIBRARY, ARCHIVES AND INFORMATION SERVICES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

	APPROVED SALARY RATE	3,069,440		
2960	SALARIES AND BENEFITS	POSITIONS	80.00	
	FROM GENERAL REVENUE FUND		1,359,227	
	FROM FEDERAL GRANTS TRUST FUND			1,559,161
	FROM RECORDS MANAGEMENT TRUST FUND			1,286,473
2961	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		73,251	
	FROM FEDERAL GRANTS TRUST FUND			217,195
	FROM RECORDS MANAGEMENT TRUST FUND			52,412
2962	EXPENSES			
	FROM GENERAL REVENUE FUND		1,772,106	
	FROM FEDERAL GRANTS TRUST FUND			327,985
	FROM RECORDS MANAGEMENT TRUST FUND			635,866
2962A	AID TO LOCAL GOVERNMENTS			
	GRANTS AND AIDS - LIBRARY COOPERATIVES			
	FROM GENERAL REVENUE FUND		1,000,000	
2963	AID TO LOCAL GOVERNMENTS			
	GRANTS AND AIDS - LIBRARY GRANTS			
	FROM GENERAL REVENUE FUND		21,300,000	
	FROM FEDERAL GRANTS TRUST FUND			2,792,039
2964	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		24,960	
	FROM FEDERAL GRANTS TRUST FUND			40,498
	FROM RECORDS MANAGEMENT TRUST FUND			9,740
2965	SPECIAL CATEGORIES			
	CONTRACTED SERVICES			
	FROM GENERAL REVENUE FUND		126,764	
	FROM FEDERAL GRANTS TRUST FUND			494,687
	FROM GRANTS AND DONATIONS TRUST FUND			100,000
	FROM RECORDS MANAGEMENT TRUST FUND			187,059
2966	SPECIAL CATEGORIES			
	LIBRARY RESOURCES			
	FROM GENERAL REVENUE FUND		484,388	
	FROM FEDERAL GRANTS TRUST FUND			3,167,945
2967	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		57,967	
2968	SPECIAL CATEGORIES			
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
	FROM GENERAL REVENUE FUND		19,512	
	FROM FEDERAL GRANTS TRUST FUND			10,760
	FROM RECORDS MANAGEMENT TRUST FUND			10,033
TOTAL:	LIBRARY, ARCHIVES AND INFORMATION SERVICES			
	FROM GENERAL REVENUE FUND		26,218,175	
	FROM TRUST FUNDS			10,891,853
	TOTAL POSITIONS		80.00	
	TOTAL ALL FUNDS			37,110,028

PROGRAM: CULTURAL AFFAIRS

CULTURAL AFFAIRS

	APPROVED SALARY RATE	1,241,924		
2969	SALARIES AND BENEFITS	POSITIONS	36.00	
	FROM GENERAL REVENUE FUND		600,575	
	FROM FEDERAL GRANTS TRUST FUND			546,778
	FROM GRANTS AND DONATIONS TRUST FUND			684,116

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

2970	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		14,163	
	FROM FEDERAL GRANTS TRUST FUND			27,117
	FROM GRANTS AND DONATIONS TRUST FUND			81,244
2971	EXPENSES			
	FROM GENERAL REVENUE FUND		244,791	
	FROM FEDERAL GRANTS TRUST FUND			174,325
	FROM GRANTS AND DONATIONS TRUST FUND			682,214
2972	AID TO LOCAL GOVERNMENTS			
	GRANTS AND AIDS - ARTS GRANTS			
	FROM FEDERAL GRANTS TRUST FUND			297,200
2973	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		675	
2973A	SPECIAL CATEGORIES			
	GRANTS AND AIDS - CULTURE BUILDS FLORIDA			
	FROM GENERAL REVENUE FUND		500,000	
2973B	SPECIAL CATEGORIES			
	GRANTS AND AIDS - CULTURAL AND MUSEUM GRANTS			
	FROM GENERAL REVENUE FUND		2,150,000	

From the funds in Specific Appropriation 2973B, $100,000 shall be used for the Junior Museum of Bay County, and $50,000 shall be used for the Jones High School Historical Society, Inc., Museum in Orlando.

2974	SPECIAL CATEGORIES			
	CONTRACTED SERVICES			
	FROM GENERAL REVENUE FUND		91,089	
	FROM FEDERAL GRANTS TRUST FUND			40,000
	FROM GRANTS AND DONATIONS TRUST FUND			300,000
2974A	SPECIAL CATEGORIES			
	GRANTS AND AIDS - FLORIDA ENDOWMENT FOR THE HUMANITIES			
	FROM GENERAL REVENUE FUND		350,000	

Funds provided in Specific Appropriation 2974A are provided for the Florida Humanities Council.

2975	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		11,421	
2976	SPECIAL CATEGORIES			
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
	FROM GENERAL REVENUE FUND		13,051	
	FROM FEDERAL GRANTS TRUST FUND			2,192
TOTAL:	CULTURAL AFFAIRS			
	FROM GENERAL REVENUE FUND		3,975,765	
	FROM TRUST FUNDS			2,835,186
	TOTAL POSITIONS		36.00	
	TOTAL ALL FUNDS			6,810,951
TOTAL:	STATE, DEPARTMENT OF			
	FROM GENERAL REVENUE FUND		52,090,646	
	FROM TRUST FUNDS			30,117,785
	TOTAL POSITIONS		416.00	
	TOTAL ALL FUNDS			82,208,431
	TOTAL APPROVED SALARY RATE		16,573,440	

TOTAL OF SECTION 6

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 630,855,983

FROM TRUST FUNDS 3,357,426,240

TOTAL POSITIONS 18,678.75

TOTAL ALL FUNDS 3,988,282,223

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The moneys contained herein are appropriated from the named funds to the State Courts System as the amounts to be used to pay salaries, other operational expenditures and fixed capital outlay.

STATE COURT SYSTEM

PROGRAM: SUPREME COURT

COURT OPERATIONS - SUPREME COURT

APPROVED SALARY RATE 5,848,635

2977 SALARIES AND BENEFITS POSITIONS 97.00
FROM STATE COURTS REVENUE TRUST FUND 7,681,688

2978 OTHER PERSONAL SERVICES
FROM STATE COURTS REVENUE TRUST FUND 90,059

2979 EXPENSES
FROM STATE COURTS REVENUE TRUST FUND 731,728

2980 OPERATING CAPITAL OUTLAY
FROM STATE COURTS REVENUE TRUST FUND 19,371

2981 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE COURTS REVENUE TRUST FUND 332,179

2982 SPECIAL CATEGORIES
DISCRETIONARY FUNDS OF THE CHIEF JUSTICE
FROM STATE COURTS REVENUE TRUST FUND 15,000

Funds in Specific Appropriation 2982 may be spent at the discretion of the Chief Justice to carry out the official duties of the court. These funds shall be disbursed by the Chief Financial Officer upon receipt of vouchers authorized by the Chief Justice.

2983 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE COURTS REVENUE TRUST FUND 42,584

2984 SPECIAL CATEGORIES
SUPREME COURT LAW LIBRARY
FROM STATE COURTS REVENUE TRUST FUND 248,018

2985 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM STATE COURTS REVENUE TRUST FUND 22,925

TOTAL: COURT OPERATIONS - SUPREME COURT
FROM TRUST FUNDS 9,183,552

TOTAL POSITIONS 97.00

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SPECIFIC
APPROPRIATION
TOTAL ALL FUNDS 9,183,552

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 8,879,510

2986 SALARIES AND BENEFITS POSITIONS 174.50
FROM ADMINISTRATIVE TRUST FUND . . . 329,325
FROM STATE COURTS REVENUE TRUST FUND 9,233,403
FROM COURT EDUCATION TRUST FUND . . 1,193,909
FROM FEDERAL GRANTS TRUST FUND . . . 1,228,540

From the funds in Specific Appropriation 2986, $96,624 is provided from the State Courts Revenue Trust Fund for the creation of an Innocence Commission to study the causes of wrongful conviction and subsequent incarceration.

From the funds in Specific Appropriation 2986, the Office of State Courts Administrator will make recommendations by January 2, 2012, to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee on resolving civil disputes in a timely manner and reducing legal costs to the state court system through the use of financial and other incentives.

From the funds in Specific Appropriation 2986,the Office of the State Courts Administrator shall work with the Clerk of Courts Operation Corporation to jointly develop and recommend by November 1, 2011, to the chair of the Senate Budget Committee and the chair of the House of Representatives Appropriations Committee appropriate Article V revenue streams to be directed to the State Courts Revenue Trust Fund and the Clerk of Court Trust Fund to eliminate problems with cash flow in both funds and to ensure revenue streams are adequate to support appropriations.

2987 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 225,104
FROM STATE COURTS REVENUE TRUST FUND 271,886
FROM COURT EDUCATION TRUST FUND . . 105,540
FROM FEDERAL GRANTS TRUST FUND . . . 115,003

From the funds in Specific Appropriation 2987, $35,905 is provided from the State Courts Revenue Trust Fund for the creation of an Innocence Commission to study the causes of wrongful conviction and subsequent incarceration.

2988 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 284,688
FROM STATE COURTS REVENUE TRUST FUND 1,446,470
FROM COURT EDUCATION TRUST FUND . . 1,862,087
FROM FEDERAL GRANTS TRUST FUND . . . 511,971
FROM GRANTS AND DONATIONS TRUST FUND 142,355

From the funds in Specific Appropriation 2988, $87,191 is provided from the State Courts Revenue Trust Fund for the creation of an Innocence Commission to study the causes of wrongful conviction and subsequent incarceration.

2989 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 50,000
FROM STATE COURTS REVENUE TRUST FUND 494,329
FROM COURT EDUCATION TRUST FUND . . 10,000
FROM FEDERAL GRANTS TRUST FUND . . . 111,376

2990 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 151,000
FROM STATE COURTS REVENUE TRUST FUND 256,190
FROM COURT EDUCATION TRUST FUND . . 158,448

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APPROPRIATION
FROM FEDERAL GRANTS TRUST FUND . . . 400,195
FROM GRANTS AND DONATIONS TRUST FUND 102,000

From the funds in Specific Appropriation 2990, $26,900 is provided from the State Courts Revenue Trust Fund for the creation of an Innocence Commission to study the causes of wrongful conviction and subsequent incarceration.

2991 SPECIAL CATEGORIES
FLORIDA CASES SOUTHERN 2ND REPORTER
FROM STATE COURTS REVENUE TRUST FUND 589,570

2992 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE COURTS REVENUE TRUST FUND 40,017

2993 SPECIAL CATEGORIES
COMPUTER SUBSCRIPTION SERVICES
FROM STATE COURTS REVENUE TRUST FUND 181,450

2994 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 216
FROM STATE COURTS REVENUE TRUST FUND 33,078
FROM COURT EDUCATION TRUST FUND . . 4,040
FROM FEDERAL GRANTS TRUST FUND . . . 4,127

2995 SPECIAL CATEGORIES
STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM FEDERAL GRANTS TRUST FUND . . . 908,000

2996 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 150,000
FROM STATE COURTS REVENUE TRUST FUND 1,450,294
FROM FEDERAL GRANTS TRUST FUND . . . 80,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 22,124,611

TOTAL POSITIONS 174.50
TOTAL ALL FUNDS 22,124,611

ADMINISTERED FUNDS - JUDICIAL

COURT OPERATIONS - ADMINISTERED FUNDS

2997 SPECIAL CATEGORIES
DUE PROCESS CONTINGENCY FUND
POSITIONS 22.00

The positions authorized in Specific Appropriation 2997 shall be held in reserve as a contingency in the event the state courts determine that some portion of Article V due process services needs to be shifted from a contractual basis to an employee model in one or more judicial circuits. The Chief Justice of the Supreme Court may request transfer of these positions to the salaries and benefits appropriation category within any of the state courts budget entities, consistent with requests for transfers of funds into those same budget entities. Such transfers are subject to the notice, review, and objection provisions of section 216.177, Florida Statutes.

PROGRAM: DISTRICT COURTS OF APPEAL

COURT OPERATIONS - APPELLATE COURTS

SECTION 7 - JUDICIAL BRANCH
SPECIFIC
APPROPRIATION
APPROVED SALARY RATE 28,143,009

2998 SALARIES AND BENEFITS POSITIONS 433.00
FROM ADMINISTRATIVE TRUST FUND . . . 1,681,521
FROM STATE COURTS REVENUE TRUST FUND 35,207,929

2999 OTHER PERSONAL SERVICES
FROM STATE COURTS REVENUE TRUST FUND 66,767

3000 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 95,194
FROM STATE COURTS REVENUE TRUST FUND 3,070,036

3001 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 27,000
FROM STATE COURTS REVENUE TRUST FUND 142,614

3002 SPECIAL CATEGORIES
COMPENSATION TO RETIRED JUDGES
FROM STATE COURTS REVENUE TRUST FUND 51,790

3003 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE COURTS REVENUE TRUST FUND 822,645

3004 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE COURTS REVENUE TRUST FUND 93,728

3005 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM STATE COURTS REVENUE TRUST FUND 162,797

3006 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 2,175
FROM STATE COURTS REVENUE TRUST FUND 97,117

3007 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM STATE COURTS REVENUE TRUST FUND 171,100

TOTAL: COURT OPERATIONS - APPELLATE COURTS
FROM TRUST FUNDS 41,692,413

TOTAL POSITIONS 433.00
TOTAL ALL FUNDS 41,692,413

PROGRAM: TRIAL COURTS

COURT OPERATIONS - CIRCUIT COURTS

APPROVED SALARY RATE 191,071,773

3008 SALARIES AND BENEFITS POSITIONS 2,947.00
FROM GENERAL REVENUE FUND 23,732,636
FROM ADMINISTRATIVE TRUST FUND . . . 71,114
FROM STATE COURTS REVENUE TRUST FUND 220,374,165
FROM FEDERAL GRANTS TRUST FUND . . . 6,008,323

From the funds in Specific Appropriation 3008, the state courts system

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shall implement the electronic filing requirements of section 16 of chapter 2009-61, Laws of Florida, for the ten trial court divisions by January 1, 2012. The ten divisions are defined pursuant to subsection 28.36 (3), Florida Statutes.

3009 OTHER PERSONAL SERVICES
FROM STATE COURTS REVENUE TRUST FUND 38,000
FROM FEDERAL GRANTS TRUST FUND . . . 125,748

3010 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 3,928
FROM STATE COURTS REVENUE TRUST FUND 9,135,354
FROM FEDERAL GRANTS TRUST FUND . . . 110,616
FROM GRANTS AND DONATIONS TRUST FUND 23,750

3011 OPERATING CAPITAL OUTLAY
FROM STATE COURTS REVENUE TRUST FUND 1,050,662

3012 SPECIAL CATEGORIES
CIVIL TRAFFIC INFRACTION HEARING OFFICERS
FROM STATE COURTS REVENUE TRUST FUND 1,339,864

3013 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD ADVOCACY CENTERS
FROM STATE COURTS REVENUE TRUST FUND 138,240

3014 SPECIAL CATEGORIES
COMPENSATION TO RETIRED JUDGES
FROM STATE COURTS REVENUE TRUST FUND 2,130,834
FROM GRANTS AND DONATIONS TRUST FUND 51,250

3015 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE COURTS REVENUE TRUST FUND 1,269,534

3016 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE COURTS REVENUE TRUST FUND 1,354,661

3017 SPECIAL CATEGORIES
STATEWIDE GRAND JURY - EXPENSES
FROM STATE COURTS REVENUE TRUST FUND 143,310

3018 SPECIAL CATEGORIES
MEDIATION/ARBITRATION SERVICES
FROM STATE COURTS REVENUE TRUST FUND 3,307,332

3019 SPECIAL CATEGORIES
STATE COURTS DUE PROCESS COSTS
FROM ADMINISTRATIVE TRUST FUND . . . 1,104,930
FROM STATE COURTS REVENUE TRUST FUND 19,962,266

3020 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM STATE COURTS REVENUE TRUST FUND 640,262
FROM FEDERAL GRANTS TRUST FUND . . . 32,111

3021 SPECIAL CATEGORIES

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GRANTS AND AIDS - DRUG COURTS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM FEDERAL GRANTS TRUST FUND . . . 12,483,000

3022 SPECIAL CATEGORIES
STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM FEDERAL GRANTS TRUST FUND . . . 1,750,224

3023 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM STATE COURTS REVENUE TRUST FUND 97,902

TOTAL: COURT OPERATIONS - CIRCUIT COURTS
FROM GENERAL REVENUE FUND 23,732,636
FROM TRUST FUNDS 282,747,380

TOTAL POSITIONS 2,947.00
TOTAL ALL FUNDS 306,480,016

COURT OPERATIONS - COUNTY COURTS

APPROVED SALARY RATE 54,968,832

3024 SALARIES AND BENEFITS POSITIONS 644.00
FROM GENERAL REVENUE FUND 23,856,767
FROM STATE COURTS REVENUE TRUST FUND 51,173,792

3025 EXPENSES
FROM STATE COURTS REVENUE TRUST FUND 3,217,164

3026 SPECIAL CATEGORIES
ADDITIONAL COMPENSATION FOR COUNTY JUDGES
FROM STATE COURTS REVENUE TRUST FUND 75,000

3027 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE COURTS REVENUE TRUST FUND 204,000

3028 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE COURTS REVENUE TRUST FUND 108,341

3029 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM STATE COURTS REVENUE TRUST FUND 141,407

TOTAL: COURT OPERATIONS - COUNTY COURTS
FROM GENERAL REVENUE FUND 23,856,767
FROM TRUST FUNDS 54,919,704

TOTAL POSITIONS 644.00
TOTAL ALL FUNDS 78,776,471

PROGRAM: JUDICIAL QUALIFICATIONS COMMISSION

JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS

APPROVED SALARY RATE 306,608

3030 SALARIES AND BENEFITS POSITIONS 5.00
FROM STATE COURTS REVENUE TRUST FUND 397,081

3031 EXPENSES

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FROM STATE COURTS REVENUE TRUST
FUND 148,612

3032 OPERATING CAPITAL OUTLAY
FROM STATE COURTS REVENUE TRUST
FUND 1,638

3033 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE COURTS REVENUE TRUST
FUND 190,475

3034 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE COURTS REVENUE TRUST
FUND 1,759

3035 SPECIAL CATEGORIES
LITIGATION EXPENSES
FROM STATE COURTS REVENUE TRUST
FUND 181,294

Funds in Specific Appropriation 3035 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorney's fees, court reporting fees, investigators' fees, and similar charges associated with the adjudicatory process.

3036 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM STATE COURTS REVENUE TRUST
FUND 1,093

TOTAL: JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS
FROM TRUST FUNDS 921,952

TOTAL POSITIONS 5.00
TOTAL ALL FUNDS 921,952

TOTAL: STATE COURT SYSTEM
FROM GENERAL REVENUE FUND 47,589,403
FROM TRUST FUNDS 411,589,612

TOTAL POSITIONS 4,322.50
TOTAL ALL FUNDS 459,179,015
TOTAL APPROVED SALARY RATE 289,218,367

TOTAL OF SECTION 7

FROM GENERAL REVENUE FUND 47,589,403

FROM TRUST FUNDS 411,589,612

TOTAL POSITIONS 4,322.50

TOTAL ALL FUNDS 459,179,015

SECTION 8. SALARY AND BENEFITS - FISCAL YEAR 2011-2012

Statement of Purpose:

This section provides instructions for implementing the Fiscal Year 2011-2012 salary and benefit adjustments provided in this act. All allocations, distributions and uses of these funds are to be made in strict accordance with the provisions of this act.

(1) EMPLOYEE AND OFFICER COMPENSATION

The elected officers, full-time members of commissions and designated employees shall be paid at the annual rate shown for the 2011-2012 fiscal year; however, these salaries may be reduced on a voluntary basis.

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	7/1/11
Governor	$ 130,273
Lieutenant Governor	124,851
Chief Financial Officer	128,972
Attorney General	128,972
Agriculture, Commissioner of	128,972
Supreme Court Justice	157,976
Judges-District Courts of Appeal	150,077
Judges-Circuit Courts	142,178
Judges-County Courts	134,280
State Attorneys	150,077
Public Defenders	150,077
Commissioner-Public Service Commission	130,036
Public Employees Relations Commission Chair	95,789
Public Employees Relations Commission Commissioners	45,362
Commissioner - Parole and Probation	90,724
Criminal Conflict and Civil Regional Counsels	98,000

None of the officers, commission members, or employees whose salaries have been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

(2) BENEFITS: HEALTH, LIFE, AND DISABILITY INSURANCE

(a) State Life Insurance

For the coverage period July 1, 2011, through June 30, 2012, funds are provided in each agency's budget to continue paying the state share of the current State Life Insurance Program. The Department of Management Services shall continue the optional life insurance program based on premiums paid by employees only.

(b) State Disability Insurance

Funds are provided in each agency's budget to continue paying the state share of the current State Disability Insurance Program.

(c) State Health Insurance Plans and Benefits

1. For the period July 1, 2011, through June 30, 2012, the Department of Management Services shall continue within the State Group Insurance Program a State Group Health Insurance Standard Plan, a State Group Health Insurance High Deductible Health Plan, a State-contracted Health Maintenance Organization Standard Plan, and a State-contracted Health Maintenance Organization High Deductible Health Plan. The State-contracted Health Maintenance Organization High Deductible Health Plan may be offered by each of the Health Maintenance Organizations under contract with the Department of Management Services for the 2012 Plan Year.

2. For the period July 1, 2011, through June 30, 2012, the benefits provided under the State Group Health Insurance Standard Plan, the State Group Health Insurance High Deductible Health Plan, the State-contracted Health Maintenance Organization Standard Plan, and the State-contracted Health Maintenance Organization High Deductible Health Plan, as appropriate, shall be those benefits as provided in the current State Employees' PPO Plan Group Health Insurance Plan Booklet and Benefit Document, current Health Maintenance Organization contracts, and other such health insurance benefits as approved by the Legislature in subparagraph 3.

3. The State Group Health Insurance High Deductible Health Plan and the State-contracted Health Maintenance Organization High Deductible Health Plan shall continue to include an integrated Health Savings Account. Such plans and accounts shall be administered in accordance with the requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. The state shall make a monthly contribution to an employee's health savings account as authorized in section 110.123(12), Florida Statutes.

(d) State Health Insurance Premiums for the Period July 1, 2011, through

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June 30, 2012.

1. State Paid Premiums

a. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the state share of the State Group Health Insurance Program premiums to the executive, legislative and judicial branch agencies shall continue at $499.80 per month for individual coverage and $1,063.34 per month for family coverage.

b. Funds are provided in each state agency and university's budget to continue paying the State Group Health Insurance Program premiums for the fiscal year.

c. The agencies shall continue to pay premiums on behalf of employees with enhanced benefits, including those employees participating in the Spouse Program in accordance with section 60P-2.0036, Florida Administrative Code, and those employees filling positions with "agency pay all status".

i. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the state share of the State Group Health Insurance Premiums to the executive, legislative and judicial branch agencies for employees with enhanced benefits, excluding Spouse Program participants, shall continue at $541.46 per month for individual coverage and $1,213.34 per month for family coverage.

ii. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the state share of the State Group Health Insurance Premiums to the executive, legislative, and judicial branch agencies for each employee participating in the Spouse Program shall be $606.68 per month for family coverage.

2. Premiums Paid by Employees

a. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the employee's share of the health insurance premiums for the standard plans shall continue at $50 per month for individual coverage and $180 per month for family coverage.

b. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the employee's share of the health insurance premium for the high deductible health plans shall continue at $15 per month for individual coverage and $64.30 per month for family coverage.

c. i. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the employee's share of the health insurance premium for the standard plans and high deductible health plans shall continue to be $8.34 per month for individual coverage and $30 per month for family coverage. This subparagraph applies to those employees filling positions with "agency pay all" benefits.

ii. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the employee's share of the health insurance premium for the standard plans and the high deductible health plans shall be $15 per month for each employee participating in the Spouse Program in accordance with section 60P-2.0036, Florida Administrative Code, either as a "spouse" or "dependent spouse."

3. Premiums Paid by Medicare Participants

a. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the monthly premiums for Medicare participants participating in the State Group Health Insurance Standard Plan shall continue to be $305.82 for "one eligible", $881.80 for "one under/one over", and $611.64 for "both eligible."

b. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the monthly premiums for Medicare participants participating in the State Group Health Insurance High Deductible Plan shall continue to be $230.52 for "one eligible", $722.16 for "one under/one over", and $461.04 for "both eligible."

c. Effective July 1, 2011, for the coverage period beginning August 1,

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2011, the monthly premiums for Medicare participants enrolled in a State-contracted Health Maintenance Organization Standard Plan or a State-contracted Health Maintenance Organization High Deductible Health Plan shall be equal to the negotiated monthly premium for the selected State-contracted Health Maintenance Organization.

4. Premiums paid by "Early Retirees"

a. Effective July 1, 2011, for the coverage period beginning August 1, 2011, an "early retiree" participating in the State Group Health Insurance Standard plan shall pay a monthly premium equal to 100 percent of the total premium charged (state and employee contributions) for an active employee participating in the standard plan.

b. Effective July 1, 2011, for the coverage period beginning August 1, 2011, an "early retiree" participating in the State Group Health Insurance High Deductible Plan shall pay a monthly premium equal to $473.12 for single coverage and $1,044.32 for family coverage.

5. Premiums Paid by COBRA Participants

a. Effective July 1, 2011, for the coverage period beginning August 1, 2011, a COBRA participant participating in the State Group Health Insurance Program shall continue to pay a monthly premium equal to 102 percent of the total premium charged (state and employee contributions) for an active employee participating in the standard plan on July 1, 2011.

e) Under the State Employees' Prescription Drug Program, the following shall apply:

1. Supply limits shall continue as provided in section 110.12315, Florida Statutes.

2. For the period July 1, 2011, through June 30, 2012, co-payments for the State Group Health Insurance Standard Plan shall be as follows:

a. $7 co-payment for generic drugs with card;
b. $30 for preferred brand name drug with card;
c. $50 nonpreferred brand name drug with card;
d. $14 for generic mail order drug;
e. $60 for preferred brand name mail order drug;
f. $100 for nonpreferred brand name mail order drug.

3. For the period July 1, 2011, through June 30, 2012, coinsurance for the State Group Health Insurance High Deductible Plan shall continue as provided in section 112.12315(7), Florida Statutes.

4. Effective July 1, 2011, and notwithstanding the provisions of subparagraph 2, to the contrary, for the purpose of encouraging an individual to change from brand name drugs to generic drugs, the department may continue to waive co-payments for a six months supply of a generic statin or a generic proton pump inhibitor.

5. The Department of Management Services shall maintain the preferred brand name drug list to be used in the administration of the State Employees' Prescription Drug Program.

6. The Department of Management Services shall maintain a listing of certain maintenance drugs that must be filled through mail order. Effective July 1, 2011, those drugs on the list may be filled three times in a retail pharmacy; thereafter, any covered prescriptions must be filled through mail order.

(f) For the period July 1, 2011, through June 30, 2012, the co-payments and coinsurance for prescription drugs with state-contracted health maintenance organizations shall be identical to the copayments and coinsurance established under the State Employees' Prescription Drug Program.

(g) The HMO and PPO pharmacy plans shall provide coverage for smoking cessation prescription drugs; however, members shall be responsible for appropriate copayments and deductibles when applicable. The smoking cessation prescription drug benefit shall be limited to up to a six

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month supply within any plan year and a maximum lifetime benefit of no more than nine months supplied.

(3) OTHER BENEFITS

(a) The following items shall be implemented in accordance with the provisions of this act and with the applicable negotiated collective bargaining agreement:

1. The state shall provide up to six (6) credit hours of tuition-free courses per term at a state university, state college or community college to full-time employees on a space available basis as authorized by law.

2. The state shall continue to reimburse, at current levels, for replacement of personal property.

3. The state shall continue to provide, at current levels, clothing allowances and uniform maintenance and shoe allowances.

4. Each state agency, at the discretion of the agency head, may expend funds provided in this act for bar dues and for legal education courses for employees who are required to be a member of the Florida Bar as a condition of employment.

(b) All state branches, departments, and agencies which have established or approved personnel policies for the payment of accumulated and unused annual leave, shall not provide payment which exceeds a maximum of 480 hours of actual payment to each employee for accumulated and unused annual leave.

(c) Upon termination of employees in the Senior Management Service, Selected Exempt Service, or positions with comparable benefits, payments for unused annual leave credits accrued on the member's last anniversary date shall be prorated at 1/12th of the last annual amount credited for each month, or portion thereof, worked subsequent to the member's last anniversary date.

(4) PAY ADDITIVES AND OTHER INCENTIVE PROGRAMS

The following pay additives and other incentive programs are authorized for the 2011-2012 fiscal year from existing agency resources consistent with provisions of sections 110.2035 and 216.251, Florida Statutes, the applicable administrative rules promulgated by the Department of Management Services, and negotiated collective bargaining agreements:

(a) Each agency is authorized to continue to pay, at the levels in effect on June 30, 2007, on-call fees and shift differentials as necessary to perform normal operations of the agency.

(b) Each agency that had a training program in existence on June 30, 2006, which included granting pay additives to participating employees, is authorized to continue such training program for the 2011-2012 fiscal year. Such additives shall be granted under the provisions of the law, administrative rules, and collective bargaining agreements.

(c) The Department of Corrections may continue to grant hazardous duty pay additives, as necessary, to those employees assigned to the Department of Corrections institutions' Rapid Response Teams (including the baton, shotgun, and chemical agent teams) and the Correctional Emergency Response Teams.

(d) The Fish and Wildlife Conservation Commission may continue to grant temporary special duty pay additives to law enforcement officers who perform additional duties as K-9 handlers, as regional recruiters/media coordinators and as breath test operators/inspectors.

(e) The Fish and Wildlife Conservation Commission and the Department of Highway Safety and Motor Vehicles are authorized to grant critical market pay additives to employees residing in and assigned to Lee County, Collier County, or Monroe County, at the levels that the employing agency granted salary increases for similar purposes prior to July 1, 2006. These pay additives shall be granted only during the time in which the employee resides in, and is assigned to duties within,

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those counties. In no instance may the employee receive an adjustment to the employee's base rate of pay and a critical market pay additive based on the employee residing in and being assigned in the specified counties.

(f) The Department of Transportation is authorized to continue its training program for employees in the field of transportation engineering under the same guidelines established for the training program prior to June 30, 2006.

(g) The Department of Transportation is authorized to continue its training program for employees in the areas of right-of-way acquisition, relocation benefits administration, right-of-way property management, real estate appraisal, and business valuation under the same guidelines established for the training program prior to June 30, 2006.

(h) The Department of Transportation, or successor agency, is authorized to continue to grant a pay additive of $75 per pay period for law enforcement officers assigned to the Office of Motor Carrier Compliance who maintain certification by the Commercial Vehicle Safety Alliance.

(i) Each agency is authorized to continue to grant temporary special duties pay additives to employees assigned additional duties as a result of another employee being absent from work, pursuant to the Family Medical Leave Act or authorized military leave. The notification process described in section 110.2035(6)(c), Florida Statutes, does not apply to additives authorized in this paragraph.

j) Each agency is authorized to grant merit pay increases based on the employee's exemplary performance as evidenced by a performance evaluation conducted pursuant to chapter 60L-35, Florida Administrative Code, or a similar performance evaluation applicable to other pay plans.

(k) Contingent upon the availability of funds and at the agency head's discretion, each agency is authorized to grant a temporary special duties pay additive, of up to 15 percent of the employee's base rate of pay, to each employee temporarily deployed to a facility or area closed due to emergency conditions from another area of the state that is not closed.

5) COLLECTIVE BARGAINING

(a) All collective bargaining issues at impasse between the State of Florida and AFSCME Council 79, the Federation of Public Employees, the Federation of Physicians and Dentists, the Florida State Fire Service Association, the Police Benevolent Association, and the Florida Nurses Association relating to wages and other economic issues shall be resolved herein pursuant to the instructions provided under Item "(1) EMPLOYEE AND OFFICER COMPENSATION", Item "(3) OTHER BENEFITS", and Item "(4) PAY ADDITIVES AND OTHER INCENTIVE PROGRAMS."

(b) All collective bargaining issues at impasse between the State of Florida and AFSCME Council 79, the Federation of Public Employees, the Federation of Physicians and Dentists, the Florida State Fire Service Association, the Police Benevolent Association, and the Florida Nurses Association relating to insurance benefits shall be resolved herein pursuant to the instructions provided under Item "(2) BENEFITS: HEALTH, LIFE, AND DISABILITY INSURANCE" and the relevant provisions of any legislation enacted to implement this act.

SECTION 9. The unexpended balance or $2,400,000, whichever is less, from the funds provided in Specific Appropriation 20 of chapter 2010-152, Laws of Florida, for the University of North Florida Science & Humanities Building Phase II and the Disability Resource Center shall revert immediately and are appropriated to the University of North Florida for the Dining, Administrative and Academic Building.

SECTION 10. Pursuant to section 1010.62, Florida Statutes, and section 11(d) and (f), Art. VII of the State Constitution, the following fixed capital outlay projects may be constructed, acquired, and financed by a university or university direct support organization. Financing mechanisms include any form of approved debt or bonds authorized by the Board of Governors.

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UF University Athletic Association (UAA) projects
FSU Research and Development Facility - Number Four
FSU Italian Study Center
FSU Free Electron Laser Laboratory
USF Tennis Complex
UCF Strategic Land and Property Purchase
UCF Brighthouse Networks Tower Expansion
UCF Academic Center
UCF Athletics Facilities Expansion
FIU Department of Health/FIU Public Health Building

SECTION 11. Pursuant to section 1013.74 and section 1013.78, Florida Statutes, the following facilities may be constructed or acquired from non-appropriated sources, which upon completion will require general revenue funds for operation.

UF - Minor Projects for UF Facilities
UF/HSC - Minor Projects for HSC Facilities
UF/IFAS - Minor Projects for IFAS Facilities
UF - Clinical Translational Research Building Expansion
FSU - Minor Projects for FSU Facilities
FSU - Free Electron Laser Laboratory
FSU - Fine Arts Research Building
FSU - School of Visual Arts Annex
FSU - College of Motion Picture/Telev./Recording Arts Studio
USF - Sun Dome Arena Renovation, Academic Classroom
USF - Center for Advanced Medical Learning & Simulation
USF - Dali Museum Acquisition
UWF - School of Allied Health & Life Sciences
UCF - MMAE Lab/Mechanical, Material & Aerospace Engineering
UCF - Pegasus Health
UCF - Biology Field Research Center
FIU - Mixed Use Auxiliary Building
FIU - Building #MB03 (former Miami Beach Women's Club)
NCF - Robertson Hall Renovation/Remodeling

SECTION 12. Pursuant to section 1013.40, Florida Statutes, the specified Florida College System colleges are authorized to acquire or construct the following facilities from non-PECO sources, which could require general revenue funds for operation and maintenance. If existing facilities are part of these projects, each such building or site must be certified to be free of asbestos or other hazardous materials before the stated college may acquire or expend construction funds on the facility. If the property to be acquired is not adjacent to an existing approved center or campus, then all necessary approvals from the State Board of Education must be received before any funds may be expended to acquire the property.

1. Brevard College - Construct Dental Clinic from local funds at the State Board of Education approved Cocoa Campus.

2. Brevard College - Construct STEM Annex Building from local funds at the State Board of Education approved Cocoa Campus.

3. Broward College - Acquire land/facilities and construct/remodel/renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved Cypress Creek Special Purpose Center.

4. Broward College - Acquire land/facilities and construct/remodel/renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved Southwest Broward Center.

5. Indian River State College - Acquire land/facilities and construct/remodel/renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved Main Campus.

6. Indian River State College - Acquire land/facilities and construct/remodel/renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved Chastain Center.

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7. Indian River State College - Acquire land/facilities and construct/remodel/renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved Mueller Center.

8. State College of Florida, Manatee-Sarasota - Acquire land/facilities and construct/remodel, renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved Lakewood Ranch Center.

9. Miami Dade College - Acquire land/facilities and construct/remodel/renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved Hialeah Campus.

10. Miami Dade College - Acquire land/facilities and construct/remodel/renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved InterAmerican Campus.

11. Polk State College - Construct Chain of Lakes academic facility from local funds at the State Board of Education approved Winter Haven Campus.

12. St. Petersburg College - Acquire land/facilities and construct/remodel/renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved Clearwater Campus.

13. Santa Fe College - Construct Fine Arts Facility from local funds at the State Board of Education approved Northwest (Main) Campus.

14. Santa Fe College - Construct Bio Tech Lab Addition from local funds at the State Board of Education approved Perry (Alachua) Special Purpose Center.

15. Valencia College - Construct academic and support facilities from local funds at the State Board of Education approved Southeast Campus.

16. Valencia College - Construct Corporate Training Facility from local funds at the State Board of Education approved West Campus.

SECTION 13. The unexpended balance of funds provided to the Department of Education in Specific Appropriations 28 through 148 from the Federal Grants Trust Fund and the Federal Rehabilitation Trust Fund for grants funded by the American Recovery and Reinvestment Act of 2009 in chapter 2010-152, Laws of Florida, are hereby reverted and reappropriated for Fiscal Year 2011-2012 for the purpose of the original appropriation within the Department of Education. If it is determined that any entity designated to receive an appropriation from State Fiscal Stabilization Funds is ineligible to receive such funds in accordance with the American Recovery and Reinvestment Act of 2009, the Executive Office of the Governor may adjust allocations from state funds and State Fiscal Stabilization Funds among eligible recipients, based upon the recommendation of the Department of Education, or Board of Governors as appropriate, in a manner that ensures the combined total of state funds and State Fiscal Stabilization Funds remains consistent with the intent of the General Appropriations Act. Any such adjustments shall be subject to the notice and objection requirements of section 216.177, Florida Statutes.

SECTION 14. The unexpended balance or $12,000,000, whichever is less, of General Revenue funds provided in Section 33 of chapter 2010-155, Laws of Florida, for the Florida's Bright Futures Scholarship Program is hereby reverted.

SECTION 15. The unexpended balance of $14,096,091 of General Revenue funds provided in Specific Appropriation 79 of Chapter 2010-152, Laws of Florida, for Class Size Reduction is hereby reverted. This section is effective upon becoming a law.

SECTION 16. The unexpended balance of funds provided pursuant to budget amendment EOG #B2011-0146 for the Florida Education Finance Program (FEFP) Supplement for Education Jobs is hereby reverted and

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reappropriated for Fiscal Year 2011-2012 to the Department of Education for the same purpose.

SECTION 17. The unexpended balance of funds provided pursuant to budget amendment EOG #B2011-0204 for Race to the Top Strategic Education Initiatives is hereby reverted and reappropriated for Fiscal Year 2011-2012 to the Department of Education for the same purpose.

SECTION 18. The unexpended balance of funds provided pursuant to budget amendment EOG #B2011-0203 for the Partnership for Assessment of Readiness for Colleges and Careers is hereby reverted and reappropriated for Fiscal Year 2011-2012 to the Department of Education for the same purpose.

SECTION 19. The unexpended balance of funds provided in Specific Appropriation 108 of chapter 2010-152, Laws of Florida, for Adult Basic Education Federal Flow-Through Funds is hereby reverted and reappropriated for Fiscal Year 2011-12 to the Department of Education for the same purpose. This section is effective upon becoming a law.

SECTION 20. There is appropriated $3,898,959 in nonrecurring funds from the Administrative Trust Fund to the Department of Education from Florida Comprehensive Assessment Test (FCAT) Liquidated Damages for the 2010-2011 Fiscal Year to be provided to public schools for costs associated with delayed FCAT results. This section is effective upon becoming law.

SECTION 21. The sum of $29,751,856 from general revenue funds provided in Specific Appropriations 242 and 259-269, of chapter 2010-152, Laws of Florida, shall revert immediately.

SECTION 22. The sum of $3,346,001 from general revenue funds provided in Specific Appropriations 310, 324, 340, and 373, of chapter 2010-152, Laws of Florida, shall revert immediately.

SECTION 23. The sum of $16,325,682 from general revenue funds provided in Specific Appropriations 395, 396, and 401, of chapter 2010-152, Laws of Florida, shall revert immediately.

SECTION 24. The sum of $693,982 from general revenue funds provided in Specific Appropriations 539, 563, and 564, of chapter 2010-152, Laws of Florida, shall revert immediately.

SECTION 25. There is appropriated to the Agency for Persons with Disabilities $29,704,026 in nonrecurring funds from the General Revenue Fund, $6,845,352 in nonrecurring funds from the Social Services Block Grant Trust Fund, and $129,742,863 in nonrecurring funds from the Operations and Maintenance Trust Fund to cover Fiscal Year 2010-2011 Home and Community Based Services Waiver costs. This section shall take effect upon becoming law.

SECTION 26. The unexpended balance of funds provided pursuant to Specific Appropriation 371 of chapter 2010-152, Laws of Florida, for the Homeless Prevention and Rapid Re-Housing Program in the American Recovery and Reinvestment Act of 2009 is hereby reverted and reappropriated for Fiscal Year 2011-2012 to the Department of Children and Family Services for the same purpose.

SECTION 27. There is appropriated $53,204 in nonrecurring funds from the General Revenue Fund to the Department of Health for the Jessie Trice Cancer Center for Fiscal Year 2010-11. This section shall take effect immediately upon becoming law.

SECTION 28. There is appropriated $34,015 in nonrecurring funds from the General Revenue Fund to the Department of Health for the S.W. Alachua County Primary and Community Health Care Clinic for Fiscal Year 2010-11. This section shall take effect immediately upon becoming law.

SECTION 29. The sum of $44,200,000 in nonrecurring funds from the General Revenue Fund is appropriated to the Clerks of Court Trust Fund within the Justice Administrative Commission. Specific Appropriation 813 of chapter 2010-152, Laws of Florida, is reduced by $5,900,000. Specific Appropriation 817 of chapter 2010-152, Laws of Florida, is reduced by $100,000. The Clerk of Court approved unit costs required

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under section 28.36, Florida Statutes, for the Fiscal Year 2010-11 are contained in the document entitled "2010-2011 and 2011-2012 Clerk of Court Unit Cost Budgets" dated May 3, 2011, and on file with the Secretary of the Senate. This document is hereby incorporated by reference into the 2011-12 General Appropriations Act. This section is effective upon becoming law.

SECTION 30. The sum of $38,900,000 in nonrecurring funds from the General Revenue Fund is appropriated to the State Courts Revenue Trust Fund within the state court system. This section is effective upon becoming law.

SECTION 31. The nonrecurring sum of $750,000 from the Hotel and Restaurant Trust Fund shall be transferred by non-operating transfer from the Department of Business and Professional Regulation to the Office of Tourism, Trade and Economic Development, to contract with the Florida Restaurant and Lodging Association, Inc., to continue the tourism marketing campaign begun in 2010 in the aftermath of the Deepwater Horizon Oil Spill. This campaign shall be conducted throughout the state and the southeastern United States, pursuant to a plan approved and monitored by the office, for promoting tourism in those areas of the state affected by the oil spill and eliminating the damaging public perception stemming from that event.

SECTION 32. From the funds provided in Specific Appropriation 1741 of chapter 2007-72, Laws of Florida, to the Department of Environmental Protection for the implementation of projects identified in phase I of the Lake Okeechobee Protection Plan identified in section 373.4595(3)(b), Florida Statutes; the development of the Phase II Technical Plan identified in section 373.4595(3)(b), Florida Statutes; and the acquisition of lands needed for restoration, $17,955,000 shall revert immediately to the Save Our Everglades Trust Fund in the Department of Environmental Protection.

SECTION 33. Effective June 30, 2011, in order to prevent a trust fund deficit, the amount of funds provided in Specific Appropriation 1686B of chapter 2010-152, Laws of Florida, for transfer to the Florida Forever Trust Fund from the Water Management Lands Trust Fund necessary to be reduced in order to balance the trust fund shall revert immediately.

SECTION 34. The sums from unexpended funds in the Specific Appropriations\Laws of Florida listed, provided to the Department of Environmental Protection for the following beach projects shall revert immediately.

A. The sum of $263,659 from unexpended funds in Specific Appropriation 1834 of chapter 2007-72, Laws of Florida, provided to the Department of Environmental Protection for statewide beach projects.

B. The sum of $1,001,793 from unexpended funds in Specific Appropriation 1748 of chapter 2008-152, Laws of Florida, provided to the Department of Environmental Protection for statewide beach projects.

C. The sum of $23,214 from unexpended funds in Specific Appropriation 1695 of chapter 2009-81, Laws of Florida, provided to the Department of Environmental Protection for statewide beach projects.

D. The sum of $481,706 from unexpended funds in Specific Appropriation 1834 of chapter 2007-72, Laws of Florida, provided to the Department of Environmental Protection for South Lake Worth Inlet in the Beach Management Funding Assistance Program for the 2007-2008 fiscal year.

E. The sum of $1,000,000 from unexpended funds in Specific Appropriation 1748 of chapter 2008-152, Laws of Florida, provided to the Department of Environmental Protection for South Lake Worth Inlet in the Beach Management Funding Assistance Program for the 2008-2009 fiscal year.

F. The sum of $724,857 from unexpended funds in Specific Appropriation 1834 of chapter 2007-72, Laws of Florida, provided to the Department of Environmental Protection for Captiva/Sanibel Island Beach Nourishment in the Beach Management Funding Assistance Program for the 2007-2008 fiscal year.

G. The sum of $390,674 from unexpended funds in Specific Appropriation

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1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for Brevard County Beach Restoration (Mid-Reach) in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

H. The sum of $7,841 from unexpended funds in Specific Appropriation 1696 of chapter 2005-70, Laws of Florida, provided to the Department of Environmental Protection for Collier County Beach Nourishment in the Beach Management Funding Assistance Program for the 2005-2006 fiscal year.

I. The sum of $292,234 from unexpended funds in Specific Appropriation 1834 of chapter 2007-72, Laws of Florida, provided to the Department of Environmental Protection for Collier County Beach Nourishment in the Beach Management Funding Assistance Program for the 2007-2008 fiscal year.

J. The sum of $511,083 from unexpended funds in Specific Appropriation 1834 of chapter 2007-72, Laws of Florida, provided to the Department of Environmental Protection for South Boca Raton Beach Nourishment Project in the Beach Management Funding Assistance Program for the 2007-2008 fiscal year.

K. The sum of $58,173 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for Venice Beach Nourishment Project in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

L. The sum of $1,266,283 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for Perdido Key Beach Restoration Project in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

M. The sum of $102,907 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for Mid-town Beach Nourishment Project in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

N. The sum of $39,842 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for Mid-town Beach Nourishment Project in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

O. The sum of $359,429 from unexpended funds in Specific Appropriation 1834 of chapter 2007-72, Laws of Florida, provided to the Department of Environmental Protection for Ft. Pierce Shore Protection Project in the Beach Management Funding Assistance Program for the 2007-2008 fiscal year.

P. The sum of $151,963 from unexpended funds in Specific Appropriation 1748 of chapter 2008-152, Laws of Florida, provided to the Department of Environmental Protection Ft. Pierce Shore Protection Project in the Beach Management Funding Assistance Program for the 2008-2009 fiscal year.

Q. The sum of $68,734 from unexpended funds in Specific Appropriation 1696 of chapter 2005-70, Laws of Florida, provided to the Department of Environmental Protection for South Siesta Key Beach Restoration in the Beach Management Funding Assistance Program for the 2005-2006 fiscal year.

R. The sum of $72,726 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for South Siesta Key Beach Restoration in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

S. The sum of $34,719 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for South Siesta Key Beach Restoration in the

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Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

T. The sum of $64,586 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for South Brevard County Beach Restoration in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

U. The sum of $370,885 from unexpended funds in Specific Appropriation 1834 of chapter 2007-72, Laws of Florida, provided to the Department of Environmental Protection for Brevard County North/South Reach Beach Restoration in the Beach Management Funding Assistance Program for the 2007-2008 fiscal year.

V. The sum of $76,834 from unexpended funds in Specific Appropriation 1696 of chapter 2005-70, Laws of Florida, provided to the Department of Environmental Protection for Hillsboro Beach PEMS Demonstration in the Beach Management Funding Assistance Program for the 2005-2006 fiscal year.

W. The sum of $118,898 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for South Marco Island Beach Nourishment in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

X. The sum of $768,334 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for South End Palm Beach Restoration Reach 8 in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

From the total sum of funds reverted from this section there is hereby appropriated $2,564,438 in nonrecurring funds from the General Revenue Fund and $5,686,935 in nonrecurring funds from the Ecosystem Management and Restoration Trust Fund for the purpose of providing funds to the Department of Environmental Protection's Beach Management Funding Assistance Program for Fiscal Year 2011-2012. These funds are in addition to the funds provided in Specific Appropriation 1653A.

All funds shall be allocated to the top 12 individual projects on the department's Beach Restoration and Nourishment Projects List. Additionally, pursuant to section 161.143(5)(a), Florida Statutes, 10 percent of the amount appropriated will be used for the three highest ranked projects on the department's separate inlet management list. Further, post-construction monitoring required by state and federal permits shall receive 10 percent of the total amount appropriated for beach nourishment projects in the order presented in the department's submission.

SECTION 35. The unexpended balance of funds appropriated in Specific Appropriation 2064A of Chapter 2004-268, Laws of Florida, from the General Revenue Fund, provided to the Department of Environmental Protection for the following water projects shall immediately revert.

Punta Gorda Wastewater Plant Deep Injection Wells..... 750,000

The Department of Environmental Protection shall terminate any grant agreement which authorizes the disbursement of such funds. This section shall take effect upon becoming law.

SECTION 36. The unexpended balance of funds appropriated in Specific Appropriation 1717A of Chapter 2005-70, Laws of Florida, from the Ecosystem Management and Restoration Trust Fund, provided to the Department of Environmental Protection for the following water projects shall immediately revert.

Loxahatchee Slough Pump Station Facilities..... 500,000
Stone Island Central Sewer System Expansion..... 582,975
Village of El Portal Seawall / Canal Bank Stabilization..... 575,000

The Department of Environmental Protection shall terminate any grant agreement which authorizes the disbursement of such funds. This section

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shall take effect upon becoming law.

SECTION 37. The unexpended balance of funds appropriated in Specific Appropriation 1821 of Chapter 2006-25, Laws of Florida, from the Ecosystem Management and Restoration Trust Fund, provided to the Department of Environmental Protection for the following water projects shall immediately revert.

Canaveral - Northside Stormwater Management	1,000,000
Loxahatchee Slough Restoration (M-Canal Widening)	1,000,000
Opa-locka NW 128th St. Drainage Improvements	620,000
Spanish Creek Hydrologic Restoration	150,000
Stone Island Central Sewer System Expansion	100,000
Tampa - Dale Mabry (U.S. 92/S.R. 600) Flood Protections	500,000
Tsala Apopka Tussock Spoil Site Access	150,000
Wares Creek Maintenance / Navigational Dredging Project (Bradenton Contribution)	500,000

The Department of Environmental Protection shall terminate any grant agreement which authorizes the disbursement of such funds. This section shall take effect upon becoming law.

SECTION 38. The unexpended balance of funds appropriated in Specific Appropriation 1859 of Chapter 2007-72, Laws of Florida, from the Ecosystem Management and Restoration Trust Fund, provided to the Department of Environmental Protection for the following water projects shall immediately revert.

Dale Mabry (US 92/S.R. 600) Flood Protection - Tampa	800,000
Davenport Wastewater Program Ph III	250,000
Daytona Beach Reclaimed Water Reservoir and Recharge Basin	400,000
Green Cove Springs South Wastewater Treatment Plant Improvements and Sewer Pipe Relining and Replacement	250,000
Wakulla Springs Aquifer Protection Project	250,000

The Department of Environmental Protection shall terminate any grant agreement which authorizes the disbursement of such funds. This section shall take effect upon becoming law.

SECTION 39. The unexpended balance of funds appropriated in Specific Appropriation 1772C of Chapter 2008-152, Laws of Florida, from the Ecosystem Management and Restoration Trust Fund, provided to the Department of Environmental Protection for the following water projects shall immediately revert.

Coral Gables City 2 Sanitary Sewer Pump Station Rehabilitation	250,000
Fort Myers Northern 10 Mile Canal Treatment System	300,000
Fort Walton Beach Reuse Water System Expansion	200,000
Hendry County Airport Sears Stormwater Implementation	200,000
Hillsborough County Lake Meade Drainage Improvements	100,000
Hillsborough County Trapnell at Ray Ann/Nesmith Drainage Improvements	100,000
Homestead Flood Control Improvement Project	500,000
Jacksonville Lincoln Villas Septic Tank Phase Out Project Phase II	300,000
Jacksonville Lower Eastside Drainage Improvement Phase III	100,000
Miami Stormwater Master Plan Implementation	1,000,000
North Tampa Closed Basins Water Management	300,000
Opa locka Cairo Lane Stormwater Drainage and Street Improvements	100,000
Orange County Little Wekiva River Water Quality Improvement Initiative	1,000,000
Pasco County Duck Slough BMP Implementation	250,000
Plant City Eastside Canal Stormwater Management Master Plan	500,000
St. Johns County Sixteen Mile Creek Stormwater Treatment Facility	100,000

The Department of Environmental Protection shall terminate any grant agreement which authorizes the disbursement of such funds. This section shall take effect upon becoming law.

SECTION 40. The unexpended balance from Specific Appropriation 1772C of chapter 2008-152, Laws of Florida, provided to the Fort Myers East

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Reclamation Facility in the amount of $500,000 from the Ecosystem Management and Restoration Trust Fund shall revert immediately and is reappropriated for Fiscal Year 2011-2012 to the City of Fort Myers Downtown Detention Basin project.

SECTION 41. The unexpended balance of budget authority granted to the Department of Environmental Protection in Fiscal Year 2010-11 and remaining on June 30, 2011, for the expenditure of funds paid by BP to Florida for Natural Resource Damage Assessment, shall revert on June 30, 2011, and such authority is hereby reappropriated from the Florida Coastal Protection Trust Fund effective July 1, 2011, for Fiscal Year 2011-2012.

SECTION 42. The unexpended balance of funds appropriated in Specific Appropriation 1821 of chapter 2006-25, Laws of Florida, for the Vernon Sewer System Upgrade provided to the Department of Environmental Protection, shall revert immediately and is appropriated for the 2011-2012 fiscal year for costs incurred prior to July 1, 2006, related to the project.

SECTION 43. There is hereby appropriated the nonrecurring sum of $250,000 from the Administrative Trust Fund in the Department of Financial Services for Fiscal Year 2010-2011. The Department of Financial Services shall use the funds to implement the contribution changes to the Florida Retirement System into the Florida Accounting Information Resource System. This section is effective upon becoming law.

SECTION 44. The unexpended balance of funds appropriated in sections 109 and 110, chapter 2010-152, Laws of Florida, provided to the Department of Financial Services, is hereby reverted and reappropriated for Fiscal Year 2011-2012 to the department for strengthening domestic security support by the State Fire Marshal.

SECTION 45. The unexpended balance of funds provided in Specific Appropriation 2182A of chapter 2010-152, Laws of Florida, and distributed to the Department of Financial Services in budget amendment EOG #B2011-0014 is hereby reverted and reappropriated for Fiscal Year 2011-2012 to the department for its original purpose.

SECTION 46. There is hereby appropriated $2,500,000 in nonrecurring funds from the State Risk Management Trust Fund in the Department of Financial Services for Fiscal Year 2010-2011. The Division of Risk Management shall use the funds for the purchase of excess insurance related to state buildings and facilities. This section shall take effect upon this act becoming law.

SECTION 47. The Board of Governors of the Citizens Property Insurance Corporation shall annually submit a copy its approved procurement policy to the Office of Insurance Regulation. The policy shall be submitted to the office no later than February 1 of each year.

SECTION 48. There is hereby appropriated $1,375,000 in nonrecurring funds from the Operating Trust Fund in the Department of the Lottery for Fiscal Year 2010-2011. The department shall use the funds for the online games contract. This section shall take effect upon this act becoming law.

SECTION 49. The unexpended balance of fixed capital outlay funds appropriated to the Department of Management Services in Specific Appropriation 2814A of chapter 2008-152, Laws of Florida, for construction of the First District Court of Appeal Courthouse shall immediately revert and be transferred to the Workers' Compensation Administration Trust Fund within the Department of Financial Services. This section shall take effect upon this act becoming law.

SECTION 50. The unexpended balance of funds provided to the Department of Management Services in line item 2182A of chapter 2010-152, Laws of Florida, for the Florida Interoperability Network Sustainment and Maintenance, and Mutual Aid Build-out, Reg. 5, Signaling, Software upgrade shall hereby revert and is reappropriated for Fiscal Year 2011-2012 to the department for the same purpose.

SECTION 51. The unexpended balance of funds provided to the Department

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of Management Services in section 116 of chapter 2010-152, Laws of Florida, for the Florida Interoperability Network Grant Program shall hereby revert and is reappropriated for Fiscal Year 2011-2012 to the department for the same purpose.

SECTION 52. The unexpended balance of funds provided to the Department of Management Services in section 115 of chapter 2010-152, Laws of Florida, for the Public Safety Interoperability Communications Grant Program shall hereby revert and is reappropriated for Fiscal Year 2011-2012 to the department for the same purpose.

SECTION 53. The unexpended balance of funds provided to the Department of Management Services pursuant to budget amendment EOG #B2011-0027 for the Public Safety Interoperability Communications Grant Program shall hereby revert and is reappropriated for Fiscal Year 2011-2012 to the department for the same purpose.

SECTION 54. The sum of $2,000,000 from the unexpended balance of funds provided in Specific Appropriation 2243 of chapter 2010-152, Laws of Florida, from the Child Care and Development Block Grant Trust Fund for statewide quality enhancements shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Agency for Workforce Innovation for the same purpose.

SECTION 55. The unexpended balance of funds provided to the Agency for Workforce Innovation pursuant to budget amendments EOG #B2010-0029, EOG #B2010-0283 and EOG #B2010-0498 for the Early Learning Information System, and reverted and appropriated to the Agency for Workforce Innovation pursuant to Section 51 of chapter 2010-152, Laws of Florida, shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Agency for Workforce Innovation for the same purpose.

SECTION 56. The unexpended balance of funds provided to the Agency for Workforce Innovation pursuant to Specific Appropriation 2161C of chapter 2009-81, Laws of Florida, and reverted and appropriated to the Agency for Workforce Innovation pursuant to Section 54 of chapter 2010-152, Laws of Florida, shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Agency for Workforce Innovation for the same purpose.

SECTION 57. The unexpended balance of funds provided in Specific Appropriation 2248 of chapter 2010-152, Laws of Florida, and subsequently allocated and realigned by budget amendments EOG #B2011-0026, EOG #B2011-0344, EOG #B2011-0611, and EOG #B2011-0612 for the Early Learning Information System shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Agency for Workforce Innovation for the same purpose.

SECTION 58. The unexpended balance of funds provided to the Agency for Workforce Innovation pursuant to budget amendment EOG #B2011-0158 for the State Early Childhood Advisory Council shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Agency for Workforce Innovation for the same purpose.

SECTION 59. The unexpended balance of funds provided to the Agency for Workforce Innovation pursuant to budget amendment EOG #B2011-0085 for a National Emergency Grant for on-the-job training and other employment-related assistance activities, shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Agency for Workforce Innovation for the same purpose.

SECTION 60. The unexpended balance of funds provided to the Agency for Workforce Innovation pursuant to budget amendment EOG #B2011-0086 for an American Recovery and Reinvestment Act (ARRA) of 2009 grant award to conduct a Health Care Pilot project on improving the health care awareness of farm workers through training and outreach, shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Agency for Workforce Innovation for the same purpose.

SECTION 61. The unexpended balance of funds provided to the Agency for Workforce Innovation pursuant to budget amendment EOG #B2011-0090 for a National Emergency Grant to respond to workers in Florida dislocated as a result of the Deepwater Horizon Oil Spill shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Agency for Workforce Innovation for the same purpose.

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Innovation for the same purpose.

SECTION 62. The unexpended balance of funds provided in Specific Appropriation 2226 of chapter 2010-152, Laws of Florida, and subsequently allocated by budget amendments EOG #B2011-0025, EOG #B2011-0154, EOG #B2011-0345, and EOG #B2011-0610, and funds remaining unallocated in that specific appropriation, for the Unemployment Compensation Claims and Benefits Replacement Project shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Agency for Workforce Innovation for the same purpose.

SECTION 63. The unexpended balance of funds provided in Specific Appropriation 1615A of Chapter 2010-152, Laws of Florida shall revert immediately and is appropriated for Fiscal Year 2011-2012 for operational services of the Regional Hurricane Shelter/Community Health Center, Pasco County.

SECTION 64. The unexpended balance of funds provided in Section 64 of Chapter 2010-152, Laws of Florida, (which funds were originally appropriated in Specific Appropriation 1540A of Chapter 2008-152, Laws of Florida) shall revert immediately and is appropriated for Fiscal Year 2011-2012 for the nonrecurring operational needs of the Regional Hurricane Shelter/Community Health Center, Pasco County.

SECTION 65. The unexpended balance of funds provided to the Department of Community Affairs, Division of Emergency Management for domestic security projects in Specific Appropriation 2182A of Chapter 2010-152, Law of Florida, and subsequently distributed to the Department of Community Affairs, Division of Emergency Management pursuant to budget amendment EOG #B2011-0014 and the unexpended balance of funds provided to the Department of Community Affairs, Division of Emergency Management pursuant to Section 63 of Chapter 2010-152, Laws of Florida shall revert immediately and is appropriated Fiscal Year 2011-2012 to the Department of Community Affairs, Division of Emergency Management for the same purpose. The agency is authorized to reallocate appropriations between any of the funded projects approved by the Domestic Security Oversight Council.

SECTION 66. The unexpended balance of funds provided to the Department of Community Affairs, Division of Emergency Management in Specific Appropriation 1572 of Chapter 2010-152 Laws of Florida and subsequently distributed to the Department of Community Affairs, Division of Emergency Management pursuant to budget amendments EOG #B2011-0030 and EOG #B2011-0492 and the unexpended balance of funds provided to the Department of Community Affairs, Division of Emergency Management pursuant to budget amendment EOG #B2011-0355 and Section 67 of chapter 2010-152, Laws of Florida, shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Department of Community Affairs, Division of Emergency Management for the same purpose.

SECTION 67. The sum of $663,973 from the unexpended balance of funds at the Florida Housing Finance Corporation shall be returned to the General Revenue Fund to satisfy the Florida Housing Finance Corporation's outstanding obligation, as of December 31, 2010, to pay the service charge to general revenue pursuant to section 420.5061, Florida Statutes.

SECTION 68. The sum of $6,100,000 in nonrecurring funds is appropriated in the Grants and Aids - Public Safety Enhancements Category from the Highway Safety Operating Trust Fund in the Department of Highway Safety and Motor Vehicles for Fiscal Year 2010-2011 for the purpose of funding a federal grant from the National Highway Traffic Safety Administration through the Florida Department of Transportation. This section shall become effective upon becoming law.

SECTION 69. The unexpended balance of funds appropriated in Section 76 of chapter 2010-152, Laws of Florida, to the Tampa Bay Area Regional Transportation Authority shall revert immediately and is appropriated in Fiscal Year 2011-2012 for the same purpose.

SECTION 70. The unexpended balance of funds provided pursuant to chapter 2010-152, section 78, Laws of Florida, and approved budget amendment: EOG #2009-0082, dated April 15, 2009, for the Transportation Infrastructure - American Recovery and Reinvestment Act of 2009 (088825)

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appropriation category in the Department of Transportation, shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the department for the same purpose.

SECTION 71. From the funds appropriated in Specific Appropriation 2125 of chapter 2010-152, Laws of Florida, for the Office of Tourism, Trade and Economic Development for Transportation Projects, and approved budget amendment EOG #2010-W0034, $20,000,000 shall revert immediately and is appropriated to the Department of Transportation from the State Transportation Trust Fund for the purpose of funding work program transportation projects.

SECTION 72. The unexpended balance of funds provided in Specific Appropriation 2182B of Chapter 2010-153, Laws of Florida, shall revert and is reappropriated for Fiscal Year 2011-2012. Funds may be released by the Legislative Budget Commission, pursuant to notice and review provisions in section 216.177, Florida Statutes, to adjust agency data processing categories in accordance with revised utilization estimates associated with consolidations of enterprise information technology resources into primary data centers.

SECTION 73. The unexpended balance of funds appropriated pursuant to Chapter 2010-282, Laws of Florida to the Florida Energy and Climate Commission remaining unspent on June 30, 2011, for the Florida Energy STAR Residential HVAC Rebate Program and the Solar Energy Incentives Program, is reverted and is appropriated for the 2011-12 fiscal year to the Commission for the purpose of the original appropriation.

SECTION 74. The unexpended balance of funds provided to the Agency for Enterprise Information Technology in Specific Appropriation 2174A of Chapter 2008-152, Laws of Florida, for the Information Security Planning Session-sustainment, and the Sustainment Costs for Monitoring Center and Security Tools, and subsequently allocated by budget amendment EOG #B2009-0014 in the 2008-2009 fiscal year; and reverted and appropriated to the Agency for Enterprise Information Technology in the 2009-2010 fiscal year pursuant to Section 83 of Chapter 2009-081, Laws of Florida; and reverted and appropriated to the Agency for Enterprise Information Technology in the 2010-11 fiscal year pursuant to Section 131 of Chapter 2010-152, Laws of Florida, is hereby reverted and is appropriated for the 2011-2012 fiscal year to the Agency for Enterprise Information Technology for the same purpose.

SECTION 75. The unexpended balance of funds provided to the Agency for Enterprise Information Technology in Specific Appropriation 2096A of Chapter 2009-81, Laws of Florida, for the Sustainment Costs for Monitoring Center and Security Tools, and Information Technology Security Incident Response Program, and subsequently allocated by budget amendment EOG #B2010-0014, ; and reverted and appropriated to the Agency for Enterprise Information Technology in the 2010-11 fiscal year pursuant to Section 132 of Chapter 2010-152, Laws of Florida is hereby reverted and is appropriated for the 2011-2012 fiscal year to the Agency for Enterprise Information Technology for the same purpose.

SECTION 76. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0599 as submitted on April 15, 2011, by the Governor on behalf of the Agency for Health Care Administration and the Department of Elder Affairs for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 77. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0591 as submitted on April 12, 2011, by the Governor on behalf of the Agency for Health Care Administration for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 78. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0606 as submitted on April 19, 2011, by the Governor on behalf of the Agency for Health Care Administration for approval by the

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Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 79. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0365 as submitted on March 2, 2011, by the Governor on behalf of the Agency for Persons with Disabilities for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 80. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0600 as submitted on April 15, 2011, by the Governor on behalf of the Agency for Persons with Disabilities for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 81. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0611 as submitted by the Governor on behalf of the Agency for Workforce Innovation for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with this amendment. This section shall become effective upon becoming law.

SECTION 82. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2012-0023 as submitted by the Governor on behalf of the Agency for Workforce Innovation for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2011-2012 consistent with this amendment. This section shall become effective upon becoming law.

SECTION 83. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0610 as submitted by the Governor on behalf of the Agency for Workforce Innovation for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with this amendment. This section shall become effective upon becoming law.

SECTION 84. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0467 as submitted on March 2, 2011, by the Governor on behalf of the Department of Agriculture and Consumer Services for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 85. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0525 as submitted on March 2, 2011, by the Governor on behalf of the Department of Agriculture and Consumer Services for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 86. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0434 as submitted on March 2, 2011, by the Governor on behalf of the Department of Children and Families for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 87. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0568 as submitted on March 24, 2011, by the Governor on behalf of the Department of Children and Families for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This

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section is effective upon becoming law.

SECTION 88. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendments EOG #B2011-0473 and #B2011-0474 as submitted on March 2, 2011, by the Governor on behalf of the Department of Corrections for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budgets for Fiscal Year 2010-2011 consistent with the amendments. This section is effective upon becoming law.

SECTION 89. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0595 as submitted on April 13, 2011, by the Governor on behalf of the Department of Corrections for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 90. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0389 as submitted on March 2, 2011, by the Governor on behalf of the Department of Elder Affairs for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 91. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0583 as submitted on April 5, 2011, by the Governor on behalf of the Department of Elder Affairs for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 92. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0409 as submitted on March 2, 2011, by the Governor on behalf of the Department of Financial Services for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 93. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0439 as submitted on March 2, 2011, by the Governor on behalf of the Fish and Wildlife Conservation Commission for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 94. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0516 as submitted on March 2, 2011, by the Governor on behalf of the Office of Tourism, Trade and Economic Development for a Quick Action Closing Fund project for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with this amendment. This section shall become effective upon becoming law.

SECTION 95. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0463 as submitted on March 2, 2011, by the Governor on behalf of the Department of Health for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 96. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0507 as submitted on March 2, 2011, by the Governor on behalf of the Department of Health for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

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SECTION 97. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0509 as submitted on March 2, 2011, by the Governor on behalf of the Department of Health for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 98. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0364 as submitted on March 2, 2011, by the Governor on behalf of the Department of Health for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 99. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0452 as submitted on March 2, 2011, by the Governor on behalf of the Department of Health for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 100. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0592 as submitted on March 2, 2011, by the Governor on behalf of the Department of Health for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 101. Specific Appropriation 785C of chapter 2010-152, Laws of Florida, is reduced by $1,129,712. Specific Appropriation 786B of chapter 2010-152, Laws of Florida, is reduced by $1,345,456. Specific Appropriation 786F of chapter 2010-152, Laws of Florida, is reduced by $2,500,992. Specific Appropriation 786G of chapter 2010-152, Laws of Florida, is reduced by $2,948,445. Specific Appropriation 786I of chapter 2010-152, Laws of Florida, is reduced by $952,054. Specific Appropriation 787A of chapter 2010-152, Laws of Florida, is reduced by $211,940. The sum of $952,054 in general revenue is appropriated to the Justice Administrative Commission for Child Dependency and Civil Conflict Case Costs in fiscal year 2010-2011. The sum of $8,136,545 in general revenue is appropriated to the Justice Administrative Commission for Criminal Conflict Case Costs in fiscal year 2010-2011. This section is effective upon becoming law.

SECTION 102. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendments EOG #B2011-0413 as submitted on March 2, 2011, by the Governor on behalf of the Department of Juvenile Justice for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 103. The unexpended balance of funds appropriated for domestic security and American Recovery and Reinvestment Act of 2009 issues in section 122, 124, 125, 126, and 127 of chapter 2010-152, Laws of Florida, and subsequently distributed to the Department of Law Enforcement pursuant to EOG #B2011-0005, is hereby reverted and reappropriated for Fiscal Year 2011-2012 for the purpose of the original appropriation within the Department of Law Enforcement.

SECTION 104. The unexpended balance of funds provided to the Department of Law Enforcement for domestic security issues in Specific Appropriation 2182A of chapter 2010-152, Laws of Florida, and subsequently distributed to the Department of Law Enforcement pursuant to budget amendment EOG #B2011-0014, is hereby reverted and reappropriated for Fiscal Year 2011-12 for the purpose of the original appropriation within the Department of Law Enforcement.

SECTION 105. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0279 as submitted on March 2, 2011, by the Governor on behalf of

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the Department of Law Enforcement for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

The sum of $913,500 is appropriated from the Federal Grants Trust Fund to the Florida Department of Law Enforcement in the Law Enforcement Standards Compliance budget entity to ensure accuracy and scientific reliability of evidentiary breath tests associated with the department's Alcohol Testing Program as provided in Chapters 316, 322 and 327, F.S. This section will take effect immediately upon becoming law and any unexpended balance will revert and be reappropriated for FY 2011-2012.

SECTION 106. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0423 as submitted on March 2, 2011, by the Governor on behalf of the Department of Revenue for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 107. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0466 as submitted on March 2, 2011, by the Governor on behalf of the Department of Revenue for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 108. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0479 as submitted on March 2, 2011, by the Governor on behalf of the Department of Revenue for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 109. The Legislature hereby adopts by reference Budget Amendment EOG #02011-0079 as submitted on March 2, 2011, by the Governor on behalf of the Department of Transportation for approval by the Legislative Budget Commission. The department is authorized to award a department employee $5,000 in accordance with the savings sharing programs authorized in section 110.1245, Florida Statutes.

SECTION 110. Pursuant to section 215.32(2)(b)4.a., Florida Statutes, $528,631,109 from the unobligated cash balance amounts specified from the following trust funds shall be transferred as designated for Fiscal Year 2011-12:

$378,631,109 to be transferred to the General Revenue Fund:

AGENCY FOR HEALTH CARE ADMINISTRATION	
Health Care Trust Fund	12,000,000
Grants and Donations Trust Fund	30,000,000
DEPARTMENT OF HEALTH	
Medical Quality Assurance Trust Fund	16,000,000
DEPARTMENT OF ENVIRONMENTAL PROTECTION	
Ecosystem Management and Restoration Trust Fund	12,100,000
Inland Protection Trust Fund	5,500,000
Land Acquisition Trust Fund	21,000,000
Solid Waste Management Trust Fund	500,000
Water Management Lands Trust Fund	10,000,000
Water Quality Assurance Trust Fund	2,000,000
FISH AND WILDLIFE CONSERVATION COMMISSION	
Invasive Plant Control Trust Fund	6,500,000
PUBLIC SERVICE COMMISSION	
Regulatory Trust Fund	3,000,000
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION	
Alcoholic Beverages and Tobacco Trust Fund	275,240
Division of Florida Condominiums, Timeshares and Mobile Homes Trust Fund	5,800,000
Hotels and Restaurants Trust Fund	8,400,000
Professional Regulation Trust Fund	4,800,000
Pari-Mutuel Trust Fund	974,992

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DEPARTMENT OF FINANCIAL SERVICES	
Anti-Fraud Trust Fund	12,400,000
Financial Institutions Regulatory Trust Fund	500,000
Insurance Regulatory Trust Fund	8,500,000
Regulatory Trust Fund	1,834,768
DEPARTMENT OF MANAGEMENT SERVICES	
Architects Incidental Trust Fund	1,000,000
Bureau of Aircraft Trust Fund	215,000
Law Enforcement Radio Trust Fund	3,500,000
Operating/Purchasing Trust Fund	5,800,000
DEPARTMENT OF LEGAL AFFAIRS	
Elections Commission Trust Fund	1,300,000
JUSTICE ADMINISTRATION COMMISSION	
State Attorneys Revenue Trust Fund	2,000,000
STATE COURTS	
State Courts Revenue Trust Fund	4,700,000
DEPARTMENT OF COMMUNITY AFFAIRS	
Local Government Housing Trust Fund	133,187,355
State Housing Trust Fund	56,343,754
Emergency Management Preparedness and Assistance Trust Fund	3,500,000
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES	
Highway Safety Operating Trust Fund	5,000,000

For transfer to State School Trust Fund:

DEPARTMENT OF TRANSPORTATION	
State Transportation Trust Fund	150,000,000

Funds specified above from each trust fund shall be transferred in four equal installments on a quarterly basis during the fiscal year, except as noted:

1. Funds from the Local Government Housing Trust Fund, shall be transferred by June 30, 2012.

2. Funds from the Pari-Mutuel Wagering Trust Fund and the Alcoholic Beverages and Tobacco Trust Fund shall be transferred in April 2012.

3. The transfer of funds from the State Transportation Trust fund to the State School Trust Fund for Fiscal Year 2011-2012 shall occur in September and December of 2011, and in January and April of 2012.

SECTION 111. The Chief Financial Officer is hereby authorized to transfer $214,500,000 to the budget stabilization fund for Fiscal Year 2011-2012 as required by section 215.32(2)(c), Florida Statutes.

SECTION 112. Any section of this act, or any appropriation herein contained, if found to be invalid shall in no way affect other sections or specific appropriations contained in this act.

SECTION 113. Except as otherwise provided herein, this act shall take effect July 1, 2011, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 2011, then it shall operate retroactively to July 1, 2011.

TOTAL THIS GENERAL APPROPRIATION ACT

FROM GENERAL REVENUE FUND	23,182,748,671	
FROM TRUST FUNDS		46,493,890,488
TOTAL POSITIONS	122,235.75	
TOTAL ALL FUNDS		69,676,639,159
TOTAL APPROVED SALARY RATE	4,987,462,959	

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2011, and ending June 30, 2012, to pay salaries, and other expenses, capital outlay – buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2000** was adopted. **SB 2000** was passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—31

Mr. President	Fasano	Norman
Alexander	Flores	Oelrich
Altman	Gaetz	Richter
Benacquisto	Garcia	Ring
Bennett	Gardiner	Simmons
Bogdanoff	Hays	Siplin
Dean	Jones	Storms
Detert	Latvala	Thrasher
Diaz de la Portilla	Lynn	Wise
Dockery	Margolis	
Evers	Negron	

Nays—8

Braynon	Montford	Smith
Hill	Rich	Sobel
Joyner	Sachs	

MOTIONS

On motion by Senator Thrasher, the rules were waived and time of recess was extended until 11:59 p.m.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2002

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2002, same being:

An act implementing the 2011-2012 General Appropriations Act.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Chair
s/ Ben Albritton
Gary Aubuchon, At Large
Leonard L. Bembry
Mack Bernard
s/ Jeffrey "Jeff" Brandes
s/ Douglas Vaughn "Doug" Broxson
Charles S. "Chuck" Chestnut IV, At Large
s/ Fredrick W. "Fred" Costello
s/ Daniel Davis
Chris Dorworth
Clay Ford
James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
Eduardo "Eddy" Gonzalez
James W. "J.W." Grant
s/ Doug Holder
s/ Mike Horner
s/ Dorothy L. Hukill, At Large
Mia L. Jones
Martin David "Marty" Kiar
s/ John Legg, At Large
Debbie Mayfield
s/ Seth McKeel, At Large
s/ Peter Nehr
Jeanette M. Nunez
Mark S. Pafford
s/ W. Keith Perry
Scott Plakon
s/ Stephen L. Precourt
s/ Lake Ray
Betty Reed
Hazelle P. "Hazel" Rogers
Darryl Ervin Rouson, At Large
Ron Saunders, At Large
Irving "Irv" Slosberg
s/ Jimmie T. Smith
Darren Soto
s/ W. Gregory "Greg" Steube
Will W. Weatherford, At Large
s/ Trudi K. Williams
Ritch Workman
s/ Janet H. Adkins
s/ Larry Ahern
s/ Frank Artiles
s/ Dennis K. Baxley
Lori Berman
Michael Bileca
s/ Jason T. Brodeur
s/ Matthew H. "Matt" Caldwell
Daphne D. Campbell
s/ Marti Coley
Richard Corcoran
s/ Steve Crisafulli
s/ Jose Felix Diaz
Brad Drake
s/ Erik Fresen
s/ Matt Gaetz
s/ Richard "Rich" Glorioso
Tom Goodson
s/ Gayle B. Harrell
s/ Ed Hooper
s/ Matt Hudson
s/ Clay Ingram
John Patrick Julien
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Larry Metz
s/ Bryan Nelson
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Ray Pilon
Elizabeth W. Porter
William L. "Bill" Proctor, At Large
Kenneth L. "Ken" Roberson
s/ Patrick Rooney, Jr.
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
William D. Snyder, At Large
Kelli Stargel
s/ Carlos Trujillo
Alan B. Williams
John Wood
s/ Dana D. Young

Managers on the part of the House

The Conference Committee Amendment for SB 2002, 1st Eng., implementing the 2011-2012 General Appropriations Act, provides for the following:

• INTENT. This section provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for Fiscal Year 2011-12.

• FEFP. Incorporates Florida Education Finance Program workpapers by reference for the purpose of displaying the calculations used by the Legislature.

• EDUCATION FCO. Amends s. 216.292 to authorize transfer of unused Fixed Capital Outlay appropriations from one public schools category to another.

• EDUCATION/READY TO WORK. Authorizes funds from the Workers' Compensation Administration Trust Fund to be used for the Ready to Work Program.

• EDUCATION/CARRY FORWARD. Authorizes a university board of trustees to expend reserve or carry-forward balances from prior year operational and programmatic appropriations on legis-

latively approved fixed capital outlay projects authorized for the establishment of a new campus.

• DEPARTMENT OF CHILDREN AND FAMILY SERVICES/ FORENSIC MENTAL HEALTH. Amends s. 394.908, F.S. to authorize the Department of Children and Families to allocate funds appropriated for forensic mental health treatment services to the areas of the state with the greatest service demand and capacity.

• DEPARTMENT OF HEALTH/NITROGEN. Provides requirements to govern the completion of Phases 2 and 3 of the Department of Health's Florida Onsite Sewage Nitrogen Strategies Study. Prohibits state agencies from implementing regulations with higher standards than those currently in place until Phase 2 and Phase 3 of the department's Florida Onsite Sewage Nitrogen Reduction Strategies Study is completed.

• DEPARTMENT OF CHILDREN AND FAMILY SERVICES/ORGANIZATIONAL FLEXIBILITY. Amends Section 1, ch. 2007-174, Laws of Florida, to extend for one year the repeal date of language that provides the Department of Children and Families flexibility in its organizational structure.

• FAMU CRESTVIEW CENTER. Provides authority for the Department of Health to transfer funding to the Florida Agricultural and Mechanical University for the Crestview Center through the budget amendment process.

• MEDICAID HOSPITAL REIMBURSEMENT PLAN. Adopts by reference the document used to display the calculations used by the Legislature in making appropriations for the Low Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs.

• MEDICAID PROGRAM HOSPITAL INPATIENT AND OUTPATIENT PROVISO. Amends the third and tenth paragraphs of proviso in Specific Appropriation 177 and the second paragraph of proviso of Specific Appropriation 182 of the 2011-2012 General Appropriations Act.

• ONSITE SEWAGE DISPOSAL SYSTEMS. Prohibits the Department of Health from implementing the onsite sewage treatment and disposal program described in s. 381.0065, Florida Statutes, until the department submits a plan to the Legislative Budget Commission and the plan is approved.

• DOC/DJJ/IMPACT COSTS PAID TO LOCAL GOVT. Provides that the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts incurred by a municipality or county and associated with opening or operating a facility under the authority of the respective department which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county.

• DOC/CJIC ESTIMATE/NEW POSITIONS AND FUNDING. Amends s. 216.262, F.S. to allow the Executive Office of the Governor to request additional positions and appropriations from unallocated general revenue during the 2011-2012 fiscal year for the Department of Corrections if the actual inmate population of the department exceeds the inmate population projections of the February 2011 Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month. The additional positions and appropriations must be approved by the Legislative Budget Commission.

• DLA/PAY SALARIES WITH EXCESS CASH. Authorizes the Department of Legal Affairs to transfer cash remaining after required disbursements from specified Attorney General cases to the Operating Trust Fund to pay salaries and benefits.

• DEPARTMENT OF LEGAL AFFAIRS. Authorizes DLA to expend appropriated funds in those specific appropriations on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in prior years.

• MUNICIPALITIES/REPAY GEN. FUND. Amends s. 932.7055, F.S. to extend for another year the authorization for a municipality to expend funds in a special law enforcement trust fund to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.

• DJJ/MEDICARE RATES. Provides limitation on DJJ reimbursements for health care services to 110 percent of Medicare allowable rates.

• COURT TRUST FUND REPAYMENT. Provides that the state court system is relieved of loan repayment obligations made from Mediation and Arbitration and Court Education Trust Fund during 2010-11 FY

• STATE COURTS REVENUE TF/LOAN REQUEST. Authorizes Chief Justice to secure a trust fund loan during the 2011-12 FY if revenues are insufficient in the State Courts Revenue Trust Fund to fund appropriations.

• CLERK TRUST FUND. Notwithstanding section 28.2455, F.S., to allow funds remaining in the Clerks of Court Trust Fund to be available for clerks of court for fiscal year 2011-2012 expenditures

• COUNTY COURT FUNDING. Amends s. 29.008, F.S. to provide that counties are exempt from the requirement to increase expenditures by 1.5 percent for court-related functions.

• STATE AGENCY LAW ENFORCEMENT RADIO SYSTEM. Provides that funds from the State Agency Law Enforcement Radio System Trust Fund may be used by the Department of Management Services to fund mutual aid build out maintenance and sustainment.

• FLORIDA CATASTROPHIC STORM RISK MANAGEMENT CENTER. Provides for a study of factors affecting costs and availability, of property and casualty insurance in Florida.

• MYFLORIDA.COM PORTAL. Authorizes the Department of Management Services to use interest earnings from the Communications Working Capital Trust Fund as the funding source for its responsibilities related to the MyFlorida.com portal.

• CITRUS ADVERTISING TRUST FUND. Amends s. 253.034., F.S., to provide that funds derived from the sale of property by the Department of Citrus located in Lakeland, Florida, are authorized to be deposited into the Citrus Advertising Trust Fund.

• CITRUS BOX TAX RATE. Limits the tax on grapefruit, tangerines, and fresh oranges at the rate in effect on May 1, 2011; the tax rate on oranges in processed form shall not exceed 25 cents per box.

• CITRUS COMMISSION EXECUTIVE DIRECTOR TERM. Provides that the Executive Director of the Citrus Commission shall serve a 4-year term, except for the initial term of the Executive Director shall end on June 30, 2011.

• LAND ACQUISITION TRUST FUND. Allows revenues from the trust fund to be used for Total Maximum Daily Loads programs within the Department of Environmental Protection.

• WATER MANAGEMENT LANDS TRUST FUND. Provides for the allocation of moneys from the Water Management Lands Trust Fund to pay debt service on bonds issued before 2/1/09, by the South Water Management District and the St. Johns Water Management District; continues to provide for $8M to be transferred to the General Revenue Fund; and provides the remaining funds be distributed to the Suwannee River Water Management District, of which $500,000 may be used for minimum flows and levels.

• ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND/BEACHES. Authorizes the use of revenues in the Ecosystem Management and Restoration Trust Fund for funding of activities to preserve and repair the state's beaches.

• DACS for GITF SPENDING FOR CH. 570 PROGRAMS. Amends s. 570.20, F.S., to extend for another year the authorization for funds in the General Inspection Trust Fund of the Department of Agriculture and Consumer Services to be appropriated for programs operated by the department which are related to the programs authorized by chapter 570, F.S.

• DEP/WASTE TIRE/LITTER. Requires the Department of Environmental Protection to award $2,400,000 of grant funds equally to counties having populations of fewer than 100,000 for waste tire, litter prevention, recycling and education, and general solid waste programs.

• DACS for AGRICULTURE PROMOTION CONTRACTS. Provides that, notwithstanding s. 287.057, F.S., (governing procurement of commodities or contractual services), the Department of Agriculture and Consumer Services, at its discretion, is authorized to extend, revise, and renew current contracts or agreements created or entered into, pursuant to chapter 2006-25, Laws of Florida (the 2006-2007 GAA), in order to provide consistency and continuity in agriculture promotion throughout the state.

• STATE OWNED LANDS. Provides that the acquisition and disposition of state-owned lands are exempt from appraisal requirements if the proceeds of such conveyance will be used to purchase state-owned lands for preservation, conservation, and recreation purposes. Requires agencies to submit a list of state-owned lands to Board of Trustees of the Internal Improvement Trust Fund that are available for lease or are surplus lands. Proceeds from the sale of such lands will be deposited into the Florida Forever Trust Fund and used to acquire state-owned lands for preservation, conservation, or recreation purposes.

• FEDERAL GRANTS TRUST FUND. Amends s. 379.204, F.S. to authorize the Fish and Wildlife Conservation Commission to transfer cash balance originating from hunting and finishing license fees in other trust funds into the Federal Grants Trust Fund for the purpose of supporting cash flow.

• DOT/ADOPTED WORKPLAN. Amends s. 339.135(4)(a)(3), F.S. to provide Legislative intent to minimize the impacts of reduced revenues.

• DOT/OTTED ROAD FUND/WORK PROGRAM/AIRPORT PROJECTS. Amends s. 339.135(5), F.S. Provides that the Department of Transportation shall transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to $15,000,000 for the purpose of funding economic development transportation projects. Provides that the transfer shall not reduce, delete, or defer any existing projects funded, as of July 1, 2011, in the Department of Transportation's 5-year work program. Requires Department of Transportation to fund airport development projects specified in the General Appropriations Act.

• DOT/STTF/GENERAL REVENUE FUND. Amends s. 339.08, F.S. to provide that STTF funds may be transferred to General Revenue or the State School Trust Fund.

• DOT/STTF/ADMIN COSTS. Amends s. 339.08, F.S. to authorize funds in the Department of Transportation's State Transportation Trust Fund (STTF) to be used to pay administrative expenses incurred in accordance with applicable laws for a multicounty transportation or expressway authority created under chapter 343 or chapter 348, where jurisdiction for the authority includes a portion of the State Highway System and the administrative expenses are in furtherance of the duties and responsibilities of the authority in the development of improvements to the State Highway System.

• VEHICLES. Provides that the ownership of all vehicles currently used by the Office of Motor Carrier Compliance shall be transferred to DHSMV effective July 1, 2011 without payment of any titling or registration fees.

• AWI/ONE-STOP DELIVERY SYSTEM. Amends s. 445.009, F.S. to provide that a participant in an adult or youth work experience activity administered pursuant to chapter 445 shall be deemed an employee of the state for purposes of workers' compensation coverage. Provides that in determining the average weekly wage, all remuneration received from the employer shall be considered a gratuity, and the participant shall not be entitled to any benefits otherwise payable under s. 440.15, regardless of whether the participant may be receiving wages and remuneration from other employment with another employer and regardless of his or her future wage-earning capacity.

• CENTURY COMMISSION/TRAVEL AND PER DIEM. Reenacts s. 163.3247, F.S. to carry forward amendment made during 2010 session which removed authorization for members of the commission to receive per diem and travel expenses while in performance of duties.

• CENTURY COMMISSION/DISTRIBUTION OF TAXES. Reenacts s. 201.15, F.S. to carry forward amendment made during 2010 session which removed language distributing certain taxes to the Century Commission.

• STATE COMPREHENSIVE ENHANCED TRANSPORTATION SYSTEM TAX/TRANSFER. Amends s. 206.608, F.S. to assist the Department of Transportation in adopting a work program balanced to revenues by giving the department the flexibility to use State Comprehensive Enhanced Transportation System Tax proceeds that are deposited into the State Transportation Trust Fund outside the district in which were collected.

• HIGHWAY SAFETY OPERATING TRUST FUND TRANSFER. Notwithstands 320.204 to delay transfer from Highway Safety Operating Trust fund to the FDOT Transportation Disadvantaged Trust Fund

• PASSENGER RAIL FUNDING. Notwithstands s. 341.303(6)(a) to provide legislative discretion as to the placement of passenger rail funding with the FDOT budget.

• TRANSFER OF OMCC EMPLOYEES TO HSMV. Provides that incumbent employees transferred from the Office of Motor Carrier Compliance to the Department of Highway Safety and Motor Vehicles who are exempt from career service to be placed in career service upon transfer. Legislative intent that incumbent employees retain current status unless otherwise provided in GAA.

• TOLL FACILITIES REVOLVING TRUST FUND. Authorizes grants of up to $3 million from the trust fund for expressway projects.

• RISK MANAGEMENT TRANSFERS. Authorizes the Executive Office of the Governor to transfer funds in order to align the budget authority granted to pay each department's risk management insurance.

• HUMAN RESOURCE SERVICES TRANSFER. Authorizes the Executive Office of the Governor to transfer funds in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2010-2011 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resources management services.

• HEALTH SAVINGS ACCOUNTS. Sets rates for health savings accounts at the current levels for FY 2011-2012.

• STATE EMPLOYEE HEALTH INSURANCE. Provides that the state contribution to the State Group Insurance Program will be the difference between the costs and the employee contributions.

• EMPLOYEE ASSIGNMENTS. Amends s. 112.24, F.S. to provide that the reassignment of an employee of a state agency may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the Senate and House budget committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after the chair's receiving notice of the action pursuant to s. 216.177, F.S.

• LEGISLATIVE SALARIES. Provides that legislative salaries will remain at the same level in effect on July 1, 2010.

• CAPITAL COLLATERAL REGISTRY. Provides that in the event that HB 5011 fails to become law, the Justice Administrative Commission will maintain the registry of attorneys qualified for appointment for capital collateral defense.

• TRUST FUND SWEEPS TO GENERAL REVENUE. Amends s. 215.32(2)(b), F.S., in order to implement the transfer of moneys to the General Revenue Fund or State School Trust Fund from trust funds in the 2011-2012 General Appropriations Act.

• LAWTON CHILES ENDOWMENT FUND. eenacts s. 215.5601, F.S. relating to investment objectives of endowment. In 2008 session, language was added to indicate that the investment objective shall be long-term preservation of the real value of the net contributed principal and a specified regular annual cash outflow for appropriation, as nonrecurring revenue. The following sentence was also added: "Withdrawals other than specified regular cash outflow shall be considered reductions in contributed principal for the purposes of this subsection."

• STATE DEBT/BEST INTEREST OF STATE. Provides that, in order to implement the issuance of new debt authorized in the 2011-2012 General Appropriations Act, and pursuant to the requirements of s. 215.98, F.S., the Legislature determines that the authorization and issuance of debt for the 2011-2012 fiscal year should be implemented and is in the best interest of the state and necessary to address a critical state emergency.

• STATE EMPLOYEE TRAVEL. Provides that funds appropriated for travel by state employees shall be limited to travel for activities that are critical to each state agency's mission. Prohibits funds from being used to travel to foreign countries, other states, conferences, staff-training or other administrative functions unless agency head approves in writing. Requires agency head to consider use of teleconferencing and electronic communication to meet needs of activity before approving travel.

• DATA CENTERS/TRANSFERS. Provides that the Governor is authorized to transfer funds appropriated in any appropriation category used to pay for data processing in the General Appropriations Act between agencies in order to align the budget authority granted with the utilization rate of each department.

• DATA PROCESSING/TRANSFERS. Provides that an agency may transfer funds from the data processing appropriation categories to another appropriation category for the purpose of supporting and managing its computer resources until such time as the agency's data processing function is transferred to the Southwood Shared Resource Center, the Northwood Shared Resource Center, or the Northwest Regional Data Center.

• SUNCOM. Provides that the Governor is authorized to transfer funds appropriated in the appropriations category "expenses" between agencies in order to allocate a reduction relating to SUNCOM Services.

• PHARMACY COPAYMENTS. Amends s. 110.12315, F.S., to modify copayments consistent with decisions that have been made in the GAA.

• MULTIPLE AGENCY LEASES. Requires the Department of Management Services to use the services of a tenant broker to renegotiate all private lease agreements more than 150,000 square feet and authorizes the use of savings to generate additional savings.

• RENEGOTIATION OF PRIVATE LEASE AGREEMENTS. Requires the Department of Management Services and state agencies to seek to renegotiate private lease agreements of more than 2,000 square feet expiring before June 30, 2013.

• STATE TERM CONTRACT/MMCAP. Requires the DMS to issue a solicitation for the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP) agreement as a state term contract.

• FLORIDA DISCOUNT DRUG CARD PROGRAM. Requires AHCA to competitively reprocure a Florida Discount Drug Card Program to provide market competitive discounts and return money to the state on a per prescription basis. Discounts will be available to Florida residents without income restrictions. Revenues deposited into Grants and Donations Trust Fund to reduce cost of Medicaid pharmacy purchases.

• PRIDE. Requires agencies to submit report regarding purchases which could have been made from Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE), but were made from another vendor.

• VETOED ITEMS. Specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

• PRECEDENCE OF SUBSTANTIVE LAW. Provides for a permanent change made by another law to any of the same statutes amended by this bill will take precedence over the provision in this bill.

• SEVERABILITY CLAUSE.

• EFFECTIVE DATES. Provides that, except as otherwise expressly provided in this act, this act shall take effect July 1, 2011; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2011.

Conference Committee Amendment (182684)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for the 2011-2012 fiscal year.*

Section 2. *In order to implement Specific Appropriations 6, 7, 8, 68, and 69 of the 2011-2012 General Appropriations Act, the calculations of the Florida Education Finance Program for the 2011-2012 fiscal year in the document entitled "Public School Funding-The Florida Education Finance Program," dated May 3, 2011, and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of the Florida Statutes, in making appropriations for the Florida Education Finance Program.*

Section 3. In order to implement Specific Appropriations 15A and 15B of the 2011-2012 General Appropriations Act, paragraph (c) of subsection (3) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(3) The following transfers are authorized with the approval of the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch, subject to the notice and objection provisions of s. 216.177:

(c) The transfer of appropriations for fixed capital outlay from the Survey Recommended Needs-Public Schools appropriation category to the Maintenance, Repair, Renovation and Remodeling appropriation category. The allocation of transferred funds *must* ~~shall~~ be in accordance with s. *1013.62* ~~1013.64(1)~~. This paragraph expires July 1, *2012* ~~2011~~.

Section 4. *Notwithstanding ss. 440.50 and 1010.87, Florida Statutes, for the 2011-2012 fiscal year, funds provided in Specific Appropriation 98 of the 2011-2012 General Appropriations Act from the Workers' Compensation Administration Trust Fund shall be used for the Ready to Work Program created under s. 1004.99, Florida Statutes. This section expires July 1, 2012.*

Section 5. *In order to implement Specific Appropriation 119 of the 2011-2012 General Appropriations Act and notwithstanding any other law, for the 2011-2012 fiscal year only, a university board of trustees may expend reserve or carry-forward balances from prior year operational and programmatic appropriations for legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.*

Section 6. In order to implement Specific Appropriations 310 through 339 of the 2011-2012 General Appropriations Act, paragraphs (b) and (c) of subsection (3) of section 394.908, Florida Statutes, are amended to read:

394.908 Substance abuse and mental health funding equity; distribution of appropriations.—In recognition of the historical inequity in the funding of substance abuse and mental health services for the department's districts and regions and to rectify this inequity and provide for equitable funding in the future throughout the state, the following funding process shall be used:

(3)

(b) Notwithstanding paragraph (a) and for the *2011-2012* ~~2010-2011~~ fiscal year only, funds appropriated for forensic mental health treatment services shall be allocated to the areas of the state having the greatest demand for services and treatment capacity. This paragraph expires July 1, *2012* ~~2011~~.

(c) Notwithstanding paragraph (a) and for the *2011-2012* ~~2010-2011~~ fiscal year only, additional funds appropriated for substance abuse and mental health services from funds available through the Community-Based Medicaid Administrative Claiming Program shall be allocated as provided in the 2010-2011 General Appropriations Act and in proportion to contributed provider earnings. This paragraph expires July 1, *2012* ~~2011~~.

Section 7. *In order to implement Specific Appropriation 465 of the 2011-2012 General Appropriations Act, and for the 2011-2012 fiscal year only, the following requirements govern the completion of Phase 2 and Phase 3 of the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study:*

(1) The Department of Health's underlying contract for the study remains in full force and effect and funding for completion of Phase 2 and Phase 3 is through the Department of Health.

(2) The Department of Health, the Department of Health's Research Review and Advisory Committee, and the Department of Environmental Protection shall work together to provide the necessary technical oversight of the completion of Phase 2 and Phase 3 of the project.

(3) Management and oversight of the completion of Phase 2 and Phase 3 must be consistent with the terms of the existing contract. However, the main focus and priority to be completed during Phase 3 shall be developing, testing, and recommending cost-effective passive technology design criteria for nitrogen reduction.

(4) The systems installed at homesites are experimental in nature and shall be installed with significant field testing and monitoring. The Department of Health is specifically authorized to allow installation of these experimental systems. Notwithstanding any other law, before Phase 3 of the study is completed, a state agency may not adopt or implement a rule or policy that:

(a) Mandates, establishes, or implements more restrictive nitrogen-reduction standards to existing or new onsite sewage treatment systems or modification of such systems; or

(b) Directly or indirectly requires the use of performance-based treatment systems or similar technology, such as through an administrative order developed by the Department of Environmental Protection as part of a basin management action plan adopted pursuant to s. 403.067, Florida Statutes. However, the implementation of more restrictive nitrogen-reduction standards for onsite systems may be required through a basin management action plan if such plan is phased in after completion of Phase 3.

Section 8. Effective June 29, 2011, in order to implement Specific Appropriations 259 through 357 of the 2011-2012 General Appropriations Act, subsection (3) of section 1 of chapter 2007-174, Laws of Florida, is amended to read:

Section 1. Flexibility for the Department of Children and Family Services.—

(3) This section expires *July 1, 2012* ~~June 30, 2008~~.

Section 9. *In order to implement Specific Appropriations 171 and 177 through 179 and 182 of the 2011-2012 General Appropriations Act, the calculations of the Medicaid Low-Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs for the 2011-2012 fiscal year in the document entitled "Medicaid Supplemental Hospital Funding Programs" dated May 3, 2011, and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of the Florida Statutes, in making appropriations for the Low-Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs.*

Section 10. *In order to implement Specific Appropriation 536 of the 2011-2012 General Appropriations Act, notwithstanding s. 216.177, Florida Statutes, requiring only 3 days' notice to the Legislature for the release of funds, budget amendments recommending the release of funds must be provided at least 14 days before the effective date of the action and are subject to the objection procedures in s. 216.177(2)(b), Florida Statutes.*

Section 11. *In order to implement Specific Appropriation 177 of the 2011-2012 General Appropriations Act, and for the 2011-2012 fiscal year only, the third and tenth paragraph of proviso following the appropriation is repealed and replaced with:*

Funds in Specific Appropriation 177 reflect a reduction of $173,477,299 from the General Revenue Fund, $220,252,391 from the Medical Care Trust Fund, and $1,199,158 from the Refugee Assistance Trust Fund as a result of modifying the reimbursement for inpatient hospital rates. The agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to achieve this reduction. In establishing rates through the normal process, before including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary; however, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but may not be reduced below the unit cost used in establishing the budget. Hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent and rural hospitals, as defined in s. 395.602, Florida Statutes, are excluded from this reduction.

From the funds in Specific Appropriation 177, $239,417,562 from the Grants and Donations Trust Fund and $303,972,274 from the Medical Care Trust Fund are provided for public hospitals, including any leased public hospital determined to be covered under the state's sovereign immunity; teaching hospitals, as defined in s. 408.07 or s. 395.805, Florida Statutes, which have 70 or more full-time equivalent resident physicians; hospitals that have graduate medical education positions that do not otherwise qualify; and designated trauma hospitals to buy back the Medicaid inpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their inpatient rates up to actual Medicaid inpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county, or other governmental funds. This section of proviso does not include the buy back of the Medicaid inpatient trend adjustment applied to the individual state mental health hospitals.

Section 12. *In order to implement Specific Appropriation 182 of the 2011-2012 General Appropriations Act, and for the 2011-2012 fiscal year only, the second paragraph of proviso following the appropriation is repealed and replaced with:*

Funds in Specific Appropriation 182 reflect a reduction of $43,572,721 from the General Revenue Fund, $55,321,338 from the Medical Care Trust Fund, and $151,174 from the Refugee Assistance Trust Fund as a result of implementing a reduction in outpatient hospital reimbursement rates. The agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to achieve this reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget. Hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent

and rural hospitals as defined in s. 395.602, Florida Statutes, are excluded from this reduction.

Section 13. *In order to implement Specific Appropriations 459 through 469 of the 2011-2012 General Appropriations Act, before the implementation of the onsite sewage treatment and disposal system evaluation program described in s. 381.0065(5)(a), Florida Statutes, the Department of Health shall submit a plan for approval by the Legislative Budget Commission which includes an estimate of agency workload and funding needs. The department may not expend funds in furtherance of the evaluation program before the plan is approved by the commission.*

Section 14. *In order to fulfill legislative intent regarding the use of funds contained in Specific Appropriations 605, 616, 628, and 1135 of the 2011-2012 General Appropriations Act, the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying costs that are incurred by a municipality or county and are associated with opening or operating a facility under the authority of the respective department. The amount paid for any facility may not exceed 1 percent of the cost to construct the facility, less building impact fees imposed by the municipality or county. This section expires July 1, 2012.*

Section 15. In order to implement Specific Appropriations 570 through 688A and 726 through 759 of the 2011-2012 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter *relating to* ~~on~~ increasing the number of authorized positions, and for the *2011-2012* ~~2010-2011~~ fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the February *21, 2011* ~~19, 2010~~, Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor, with the approval of the Legislative Budget Commission, shall immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates. The Department of Corrections may then submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from unallocated general revenue sufficient to provide for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population. All actions taken pursuant to ~~the authority granted in~~ this subsection *are* ~~shall be~~ subject to review and approval by the Legislative Budget Commission. This subsection expires July 1, *2012* ~~2011~~.

Section 16. *In order to implement Specific Appropriations 1253, 1267, 1274, 1295, and 1305 of the 2011-2012 General Appropriations Act, the Department of Legal Affairs may transfer cash remaining after required disbursements for Attorney General case numbers 09-CV-51614, 16-2008-CA-01-3142CV-C, and CACE08022328 from FLAIR account 41-74-2-601001-41100100-00-181076-00 to the Operating Trust Fund to pay salaries and benefits. This section expires July 1, 2012.*

Section 17. *In order to implement Specific Appropriations 1289 and 1290 of the 2011-2012 General Appropriations Act, the Department of Legal Affairs may expend appropriated funds in those specific appropriations on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in prior years. This section expires July 1, 2012.*

Section 18. In order to implement Specific Appropriations 1192 and 1198 of the 2011-2012 General Appropriations Act, paragraph (d) of subsection (4) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.—

(4) The proceeds from the sale of forfeited property shall be disbursed in the following priority:

(d) Notwithstanding any other provision of this subsection, and for the *2011-2012* ~~2010-2011~~ fiscal year only, the funds in a special law enforcement trust fund established by the governing body of a municipality may be expended to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund *before* ~~prior to~~ October 1, 2001. This paragraph expires July 1, *2012* ~~2011~~.

Section 19. *(1) In order to implement Specific Appropriations 1069, 1070, 1074, 1075, 1115, 1116, 1120, 1121, 1123, 1126, 1127, 1130, 1131, 1132, 1141, and 1146 of the 2011-2012 General Appropriations Act, the Department of Juvenile Justice must comply with the following reimbursement limitations:*

(a) Payments to a hospital or a health care provider may not exceed 110 percent of the Medicare allowable rate for any health care services provided if no contract exists between the department and the hospital or the health care provider providing services at a hospital;

(b) The department may continue to make payments for health care services at the currently contracted rates through the current term of the contract if a contract has been executed between the department and a hospital or a health care provider providing services to a hospital; however, payments may not exceed 110 percent of the Medicare allowable rate after the current term of the contract expires or after the contract is renewed during the 2011-2012 fiscal year;

(c) Payments may not exceed 110 percent of the Medicare allowable rate under a contract executed on or after July 1, 2011, between the department and a hospital or health care provider providing services at a hospital;

(d) Notwithstanding paragraphs (a), (b), and (c), the department may pay up to 125 percent of the Medicare allowable rate for health care services at a hospital that reports or has reported a negative operating margin for the previous fiscal year to the Agency for Health Care Administration through hospital-audited financial data; and

(e) The department may not execute a contract for health care services at a hospital for rates other than rates based on a percentage of the Medicare allowable rate.

(2) For purposes of this section, the term "hospital" means a hospital licensed under chapter 395, Florida Statutes.

(3) This section expires July 1, 2012.

Section 20. *In order to implement section 7 of the 2011-2012 General Appropriations Act, and notwithstanding s. 215.18, Florida Statutes, the state court system is relieved of loan repayment obligations for loans made from the Mediation and Arbitration Trust Fund and the Court Education Trust Fund to the state court system during the 2010-2011 fiscal year. This section is effective upon this act becoming a law.*

Section 21. In order to implement Section 7 of the 2011-2012 General Appropriations Act, section 215.18, Florida Statutes, is amended to read:

215.18 Transfers between funds; limitation.—

(1) Whenever there *is a deficiency* ~~exists~~ in any fund provided for by s. 215.32 ~~a deficiency~~ which would render such fund insufficient to meet its just requirements, and ~~there shall exist in the~~ other funds in the State Treasury *have* moneys which are for the time being or otherwise in excess of the amounts necessary to meet the just requirements of such last-mentioned funds, the Governor may order a temporary transfer of moneys from one fund to another in order to meet temporary deficiencies in a particular fund without resorting to the necessity of borrowing money and paying interest thereon. Any action proposed under this section is subject to the notice and objection procedures set forth in s. 216.177, and the Governor shall provide notice of such action at least 7 days *before* ~~prior to~~ the effective date of the transfer of funds. Except as otherwise provided in s. 216.222(1)(a)2., the fund from which any money is temporarily transferred *must* ~~shall~~ be repaid the amount transferred from it *by* ~~not later than~~ the end of the fiscal year in which such transfer is made, the date of repayment to be specified in the order of the Governor.

(2) The Chief Justice of the Supreme Court may receive one or more trust fund loans of up to $54 million in total, the purpose of which is to ensure that the state court system has funds sufficient to meet its appropriations in the 2011-2012 General Appropriations Act. If the Chief Justice accesses the loan, he or she must notify the Governor and the

chairs of the legislative appropriations committees in writing. The loan must come from other funds in the State Treasury which are for the time being or otherwise in excess of the amounts necessary to meet the just requirements of such last-mentioned funds. The Governor shall order the transfer of funds within 5 days after the written notification from the Chief Justice. If the Governor does not order the transfer, the Chief Financial Officer shall transfer the requested funds. The loan of funds from which any money is temporarily transferred must be repaid by the end of the 2011-2012 fiscal year. This subsection expires July 1, 2012.

Section 22. *In order to implement Specific Appropriation 791 of the 2011-2012 General Appropriations Act, and not withstanding s. 28.2455, Florida Statutes, any funds remaining in the Clerks of Court Trust Fund may not be transferred to the General Revenue Fund and remain available to the clerks of court for expenditures during the 2011-2012 fiscal year. This section shall take effect upon becoming a law and expires July 1, 2012.*

Section 23. In order to implement section 7 of the 2011-2012 General Appropriations Act, paragraph (c) of subsection (4) of section 29.008, Florida Statutes, is amended to read:

29.008 County funding of court-related functions.—

(4)

(c) Counties are exempt from all requirements and provisions of paragraph (a) for the *2011-2012* ~~2010-2011~~ fiscal year. Accordingly, for the *2011-2012* ~~2010-2011~~ fiscal year, counties shall maintain, but are not required to increase, their expenditures for the items specified in paragraphs (1)(a)-(h) and subsection (3). The requirements described in paragraph (a) shall be reinstated beginning with the *2012-2013* ~~2011-2012~~ fiscal year. This paragraph expires July 1, *2012* ~~2011~~.

Section 24. In order to implement Specific Appropriation 2701A of the 2011-2012 General Appropriation Act, subsection (3) of section 282.709, Florida Statutes, is amended to read:

282.709 State agency law enforcement radio system and interoperability network.—

(3)*(a)* The State Agency Law Enforcement Radio System Trust Fund is established in the department and funded from surcharges collected under ss. 318.18, 320.0802, and 328.72. Upon appropriation, moneys in the trust fund may be used by the department to acquire by competitive procurement the equipment, software, and engineering, administrative, and maintenance services it needs to construct, operate, and maintain the statewide radio system. Moneys in the trust fund *from* ~~collected as a result of the~~ surcharges ~~set forth in ss. 318.18, 320.0802, and 328.72~~ shall be used to help fund the costs of the system. Upon completion of the system, moneys in the trust fund may also be used by the department for payment of the recurring maintenance costs of the system.

(b) Funds from the State Agency Law Enforcement Radio System Trust Fund may be used by the department to fund mutual aid buildout maintenance and sustainment as appropriated by law. This paragraph expires July 1, 2012.

Section 25. *In order to implement Specific Appropriation 2341A of the 2011-2012 General Appropriations Act, the Florida Catastrophic Storm Risk Management Center at Florida State University shall conduct the analysis as originally required in s. 164 of chapter 2004-390, Laws of Florida. Notwithstanding that section, the center shall use the most recent and available premium data for personal lines property and casualty insurance in completing the analysis.*

Section 26. *In order to implement Specific Appropriations 2574 through 2584 of the 2011-2012 General Appropriations Act, the Department of Management Services shall use interest earnings of the Communications Working Capital Trust Fund as the funding source for its responsibilities for the administration of the MyFlorida.com portal.*

Section 27. In order to implement Specific Appropriations 2173 through 2195 of the 2011-2012 General Appropriations Act, subsection (13) of section 253.034, Florida Statutes, as amended by chapter 2010-280, Laws of Florida, is amended to read:

253.034 State-owned lands; uses.—

(13) Notwithstanding the provisions of this section, funds derived from the sale of the Department of Citrus' property located in Lakeland, Florida, *shall* ~~are authorized to~~ be deposited into the Citrus Advertising Trust Fund. This subsection expires July 1, *2012* ~~2011~~.

Section 28. In order to implement Specific Appropriations 2173 through 2195 of the 2011-2012 General Appropriations Act, paragraph (a) of subsection (3) of section 601.15, Florida Statutes, is amended to read:

601.15 Advertising campaign; methods of conducting; excise tax; emergency reserve fund; citrus research.—

(3)(a) There is hereby levied and imposed upon each standard-packed box of citrus fruit grown and placed into the primary channel of trade in this state an excise tax at maximum annual rates for each citrus season as determined from the tables in this paragraph and based upon the previous season's actual statewide production as reported in the United States Department of Agriculture Citrus Crop Production Forecast as of June 1. The rates may be set at any lower rate in any year pursuant to paragraph (e).

1. The following maximum tax rates, expressed in cents per box, shall apply to grapefruit which enters the primary channel of trade for use in fresh form:

Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000 and thereafter
80 and greater	33	34	35	36	37
75-79.99	35	36	37	38	39
70-74.99	37	38	39	41	42
65-69.99	40	41	42	44	45
60-64.99	43	44	46	47	49
55-59.99	47	48	50	51	53
50-54.99	51	53	55	56	58
45-49.99	57	59	60	62	64
40-44.99	63	65	67	69	71
Less than 40	72	74	76	79	81

However, effective July 1, 2011, the tax rate per box on grapefruit that enters the primary channel of trade for use in fresh form may not exceed the tax rate per box in effect on May 1, 2011.

2. The following maximum tax rates, expressed in cents per box, shall apply to grapefruit which enters the primary channel of trade for use in processed forms:

Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000 and thereafter
80 and greater	23	24	25	25	26
75-79.99	25	25	26	27	28
70-74.99	26	27	28	29	30
65-69.99	28	29	30	31	32
60-64.99	31	32	32	33	34
55-59.99	33	34	35	36	37
50-54.99	36	38	39	40	41
45-49.99	40	41	43	44	45

Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000 and thereafter
40-44.99	45	46	48	49	51
Less than 40	51	53	54	56	57

However, effective July 1, 2011, the tax rate per box on grapefruit that enters the primary channel of trade for use in processed forms may not exceed the tax rate per box in effect on May 1, 2011.

3. The following maximum tax rates, expressed in cents per box, shall apply to oranges which enter the primary channel of trade for use in fresh form:

Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000 and thereafter
255 and greater	23	24	25	26	26
245-254.9	24	25	26	27	27
235-244.9	25	26	27	28	28
225-234.9	26	27	28	29	30
215-224.9	28	28	29	30	31
205-214.9	29	30	31	32	33
195-204.9	30	31	32	33	34
185-194.9	32	33	34	35	36
175-184.9	34	35	36	37	38
165-174.9	36	37	38	39	40
155-164.9	38	39	40	41	43
Less than 155	41	42	43	44	46

However, effective July 1, 2011, the tax rate per box on oranges that enter the primary channel of trade for use in fresh form may not exceed the tax rate per box in effect on May 1, 2011.

4. The following maximum tax rates, expressed in cents per box, shall apply to oranges which enter the primary channel of trade for use in processed form:

Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000 and thereafter
255 and greater	15	16	16	17	17
245-254.9	16	16	17	17	18
235-244.9	17	17	18	18	19
225-234.9	17	18	18	19	19
215-224.9	18	19	19	20	20
205-214.9	19	20	20	21	21
195-204.9	20	21	21	22	22
185-194.9	21	22	22	23	24
175-184.9	22	23	23	24	25
165-174.9	23	24	25	26	26
155-164.9	25	26	26	27	28
Less than 155	27	27	28	29	30

However, effective July 1, 2011, the tax rate per box on oranges that enter the primary channel of trade for use in processed form may not exceed 25 cents per box.

5. The actual tax rate levied each year upon oranges which enter the primary channel of trade for use in processed form, pursuant to this paragraph, paragraph (e), and subsection (4), shall also apply in that year to tangerines and citrus hybrids regulated by the Department of Citrus which enter the primary channel of trade for use in processed form.

6. The following maximum tax rates, expressed in cents per box, shall apply to tangerines and citrus hybrids regulated by the Department of Citrus which enter the primary channel of trade for use in fresh form:

Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000 and thereafter
13 and greater	24	24	25	26	27
12 - 12.99	26	26	27	28	29
11 - 11.99	28	29	30	30	31
10 - 10.99	31	31	32	33	34
9 - 9.99	34	35	36	37	38
8 - 8.99	38	39	40	41	42
7 - 7.99	43	44	45	47	48
Less than 7	49	51	52	54	56

However, effective July 1, 2011, the tax rate per box on tangerines and citrus hybrids regulated by the Department of Citrus which enter the primary channel of trade for use in fresh form may not exceed the tax rate per box in effect on May 1, 2011.

Section 29. *The amendment to s. 601.15(3)(a), Florida Statutes, shall expire July 1, 2012, and the text of that subsection shall revert to that in existence on June 30, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 30. Effective upon this act becoming a law and in order to implement Specific Appropriations 2173 through 2195 of the 2011-2012 General Appropriations Act, subsection (3) of section 601.10, Florida Statutes, is amended to read:

601.10 Powers of the Department of Citrus.—The Department of Citrus shall have and shall exercise such general and specific powers as are delegated to it by this chapter and other statutes of the state, which powers shall include, but shall not be confined to, the following:

(3) To employ and, at its pleasure, discharge an executive director~~, a secretary, and such attorneys, clerks, and employees~~ as it deems necessary and to outline *his or her* ~~their~~ powers and duties and fix *his or her* ~~their~~ compensation.

(a) The executive director of the department shall be appointed by a majority vote of the commission for a term of 4 years, except for the initial term, and is subject to confirmation by the Senate in the legislative session following appointment.

1. The initial term of the executive director ends June 30, 2011, and each subsequent 4-year term begins July 1, and shall be filled in the same manner as the original appointment.

2. A vacancy for the executive director shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(b) The Department of Citrus may pay, or participate in the payment of, premiums for health, accident, and life insurance for its full-time employees, pursuant to such rules or regulations as it may adopt; and such payments *are* ~~shall be~~ in addition to the regular salaries of such full-time employees. The payment of such or similar benefits to its employees in foreign countries, including, but not limited to, social security, retirement, and other similar fringe benefit costs, may be in accordance with laws in effect in the country of employment, except that no benefits will be payable to employees not authorized for other state employees, as provided in the Career Service System.

Section 31. *The amendment to s. 601.10(3), Florida Statutes, shall expire July 1, 2012, and the text of that subsection shall revert to that in existence on June 30, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 32. In order to implement Specific Appropriation 1648A of the 2011-2012 General Appropriations Act, paragraph (b) of subsection (3) of section 375.041, Florida Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(3)

(b) In addition to the uses allowed *under* ~~in~~ paragraph (a), for the *2011-2012* ~~2010-2011~~ fiscal year, moneys in the Land Acquisition Trust Fund are authorized for transfer to support the *Total Maximum Daily Loads Program* ~~Clean Water State Revolving Fund, the Drinking Water State Revolving Fund, the Total Maximum Daily Loads programs, and the Marine Spatial Planning programs~~ as provided in the General Appropriations Act. This paragraph expires July 1, *2012* ~~2011~~.

Section 33. In order to implement Specific Appropriation 1580A of the 2011-2012 General Appropriations Act, subsection (12) of section 373.59, Florida Statutes, is amended to read:

373.59 Water Management Lands Trust Fund.—

(12) Notwithstanding subsection (8), and for the *2011-2012* ~~2010-2011~~ fiscal year only, the moneys from the Water Management Lands Trust Fund *are* ~~shall be~~ allocated as follows:

(a) An amount necessary to pay debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District, which are secured by revenues provided pursuant to this section, or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds;

(b) Eight million dollars to be transferred to the General Revenue Fund; *and*

(c) The remaining funds to be distributed *to* ~~equally between~~ the Suwannee River Water Management District*, of which $500,000 may be used for minimum flows and levels.* ~~and the Northwest Florida Water Management District; and~~

~~(d) For the 2010-2011 fiscal year only, the sum of $50,000 from the Water Management Lands Trust Fund shall be transferred to the General Inspection Trust Fund in the Department of Agriculture and Consumer Services for the soil and water conservation districts for support services.~~

This subsection expires July 1, *2012* ~~2011~~.

Section 34. In order to implement Specific Appropriations 1649 through 1651, 1653, and section 34 of the 2011-2012 General Appropriations Act, paragraph (g) of subsection (1) of section 403.1651, Florida Statutes, is reenacted to read:

403.1651 Ecosystem Management and Restoration Trust Fund.—

(1) There is created the Ecosystem Management and Restoration Trust Fund to be administered by the Department of Environmental Protection for the purposes of:

(g) Funding activities to preserve and repair the state's beaches as provided in ss. 161.091-161.212.

Section 35. *The amendment to s. 403.1651(1)(g), Florida Statutes, as carried forward by this act from chapter 2010-153, Laws of Florida, shall expire July 1, 2012, and the text of that subsection shall revert to that in existence on June 30, 2009, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 36. In order to implement Specific Appropriations 1324 through 1475 of the 2011-2012 General Appropriations Act, subsection (2) of section 570.20, Florida Statutes, is amended to read:

570.20 General Inspection Trust Fund.—

(2) For the *2011-2012* ~~2010-2011~~ fiscal year only and notwithstanding any other provision of law ~~to the contrary~~, in addition to the spending authorized in subsection (1), moneys in the General Inspection Trust Fund may be appropriated for programs operated by the department which are related to the programs authorized by this chapter. This subsection expires July 1, *2012* ~~2011~~.

Section 37. In order to implement Specific Appropriation 1703AA of the 2011-2012 General Appropriations Act, subsection (5) of section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.—

(5) Notwithstanding any *other* provision of this section ~~to the contrary~~, and for the *2011-2012* ~~2010-2011~~ fiscal year only, the Department of Environmental Protection shall award the sum of $2,400,000 in grants equally to counties having populations of fewer than 100,000 for waste tire and litter prevention, recycling education, and general solid waste programs. This subsection expires July 1, *2012* ~~2011~~.

Section 38. *In order to implement Specific Appropriation 1430 of the 2011-2012 General Appropriations Act and to provide consistency and continuity in the promotion of agriculture throughout the state, notwithstanding s. 287.057, Florida Statutes, the Department of Agriculture and Consumer Services may extend, revise, and renew current contracts or agreements created or entered into pursuant to chapter 2006-25, Laws of Florida. This section expires July 1, 2012.*

Section 39. *In order to implement Specific Appropriation 1578A of the 2011-2012 General Appropriations Act, and notwithstanding ss. 253.034, 253.0341, and 259.041, Florida Statutes, the disposition of state-owned lands is exempt from appraisal requirements under s. 253.034(6)(g)1., Florida Statutes, and disposition requirements under s. 253.034(15), Florida Statutes, if the proceeds of such conveyance will be used to purchase state-owned lands for preservation, conservation, or recreation purposes. On or before October 1, 2011, all agencies shall submit a list of state-owned lands to the Board of Trustees of the Internal Improvement Trust Fund, to which the lands are titled, which are immediately available for lease or are surplus lands. Proceeds from the sale of such lands shall be deposited into the Florida Forever Trust Fund created by s. 259.1051, Florida Statutes, and used to acquire lands for preservation, conservation, or recreation purposes pursuant to the requirements of s. 259.105, Florida Statutes. The board of trustees shall ensure that, where appropriate, surplus or leased conservation lands are subject to perpetual conservation easements or other such restrictive covenants that run with the land and are duly recorded in the same manner as any other instrument affecting title to real property. This section expires July 1, 2012.*

Section 40. In order to implement Specific Appropriations 1814, 1831, 1895, and 1907, subsection (3) is added to section 379.204, Florida Statutes, to read:

379.204 Federal Grants Trust Fund.—

(3) The commission may transfer the cash balance originating from hunting and fishing license fees from other trust funds into the Federal

Grants Trust Fund for the purpose of supporting cash flow needs. This subsection expires July 1, 2012.

Section 41. *In order to implement Specific Appropriation 1806 and notwithstanding the provisions of s. 379.2342(2), Florida Statutes, for the 2011-2012 fiscal year only, the Fish and Wildlife Conservation Commission shall suspend the publication of a printed version the Florida Wildlife Magazine and the operations of the Florida Wildlife Magazine Advisory Council.*

Section 42. In order to implement Specific Appropriations 1918A through 1919, 1938A through 1938C, 1938E through 1938V, and 1976A through 1976K of the 2011-2012 General Appropriations Act, paragraph (a) of subsection (4) of section 339.135, Florida Statutes, is amended to read:

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

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

(a)1. To assure that no district or county is penalized for local efforts to improve the State Highway System, the department shall, for the purpose of developing a tentative work program, allocate funds for new construction to the districts, except for the turnpike enterprise, based on equal parts of population and motor fuel tax collections. Funds for resurfacing, bridge repair and rehabilitation, bridge fender system construction or repair, public transit projects except public transit block grants as provided in s. 341.052, and other programs with quantitative needs assessments shall be allocated based on the results of these assessments. The department may not transfer any funds allocated to a district under this paragraph to any other district except as provided in subsection (7). Funds for public transit block grants shall be allocated to the districts pursuant to s. 341.052. Funds for the intercity bus program provided for under s. 5311(f) of the federal nonurbanized area formula program shall be administered and allocated directly to eligible bus carriers as defined in s. 341.031(12) at the state level rather than the district. In order to provide state funding to support the intercity bus program provided for under provisions of the federal 5311(f) program, the department shall allocate an amount equal to the federal share of the 5311(f) program from amounts calculated pursuant to s. 206.46(3).

2. Notwithstanding the provisions of subparagraph 1., the department shall allocate at least 50 percent of any new discretionary highway capacity funds to the Florida Strategic Intermodal System created pursuant to s. 339.61. Any remaining new discretionary highway capacity funds shall be allocated to the districts for new construction as provided in subparagraph 1. For the purposes of this subparagraph, the term "new discretionary highway capacity funds" means any funds available to the department above the prior year funding level for capacity improvements, which the department has the discretion to allocate to highway projects.

3. Notwithstanding subparagraphs 1. and 2. and ss. 201.15(1)(c)1.a.-d., 206.46(3), 334.044(26), and 339.2819(3), and for the *2011-2012* ~~2010-2011~~ fiscal year only, the department shall reduce work program levels to balance the finance plan to the revised funding levels resulting from any reduction in the *2011-2012* ~~2010-2011~~ General Appropriations Act. This subparagraph expires July 1, *2012* ~~2011~~.

4. For the *2011-2012* ~~2009-2010~~ fiscal year only, *before* ~~prior to~~ any project or phase thereof *is* ~~being~~ deferred, the department's cash balances shall be as provided in paragraph (6)(b), and the reductions in subparagraph 3. shall be made to financial projects not programmed for contract letting as identified with a work program contract class code 8 and the box code RV. These reductions shall not negatively impact safety or maintenance or project contingency percentage levels as of April 21, *2011* ~~2009~~. This subparagraph expires July 1, *2012* ~~2010~~.

5. Notwithstanding subparagraphs 1. and 2. and ss. 206.46(3) and 334.044(26), and for fiscal years 2009-2010 through 2013-2014 only, the department shall annually allocate up to $15 million of the first proceeds of the increased revenues estimated by the November 2009 Revenue Estimating Conference to be deposited into the State Transportation Trust Fund to provide for the portion of the transfer of funds included in s. 343.58(4)(a)1.a. or 2.a., *as* ~~whichever is~~ applicable. The transfer of funds included in s. 343.58(4) shall not negatively impact projects included in fiscal years 2009-2010 through 2013-2014 of the work program as of July 1, 2009, as amended pursuant to subsection (7). This subparagraph expires July 1, 2014.

Section 43. In order to implement Specific Appropriations 1918B and 1938S of the 2011-2012 General Appropriations Act, subsection (5) of section 339.135, Florida Statutes, is amended to read:

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

(5) ADOPTION OF THE WORK PROGRAM.—

(a) The original approved budget for operational and fixed capital expenditures for the department shall be the Governor's budget recommendation and the first year of the tentative work program, as both are amended by the General Appropriations Act and any other act containing appropriations. In accordance with the appropriations act, the department shall, *before* ~~prior to~~ the beginning of the fiscal year, adopt a final work program which shall only include the original approved budget for the department for the ensuing fiscal year*,* together with any roll forwards approved pursuant to paragraph (6)(c)*,* and the portion of the tentative work program for the following 4 fiscal years revised in accordance with the original approved budget for the department for the ensuing fiscal year together with *the* ~~said~~ roll forwards. The adopted work program may include only those projects submitted as part of the tentative work program developed under the provisions of subsection (4)*,* plus any projects which are separately identified by specific appropriation in the General Appropriations Act and any roll forwards approved pursuant to paragraph (6)(c). However, any transportation project of the department which is identified by specific appropriation in the General Appropriations Act shall be deducted from the funds annually distributed to the respective district pursuant to paragraph (4)(a). In addition, the department shall not in any year include any project or allocate funds to a program in the adopted work program that is contrary to existing law for that particular year. Projects shall not be undertaken unless they are listed in the adopted work program.

(b) Notwithstanding paragraph (a), and for the *2011-2012* ~~2010-2011~~ fiscal year only, the Department of Transportation shall transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to *$15 million* ~~$20,300,000~~ for the purpose of funding transportation-related needs of economic development projects. This transfer shall not reduce, delete, or defer any existing projects funded, as of July 1, *2011* ~~2009~~, in the Department of Transportation's 5-year work program. This paragraph expires July 1, *2012* ~~2011~~.

(c) Notwithstanding paragraph (a), and for the 2011-2012 fiscal year only, the Department of Transportation shall fund airport development projects specified in the General Appropriations Act and, unless requested by the airport sponsor, may not reduce, delete, or defer any existing projects funded as of July 1, 2011, in the Department of Transportation's 5-year work program. This paragraph expires July 1, 2012.

Section 44. In order to implement section 69 of the 2011-2012 General Appropriations Act, paragraph (n) of subsection (1) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall expend moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget. The use of such moneys shall be restricted to the following purposes:

(n) To pay administrative expenses incurred in accordance with applicable laws for a multicounty transportation or expressway authority created under chapter 343 or chapter 348 *if*~~, where~~ jurisdiction for the authority includes a portion of the State Highway System and the administrative expenses are in furtherance of the duties and responsibilities of the authority in the development of improvements to the State Highway System. This paragraph expires July 1, *2012* ~~2011~~.

Section 45. In order to implement section 110 of the 2011-2012 General Appropriations Act, subsection (4) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(4) For the *2011-2012* ~~2010-2011~~ fiscal year only and notwithstanding ~~the provisions of~~ this section and ss. 339.09(1) and 215.32(2)(b)4., funds may be transferred from the State Transportation Trust Fund to the *State School Trust Fund or the* General Revenue Fund as specified in the General Appropriations Act. Notwithstanding ss. 206.46(3) and 206.606(2), the total amount transferred shall be reduced from total state revenues deposited into the State Transportation Trust Fund for the calculation requirements of ss. 206.46(3) and 206.606(2). This subsection expires July 1, *2012* ~~2011~~.

Section 46. *In order to implement Specific Appropriations 2484A through 2484K of the 2011-2012 General Appropriations Act and notwithstanding chapters 319 and 320, Florida Statutes, the ownership of all vehicles currently used by the Office of Motor Carrier Compliance within the Department of Transportation shall be transferred to the Department of Highway Safety and Motor Vehicles effective July 1, 2011, without payment of any titling or registration fees.*

Section 47. In order to implement Specific Appropriation 2008 of the 2011-2012 General Appropriations Act, subsection (11) of section 445.009, Florida Statutes, is amended to read:

445.009 One-stop delivery system.—

(11)~~(a)~~ A participant in an adult or youth work experience activity administered under this chapter shall be deemed an employee of the state for purposes of workers' compensation coverage. In determining the average weekly wage, all remuneration received from the employer shall be considered a gratuity, and the participant shall not be entitled to any benefits otherwise payable under s. 440.15, regardless of whether the participant may be receiving wages and remuneration from other employment with another employer and regardless of his or her future wage-earning capacity.

~~(b)~~ This subsection expires July 1, *2012* ~~2011~~.

Section 48. In order to implement Specific Appropriation 1498 of the 2011-2012 General Appropriations Act, paragraph (d) of subsection (3) of section 163.3247, Florida Statutes, is reenacted to read:

163.3247 Century Commission for a Sustainable Florida.—

(3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA; CREATION; ORGANIZATION.—The Century Commission for a Sustainable Florida is created as a standing body to help the citizens of this state envision and plan their collective future with an eye towards both 25-year and 50-year horizons.

(d) Members of the commission shall serve without compensation.

Section 49. *The amendment to s. 163.3247(3)(d), Florida Statutes, as carried forward by this act from chapter 2010-153, Laws of Florida, shall expire July 1, 2012, and the text of that subsection shall revert to that in existence on June 30, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 50. In order to implement Specific Appropriation 1498 of the 2011-2012 General Appropriations Act, paragraph (c) of subsection (1) of section 201.15, Florida Statutes, is reenacted to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are subject to the service charge imposed in s. 215.20(1). Prior to distribution under this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. Such costs and the service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. After distributions are made pursuant to subsection (1), all of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2010, secured by revenues distributed pursuant to subsection (1). All taxes remaining after deduction of costs and the service charge shall be distributed as follows:

(1) Sixty-three and thirty-one hundredths percent of the remaining taxes shall be used for the following purposes:

(c) After the required payments under paragraphs (a) and (b), the remainder shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of the lesser of 38.2 percent of the remainder or $541.75 million in each fiscal year, to be used for the following specified purposes, notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, 5 percent of these funds. Effective July 1, 2014, the percentage allocated under this sub-subparagraph shall be increased to 10 percent;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b. Effective July 1, 2014, the first $60 million of the funds allocated pursuant to this sub-subparagraph shall be allocated annually to the Florida Rail Enterprise for the purposes established in s. 341.303(5).

2. The Grants and Donations Trust Fund in the Department of Community Affairs in the amount of the lesser of .23 percent of the remainder or $3.25 million in each fiscal year to fund technical assistance to local governments and school boards on the requirements and implementation of this act.

3. The Ecosystem Management and Restoration Trust Fund in the amount of the lesser of 2.12 percent of the remainder or $30 million in each fiscal year, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212.

4. General Inspection Trust Fund in the amount of the lesser of .02 percent of the remainder or $300,000 in each fiscal year to be used to fund oyster management and restoration programs as provided in s. 379.362(3).

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

Section 51. *The amendment to s. 201.15(1)(c)2., Florida Statutes, as carried forward by this act from chapter 2010-153, Laws of Florida, shall expire July 1, 2012, and the text of that subsection shall revert to that in existence on June 30, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 52. In order to implement Specific Appropriations 1918A through 1919, 1938A through 1938C, 1938E through 1939V, and 1976A through 1976K of the 2011-2012 General Appropriations Act, subsection (3) of section 206.608, Florida Statutes, is amended to read:

206.608 State Comprehensive Enhanced Transportation System Tax; deposit of proceeds; distribution.—Moneys received pursuant to ss. 206.41(1)(f) and 206.87(1)(d) shall be deposited in the Fuel Tax Collection Trust Fund, and, after deducting the service charge imposed in chapter 215 and administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed as follows:

(3) For the *2011-2012* ~~2010-2011~~ fiscal year only, and notwithstanding ~~the provisions of~~ subsection (2), the remaining proceeds of the tax levied pursuant to s. 206.41(1)(f) and all of the proceeds from the tax

imposed by s. 206.87(1)(d) shall be transferred into the State Transportation Trust Fund and ~~shall~~ be used for the purposes stated in s. 339.08. This subsection expires July 1, *2012* ~~2011~~.

Section 53. *In order to implement Specific Appropriations 2453 through 2535A and notwithstanding s. 320.204, Florida Statutes, for the 2011-2012 fiscal year only, funds may not be transferred from the Highway Safety Operating Trust Fund to the Transportation Disadvantaged Trust Fund in the Department of Transportation.*

Section 54. *In order to implement Specific Appropriations 1918C, 1918H, 1918I and 1918J, and notwithstanding s. 341.303(6)(a), Florida Statutes, funding for passenger rail for the 2011-2012 fiscal year is included in the Transportations Systems Development budget entity.*

Section 55. *In order to implement Specific Appropriation 2484A, all sworn law enforcement employee positions classified as "captain" or "major" in the Office of Motor Carrier Compliance who are exempt from the career service in accordance with s. 110.205(2)(m)3., Florida Statutes, shall be placed in the career service upon transfer to the Florida Highway Patrol in the Department of Highway Safety and Motor Vehicles. Incumbents of captains and majors positions in the Office of Motor Carrier Compliance as of June 30, 2011, who have 1 year of satisfactory service in their positions shall receive permanent status in that position within the Department of Highway Safety and Motor Vehicles. It is the intent of the Legislature that the incumbent of any career service position in the Office of Motor Carrier Compliance as of June 30, 2011, retain his or her current status upon transfer to the Department of Highway Safety and Motor Vehicles as provided in the General Appropriations Act.*

Section 56. *In order to implement Specific Appropriation 1938Q, for the 2011-2012 fiscal year only, and notwithstanding s. 338.251, Florida Statutes, the Department of Transportation is authorized to grant not more than $3 million in total from the Toll Facilities Revolving Trust Fund to authorities created under chapter 348, Florida Statutes, for preliminary engineering, traffic, and revenue studies, environmental impact studies, financial advisory services, engineering design, right-of-way map preparation, operations, other appropriate project-related professional services, and advanced right-of-way acquisition.*

Section 57. *In order to implement the appropriation of funds in appropriation category "Special Categories-Risk Management Insurance" in the 2011-2012 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in that category between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2012.*

Section 58. *In order to implement the appropriation of funds in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" in the 2011-2012 General Appropriations Act," and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in that category between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1, 2012.*

Section 59. In order to implement specific appropriations for salaries and benefits in the 2011-2012 General Appropriations Act, paragraph (a) of subsection (12) of section 110.123, Florida Statutes, is amended to read:

110.123 State group insurance program.—

(12) HEALTH SAVINGS ACCOUNTS.—The department is authorized to establish health savings accounts for full-time and part-time state employees in association with a health insurance plan option authorized by the Legislature and conforming to the requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

(a)1. A member participating in this health insurance plan option *is* ~~shall be~~ eligible to receive an employer contribution into the employee's health savings account from the State Employees Health Insurance Trust Fund in an amount to be determined by the Legislature. A member is not eligible for an employer contribution upon termination of employment. For the *2011-2012* ~~2010-2011~~ fiscal year, the state's monthly contribution for employees having individual coverage shall be $41.66 and the monthly contribution for employees having family coverage shall be $83.33.

2. A member participating in this health insurance plan option *is* ~~shall be~~ eligible to deposit the member's own funds into a health savings account.

Section 60. In order to implement section 8 of the 2011-2012 General Appropriations Act, paragraph (j) of subsection (3) of section 110.123, Florida Statutes, is amended to read:

110.123 State group insurance program.—

(3) STATE GROUP INSURANCE PROGRAM.—

(j) Notwithstanding ~~the provisions of~~ paragraph (f) requiring uniform contributions, and for the *2011-2012* ~~2010-2011~~ fiscal year only, the state contribution toward the cost of any plan in the state group insurance plan *is* ~~shall be~~ the difference between the overall premium and the employee contribution. This subsection expires June 30, *2012* ~~2011~~.

Section 61. In order to implement specific appropriations for salaries and benefits in the 2011-2012 General Appropriations Act, paragraph (b) of subsection (3) of section 112.24, Florida Statutes, is amended to read:

112.24 Intergovernmental interchange of public employees.—To encourage economical and effective utilization of public employees in this state, the temporary assignment of employees among agencies of government, both state and local, and including school districts and public institutions of higher education is authorized under terms and conditions set forth in this section. State agencies, municipalities, and political subdivisions are authorized to enter into employee interchange agreements with other state agencies, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher education. State agencies are also authorized to enter into employee interchange agreements with private institutions of higher education and other nonprofit organizations under the terms and conditions provided in this section. In addition, the Governor or the Governor and Cabinet may enter into employee interchange agreements with a state agency, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher learning to fill, subject to the requirements of chapter 20, appointive offices which are within the executive branch of government and which are filled by appointment by the Governor or the Governor and Cabinet. Under no circumstances shall employee interchange agreements be utilized for the purpose of assigning individuals to participate in political campaigns. Duties and responsibilities of interchange employees shall be limited to the mission and goals of the agencies of government.

(3) Salary, leave, travel and transportation, and reimbursements for an employee of a sending party that is participating in an interchange program shall be handled as follows:

(b)1. The assignment of an employee of a state agency ~~either~~ on detail or on leave of absence may be made without reimbursement by the receiving party for the travel and transportation expenses to or from the place of the assignment or for the pay and benefits, or a part thereof, of the employee during the assignment.

2. For the *2011-2012* ~~2010-2011~~ fiscal year only, the assignment of an employee of a state agency as provided in subparagraph 1. may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the *legislative appropriations committees* ~~Senate Policy and Steering Committee on Ways and Means and the House Full appropriations Council on Education and Economic Development~~. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after the chair's receiving notice of the action pursuant to s. 216.177. This subparagraph expires July 1, *2012* ~~2011~~.

Section 62. *In order to implement Specific Appropriations 2536 and 2537 of the 2011-2012 General Appropriations Act and notwithstanding the provisions of s. 11.13(1), Florida Statutes, the authorized salaries for*

members of the Legislature for the 2011-2012 fiscal year shall be set at the same level in effect on July 1, 2010. This section expires July 1, 2012.

Section 63. If HB 5011 or similar legislation fails to become law and notwithstanding s. 27.709, Florida Statutes, in order to implement Specific Appropriations 760 through 762 of the 2011-2012 General Appropriations Act, subsection (1) of section 27.710, Florida Statutes, is amended to read:

27.710 Registry of attorneys applying to represent persons in postconviction capital collateral proceedings; certification of minimum requirements; appointment by trial court.—

(1) The executive director of the *Justice Administrative* Commission ~~on Capital Cases~~ shall compile and maintain a statewide registry of attorneys in private practice who have certified that they meet the minimum requirements of s. 27.704(2), who are available for appointment by the court under this section to represent persons convicted and sentenced to death in this state in postconviction collateral proceedings, and who have attended within the last year a continuing legal education program of at least 10 hours' duration devoted specifically to the defense of capital cases, if available. Continuing legal education programs meeting the requirements of this rule offered by The Florida Bar or another recognized provider and approved for continuing legal education credit by The Florida Bar ~~shall~~ satisfy this requirement. The failure to comply with this requirement may be cause for removal from the list until the requirement is fulfilled. To ensure that sufficient attorneys are available for appointment by the court, *if* ~~when~~ the number of attorneys on the registry falls below 50, the executive director shall notify the chief judge of each circuit by letter and request the chief judge to promptly submit the names of at least three private attorneys who regularly practice criminal law in that circuit and who appear to meet the minimum requirements to represent persons in postconviction capital collateral proceedings. The executive director shall send an application to each attorney identified by the chief judge so that the attorney may register for appointment as counsel in postconviction capital collateral proceedings. As necessary, the executive director may also advertise in legal publications and other appropriate media for qualified attorneys interested in registering for appointment as counsel in postconviction capital collateral proceedings. Not later than September 1 of each year, and as necessary thereafter, the executive director shall provide to the Chief Justice of the Supreme Court, the chief judge and state attorney in each judicial circuit, and the Attorney General a current copy of its registry of attorneys who are available for appointment as counsel in postconviction capital collateral proceedings. The registry must be indexed by judicial circuit and must contain the requisite information submitted by the applicants in accordance with this section.

Section 64. *The amendment to s. 27.710(1), Florida Statutes, shall expire July 1, 2012, and the text of that subsection shall revert to that in existence on June 30, 2011, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 65. In order to implement the transfer of funds to the State School Trust Fund from trust funds in the 2011-2012 General Appropriations Act, paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is reenacted and amended to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys *are* ~~shall be~~ responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Chief Financial Officer may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established ~~within a trust fund~~, the Chief Financial Officer may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In addition to other trust funds created by law, to the extent possible, each agency shall use the following trust funds as described in this subparagraph for day-to-day operations:

a. Operations or operating trust fund, for use as a depository for funds to be used for program operations funded by program revenues, with the exception of administrative activities when the operations or operating trust fund is a proprietary fund.

b. Operations and maintenance trust fund, for use as a depository for client services funded by third-party payors.

c. Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds. Proprietary funds are excluded from the requirement of using an administrative trust fund.

d. Grants and donations trust fund, for use as a depository for funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources.

e. Agency working capital trust fund, for use as a depository for funds to be used pursuant to s. 216.272.

f. Clearing funds trust fund, for use as a depository for funds to account for collections pending distribution to lawful recipients.

g. Federal grant trust fund, for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

To the extent possible, each agency must adjust its internal accounting to use existing trust funds consistent with the requirements of this subparagraph. If an agency does not have trust funds listed in this subparagraph and cannot make such adjustment, the agency must recommend the creation of the necessary trust funds to the Legislature no later than the next scheduled review of the agency's trust funds pursuant to s. 215.3206.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the *State School Trust Fund,* Budget Stabilization Fund*,* and General Revenue Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the Division of Licensing Trust Fund in the Department of Agriculture and Consumer Services; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the State Board of Education or the Board of Governors of the State University System, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

Section 66. *The amendment to s. 215.32(2)(b), Florida Statutes, as carried forward by this act from chapter 2010-153, Laws of Florida, shall expire July 1, 2012, and the text of that subsection shall revert to that in existence on June 30, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 67. In order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2011-2012 General Appropriations Act, paragraph (b) of subsection (4) of section 215.5601, Florida Statutes, is reenacted and amended to read:

215.5601 Lawton Chiles Endowment Fund.—

(4) ADMINISTRATION.—

(b) The endowment shall be managed as an annuity. The investment objective *is the* ~~shall be~~ long-term preservation of the real value of the net contributed principal and a specified regular annual cash outflow for appropriation, as nonrecurring revenue. From the annual cash outflow, a pro rata share shall be used solely for biomedical research activities as provided in paragraph (3)(d), until such time as cures are found for tobacco-related cancer and heart and lung disease. Five percent of the annual cash outflow dedicated to the biomedical research portion of the endowment shall be reinvested and applied to that portion of the endowment's principal, with the remainder to be spent on biomedical research activities consistent with this section. The schedule of annual cash outflow *must* ~~shall~~ be included within the investment plan adopted under paragraph (a). Withdrawals other than specified regular cash outflow *are* ~~shall be~~ considered reductions in contributed principal for the purposes of this subsection.

Section 68. *The amendment to s. 215.5601(b), Florida Statutes, as carried forward by this act from chapter 2010-153, Laws of Florida, shall expire July 1, 2012, and the text of that subsection shall revert to that in existence on June 30, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 69. *In order to implement the issuance of new debt authorized in the 2011-2012 General Appropriations Act, and pursuant to s. 215.98, Florida Statutes, the Legislature determines that the authorization and issuance of debt for the 2011-2012 fiscal year should be implemented, is in the best interest of the state, and necessary to address a critical state emergency. This section expires July 1, 2012.*

Section 70. *In order to implement the funds appropriated in the 2011-2012 General Appropriations Act for state employee travel, the funds appropriated to each state agency, which may be used for travel by state employees, are limited during the 2011-2012 fiscal year to travel for activities that are critical to each state agency's mission. Funds may not be used to pay for travel by state employees to foreign countries, other states, conferences, staff-training activities, or other administrative functions unless the agency head has approved in writing that such activities are critical to the agency's mission. The agency head must consider the use of teleconferencing and other forms of electronic communication to meet the needs of the proposed activity before approving mission-critical travel. This section does not apply to travel for law enforcement purposes, military purposes, emergency management activities, or public health activities. This section expires July 1, 2012.*

Section 71. *In order to implement the appropriations authorized in the 2011-2012 General Appropriations Act for each of the state's designated primary data centers, which are funded from the data processing appropriation category and other categories used to pay for computing services of user agencies, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in any appropriation category used to pay for data processing in the 2011-2012 General Appropriations Act between agencies in order to align the budget authority granted with the utilization rate of each department. This section expires July 1, 2012.*

Section 72. *State agencies that are required to begin planning for a data center consolidation scheduled for a subsequent fiscal year may accelerate the consolidation into the 2011-2012 fiscal year, contingent upon approval by the Legislative Budget Commission of budget adjustments necessary to accomplish the consolidation. The primary data center may establish positions contingent on an equal or greater number of positions being placed in reserve from the agency data centers being consolidated. This section expires July 1, 2012.*

Section 73. *In order to implement Specific Appropriation 2690 of the 2011-2012 General Appropriations Act, the Executive Office of the Governor may transfer funds appropriated in the appropriation category "Expenses" of the 2011-2012 General Appropriations Act between agencies in order to allocate a reduction relating to SUNCOM Services. This section expires July 1, 2012.*

Section 74. In order to implement section 8 of the General Appropriations Act for the 2011-2012 fiscal year, paragraph (a) of subsection (7) of section 110.12315, Florida Statutes, is reenacted to read:

110.12315 Prescription drug program.—The state employees' prescription drug program is established. This program shall be administered by the Department of Management Services, according to the terms and conditions of the plan as established by the relevant provisions of the annual General Appropriations Act and implementing legislation, subject to the following conditions:

(7) Under the state employees' prescription drug program copayments must be made as follows:

(a) Effective January 1, 2011, for the State Group Health Insurance Standard Plan:

1. For generic drug with card . . . . . $7.
2. For preferred brand name drug with card. . . . . $30.
3. For nonpreferred brand name drug with card . . . . . $50.
4. For generic mail order drug . . . . . $14.
5. For preferred brand name mail order drug . . . . . $60.
6. For nonpreferred brand name mail order drug . . . . . $100.

Section 75. *The amendment to s. 110.12315(7)(a), Florida Statutes, as carried forward by this act from chapter 2010-153, Laws of Florida, shall expire on July 1, 2012, and the text of that paragraph shall revert to that in existence on December 31, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 76. *In order to implement Specific Appropriations 2587 through 2597 of the 2011-2012 General Appropriations Act, and notwithstanding chapter 255, Florida Statutes, the Department of Management Services shall use the services of a tenant broker to renegotiate all leases over 150,000 square feet. Based on the renegotiations, and by September 30, 2011, the department shall report to the Legislative Budget Commission the projected savings, implementation costs, and recommendations for leases to terminate.*

(1) The report shall also identify any leases that do not comply with state law or the State Constitution, including noncompliance due to a nonappropriation clause, and include recommendations to bring such leases into compliance by June 30, 2012.

(2) State agencies shall propose budget amendments pursuant to chapter 216, Florida Statutes, to place the budget authority associated with the cost savings into reserve. If it is determined that additional savings may be derived from consolidating, collocating, and or restacking office space, the Executive Office of the Governor may transfer funds appropriated between agencies, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes.

(3) This section expires July 1, 2012.

Section 77. *In order to implement appropriations used for the payments of existing lease contracts for private office or storage space in excess of 2,000 square feet, the Department of Management Services, together with the cooperation of the agencies having the existing lease contracts, shall seek to renegotiate or reprocure all private lease agreements expiring before June 30, 2013, in order to achieve a reduction in costs in future years. The department shall incorporate this initiative into its 2011 Master Leasing Report and may use tenant broker services to explore the possibilities of collocation, to review the space needs of each agency, and to review the length and terms of potential renewals or renegotiations. The department shall provide a report by March 1, 2012, to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives which lists each lease contract for*

private office or storage space, the status of renegotiations, and the savings achieved. This section expires July 1, 2012.

Section 78. *In order to implement specific appropriations for the purchase of pharmacy products in the 2011-2012 General Appropriations Act the Department of Management Services shall issue by November 1, 2011, a competitive solicitation pursuant to chapter 287 for a pharmaceutical purchasing arrangement as a state term contract. The solicitation shall invite group purchasing organizations or other vendors to offer a system for drug purchasing, excluding those drugs purchased by Medicaid, which provides transparent pricing to the extent permitted by federal law, permits purchases outside the agreement if such purchases offer the best value to the state, and establishes a preferred drug list that utilizes generic drugs to the extent feasible and cost effective. The department shall work with other agencies with subject matter expertise in the implementation of this section. Award of any contract is contingent upon the approval of the Legislative Budget Commission that the requirements of this section have been met. Upon approval of the Legislative Budget Commission, the Department of Health shall terminate its participation in the Minnesota Multistate Contracting Alliance for Pharmacy.*

Section 79. *In order to implement Specific Appropriation 193 of the 2011-2012 General Appropriations Act and notwithstanding chapter 287, Florida Statutes, the Agency for Health Care Administration shall competitively reprocure a Florida Discount Drug Card Program to provide market competitive discounts through a broad network of retail pharmacies and a mail order pharmacy within the state and return money to the state on a per prescription dispensed basis. Discounts shall be available to Florida residents without income restrictions. Residents shall be able to enroll and acquire a member identification card from the participating pharmacies, online and through text messaging, without a charge. Revenues derived from this contract shall be deposited into the agency's Grants and Donations Trust Fund to reduce the cost of Medicaid pharmacy purchases. This section expires July 1, 2012.*

Section 80. In order to implement specific appropriations for Expense and Other Capital Outlay in the 2011-2012 General Appropriations Act, subsection (8) is added to section 946.515, Florida Statutes, to read:

946.515 Use of goods and services produced in correctional work programs.—

(8) On June 30, 2012, each state agency must submit a report to the President of the Senate and the Speaker of the House of Representatives which lists products or services obtained from a source other than the corporation when a comparable product or service could have been obtained from the corporation. The report must include an explanation of why the product or service was not obtained from the corporation. This subsection expires July 1, 2012.

Section 81. *Any section of this act which implements a specific appropriation or specifically identified proviso language in the 2011-2012 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. Any section of this act which implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2011-2012 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.*

Section 82. *If any other act passed during the 2011 Regular Session contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act takes precedence and continues to operate, notwithstanding the future repeal provided by this act.*

Section 83. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 84. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2011; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act implementing the 2011-2012 General Appropriations Act; providing legislative intent; incorporating by reference certain calculations of the Florida Education Finance Program for the 2011-2012 fiscal year; amending s. 216.292, F.S.; authorizing the transfer of funds between appropriation categories to fund fixed capital outlay projects for public schools upon certain approval; authorizing the use of funds from the Workers' Compensation Administration Trust Fund for the Ready to Work Program; authorizing a university board of trustees to expend reserve or carry-forward balances for the establishment of a new campus; amending s. 394.908, F.S.; providing allocation requirements for specified funds appropriated for forensic mental health services; providing requirements relating to implementing phase 3 of the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study; amending s. 1 of chapter 2007-174, Laws of Florida; revising the expiration of provisions authorizing certain flexibility for the Department of Children and Family Services with respect to its organizational structure; incorporating by reference certain calculations of the Medicaid Low-Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs; requiring certain budget amendments recommending the release of funds to provide more notice and be subject to certain objection procedures; revising specified appropriations in the General Appropriations Act with respect to the rates for the Title XIX Inpatient Hospital Reimbursement Plan; providing an appropriation for certain public hospitals; revising an appropriation in the General Appropriations Act to implement rates for the Title XIX Outpatient Hospital Reimbursement Plan; requiring the Department of Health to present a plan to the Legislative Budget Commission which estimates the workload and funding needs to implement the onsite sewage treatment and disposal system evaluation program; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under the authority of the respective entity; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; authorizing the Department of Legal Affairs to transfer certain funds to pay salaries and benefits; authorizing the Department of Legal Affairs to spend certain appropriated funds on programs that were funded by the department from specific appropriations in general appropriations acts in previous years; amending s. 932.7055, F.S.; authorizing a municipality to expend funds from its special law enforcement trust fund to reimburse the municipality's general fund; requiring that the Department of Juvenile Justice comply with specified reimbursement limitations with respect to payments to hospitals or health care providers for health care services; authorizing certain payments pursuant to a contracted rate only until the contract expires or is renewed; defining the term "hospital" for purposes of such limitations; relieving the state court system of certain loan repayment obligations; amending s. 215.18, F.S.; providing for trust fund loans to the state court system sufficient to meet its appropriation; providing that any funds remaining in the Clerks of the Courts Trust Fund remain available to the clerks; amending s. 29.008, F.S.; providing counties with an exemption from the requirement to annually increase certain expenditures by a specified percentage; amending s. 282.709, F.S.; allowing funds from the State Agency Law Enforcement Radio System Trust Fund to be used for mutual aid buildout maintenance and sustainment; requiring the Florida Catastrophic Storm Risk Management Center at Florida State University to conduct an analysis using certain data; requiring the Department of Management Services to use certain interest earnings to fund the administration of the MyFlorida.com portal; amending s. 253.034, F.S.; authorizing the deposit of funds derived from the sale of property by the Department of Citrus into the Citrus Advertising Trust Fund; amending s. 601.15, F.S.; specifying the maximum tax rate for standard-packed boxes of citrus fruit; providing for the future expiration of such amendment and for the reversion of statutory text; amending s. 601.10, F.S.; providing for the executive director of the Department of Citrus to be appointed by a majority vote of the commission, subject to confirmation by the Senate; providing for the future expiration of such amendment and for the reversion of statutory text; amending s. 375.041, F.S.; providing for the transfer of moneys from the Land Acquisition Trust Fund to support the Total Maximum Daily Loads programs; amending s. 373.59, F.S.; providing for the allocation of moneys from the Water Management Lands Trust Fund for certain purposes; reenacting s. 403.1651(1)(g), F.S., relating to the use of funds from the Ecosystem Management and Restoration Trust Fund for the purpose of funding

activities to preserve and repair the state's beaches; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; amending s. 570.20, F.S.; delaying the expiration of provisions authorizing the Department of Agriculture and Consumer Services to use funds from the General Inspection Trust Fund for certain programs; amending s. 403.7095, F.S.; requiring that the Department of Environmental Protection award a specified amount in grants to certain counties for solid waste programs; authorizing the Department of Agriculture and Consumer Services to extend, revise, and renew current contracts or agreements created or entered into for the purpose of promotion of agriculture; providing that the disposition of state-owned lands is exempt from appraisal requirements and disposition requirements under certain circumstances; requiring state agencies to provide a list of lands that are immediately available for lease or are surplus lands; requiring that the proceeds from the sale of such lands be deposited into the Florida Forever Trust Fund; amending s. 379.204, F.S.; authorizing the Fish and Wildlife Conservation Commission to transfer funds to the Federal Grants Trust Fund to support cash flow needs; requiring the Fish and Wildlife Conservation Commission to suspend publication of the Florida Wildlife Magazine and the operations of the advisory council for the 2011-2012 fiscal year; amending s. 339.135, F.S.; delaying the expiration of certain provisions that permit the Department of Transportation to reduce work program levels to balance the finance plan to revised funding levels; delaying the expiration of certain provisions relating to the specifications of the department's cash balances before a project or phase may be deferred; delaying the expiration of certain provisions relating to the specifications of the department's cash balances before a project or phase may be deferred; providing that certain reductions do not negatively impact safety or maintenance or project contingency percentage levels as of a specified date; providing for use of transportation revenues; amending s. 339.08, F.S.; delaying the expiration of provisions relating to the use of moneys in the State Transportation Trust Fund for certain administrative expenses; authorizing the transfer of funds from the State Transportation Trust Fund to the State School Trust Fund under certain circumstances; providing for all vehicles within the Office of Motor Carrier Compliance to be transferred to the Department of Highway Safety and Motor Vehicles without the payment of certain fees; amending s. 445.009, F.S.; providing that a participant in an adult or youth work experience activity under ch. 445, F.S., is an employee of the state for purposes of workers' compensation coverage; reenacting s. 163.3247(3)(d), F.S., relating to members of the Century Commission for a Sustainable Florida serving without compensation; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; reenacting s. 201.15(1)(c), F.S., relating to funds deposited into the Grants and Donations Trust Fund in the Department of Community Affairs which are used to fund technical assistance to local governments and school boards; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; amending s. 206.608, F.S.; providing for continued use of certain taxes deposited into the State Transportation Trust Fund by the Department of Transportation; prohibiting the transfer of funds from the Highway Safety Operating Trust Fund to the Transportation Disadvantaged Trust Fund; including funding for passenger rail in the Transportation Systems Development budget entity; providing that certain sworn law enforcement positions in the Office of Motor Carrier Compliance be placed in the career service upon transfer to the Department of Highway Safety and Motor Vehicles; providing for permanent status upon the transfer of certain positions; authorizing the Department of Transportation to use funds from the Toll Facilities Revolving Trust Fund for certain purposes; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 110.123, F.S., relating to the state group insurance program; providing that the state contribution toward the cost of a plan is the difference between the overall premium and the employee contribution; amending s. 112.24, F.S.; providing conditions on the assignment of an employee of a state agency without reimbursement from the receiving agency; providing that the annual salary of the members of the Legislature be maintained at a specified level; amending s. 27.710, F.S.; clarifying certain duties of the executive director of the Justice Administration Commission on Capital Cases; providing for the future expiration of the amendment to such provision and for the reversion of statutory text; reenacting and amending s. 215.32(2)(b), F.S., relating to the source and use of certain trust funds in order to implement the transfer of moneys in the General Revenue Fund from trust funds in the 2011-2012 General Appropriations Act; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; reenacting and amending s. 215.5601(4)(b), F.S., relating to the administration of the Lawton Chiles Endowment Fund; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; providing a legislative finding that the issuance of new debt is in the best interests of the state and necessary to address a critical state emergency; limiting the use of travel funds to activities that are critical to an agency's mission; providing exceptions; authorizing agencies scheduled for data center consolidation to accelerate such consolidation; authorizing the establishment of data center positions in exchange for agency positions placed in reserve; authorizing the Executive Office of the Governor to transfer funds between agencies in order to allocate a reduction relating to SUNCOM; reenacting s. 110.12315(7)(a), F.S., relating to copayments for the state employees' prescription drug program; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; directing the Department of Management Services to use a tenant broker to renegotiate certain leases and provide a report to the Legislature; requiring the department to renegotiate certain leases and report to the Legislature; requiring the department to issue a solicitation for the Minnesota Multistate Contracting Alliance for Pharmacy agreement as a state term contract; requiring the department to use generic drugs were feasible in developing its preferred drug list; requiring the Agency for Health Care Administration to reprocure the Florida Discount Drug Card Program; providing requirements for the program; providing that revenues derived from the contract be deposited into the agency's Grants and Donations Trust Fund; amending s. 946.515, F.S.; requiring each state agency to submit a report to the Legislature listing products or services obtained from sources other than the prison industries corporation; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for reversion of statutory text of certain provisions; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by the act; providing for severability; providing effective dates.

On motion by Senator Alexander, the Conference Committee Report on **SB 2002** was adopted. **SB 2002** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—32

Mr. President	Fasano	Negron
Alexander	Flores	Norman
Altman	Gaetz	Oelrich
Benacquisto	Garcia	Richter
Bennett	Gardiner	Ring
Bogdanoff	Hays	Simmons
Dean	Hill	Siplin
Detert	Jones	Storms
Diaz de la Portilla	Latvala	Thrasher
Dockery	Lynn	Wise
Evers	Margolis	

Nays—7

Braynon	Rich	Sobel
Joyner	Sachs	
Montford	Smith	

Vote after roll call:

Yea to Nay—Hill

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 7207, as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

CONFERENCE COMMITTEE REPORT ON HB 7207

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 7207, same being:

An act relating to trust funds.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Chair
Charles S. "Chuck" Chestnut IV, At Large
s/ John Legg, At Large
s/ Seth McKeel, At Large
s/ Darryl Ervin Rouson, At Large
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
Will W. Weatherford, At Large

Gary Aubuchon
Lead House Manager
s/ Dorothy L. Hukill, At Large
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ William L. "Bill" Proctor, At Large
Ron Saunders, At Large
s/ William D. Snyder, At Large

Managers on the part of the House

The Conference Committee Amendment for HB 7207, 1st Eng., relating to growth management, provides for the following:

The growth management conference bill:

- Makes concurrency for parks and recreation, schools, and transportation facilities optional for local governments.
- Applies and revises the expedited comprehensive plan amendment process statewide.
- Deletes the requirement that comprehensive plans be financially feasible.
- Deletes the twice a year limitation on comprehensive plan amendments.
- Revises the small scale amendment process.
- Specifies that population projections should be a floor for requisite development except for areas of critical state concern.
- Allows additional planning periods for specific parts of the comprehensive plan.
- Abolishes 9J-5 (DCA's growth management regulations and incorporates certain provisions into the bill).
- Removes many of the state specifications and requirements for optional elements in the comprehensive plan, but allows local governments to continue to include optional elements.
- Expands and revises the optional sector plan process.
- Reduces the requirements of the evaluation and appraisal process.
- Revises the rural land stewardship program.
- Restricts the state's ability to interpret joint planning agreements.
- Clarifies and broadens the window for permit extensions.
- Creates a 4-year development of regional impact permit extension.
- Removes industrial areas, hotels/motels, and theaters from the list of developments of regional impact.
- Creates an exemption from the DRI process for mining projects and allows those mines to enter into agreements with the Department of Transportation.
- Adds a new 2-year permit extension, but caps the maximum extension at 4 years.
- Prohibits local governments from having referenda for local comprehensive plan amendments.
- Encourages planning innovation technical assistance.
- Sunsets the Century Commission in two years.
- Clarifies requirements for adopting criteria to address compatibility of lands relating to military installations.
- Allows a certain plan amendment to be readopted by a local government without being resubmitted to the state land planning agency.
- Clarifies when a local government can reject a proposed change to a development of regional impact.
- Encourages adaptation strategies.
- Requires DOT to study the proportionate share calculation.
- Allows DCA to have procedural issues on their website.
- The effective date of this bill is upon becoming law.

Conference Committee Amendment (331967)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (26) of section 70.51, Florida Statutes, is amended to read:

70.51 Land use and environmental dispute resolution.—

(26) A special magistrate's recommendation under this section constitutes data in support of, and a support document for, a comprehensive plan or comprehensive plan amendment, but is not, in and of itself, dispositive of a determination of compliance with chapter 163. ~~Any comprehensive plan amendment necessary to carry out the approved recommendation of a special magistrate under this section is exempt from the twice-a-year limit on plan amendments and may be adopted by the local government amendments in s. 163.3184(16)(d).~~

Section 2. Paragraphs (h) through (l) of subsection (3) of section 163.06, Florida Statutes, are redesignated as paragraphs (g) through (k), respectively, and present paragraph (g) of that subsection is amended to read:

163.06 Miami River Commission.—

(3) The policy committee shall have the following powers and duties:

~~(g) Coordinate a joint planning area agreement between the Department of Community Affairs, the city, and the county under the provisions of s. 163.3177(11)(a), (b), and (c).~~

Section 3. Subsection (4) of section 163.2517, Florida Statutes, is amended to read:

163.2517 Designation of urban infill and redevelopment area.—

(4) In order for a local government to designate an urban infill and redevelopment area, it must amend its comprehensive land use plan under s. 163.3187 to delineate the boundaries of the urban infill and redevelopment area within the future land use element of its comprehensive plan pursuant to its adopted urban infill and redevelopment plan. The state land planning agency shall review the boundary delineation of the urban infill and redevelopment area in the future land use element under s. 163.3184. However, an urban infill and redevelopment plan adopted by a local government is not subject to review for compliance as defined by s. 163.3184(1)(b), and the local government is not required to adopt the plan as a comprehensive plan amendment. ~~An amendment to the local comprehensive plan to designate an urban infill and redevelopment area is exempt from the twice-a-year amendment limitation of s. 163.3187.~~

Section 4. Section 163.3161, Florida Statutes, is amended to read:

163.3161 Short title; intent and purpose.—

(1) This part shall be known and may be cited as the "*Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act."

(2) ~~In conformity with, and in furtherance of, the purpose of the Florida Environmental Land and Water Management Act of 1972, chapter 380,~~ It is the purpose of this act to utilize and strengthen the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to guide and *manage* ~~control~~ future development *consistent with the proper role of local government*.

(3) *It is the intent of this act to focus the state role in managing growth under this act to protecting the functions of important state resources and facilities.*

(4) It is the intent of this act that ~~its adoption is necessary so that~~ local governments *have the ability to* ~~can~~ preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; ~~prevent the overcrowding of land and avoid undue concentration of population;~~ facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

(5)~~(4)~~ It is the intent of this act to encourage and *ensure* ~~assure~~ cooperation between and among municipalities and counties and to encourage and *ensure* ~~assure~~ coordination of planning and development activities of units of local government with the planning activities of regional agencies and state government in accord with applicable provisions of law.

(6)~~(5)~~ It is the intent of this act that adopted comprehensive plans shall have the legal status set out in this act and that no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act.

(7)~~(6)~~ It is the intent of this act that the activities of units of local government in the preparation and adoption of comprehensive plans, or elements or portions therefor, shall be conducted in conformity with ~~the provisions of~~ this act.

(8)~~(7)~~ The provisions of this act in their interpretation and application are declared to be the minimum requirements necessary to accomplish the stated intent, purposes, and objectives of this act; to protect human, environmental, social, and economic resources; and to maintain, through orderly growth and development, the character and stability of present and future land use and development in this state.

(9)~~(8)~~ It is the intent of the Legislature that the repeal of ss. 163.160 through 163.315 by s. 19 of chapter 85-55, Laws of Florida, *and amendments to this part by this chapter law,* ~~shall~~ not be interpreted to limit or restrict the powers of municipal or county officials, but ~~shall~~ be interpreted as a recognition of their broad statutory and constitutional powers to plan for and regulate the use of land. It is, further, the intent of the Legislature to reconfirm that ss. *163.3161-*

163.3248 ~~163.3161 through 163.3215~~ have provided and do provide the necessary statutory direction and basis for municipal and county officials to carry out their comprehensive planning and land development regulation powers, duties, and responsibilities.

(10)~~(9)~~ It is the intent of the Legislature that all governmental entities in this state recognize and respect judicially acknowledged or constitutionally protected private property rights. It is the intent of the Legislature that all rules, ordinances, regulations, *comprehensive plans and amendments thereto,* and programs adopted under the authority of this act must be developed, promulgated, implemented, and applied with sensitivity for private property rights and not be unduly restrictive, and property owners must be free from actions by others which would harm their property *or which would constitute an inordinate burden on property rights as those terms are defined in s. 70.001(3)(e) and (f).* Full and just compensation or other appropriate relief must be provided to any property owner for a governmental action that is determined to be an invalid exercise of the police power which constitutes a taking, as provided by law. Any such relief must *ultimately* be determined in a judicial action.

(11) It is the intent of this part that the traditional economic base of this state, agriculture, tourism, and military presence, be recognized and protected. Further, it is the intent of this part to encourage economic diversification, workforce development, and community planning.

(12) It is the intent of this part that new statutory requirements created by the Legislature will not require a local government whose plan has been found to be in compliance with this part to adopt amendments implementing the new statutory requirements until the evaluation and appraisal period provided in s. 163.3191, unless otherwise specified in law. However, any new amendments must comply with the requirements of this part.

Section 5. Subsections (2) through (5) of section 163.3162, Florida Statutes, are renumbered as subsections (1) through (4), respectively, and present subsections (1) and (5) of that section are amended to read:

163.3162 Agricultural Lands and Practices ~~Act~~.—

~~(1) SHORT TITLE. This section may be cited as the "Agricultural Lands and Practices Act."~~

(4)~~(5)~~ AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—The owner of a parcel of land defined as an agricultural enclave under s. 163.3164~~(33)~~ may apply for an amendment to the local government comprehensive plan pursuant to s. *163.3184* ~~163.3187~~. Such amendment is presumed *not* to be *urban sprawl as defined in s. 163.3164 if it includes* ~~consistent with rule 9J-5.006(5), Florida Administrative Code, and may include~~ land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. This presumption may be rebutted by clear and convincing evidence. Each application for a comprehensive plan amendment under this subsection for a parcel larger than 640 acres must include appropriate new urbanism concepts such as

clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights in order to discourage urban sprawl while protecting landowner rights.

(a) The local government and the owner of a parcel of land that is the subject of an application for an amendment shall have 180 days following the date that the local government receives a complete application to negotiate in good faith to reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. Within 30 days after the local government's receipt of such an application, the local government and owner must agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment, which schedule may thereafter be altered only with the written consent of the local government and the owner. Compliance with the schedule in the written agreement constitutes good faith negotiations for purposes of paragraph (c).

(b) Upon conclusion of good faith negotiations under paragraph (a), regardless of whether the local government and owner reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel, the amendment must be transmitted to the state land planning agency for review pursuant to s. 163.3184. If the local government fails to transmit the amendment within 180 days after receipt of a complete application, the amendment must be immediately transferred to the state land planning agency for such review ~~at the first available transmittal cycle~~. A plan amendment transmitted to the state land planning agency submitted under this subsection is presumed *not* to be *urban sprawl as defined in s. 163.3164* ~~consistent with rule 9J-5.006(5), Florida Administrative Code~~. This presumption may be rebutted by clear and convincing evidence.

(c) If the owner fails to negotiate in good faith, a plan amendment submitted under this subsection is not entitled to the rebuttable presumption under this subsection in the negotiation and amendment process.

(d) Nothing within this subsection relating to agricultural enclaves shall preempt or replace any protection currently existing for any property located within the boundaries of the following areas:

1. The Wekiva Study Area, as described in s. 369.316; or

2. The Everglades Protection Area, as defined in s. 373.4592(2).

Section 6. Section 163.3164, Florida Statutes, is amended to read:

163.3164 *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act; definitions.—As used in this act:

(1) *"Adaptation action area" or "adaptation area" means a designation in the coastal management element of a local government's comprehensive plan which identifies one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning.*

(2) "Administration Commission" means the Governor and the Cabinet, and for purposes of this chapter the commission shall act on a simple majority vote, except that for purposes of imposing the sanctions provided in s. 163.3184*(8)*~~(11)~~, affirmative action shall require the approval of the Governor and at least three other members of the commission.

(3) "Affordable housing" has the same meaning as in s. 420.0004(3).

(4)~~(33)~~ "Agricultural enclave" means an unincorporated, undeveloped parcel that:

(a) Is owned by a single person or entity;

(b) Has been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years prior to the date of any comprehensive plan amendment application;

(c) Is surrounded on at least 75 percent of its perimeter by:

1. Property that has existing industrial, commercial, or residential development; or

2. Property that the local government has designated, in the local government's comprehensive plan, zoning map, and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such property is existing industrial, commercial, or residential development;

(d) Has public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180; and

(e) Does not exceed 1,280 acres; however, if the property is surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, then the area shall be determined to be urban and the parcel may not exceed 4,480 acres.

(5) "Antiquated subdivision" means a subdivision that was recorded or approved more than 20 years ago and that has substantially failed to be built and the continued buildout of the subdivision in accordance with the subdivision's zoning and land use purposes would cause an imbalance of land uses and would be detrimental to the local and regional economies and environment, hinder current planning practices, and lead to inefficient and fiscally irresponsible development patterns as determined by the respective jurisdiction in which the subdivision is located.

(6)~~(2)~~ "Area" or "area of jurisdiction" means the total area qualifying under ~~the provisions of~~ this act, whether this be all of the lands lying within the limits of an incorporated municipality, lands in and adjacent to incorporated municipalities, all unincorporated lands within a county, or areas comprising combinations of the lands in incorporated municipalities and unincorporated areas of counties.

(7) "Capital improvement" means physical assets constructed or purchased to provide, improve, or replace a public facility and which are typically large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multiyear financing. For the purposes of this part, physical assets that have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements.

(8)~~(3)~~ "Coastal area" means the 35 coastal counties and all coastal municipalities within their boundaries ~~designated coastal by the state land planning agency~~.

(9) "Compatibility" means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

(10)~~(4)~~ "Comprehensive plan" means a plan that meets the requirements of ss. 163.3177 and 163.3178.

(11) "Deepwater ports" means the ports identified in s. 403.021(9).

(12) "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.

(13)~~(5)~~ "Developer" means any person, including a governmental agency, undertaking any development as defined in this act.

(14)~~(6)~~ "Development" has the *same* meaning *as* ~~given it~~ in s. 380.04.

(15)~~(7)~~ "Development order" means any order granting, denying, or granting with conditions an application for a development permit.

(16)~~(8)~~ "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

(17)~~(25)~~ "Downtown revitalization" means the physical and economic renewal of a central business district of a community as designated by

local government, and includes both downtown development and redevelopment.

(18) "Floodprone areas" means areas inundated during a 100-year flood event or areas identified by the National Flood Insurance Program as an A Zone on flood insurance rate maps or flood hazard boundary maps.

(19) "Goal" means the long-term end toward which programs or activities are ultimately directed.

(20)~~(9)~~ "Governing body" means the board of county commissioners of a county, the commission or council of an incorporated municipality, or any other chief governing body of a unit of local government, however designated, or the combination of such bodies where joint utilization of ~~the provisions of~~ this act is accomplished as provided herein.

(21)~~(10)~~ "Governmental agency" means:

(a) The United States or any department, commission, agency, or other instrumentality thereof.

(b) This state or any department, commission, agency, or other instrumentality thereof.

(c) Any local government, as defined in this section, or any department, commission, agency, or other instrumentality thereof.

(d) Any school board or other special district, authority, or governmental entity.

(22) "Intensity" means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services.

(23) "Internal trip capture" means trips generated by a mixed-use project that travel from one on-site land use to another on-site land use without using the external road network.

(24)~~(11)~~ "Land" means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

(25)~~(22)~~ "Land development regulation commission" means a commission designated by a local government to develop and recommend, to the local governing body, land development regulations which implement the adopted comprehensive plan and to review land development regulations, or amendments thereto, for consistency with the adopted plan and report to the governing body regarding its findings. The responsibilities of the land development regulation commission may be performed by the local planning agency.

(26)~~(23)~~ "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition *does* ~~shall~~ not apply in s. 163.3213.

(27)~~(12)~~ "Land use" means the development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.

(28) "Level of service" means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

(29)~~(13)~~ "Local government" means any county or municipality.

(30)~~(14)~~ "Local planning agency" means the agency designated to prepare the comprehensive plan or plan amendments required by this act.

(31)~~(15)~~ ~~A~~ "Newspaper of general circulation" means a newspaper published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

(32) "New town" means an urban activity center and community designated on the future land use map of sufficient size, population and land use composition to support a variety of economic and social activities consistent with an urban area designation. New towns shall include basic economic activities; all major land use categories, with the possible exception of agricultural and industrial; and a centrally provided full range of public facilities and services that demonstrate internal trip capture. A new town shall be based on a master development plan.

(33) "Objective" means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.

(34)~~(16)~~ "Parcel of land" means any quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to be used, or developed as, a unit or which has been used or developed as a unit.

(35)~~(17)~~ "Person" means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

(36) "Policy" means the way in which programs and activities are conducted to achieve an identified goal.

(37)~~(28)~~ "Projects that promote public transportation" means projects that directly affect the provisions of public transit, including transit terminals, transit lines and routes, separate lanes for the exclusive use of public transit services, transit stops (shelters and stations), office buildings or projects that include fixed-rail or transit terminals as part of the building, and projects which are transit oriented and designed to complement reasonably proximate planned or existing public facilities.

(38)~~(24)~~ "Public facilities" means major capital improvements, including~~, but not limited to,~~ transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational~~, and health systems and~~ facilities~~, and spoil disposal sites for maintenance dredging located in the intracoastal waterways, except for spoil disposal sites owned or used by ports listed in s. 403.021(9)(b)~~.

(39)~~(18)~~ "Public notice" means notice as required by s. 125.66(2) for a county or by s. 166.041(3)(a) for a municipality. The public notice procedures required in this part are established as minimum public notice procedures.

(40)~~(19)~~ "Regional planning agency" means the *council created pursuant to chapter 186* ~~agency designated by the state land planning agency to exercise responsibilities under law in a particular region of the state~~.

(41) "Seasonal population" means part-time inhabitants who use, or may be expected to use, public facilities or services, but are not residents and includes tourists, migrant farmworkers, and other short-term and long-term visitors.

(42)~~(31)~~ "~~Optional~~ Sector plan" means *the* ~~an optional~~ process authorized by s. 163.3245 in which one or more local governments *engage in long-term planning for a large area and* ~~by agreement with the state land planning agency are allowed to~~ address *regional* ~~development of regional impact~~ issues *through adoption of detailed specific area plans within the planning area* ~~within certain designated geographic areas identified in the local comprehensive plan~~ as a means of fostering innovative planning and development strategies ~~in s. 163.3177(11)(a) and (b)~~, furthering the purposes of this part and part I of chapter 380, reducing overlapping data and analysis requirements, protecting regionally significant resources and facilities, and addressing extrajurisdictional impacts. *The term includes an optional sector plan that was adopted before the effective date of this act.*

(43)~~(20)~~ "State land planning agency" means the Department of Community Affairs.

(44)~~(21)~~ "Structure" has the *same* meaning *as in* ~~given it by~~ s. 380.031(19).

(45) "Suitability" means the degree to which the existing characteristics and limitations of land and water are compatible with a proposed use or development.

(46) "Transit-oriented development" means a project or projects, in areas identified in a local government comprehensive plan, that is or will be served by existing or planned transit service. These designated areas shall be compact, moderate to high density developments, of mixed-use character, interconnected with other land uses, bicycle and pedestrian friendly, and designed to support frequent transit service operating through, collectively or separately, rail, fixed guideway, streetcar, or bus systems on dedicated facilities or available roadway connections.

(47)~~(30)~~ "Transportation corridor management" means the coordination of the planning of designated future transportation corridors with land use planning within and adjacent to the corridor to promote orderly growth, to meet the concurrency requirements of this chapter, and to maintain the integrity of the corridor for transportation purposes.

(48)~~(27)~~ "Urban infill" means the development of vacant parcels in otherwise built-up areas where public facilities such as sewer systems, roads, schools, and recreation areas are already in place and the average residential density is at least five dwelling units per acre, the average nonresidential intensity is at least a floor area ratio of 1.0 and vacant, developable land does not constitute more than 10 percent of the area.

(49)~~(26)~~ "Urban redevelopment" means demolition and reconstruction or substantial renovation of existing buildings or infrastructure within urban infill areas, existing urban service areas, or community redevelopment areas created pursuant to part III.

(50)~~(29)~~ "Urban service area" means ~~built up~~ areas *identified in the comprehensive plan* where public facilities and services, including, but not limited to, central water and sewer capacity and roads, are already in place or are *identified in the capital improvements element. The term includes any areas identified in the comprehensive plan as urban service areas, regardless of local government limitation* ~~committed in the first 3 years of the capital improvement schedule~~. ~~In addition, for counties that qualify as dense urban land areas under subsection (34), the nonrural area of a county which has adopted into the county charter a rural area designation or areas identified in the comprehensive plan as urban service areas or urban growth boundaries on or before July 1, 2009, are also urban service areas under this definition.~~

(51) "Urban sprawl" means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

~~(32) "Financial feasibility" means that sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5 year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level of service standards are achieved and maintained within the period covered by the 5 year schedule of capital improvements. A comprehensive plan shall be deemed financially feasible for transportation and school facilities throughout the planning period addressed by the capital improvements schedule if it can be demonstrated that the level of service standards will be achieved and maintained by the end of the planning period even if in a particular year such improvements are not concurrent as required by s. 163.3180.~~

~~(34) "Dense urban land area" means:~~

~~(a) A municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;~~

~~(b) A county, including the municipalities located therein, which has an average of at least 1,000 people per square mile of land area; or~~

~~(c) A county, including the municipalities located therein, which has a population of at least 1 million.~~

~~The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.091. The Office of Economic and Demographic Research shall submit to the state land planning agency a list of jurisdictions that meet the total population and density criteria necessary for designation as a dense urban land area by July 1, 2009, and every year thereafter. The state land planning agency shall publish the list of jurisdictions on its Internet website within 7 days after the list is received. The designation of jurisdictions that qualify or do not qualify as a dense urban land area is effective upon publication on the state land planning agency's Internet website.~~

Section 7. Section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.—

(1) The several incorporated municipalities and counties shall have power and responsibility:

(a) To plan for their future development and growth.

(b) To adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth.

(c) To implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations or elements thereof.

(d) To establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of this act.

The powers and authority set out in this act may be employed by municipalities and counties individually or jointly by mutual agreement in accord with ~~the provisions of~~ this act and in such combinations as their common interests may dictate and require.

(2) Each local government shall *maintain* ~~prepare~~ a comprehensive plan of the type and in the manner set out in this part or prepare amendments to its existing comprehensive plan to conform it to the requirements of this part and in the manner set out in this part. ~~In accordance with s. 163.3184, each local government shall submit to the state land planning agency its complete proposed comprehensive plan or its complete comprehensive plan as proposed to be amended.~~

~~(3) When a local government has not prepared all of the required elements or has not amended its plan as required by subsection (2), the regional planning agency having responsibility for the area in which the local government lies shall prepare and adopt by rule, pursuant to chapter 120, the missing elements or adopt by rule amendments to the existing plan in accordance with this act by July 1, 1989, or within 1 year after the dates specified or provided in subsection (2) and the state land planning agency review schedule, whichever is later. The regional planning agency shall provide at least 90 days' written notice to any local government whose plan it is required by this subsection to prepare, prior to initiating the planning process. At least 90 days before the adoption by the regional planning agency of a comprehensive plan, or element or portion thereof, pursuant to this subsection, the regional planning agency shall transmit a copy of the proposed comprehensive plan, or element or portion thereof, to the local government and the state land planning agency for written comment. The state land planning agency shall review and comment on such plan, or element or portion thereof, in accordance with s. 163.3184(6). Section 163.3184(6), (7), and (8) shall be applicable to the regional planning agency as if it were a governing body. Existing comprehensive plans shall remain in effect until they are amended pursuant to subsection (2), this subsection, s. 163.3187, or s. 163.3189.~~

(3)~~(4)~~ A municipality established after the effective date of this act shall, within 1 year after incorporation, establish a local planning agency, pursuant to s. 163.3174, and prepare and adopt a comprehensive plan of the type and in the manner set out in this act within 3 years after the date of such incorporation. A county comprehensive plan shall be deemed controlling until the municipality adopts a comprehensive plan in accord with ~~the provisions of~~ this act. ~~If, upon the expiration of the 3-year time limit, the municipality has not adopted a comprehensive plan, the regional planning agency shall prepare and adopt a comprehensive plan for such municipality.~~

(4)~~(5)~~ Any comprehensive plan, or element or portion thereof, adopted pursuant to ~~the provisions of~~ this act, which but for its adoption after the deadlines established pursuant to previous versions of this act would have been valid, shall be valid.

~~(6) When a regional planning agency is required to prepare or amend a comprehensive plan, or element or portion thereof, pursuant to subsections (3) and (4), the regional planning agency and the local government may agree to a method of compensating the regional planning agency for any verifiable, direct costs incurred. If an agreement is not reached within 6 months after the date the regional planning agency assumes planning responsibilities for the local government pursuant to subsections (3) and (4) or by the time the plan or element, or portion thereof, is completed, whichever is earlier, the regional planning agency shall file invoices for verifiable, direct costs involved with the governing body. Upon the failure of the local government to pay such invoices within 90 days, the regional planning agency may, upon filing proper vouchers with the Chief Financial Officer, request payment by the Chief Financial Officer from unencumbered revenue or other tax sharing funds due such local government from the state for work actually performed, and the Chief Financial Officer shall pay such vouchers; however, the amount of such payment shall not exceed 50 percent of such funds due such local government in any one year.~~

~~(7) A local government that is being requested to pay costs may seek an administrative hearing pursuant to ss. 120.569 and 120.57 to challenge the amount of costs and to determine if the statutory prerequisites for payment have been complied with. Final agency action shall be taken by the state land planning agency. Payment shall be withheld as to disputed amounts until proceedings under this subsection have been completed.~~

(5)~~(8)~~ Nothing in this act shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to chapter 380 or who has been issued a final local development order and development has commenced and is continuing in good faith.

(6)~~(9)~~ The Reedy Creek Improvement District shall exercise the authority of this part as it applies to municipalities, consistent with the legislative act under which it was established, for the total area under its jurisdiction.

(7)~~(10)~~ Nothing in this part shall supersede any provision of ss. 341.8201-341.842.

~~(11) Each local government is encouraged to articulate a vision of the future physical appearance and qualities of its community as a component of its local comprehensive plan. The vision should be developed through a collaborative planning process with meaningful public participation and shall be adopted by the governing body of the jurisdiction. Neighboring communities, especially those sharing natural resources or physical or economic infrastructure, are encouraged to create collective visions for greater than local areas. Such collective visions shall apply in each city or county only to the extent that each local government chooses to make them applicable. The state land planning agency shall serve as a clearinghouse for creating a community vision of the future and may utilize the Growth Management Trust Fund, created by s. 186.911, to provide grants to help pay the costs of local visioning programs. When a local vision of the future has been created, a local government should review its comprehensive plan, land development regulations, and capital improvement program to ensure that these instruments will help to move the community toward its vision in a manner consistent with this act and with the state comprehensive plan. A local or regional vision must be consistent with the state vision, when adopted, and be internally consistent with the local or regional plan of which it is a component. The state land planning agency shall not adopt minimum criteria for evaluating or judging the form or content of a local or regional vision.~~

(8)~~(12)~~ An initiative or referendum process in regard to any development order or in regard to any local comprehensive plan amendment or map amendment ~~that affects five or fewer parcels of land~~ is prohibited.

(9)~~(13)~~ Each local government shall address in its comprehensive plan, as enumerated in this chapter, the water supply sources necessary to meet and achieve the existing and projected water use demand for the established planning period, considering the applicable plan developed pursuant to s. 373.709.

(10)~~(14)~~(a) If a local government grants a development order pursuant to its adopted land development regulations and the order is not the subject of a pending appeal and the timeframe for filing an appeal has expired, the development order may not be invalidated by a subsequent judicial determination that such land development regulations, or any portion thereof that is relevant to the development order, are invalid because of a deficiency in the approval standards.

(b) This subsection does not preclude or affect the timely institution of any other remedy available at law or equity, including a common law writ of certiorari proceeding pursuant to Rule 9.190, Florida Rules of Appellate Procedure, or an original proceeding pursuant to s. 163.3215, as applicable.

~~(c) This subsection applies retroactively to any development order granted on or after January 1, 2002.~~

Section 8. Section 163.3168, Florida Statutes, is created to read:

163.3168 Planning innovations and technical assistance.—

(1) The Legislature recognizes the need for innovative planning and development strategies to promote a diverse economy and vibrant rural and urban communities, while protecting environmentally sensitive areas. The Legislature further recognizes the substantial advantages of innovative approaches to development directed to meet the needs of urban, rural, and suburban areas.

(2) Local governments are encouraged to apply innovative planning tools, including, but not limited to, visioning, sector planning, and rural land stewardship area designations to address future new development areas, urban service area designations, urban growth boundaries, and mixed-use, high-density development in urban areas.

(3) The state land planning agency shall help communities find creative solutions to fostering vibrant, healthy communities, while protecting the functions of important state resources and facilities. The state land planning agency and all other appropriate state and regional agencies may use various means to provide direct and indirect technical assistance within available resources. If plan amendments may adversely impact important state resources or facilities, upon request by the local government, the state land planning agency shall coordinate multiagency assistance, if needed, in developing an amendment to minimize impacts on such resources or facilities.

(4) The state land planning agency shall provide, on its website, guidance on the submittal and adoption of comprehensive plans, plan amendments, and land development regulations. Such guidance shall not be adopted as a rule and is exempt from s. 120.54(1)(a).

Section 9. Subsection (4) of section 163.3171, Florida Statutes, is amended to read:

163.3171 Areas of authority under this act.—

(4) ~~The state land planning agency and a~~ Local *governments may government shall have the power to* enter into agreements with each other and ~~to agree together to enter into agreements~~ with a landowner, developer, or governmental agency as may be necessary or desirable to effectuate the provisions and purposes of ss. 163.3177(6)(h)*,* ~~and (11)(a), (b), and (c), and~~ 163.3245*, and 163.3248. It is the Legislature's intent that joint agreements entered into under the authority of this section be liberally, broadly, and flexibly construed to facilitate intergovernmental cooperation between cities and counties and to encourage planning in advance of jurisdictional changes. Joint agreements, executed before or*

after the effective date of this act, include, but are not limited to, agreements that contemplate municipal adoption of plans or plan amendments for lands in advance of annexation of such lands into the municipality, and may permit municipalities and counties to exercise nonexclusive extrajurisdictional authority within incorporated and unincorporated areas. The state land planning agency may not interpret, invalidate, or declare inoperative such joint agreements, and the validity of joint agreements may not be a basis for finding plans or plan amendments not in compliance pursuant to chapter law.

Section 10. Subsection (1) of section 163.3174, Florida Statutes, is amended to read:

163.3174 Local planning agency.—

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. Notwithstanding any special act to the contrary, all local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. However, this subsection does not prevent the governing body of the local government from granting voting status to the school board member. The governing body may designate itself as the local planning agency pursuant to this subsection with the addition of a nonvoting school board representative. ~~The governing body shall notify the state land planning agency of the establishment of its local planning agency.~~ All local planning agencies shall provide opportunities for involvement by applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

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

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

Section 11. Subsections (5), (6), and (9) of section 163.3175, Florida Statutes, are amended to read:

163.3175 Legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations.—

(5) The commanding officer or his or her designee may provide comments to the affected local government on the impact such proposed changes may have on the mission of the military installation. Such comments may include:

(a) If the installation has an airfield, whether such proposed changes will be incompatible with the safety and noise standards contained in the Air Installation Compatible Use Zone (AICUZ) adopted by the military installation for that airfield;

(b) Whether such changes are incompatible with the Installation Environmental Noise Management Program (IENMP) of the United States Army;

(c) Whether such changes are incompatible with the findings of a Joint Land Use Study (JLUS) for the area if one has been completed; and

(d) Whether the military installation's mission will be adversely affected by the proposed actions of the county or affected local government.

The commanding officer's comments, underlying studies, and reports are not binding on the local government.

(6) The affected local government shall take into consideration any comments provided by the commanding officer or his or her designee pursuant to subsection (4) *and must also be sensitive to private property rights and not be unduly restrictive on those rights*. The affected local government shall forward a copy of any comments regarding comprehensive plan amendments to the state land planning agency.

(9) If a local government, as required under s. 163.3177(6)(a), does not adopt criteria and address compatibility of lands adjacent to or closely proximate to existing military installations in its future land use plan element by June 30, 2012, the local government, the military installation, the state land planning agency, and other parties as identified by the regional planning council, including, but not limited to, private landowner representatives, shall enter into mediation conducted pursuant to s. 186.509. If the local government comprehensive plan does not contain criteria addressing compatibility by December 31, 2013, the agency may notify the Administration Commission. The Administration Commission may impose sanctions pursuant to s. 163.3184*(8)*~~(11)~~. *Any local government that amended its comprehensive plan to address military installation compatibility requirements after 2004 and was found to be in compliance is deemed to be in compliance with this subsection until the local government conducts its evaluation and appraisal review pursuant to s. 163.3191 and determines that amendments are necessary to meet updated general law requirements.*

Section 12. Section 163.3177, Florida Statutes, is amended to read:

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

(1) The comprehensive plan shall *provide the* ~~consist of materials in such descriptive form, written or graphic, as may be appropriate to the prescription of~~ principles, guidelines, ~~and~~ standards*, and strategies* for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area *that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.*

(a) The comprehensive plan shall consist of elements as described in this section, and may include optional elements.

(b) A local government may include, as part of its adopted plan, documents adopted by reference but not incorporated verbatim into the plan. The adoption by reference must identify the title and author of the document and indicate clearly what provisions and edition of the document is being adopted.

(c) The format of these principles and guidelines is at the discretion of the local government, but typically is expressed in goals, objectives, policies, and strategies.

(d) The comprehensive plan shall identify procedures for monitoring, evaluating, and appraising implementation of the plan.

(e) When a federal, state, or regional agency has implemented a regulatory program, a local government is not required to duplicate or exceed that regulatory program in its local comprehensive plan.

(f) All mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the comprehensive plan or plan amendment. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue.

1. Surveys, studies, and data utilized in the preparation of the comprehensive plan may not be deemed a part of the comprehensive plan unless adopted as a part of it. Copies of such studies, surveys, data, and supporting documents for proposed plans and plan amendments shall be made available for public inspection, and copies of such plans shall be made available to the public upon payment of reasonable charges for reproduction. Support data or summaries are not subject to the compliance review process, but the comprehensive plan must be clearly based on appropriate data. Support data or summaries may be used to aid in the determination of compliance and consistency.

2. Data must be taken from professionally accepted sources. The application of a methodology utilized in data collection or whether a particular methodology is professionally accepted may be evaluated. However, the evaluation may not include whether one accepted methodology is better than another. Original data collection by local governments is not required. However, local governments may use original data so long as methodologies are professionally accepted.

3. The comprehensive plan shall be based upon permanent and seasonal population estimates and projections, which shall either be those provided by the University of Florida's Bureau of Economic and Business Research or generated by the local government based upon a professionally acceptable methodology. The plan must be based on at least the minimum amount of land required to accommodate the medium projections of the University of Florida's Bureau of Economic and Business Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission.

(2) Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent. *Where data is relevant to several elements, consistent data shall be used, including population estimates and projections unless alternative data can be justified for a plan amendment through new supporting data and analysis. Each map depicting future conditions must reflect the principles, guidelines, and standards within all elements and each such map must be contained within the comprehensive plan*~~, and the comprehensive plan shall be financially feasible. Financial feasibility shall be determined using professionally accepted methodologies and applies to the 5-year planning period, except in the case of a long-term transportation or school concurrency management system, in which case a 10-year or 15-year period applies~~.

(3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities and set forth:

1. A component that outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component that outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.

2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.

3. Standards to ensure the availability of public facilities and the adequacy of those facilities *to meet established* ~~including~~ acceptable levels of service.

~~4. Standards for the management of debt.~~

4.~~5.~~ A schedule of capital improvements which includes *any* publicly funded projects *of federal, state, or local government*, and which may include privately funded projects for which the local government has no fiscal responsibility. *Projects*~~,~~ necessary to ensure that *any* adopted level-of-service standards are achieved and maintained *for the 5-year period must be identified as either funded or unfunded and given a level of priority for funding*. ~~For capital improvements that will be funded by the developer, financial feasibility shall be demonstrated by being guaranteed in an enforceable development agreement or interlocal agreement pursuant to paragraph (10)(h), or other enforceable agreement. These development agreements and interlocal agreements shall be reflected in the schedule of capital improvements if the capital improvement is necessary to serve development within the 5-year schedule. If the local government uses planned revenue sources that require referenda or other actions to secure the revenue source, the plan must, in the event the referenda are not passed or actions do not secure the planned revenue source, identify other existing revenue sources that will be used to fund the capital projects or otherwise amend the plan to ensure financial feasibility.~~

5.~~6.~~ The schedule must include transportation improvements included in the applicable metropolitan planning organization's transportation improvement program adopted pursuant to s. 339.175(8) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must ~~also~~ be coordinated with the applicable metropolitan planning organization's long-range transportation plan adopted pursuant to s. 339.175(7).

(b)~~1.~~ The capital improvements element must be reviewed *by the local government* on an annual basis. *Modifications* ~~and modified as necessary in accordance with s. 163.3187 or s. 163.3189 in order~~ to *update the* ~~maintain a financially feasible~~ 5-year *capital improvement* schedule ~~of capital improvements. Corrections and modifications concerning costs; revenue sources; or acceptance of facilities pursuant to dedications which are consistent with the plan~~ may be accomplished by ordinance and *may* ~~shall~~ not be deemed to be amendments to the local comprehensive plan. ~~A copy of the ordinance shall be transmitted to the state land planning agency. An amendment to the comprehensive plan is required to update the schedule on an annual basis or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule. All public facilities must be consistent with the capital improvements element. The annual update to the capital improvements element of the comprehensive plan need not comply with the financial feasibility requirement until December 1, 2011. Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, 2011, and every year thereafter, unless and until the local government has adopted the annual update and it has been transmitted to the state land planning agency.~~

~~2. Capital improvements element amendments adopted after the effective date of this act shall require only a single public hearing before the governing board which shall be an adoption hearing as described in s. 163.3184(7). Such amendments are not subject to the requirements of s. 163.3184(3)-(6).~~

~~(c) If the local government does not adopt the required annual update to the schedule of capital improvements, the state land planning agency must notify the Administration Commission. A local government that has a demonstrated lack of commitment to meeting its obligations identified in the capital improvements element may be subject to sanctions by the Administration Commission pursuant to s. 163.3184(11).~~

~~(d) If a local government adopts a long term concurrency management system pursuant to s. 163.3180(9), it must also adopt a long term capital improvements schedule covering up to a 10 year or 15 year period, and must update the long-term schedule annually. The long-term schedule of capital improvements must be financially feasible.~~

~~(e) At the discretion of the local government and notwithstanding the requirements of this subsection, a comprehensive plan, as revised by an amendment to the plan's future land use map, shall be deemed to be financially feasible and to have achieved and maintained level-of-service standards as required by this section with respect to transportation facilities if the amendment to the future land use map is supported by a:~~

~~1. Condition in a development order for a development of regional impact or binding agreement that addresses proportionate share mitigation consistent with s. 163.3180(12); or~~

~~2. Binding agreement addressing proportionate fair share mitigation consistent with s. 163.3180(16)(f) and the property subject to the amendment to the future land use map is located within an area designated in a comprehensive plan for urban infill, urban redevelopment, downtown revitalization, urban infill and redevelopment, or an urban service area. The binding agreement must be based on the maximum amount of development identified by the future land use map amendment or as may be otherwise restricted through a special area plan policy or map notation in the comprehensive plan.~~

~~(f) A local government's comprehensive plan and plan amendments for land uses within all transportation concurrency exception areas that are designated and maintained in accordance with s. 163.3180(5) shall be deemed to meet the requirement to achieve and maintain level-of-service standards for transportation.~~

(4)(a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; with the appropriate water management district's regional water supply plans approved pursuant to s. 373.709; *and* with adopted rules pertaining to designated areas of critical state concern~~; and with the state comprehensive plan~~ shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region ~~and to the state comprehensive plan~~, as the case may require and as such adopted plans or plans in preparation may exist.

(b) When all or a portion of the land in a local government jurisdiction is or becomes part of a designated area of critical state concern, the local government shall clearly identify those portions of the local comprehensive plan that shall be applicable to the critical area and shall indicate the relationship of the proposed development of the area to the rules for the area of critical state concern.

(5)(a) Each local government comprehensive plan must include at least two planning periods, one covering at least the first 5-year period occurring after the plan's adoption and one covering at least a 10-year period. *Additional planning periods for specific components, elements, land use amendments, or projects shall be permissible and accepted as part of the planning process.*

(b) The comprehensive plan and its elements shall contain *guidelines or policies* ~~policy recommendations~~ for the implementation of the plan and its elements.

(6) In addition to the requirements of subsections (1)-(5) ~~and (12)~~, the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, ~~public buildings and grounds, other~~ public facilities, and other categories of the public and private uses of land. *The approximate acreage and the general range of density or intensity of use shall be provided for the gross land area included in each existing land use category. The element shall establish the long-term end toward which land use programs and activities are ultimately directed.* ~~Counties are encouraged to designate rural land stewardship areas, pursuant to paragraph (11)(d), as overlays on the future land use map.~~

1. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives.

2. The future land use plan *and plan amendments* shall be based upon surveys, studies, and data regarding the area, *as applicable,* including*:*

a. The amount of land required to accommodate anticipated growth.~~;~~

b. The projected *permanent and seasonal* population of the area.~~;~~

c. The character of undeveloped land.~~;~~

d. The availability of water supplies, public facilities, and services.~~;~~

e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.~~;~~

f. The compatibility of uses on lands adjacent to or closely proximate to military installations.~~;~~

g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.~~;~~

h. The discouragement of urban sprawl.~~; energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems; greenhouse gas reduction strategies; and, in rural communities,~~

i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.

j. The need to modify land uses and development patterns within antiquated subdivisions. ~~The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act.~~

3. The future land use plan element shall include criteria to be used to*:*

a. Achieve the compatibility of lands adjacent or closely proximate to military installations, considering factors identified in s. 163.3175(5).~~; and~~

b. Achieve the compatibility of lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.

c. Encourage preservation of recreational and commercial working waterfronts for water dependent uses in coastal communities.

d. Encourage the location of schools proximate to urban residential areas to the extent possible.

e. Coordinate future land uses with the topography and soil conditions, and the availability of facilities and services.

f. Ensure the protection of natural and historic resources.

g. Provide for the compatibility of adjacent land uses.

h. Provide guidelines for the implementation of mixed use development including the types of uses allowed, the percentage distribution among the mix of uses, or other standards, and the density and intensity of each use.

4. ~~In addition, for rural communities,~~ The amount of land designated for future planned *uses* ~~industrial use~~ shall *provide a balance of uses that foster vibrant, viable communities and economic development opportunities and address outdated development patterns, such as antiquated subdivisions. The amount of land designated for future land uses should allow the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business and* ~~be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and~~ may not be limited solely by the projected population ~~of the rural community~~. *The element shall accommodate at least the minimum amount of land required to accommodate the medium projections of the University of Florida's Bureau of Economic and Business Research for*

at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission.

5. The future land use plan of a county may ~~also~~ designate areas for possible future municipal incorporation.

6. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. ~~For coastal counties, the future land use element must include, without limitation, regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in s. 342.07.~~

7. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. ~~The failure by a local government to comply with these school siting requirements will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category is eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria~~.

8. Future land use map amendments shall be based upon the following analyses:

a. An analysis of the availability of facilities and services.

b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.

c. An analysis of the minimum amount of land needed as determined by the local government.

9. The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.

a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

(I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

(II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

(III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

(IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

(V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

(VI) Fails to maximize use of existing public facilities and services.

(VII) Fails to maximize use of future public facilities and services.

(VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

(IX) Fails to provide a clear separation between rural and urban uses.

(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

(XI) Fails to encourage a functional mix of uses.

(XII) Results in poor accessibility among linked or related land uses.

(XIII) Results in the loss of significant amounts of functional open space.

b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

(I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

(II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

(III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

(IV) Promotes conservation of water and energy.

(V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

(VI) Preserves open space and natural lands and provides for public open space and recreation needs.

(VII) Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area.

(VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

10. The future land use element shall include a future land use map or map series.

a. The proposed distribution, extent, and location of the following uses shall be shown on the future land use map or map series:

(I) Residential.

(II) Commercial.

(III) Industrial.

(IV) Agricultural.

(V) Recreational.

(VI) Conservation.

(VII) Educational.

(VIII) Public.

b. The following areas shall also be shown on the future land use map or map series, if applicable:

(I) Historic district boundaries and designated historically significant properties.

(II) Transportation concurrency management area boundaries or transportation concurrency exception area boundaries.

(III) Multimodal transportation district boundaries.

(IV) Mixed use categories.

c. The following natural resources or conditions shall be shown on the future land use map or map series, if applicable:

(I) Existing and planned public potable waterwells, cones of influence, and wellhead protection areas.

(II) Beaches and shores, including estuarine systems.

(III) Rivers, bays, lakes, floodplains, and harbors.

(IV) Wetlands.

(V) Minerals and soils.

(VI) Coastal high hazard areas.

11. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of lands adjacent or closely proximate to existing military installations, or lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02, in their future land use plan element shall transmit the update or amendment to the state land planning agency by June 30, 2012.

(b) A transportation element addressing mobility issues in relationship to the size and character of the local government. The purpose of the transportation element shall be to plan for a multimodal transportation system that places emphasis on public transportation systems, where feasible. The element shall provide for a safe, convenient multimodal transportation system, coordinated with the future land use map or map series and designed to support all elements of the comprehensive plan. A local government that has all or part of its jurisdiction included within the metropolitan planning area of a metropolitan planning organization (M.P.O.) pursuant to s. 339.175 shall prepare and adopt a transportation element consistent with this subsection. Local governments that are not located within the metropolitan planning area of an M.P.O. shall address traffic circulation, mass transit, and ports, and aviation and related facilities consistent with this subsection, except that local governments with a population of 50,000 or less shall only be required to address transportation circulation. The element shall be coordinated with the plans and programs of any applicable metropolitan planning organization, transportation authority, Florida Transportation Plan, and Department of Transportation's adopted work program.

1. Each local government's transportation element shall address

~~(b) A~~ traffic circulation*, including* ~~element consisting of~~ the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways. Transportation corridors, as defined in s. 334.03, may be designated in the *transportation* ~~traffic circulation~~ element pursuant to s. 337.273. If the transportation corridors are designated, the local government may adopt a transportation corridor management ordinance. *The element shall include a map or map series showing the general location of the existing and proposed transportation system features and shall be coordinated with the future land use map or map series. The element shall reflect the data, analysis, and associated principles and strategies relating to:*

a. The existing transportation system levels of service and system needs and the availability of transportation facilities and services.

b. The growth trends and travel patterns and interactions between land use and transportation.

c. Existing and projected intermodal deficiencies and needs.

d. The projected transportation system levels of service and system needs based upon the future land use map and the projected integrated transportation system.

e. How the local government will correct existing facility deficiencies, meet the identified needs of the projected transportation system, and advance the purpose of this paragraph and the other elements of the comprehensive plan.

2. Local governments within a metropolitan planning area designated as an M.P.O. pursuant to s. 339.175 shall also address:

a. All alternative modes of travel, such as public transportation, pedestrian, and bicycle travel.

b. Aviation, rail, seaport facilities, access to those facilities, and intermodal terminals.

c. The capability to evacuate the coastal population before an impending natural disaster.

d. Airports, projected airport and aviation development, and land use compatibility around airports, which includes areas defined in ss. 333.01 and 333.02.

e. An identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.

3. Municipalities having populations greater than 50,000, and counties having populations greater than 75,000, shall include mass-transit provisions showing proposed methods for the moving of people, rights-of-way, terminals, and related facilities and shall address:

a. The provision of efficient public transit services based upon existing and proposed major trip generators and attractors, safe and convenient public transit terminals, land uses, and accommodation of the special needs of the transportation disadvantaged.

b. Plans for port, aviation, and related facilities coordinated with the general circulation and transportation element.

c. Plans for the circulation of recreational traffic, including bicycle facilities, exercise trails, riding facilities, and such other matters as may be related to the improvement and safety of movement of all types of recreational traffic.

4. At the option of a local government, an airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under s. 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable M.P.O. long-range transportation plans; the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level-of-service standards for facilities subject to concurrency; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, do not constitute a development of regional impact. Notwithstanding any other general law, an airport that has received a development-of-regional-impact development order pursuant to s. 380.06, but which is no longer required to undergo development-of-regional-impact review pursuant to this subsection, may

rescind its development-of-regional-impact order upon written notification to the applicable local government. Upon receipt by the local government, the development-of-regional-impact development order shall be deemed rescinded. ~~The traffic circulation element shall incorporate transportation strategies to address reduction in greenhouse gas emissions from the transportation sector.~~

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge.

1. Each local government shall address in the data and analyses required by this section those facilities that provide service within the local government's jurisdiction. Local governments that provide facilities to serve areas within other local government jurisdictions shall also address those facilities in the data and analyses required by this section, using data from the comprehensive plan for those areas for the purpose of projecting facility needs as required in this subsection. For shared facilities, each local government shall indicate the proportional capacity of the systems allocated to serve its jurisdiction.

2. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs*, including correcting existing facility deficiencies. The element shall address coordinating the extension of, or increase in the capacity of, facilities to meet future needs while maximizing the use of existing facilities and discouraging urban sprawl; conservation of potable water resources; and protecting the functions of natural groundwater recharge areas and natural drainage features*. ~~The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks.~~

3. Within 18 months after the governing board approves an updated regional water supply plan, the element must incorporate the alternative water supply project or projects selected by the local government from those identified in the regional water supply plan pursuant to s. 373.709(2)(a) or proposed by the local government under s. 373.709(8)(b). If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated regional water supply plan. The element must identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.709(2)(a) within the local government's jurisdiction and include a work plan, covering at least a 10-year planning period, for building public, private, and regional water supply facilities, including development of alternative water supplies, which are identified in the element as necessary to serve existing and new development. The work plan shall be updated, at a minimum, every 5 years within 18 months after the governing board of a water management district approves an updated regional water supply plan. ~~Amendments to incorporate the work plan do not count toward the limitation on the frequency of adoption of amendments to the comprehensive plan.~~ Local governments, public and private utilities, regional water supply authorities, special districts, and water management districts are encouraged to cooperatively plan for the development of multijurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of groundwater and surface water supplies.

(d) A conservation element for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources, including factors that affect energy conservation.

1. The following natural resources, where present within the local government's boundaries, shall be identified and analyzed and existing recreational or conservation uses, known pollution problems, including hazardous wastes, and the potential for conservation, recreation, use, or protection shall also be identified:

a. Rivers, bays, lakes, wetlands including estuarine marshes, groundwaters, and springs, including information on quality of the resource available.

b. Floodplains.

c. Known sources of commercially valuable minerals.

d. Areas known to have experienced soil erosion problems.

e. Areas that are the location of recreationally and commercially important fish or shellfish, wildlife, marine habitats, and vegetative communities, including forests, indicating known dominant species present and species listed by federal, state, or local government agencies as endangered, threatened, or species of special concern.

2. The element must contain principles, guidelines, and standards for conservation that provide long-term goals and which:

a. Protects air quality.

b. Conserves, appropriately uses, and protects the quality and quantity of current and projected water sources and waters that flow into estuarine waters or oceanic waters and protect from activities and land uses known to affect adversely the quality and quantity of identified water sources, including natural groundwater recharge areas, wellhead protection areas, and surface waters used as a source of public water supply.

c. Provides for the emergency conservation of water sources in accordance with the plans of the regional water management district.

d. Conserves, appropriately uses, and protects minerals, soils, and native vegetative communities, including forests, from destruction by development activities.

e. Conserves, appropriately uses, and protects fisheries, wildlife, wildlife habitat, and marine habitat and restricts activities known to adversely affect the survival of endangered and threatened wildlife.

f. Protects existing natural reservations identified in the recreation and open space element.

g. Maintains cooperation with adjacent local governments to conserve, appropriately use, or protect unique vegetative communities located within more than one local jurisdiction.

h. Designates environmentally sensitive lands for protection based on locally determined criteria which further the goals and objectives of the conservation element.

i. Manages hazardous waste to protect natural resources.

j. Protects and conserves wetlands and the natural functions of wetlands.

k. Directs future land uses that are incompatible with the protection and conservation of wetlands and wetland functions away from wetlands. The type, intensity or density, extent, distribution, and location of allowable land uses and the types, values, functions, sizes, conditions, and locations of wetlands are land use factors that shall be considered when directing incompatible land uses away from wetlands. Land uses shall be distributed in a manner that minimizes the effect and impact on wetlands. The protection and conservation of wetlands by the direction of incompatible land uses away from wetlands shall occur in combination with other principles, guidelines, standards, and strategies in the comprehensive plan. Where incompatible land uses are allowed to occur, mitigation shall be considered as one means to compensate for loss of wetlands functions.

3. ~~Local governments shall assess their~~ Current *and*~~, as well as~~ projected~~, water~~ needs and sources for at least a 10-year period *based on the demands for industrial, agricultural, and potable water use and the quality and quantity of water available to meet these demands shall be analyzed. The analysis shall consider the existing levels of water conservation, use, and protection and applicable policies of the regional water management district and further must consider*~~, considering~~ the appro-

priate regional water supply plan approved pursuant to s. 373.709, or, in the absence of an approved regional water supply plan, the district water management plan approved pursuant to s. 373.036(2). This information shall be submitted to the appropriate agencies. ~~The land use map or map series contained in the future land use element shall generally identify and depict the following:~~

~~1. Existing and planned waterwells and cones of influence where applicable.~~

~~2. Beaches and shores, including estuarine systems.~~

~~3. Rivers, bays, lakes, flood plains, and harbors.~~

~~4. Wetlands.~~

~~5. Minerals and soils.~~

~~6. Energy conservation.~~

~~The land uses identified on such maps shall be consistent with applicable state law and rules.~~

(e) A recreation and open space element indicating a comprehensive system of public and private sites for recreation, including, but not limited to, natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, waterways, and other recreational facilities.

(f)1. A housing element consisting of ~~standards, plans, and~~ principles*, guidelines, standards, and strategies* to be followed in:

a. The provision of housing for all current and anticipated future residents of the jurisdiction.

b. The elimination of substandard dwelling conditions.

c. The structural and aesthetic improvement of existing housing.

d. The provision of adequate sites for future housing, including affordable workforce housing as defined in s. 380.0651(3)*(h)*~~(j)~~, housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities.

e. Provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation, or replacement.

f. The formulation of housing implementation programs.

g. The creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction.

~~h. Energy efficiency in the design and construction of new housing.~~

~~i. Use of renewable energy resources.~~

~~j. Each county in which the gap between the buying power of a family of four and the median county home sale price exceeds $170,000, as determined by the Florida Housing Finance Corporation, and which is not designated as an area of critical state concern shall adopt a plan for ensuring affordable workforce housing. At a minimum, the plan shall identify adequate sites for such housing. For purposes of this sub-sub-paragraph, the term "workforce housing" means housing that is affordable to natural persons or families whose total household income does not exceed 140 percent of the area median income, adjusted for household size.~~

~~k. As a precondition to receiving any state affordable housing funding or allocation for any project or program within the jurisdiction of a county that is subject to sub-subparagraph j., a county must, by July 1 of each year, provide certification that the county has complied with the requirements of sub-subparagraph j.~~

2. The *principles, guidelines, standards, and strategies* ~~goals, objectives, and policies~~ of the housing element must be based on the data and analysis prepared on housing needs, including *an inventory taken from the latest decennial United States Census or more recent estimates, which shall include the number and distribution of dwelling units by type, tenure, age, rent, value, monthly cost of owner-occupied units, and rent or cost to income ratio, and shall show the number of dwelling units that are substandard. The inventory shall also include the methodology used to estimate the condition of housing, a projection of the anticipated number of households by size, income range, and age of residents derived from the population projections, and the minimum housing need of the current and anticipated future residents of the jurisdiction* ~~the affordable housing needs assessment~~.

3. The housing element must express principles, guidelines, standards, and strategies that reflect, as needed, the creation and preservation of affordable housing for all current and anticipated future residents of the jurisdiction, elimination of substandard housing conditions, adequate sites, and distribution of housing for a range of incomes and types, including mobile and manufactured homes. The element must provide for specific programs and actions to partner with private and nonprofit sectors to address housing needs in the jurisdiction, streamline the permitting process, and minimize costs and delays for affordable housing, establish standards to address the quality of housing, stabilization of neighborhoods, and identification and improvement of historically significant housing.

4. State and federal housing plans prepared on behalf of the local government must be consistent with the goals, objectives, and policies of the housing element. Local governments are encouraged to use job training, job creation, and economic solutions to address a portion of their affordable housing concerns.

~~2. To assist local governments in housing data collection and analysis and assure uniform and consistent information regarding the state's housing needs, the state land planning agency shall conduct an affordable housing needs assessment for all local jurisdictions on a schedule that coordinates the implementation of the needs assessment with the evaluation and appraisal reports required by s. 163.3191. Each local government shall utilize the data and analysis from the needs assessment as one basis for the housing element of its local comprehensive plan. The agency shall allow a local government the option to perform its own needs assessment, if it uses the methodology established by the agency by rule.~~

(g)~~1.~~ For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the *principles, guidelines, standards, and strategies* ~~policies~~ that shall guide the local government's decisions and program implementation with respect to the following objectives:

1.~~a.~~ *Maintain, restore, and enhance* ~~Maintenance, restoration, and enhancement of~~ the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.

2.~~b.~~ *Preserve the* continued existence of viable populations of all species of wildlife and marine life.

3.~~c.~~ *Protect* the orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.

4.~~d.~~ *Avoid* ~~Avoidance of~~ irreversible and irretrievable loss of coastal zone resources.

5.~~e.~~ *Use* ecological planning principles and assumptions ~~to be used~~ in the determination of *the* suitability ~~and extent~~ of permitted development.

~~f. Proposed management and regulatory techniques.~~

6.~~g.~~ *Limit* ~~Limitation of~~ public expenditures that subsidize development in ~~high hazard~~ coastal *high-hazard* areas.

7.~~h.~~ *Protect* ~~Protection of~~ human life against the effects of natural disasters.

8.~~i.~~ *Direct* the orderly development, maintenance, and use of ports identified in s. 403.021(9) to facilitate deepwater commercial navigation and other related activities.

9.~~j.~~ *Preserve historic and archaeological resources, which include the* ~~Preservation, including~~ sensitive adaptive use of *these* ~~historic and archaeological~~ resources.

10. At the option of the local government, develop an adaptation action area designation for those low-lying coastal zones that are experiencing coastal flooding due to extreme high tides and storm surge and are vulnerable to the impacts of rising sea level. Local governments that adopt an adaptation action area may consider policies within the coastal management element to improve resilience to coastal flooding resulting from high-tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea level rise. Criteria for the adaptation action area may include, but need not be limited to, areas for which the land elevations are below, at, or near mean higher high water, which have an hydrologic connection to coastal waters, or which are designated as evacuation zones for storm surge.

~~2. As part of this element, a local government that has a coastal management element in its comprehensive plan is encouraged to adopt recreational surface water use policies that include applicable criteria for and consider such factors as natural resources, manatee protection needs, protection of working waterfronts and public access to the water, and recreation and economic demands. Criteria for manatee protection in the recreational surface water use policies should reflect applicable guidance outlined in the Boat Facility Siting Guide prepared by the Fish and Wildlife Conservation Commission. If the local government elects to adopt recreational surface water use policies by comprehensive plan amendment, such comprehensive plan amendment is exempt from the provisions of s. 163.3187(1). Local governments that wish to adopt recreational surface water use policies may be eligible for assistance with the development of such policies through the Florida Coastal Management Program. The Office of Program Policy Analysis and Government Accountability shall submit a report on the adoption of recreational surface water use policies under this subparagraph to the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and the House of Representatives no later than December 1, 2010.~~

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.709, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan must demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element must provide procedures for identifying and implementing joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. ~~The intergovernmental coordination element must provide for recognition of campus master plans prepared pursuant to s. 1013.30 and airport master plans under paragraph (k).~~

~~c.~~ The intergovernmental coordination element shall provide for a dispute resolution process, as established pursuant to s. 186.509, for bringing intergovernmental disputes to closure in a timely manner.

c.~~d.~~ The intergovernmental coordination element shall provide for interlocal agreements as established pursuant to s. 333.03(1)(b).

2. The intergovernmental coordination element shall also state principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element must describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement.

3. Within 1 year after adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements. *The element must:*

a. Ensure that the local government addresses through coordination mechanisms the impacts of development proposed in the local comprehensive plan upon development in adjacent municipalities, the county, adjacent counties, the region, and the state. The area of concern for municipalities shall include adjacent municipalities, the county, and counties adjacent to the municipality. The area of concern for counties shall include all municipalities within the county, adjacent counties, and adjacent municipalities.

b. Ensure coordination in establishing level of service standards for public facilities with any state, regional, or local entity having operational and maintenance responsibility for such facilities.

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

~~4. Local governments shall execute an interlocal agreement with the district school board, the county, and nonexempt municipalities pursuant to s. 163.31777. The local government shall amend the intergovernmental coordination element to ensure that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement. Plan amendments that comply with this subparagraph are exempt from the provisions of s. 163.3187(1).~~

~~5. By January 1, 2004, any county having a population greater than 100,000, and the municipalities and special districts within that county, shall submit a report to the Department of Community Affairs which identifies:~~

~~a. All existing or proposed interlocal service delivery agreements relating to education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.~~

~~b. Any deficits or duplication in the provision of services within its jurisdiction, whether capital or operational. Upon request, the Department of Community Affairs shall provide technical assistance to the local governments in identifying deficits or duplication.~~

~~6. Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate regional planning council, coordinate a meeting of all local governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.~~

~~7. Each local government shall update its intergovernmental coordination element based upon the findings in the report submitted pursuant to subparagraph 5. The report may be used as supporting data and analysis for the intergovernmental coordination element.~~

~~(i) The optional elements of the comprehensive plan in paragraphs (7)(a) and (b) are required elements for those municipalities having populations greater than 50,000, and those counties having populations greater than 75,000, as determined under s. 186.901.~~

~~(j) For each unit of local government within an urbanized area designated for purposes of s. 339.175, a transportation element, which must be prepared and adopted in lieu of the requirements of paragraph (b) and paragraphs (7)(a), (b), (c), and (d) and which shall address the following issues:~~

~~1. Traffic circulation, including major thoroughfares and other routes, including bicycle and pedestrian ways.~~

~~2. All alternative modes of travel, such as public transportation, pedestrian, and bicycle travel.~~

~~3. Parking facilities.~~

~~4. Aviation, rail, seaport facilities, access to those facilities, and intermodal terminals.~~

~~5. The availability of facilities and services to serve existing land uses and the compatibility between future land use and transportation elements.~~

~~6. The capability to evacuate the coastal population prior to an impending natural disaster.~~

~~7. Airports, projected airport and aviation development, and land use compatibility around airports, which includes areas defined in ss. 333.01 and 333.02.~~

~~8. An identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.~~

~~9. May include transportation corridors, as defined in s. 334.03, intended for future transportation facilities designated pursuant to s. 337.273. If transportation corridors are designated, the local government may adopt a transportation corridor management ordinance.~~

~~10. The incorporation of transportation strategies to address reduction in greenhouse gas emissions from the transportation sector.~~

~~(k) An airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under s. 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable metropolitan planning organization long-range transportation plans; and the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level of service standards for facilities subject to concurrency; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport related or aviation related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, shall not be a development of regional impact. Notwithstanding any other general law, an airport that has received a development of regional impact development order pursuant to s. 380.06, but which is no longer required to undergo development of regional impact review pursuant to this subsection, may abandon its development of regional impact order upon written notification to the applicable local government. Upon receipt by the local government, the development of regional impact development order is void.~~

~~(7) The comprehensive plan may include the following additional elements, or portions or phases thereof:~~

~~(a) As a part of the circulation element of paragraph (6)(b) or as a separate element, a mass transit element showing proposed methods for the moving of people, rights-of-way, terminals, related facilities, and fiscal considerations for the accomplishment of the element.~~

~~(b) As a part of the circulation element of paragraph (6)(b) or as a separate element, plans for port, aviation, and related facilities coordinated with the general circulation and transportation element.~~

~~(c) As a part of the circulation element of paragraph (6)(b) and in coordination with paragraph (6)(c), where applicable, a plan element for the circulation of recreational traffic, including bicycle facilities, exercise trails, riding facilities, and such other matters as may be related to the improvement and safety of movement of all types of recreational traffic.~~

~~(d) As a part of the circulation element of paragraph (6)(b) or as a separate element, a plan element for the development of offstreet parking facilities for motor vehicles and the fiscal considerations for the accomplishment of the element.~~

~~(e) A public buildings and related facilities element showing locations and arrangements of civic and community centers, public schools, hospitals, libraries, police and fire stations, and other public buildings. This plan element should show particularly how it is proposed to effect coordination with governmental units, such as school boards or hospital authorities, having public development and service responsibilities, capabilities, and potential but not having land development regulatory authority. This element may include plans for architecture and landscape treatment of their grounds.~~

~~(f) A recommended community design element which may consist of design recommendations for land subdivision, neighborhood development and redevelopment, design of open space locations, and similar matters to the end that such recommendations may be available as aids and guides to developers in the future planning and development of land in the area.~~

~~(g) A general area redevelopment element consisting of plans and programs for the redevelopment of slums and blighted locations in the area and for community redevelopment, including housing sites, business and industrial sites, public buildings sites, recreational facilities, and other purposes authorized by law.~~

~~(h) A safety element for the protection of residents and property of the area from fire, hurricane, or manmade or natural catastrophe, including such necessary features for protection as evacuation routes and their control in an emergency, water supply requirements, minimum road widths, clearances around and elevations of structures, and similar matters.~~

~~(i) An historical and scenic preservation element setting out plans and programs for those structures or lands in the area having historical, archaeological, architectural, scenic, or similar significance.~~

~~(j) An economic element setting forth principles and guidelines for the commercial and industrial development, if any, and the employment and personnel utilization within the area. The element may detail the type of commercial and industrial development sought, correlated to the present and projected employment needs of the area and to other elements of the plans, and may set forth methods by which a balanced and stable economic base will be pursued.~~

~~(k) Such other elements as may be peculiar to, and necessary for, the area concerned and as are added to the comprehensive plan by the governing body upon the recommendation of the local planning agency.~~

~~(l) Local governments that are not required to prepare coastal management elements under s. 163.3178 are encouraged to adopt hazard mitigation/postdisaster redevelopment plans. These plans should, at a minimum, establish long-term policies regarding redevelopment, infrastructure, densities, nonconforming uses, and future land use patterns. Grants to assist local governments in the preparation of these hazard mitigation/postdisaster redevelopment plans shall be available through the Emergency Management Preparedness and Assistance Account in the Grants and Donations Trust Fund administered by the department, if such account is created by law. The plans must be in compliance with the requirements of this act and chapter 252.~~

~~(8) All elements of the comprehensive plan, whether mandatory or optional, shall be based upon data appropriate to the element involved. Surveys and studies utilized in the preparation of the comprehensive plan shall not be deemed a part of the comprehensive plan unless adopted as a part of it. Copies of such studies, surveys, and supporting documents shall be made available to public inspection, and copies of such plans shall be made available to the public upon payment of reasonable charges for reproduction.~~

~~(9) The state land planning agency shall, by February 15, 1986, adopt by rule minimum criteria for the review and determination of compliance of the local government comprehensive plan elements re-~~

~~quired by this act. Such rules shall not be subject to rule challenges under s. 120.56(2) or to drawout proceedings under s. 120.54(3)(c)2. Such rules shall become effective only after they have been submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature no later than 30 days prior to the next regular session of the Legislature. In its review the Legislature may reject, modify, or take no action relative to the rules. The agency shall conform the rules to the changes made by the Legislature, or, if no action was taken, the agency rules shall become effective. The rule shall include criteria for determining whether:~~

~~(a) Proposed elements are in compliance with the requirements of part II, as amended by this act.~~

~~(b) Other elements of the comprehensive plan are related to and consistent with each other.~~

~~(c) The local government comprehensive plan elements are consistent with the state comprehensive plan and the appropriate regional policy plan pursuant to s. 186.508.~~

~~(d) Certain bays, estuaries, and harbors that fall under the jurisdiction of more than one local government are managed in a consistent and coordinated manner in the case of local governments required to include a coastal management element in their comprehensive plans pursuant to paragraph (6)(g).~~

~~(e) Proposed elements identify the mechanisms and procedures for monitoring, evaluating, and appraising implementation of the plan. Specific measurable objectives are included to provide a basis for evaluating effectiveness as required by s. 163.3191.~~

~~(f) Proposed elements contain policies to guide future decisions in a consistent manner.~~

~~(g) Proposed elements contain programs and activities to ensure that comprehensive plans are implemented.~~

~~(h) Proposed elements identify the need for and the processes and procedures to ensure coordination of all development activities and services with other units of local government, regional planning agencies, water management districts, and state and federal agencies as appropriate.~~

~~The state land planning agency may adopt procedural rules that are consistent with this section and chapter 120 for the review of local government comprehensive plan elements required under this section. The state land planning agency shall provide model plans and ordinances and, upon request, other assistance to local governments in the adoption and implementation of their revised local government comprehensive plans. The review and comment provisions applicable prior to October 1, 1985, shall continue in effect until the criteria for review and determination are adopted pursuant to this subsection and the comprehensive plans required by s. 163.3167(2) are due.~~

~~(10) The Legislature recognizes the importance and significance of chapter 9J-5, Florida Administrative Code, the Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance of the Department of Community Affairs that will be used to determine compliance of local comprehensive plans. The Legislature reserved unto itself the right to review chapter 9J-5, Florida Administrative Code, and to reject, modify, or take no action relative to this rule. Therefore, pursuant to subsection (9), the Legislature hereby has reviewed chapter 9J-5, Florida Administrative Code, and expresses the following legislative intent:~~

~~(a) The Legislature finds that in order for the department to review local comprehensive plans, it is necessary to define the term "consistency." Therefore, for the purpose of determining whether local comprehensive plans are consistent with the state comprehensive plan and the appropriate regional policy plan, a local plan shall be consistent with such plans if the local plan is "compatible with" and "furthers" such plans. The term "compatible with" means that the local plan is not in conflict with the state comprehensive plan or appropriate regional policy plan. The term "furthers" means to take action in the direction of realizing goals or policies of the state or regional plan. For the purposes of determining consistency of the local plan with the state comprehensive plan or the appropriate regional policy plan, the state or regional plan shall be construed as a whole and no specific goal and policy shall be construed or applied in isolation from the other goals and policies in the plans.~~

~~(b) Each local government shall review all the state comprehensive plan goals and policies and shall address in its comprehensive plan the goals and policies which are relevant to the circumstances or conditions in its jurisdiction. The decision regarding which particular state comprehensive plan goals and policies will be furthered by the expenditure of a local government's financial resources in any given year is a decision which rests solely within the discretion of the local government. Intergovernmental coordination, as set forth in paragraph (6)(h), shall be utilized to the extent required to carry out the provisions of chapter 9J-5, Florida Administrative Code.~~

~~(c) The Legislature declares that if any portion of chapter 9J-5, Florida Administrative Code, is found to be in conflict with this part, the appropriate statutory provision shall prevail.~~

~~(d) Chapter 9J-5, Florida Administrative Code, does not mandate the creation, limitation, or elimination of regulatory authority, nor does it authorize the adoption or require the repeal of any rules, criteria, or standards of any local, regional, or state agency.~~

~~(e) It is the Legislature's intent that support data or summaries thereof shall not be subject to the compliance review process, but the Legislature intends that goals and policies be clearly based on appropriate data. The department may utilize support data or summaries thereof to aid in its determination of compliance and consistency. The Legislature intends that the department may evaluate the application of a methodology utilized in data collection or whether a particular methodology is professionally accepted. However, the department shall not evaluate whether one accepted methodology is better than another. Chapter 9J-5, Florida Administrative Code, shall not be construed to require original data collection by local governments; however, Local governments are not to be discouraged from utilizing original data so long as methodologies are professionally accepted.~~

~~(f) The Legislature recognizes that under this section, local governments are charged with setting levels of service for public facilities in their comprehensive plans in accordance with which development orders and permits will be issued pursuant to s. 163.3202(2)(g). Nothing herein shall supersede the authority of state, regional, or local agencies as otherwise provided by law.~~

~~(g) Definitions contained in chapter 9J-5, Florida Administrative Code, are not intended to modify or amend the definitions utilized for purposes of other programs or rules or to establish or limit regulatory authority. Local governments may establish alternative definitions in local comprehensive plans, as long as such definitions accomplish the intent of this chapter, and chapter 9J-5, Florida Administrative Code.~~

~~(h) It is the intent of the Legislature that public facilities and services needed to support development shall be available concurrent with the impacts of such development in accordance with s. 163.3180. In meeting this intent, public facility and service availability shall be deemed sufficient if the public facilities and services for a development are phased, or the development is phased, so that the public facilities and those related services which are deemed necessary by the local government to operate the facilities necessitated by that development are available concurrent with the impacts of the development. The public facilities and services, unless already available, are to be consistent with the capital improvements element of the local comprehensive plan as required by paragraph (3)(a) or guaranteed in an enforceable development agreement. This shall include development agreements pursuant to this chapter or in an agreement or a development order issued pursuant to chapter 380. Nothing herein shall be construed to require a local government to address services in its capital improvements plan or to limit a local government's ability to address any service in its capital improvements plan that it deems necessary.~~

~~(i) The department shall take into account the factors delineated in rule 9J-5.002(2), Florida Administrative Code, as it provides assistance to local governments and applies the rule in specific situations with regard to the detail of the data and analysis required.~~

~~(j) Chapter 9J-5, Florida Administrative Code, has become effective pursuant to subsection (9). The Legislature hereby directs the depart-~~

~~ment to adopt amendments as necessary which conform chapter 9J-5, Florida Administrative Code, with the requirements of this legislative intent by October 1, 1986.~~

~~(k) In order for local governments to prepare and adopt comprehensive plans with knowledge of the rules that are applied to determine consistency of the plans with this part, there should be no doubt as to the legal standing of chapter 9J-5, Florida Administrative Code, at the close of the 1986 legislative session. Therefore, the Legislature declares that changes made to chapter 9J-5 before October 1, 1986, are not subject to rule challenges under s. 120.56(2), or to drawout proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5, Florida Administrative Code, as amended, is subject to rule challenges under s. 120.56(3), as nothing herein indicates approval or disapproval of any portion of chapter 9J-5 not specifically addressed herein. Any amendments to chapter 9J-5, Florida Administrative Code, exclusive of the amendments adopted prior to October 1, 1986, pursuant to this act, shall be subject to the full chapter 120 process. All amendments shall have effective dates as provided in chapter 120 and submission to the President of the Senate and Speaker of the House of Representatives shall not be required.~~

~~(l) The state land planning agency shall consider land use compatibility issues in the vicinity of all airports in coordination with the Department of Transportation and adjacent to or in close proximity to all military installations in coordination with the Department of Defense.~~

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

~~(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land use efficiencies within existing urban areas and which also allows for the conversion of rural lands to other uses, where appropriate and consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed use development, and sector planning.~~

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

~~(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, water management districts, and regional planning councils, shall provide assistance to local governments in the implementation of this paragraph and rule 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained herein and in rule 9J-5.006(5)(l), Florida Administrative Code. Assistance may include, but is not limited to:~~

~~a. Assistance from the Department of Environmental Protection and water management districts in creating the geographic information systems land cover database and aerial photogrammetry needed to prepare for a rural land stewardship area;~~

~~b. Support for local government implementation of rural land stewardship concepts by providing information and assistance to local governments regarding land acquisition programs that may be used by the local government or landowners to leverage the protection of greater acreage and maximize the effectiveness of rural land stewardship areas; and~~

~~c. Expansion of the role of the Department of Community Affairs as a resource agency to facilitate establishment of rural land stewardship areas in smaller rural counties that do not have the staff or planning budgets to create a rural land stewardship area.~~

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

~~3. A local government, in conjunction with a regional planning council, a stakeholder organization of private land owners, or another local government, shall notify the department in writing of its intent to designate a rural land stewardship area. The written notification shall describe the basis for the designation, including the extent to which the rural land stewardship area enhances rural land values, controls urban sprawl, provides necessary open space for agriculture and protection of the natural environment, promotes rural economic activity, and maintains rural character and the economic viability of agriculture.~~

~~4. A rural land stewardship area shall be not less than 10,000 acres and shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184 and shall provide for the following:~~

~~a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.~~

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

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

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

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

~~5. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the~~

~~local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government. At the time of designation of a stewardship receiving area, a listed species survey will be performed. If listed species occur on the receiving area site, the developer shall coordinate with each appropriate local, state, or federal agency to determine if adequate provisions have been made to protect those species in accordance with applicable regulations. In determining the adequacy of provisions for the protection of listed species and their habitats, the rural land stewardship area shall be considered as a whole, and the impacts to areas to be developed as receiving areas shall be considered together with the environmental benefits of areas protected as sending areas in fulfilling this criteria.~~

~~6. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, establish the methodology for the creation, conveyance, and use of transferable rural land use credits, otherwise referred to as stewardship credits, the application of which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferable rural land use credits within the rural land stewardship area must enable the realization of the long term vision and goals for the 25 year or greater projected population of the rural land stewardship area, which may take into consideration the anticipated effect of the proposed receiving areas. Transferable rural land use credits are subject to the following limitations:~~

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

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

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

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

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

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

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

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

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

~~j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the natural resource or other beneficial use characteristics of the land and according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land or, in locations where the retention of open space and agricultural land is a priority, to such lands.~~

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

~~7. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:~~

~~a. Opportunity to accumulate transferable mitigation credits.~~

~~b. Extended permit agreements.~~

~~c. Opportunities for recreational leases and ecotourism.~~

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

~~e. Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of conservation objectives.~~

~~8. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph.~~

~~(e) The Legislature finds that mixed use, high density development is appropriate for urban infill and redevelopment areas. Mixed use projects accommodate a variety of uses, including residential and commercial, and usually at higher densities that promote pedestrian-friendly, sustainable communities. The Legislature recognizes that mixed use, high density development improves the quality of life for residents and businesses in urban areas. The Legislature finds that mixed use, high density redevelopment and infill benefits residents by creating a livable community with alternative modes of transportation. Furthermore, the Legislature finds that local zoning ordinances often discourage mixed use, high density development in areas that are appropriate for urban infill and redevelopment. The Legislature intends to discourage single use zoning in urban areas which often leads to lower-density, land-intensive development outside an urban service area. Therefore, the Department of Community Affairs shall provide technical assistance to local governments in order to encourage mixed use, high-density urban infill and redevelopment projects.~~

~~(f) The Legislature finds that a program for the transfer of development rights is a useful tool to preserve historic buildings and create public open spaces in urban areas. A program for the transfer of development rights allows the transfer of density credits from historic properties and public open spaces to areas designated for high density development. The Legislature recognizes that high density development is integral to the success of many urban infill and redevelopment projects. The Legislature intends to encourage high density urban infill and redevelopment while preserving historic structures and open spaces. Therefore, the Department of Community Affairs shall provide technical assistance to local governments in order to promote the transfer of development rights within urban areas for high density infill and redevelopment projects.~~

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

~~(h) The department may adopt rules necessary to implement the provisions of this subsection.~~

~~(12) A public school facilities element adopted to implement a school concurrency program shall meet the requirements of this subsection.~~

~~Each county and each municipality within the county, unless exempt or subject to a waiver, must adopt a public school facilities element that is consistent with those adopted by the other local governments within the county and enter the interlocal agreement pursuant to s. 163.31777.~~

~~(a) The state land planning agency may provide a waiver to a county and to the municipalities within the county if the capacity rate for all schools within the school district is no greater than 100 percent and the projected 5-year capital outlay full-time equivalent student growth rate is less than 10 percent. The state land planning agency may allow for a projected 5-year capital outlay full-time equivalent student growth rate to exceed 10 percent when the projected 10-year capital outlay full-time equivalent student enrollment is less than 2,000 students and the capacity rate for all schools within the school district in the tenth year will not exceed the 100-percent limitation. The state land planning agency may allow for a single school to exceed the 100-percent limitation if it can be demonstrated that the capacity rate for that single school is not greater than 105 percent. In making this determination, the state land planning agency shall consider the following criteria:~~

~~1. Whether the exceedance is due to temporary circumstances;~~

~~2. Whether the projected 5-year capital outlay full-time equivalent student growth rate for the school district is approaching the 10-percent threshold;~~

~~3. Whether one or more additional schools within the school district are at or approaching the 100-percent threshold; and~~

~~4. The adequacy of the data and analysis submitted to support the waiver request.~~

~~(b) A municipality in a nonexempt county is exempt if the municipality meets all of the following criteria for having no significant impact on school attendance:~~

~~1. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.~~

~~2. The municipality has not annexed new land during the preceding 5 years in land use categories that permit residential uses that will affect school attendance rates.~~

~~3. The municipality has no public schools located within its boundaries.~~

~~(c) A public school facilities element shall be based upon data and analyses that address, among other items, how level-of-service standards will be achieved and maintained. Such data and analyses must include, at a minimum, such items as: the interlocal agreement adopted pursuant to s. 163.31777 and the 5-year school district facilities work program adopted pursuant to s. 1013.35; the educational plant survey prepared pursuant to s. 1013.31 and an existing educational and ancillary plant map or map series; information on existing development and development anticipated for the next 5 years and the long-term planning period; an analysis of problems and opportunities for existing schools and schools anticipated in the future; an analysis of opportunities to collocate future schools with other public facilities such as parks, libraries, and community centers; an analysis of the need for supporting public facilities for existing and future schools; an analysis of opportunities to locate schools to serve as community focal points; projected future population and associated demographics, including development patterns year by year for the upcoming 5-year and long-term planning periods; and anticipated educational and ancillary plants with land area requirements.~~

~~(d) The element shall contain one or more goals which establish the long-term end toward which public school programs and activities are ultimately directed.~~

~~(e) The element shall contain one or more objectives for each goal, setting specific, measurable, intermediate ends that are achievable and mark progress toward the goal.~~

~~(f) The element shall contain one or more policies for each objective which establish the way in which programs and activities will be conducted to achieve an identified goal.~~

~~(g) The objectives and policies shall address items such as:~~

~~1. The procedure for an annual update process;~~

~~2. The procedure for school site selection;~~

~~3. The procedure for school permitting;~~

~~4. Provision for infrastructure necessary to support proposed schools, including potable water, wastewater, drainage, solid waste, transportation, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization;~~

~~5. Provision for colocation of other public facilities, such as parks, libraries, and community centers, in proximity to public schools;~~

~~6. Provision for location of schools proximate to residential areas and to complement patterns of development, including the location of future school sites so they serve as community focal points;~~

~~7. Measures to ensure compatibility of school sites and surrounding land uses;~~

~~8. Coordination with adjacent local governments and the school district on emergency preparedness issues, including the use of public schools to serve as emergency shelters; and~~

~~9. Coordination with the future land use element.~~

~~(h) The element shall include one or more future conditions maps which depict the anticipated location of educational and ancillary plants, including the general location of improvements to existing schools or new schools anticipated over the 5-year or long-term planning period. The maps will of necessity be general for the long-term planning period and more specific for the 5-year period. Maps indicating general locations of future schools or school improvements may not prescribe a land use on a particular parcel of land.~~

~~(i) The state land planning agency shall establish a phased schedule for adoption of the public school facilities element and the required updates to the public schools interlocal agreement pursuant to s. 163.31777. The schedule shall provide for each county and local government within the county to adopt the element and update to the agreement no later than December 1, 2008. Plan amendments to adopt a public school facilities element are exempt from the provisions of s. 163.3187(1).~~

~~(j) The state land planning agency may issue a notice to the school board and the local government to show cause why sanctions should not be enforced for failure to enter into an approved interlocal agreement as required by s. 163.31777 or for failure to implement provisions relating to public school concurrency. If the state land planning agency finds that insufficient cause exists for the school board's or local government's failure to enter into an approved interlocal agreement as required by s. 163.31777 or for the school board's or local government's failure to implement the provisions relating to public school concurrency, the state land planning agency shall submit its finding to the Administration Commission which may impose on the local government any of the sanctions set forth in s. 163.3184(11)(a) and (b) and may impose on the district school board any of the sanctions set forth in s. 1008.32(4).~~

~~(13) Local governments are encouraged to develop a community vision that provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources. At the request of a local government, the applicable regional planning council shall provide assistance in the development of a community vision.~~

~~(a) As part of the process of developing a community vision under this section, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.~~

~~(b) The local government must, at a minimum, discuss five of the following topics as part of the workshops and public meetings required under paragraph (a):~~

~~1. Future growth in the area using population forecasts from the Bureau of Economic and Business Research;~~

~~2. Priorities for economic development;~~

~~3. Preservation of open space, environmentally sensitive lands, and agricultural lands;~~

~~4. Appropriate areas and standards for mixed-use development;~~

~~5. Appropriate areas and standards for high-density commercial and residential development;~~

~~6. Appropriate areas and standards for economic development opportunities and employment centers;~~

~~7. Provisions for adequate workforce housing;~~

~~8. An efficient, interconnected multimodal transportation system; and~~

~~9. Opportunities to create land use patterns that accommodate the issues listed in subparagraphs 1. 8.~~

~~(c) As part of the workshops and public meetings, the local government must discuss strategies for addressing the topics discussed under paragraph (b), including:~~

~~1. Strategies to preserve open space and environmentally sensitive lands, and to encourage a healthy agricultural economy, including innovative planning and development strategies, such as the transfer of development rights;~~

~~2. Incentives for mixed-use development, including increased height and intensity standards for buildings that provide residential use in combination with office or commercial space;~~

~~3. Incentives for workforce housing;~~

~~4. Designation of an urban service boundary pursuant to subsection (2); and~~

~~5. Strategies to provide mobility within the community and to protect the Strategic Intermodal System, including the development of a transportation corridor management plan under s. 337.273.~~

~~(d) The community vision must reflect the community's shared concept for growth and development of the community, including visual representations depicting the desired land use patterns and character of the community during a 10-year planning timeframe. The community vision must also take into consideration economic viability of the vision and private property interests.~~

~~(e) After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the community vision as a component in the plan. This plan amendment must be transmitted and adopted pursuant to the procedures in ss. 163.3184 and 163.3189 at public hearings of the governing body other than those identified in paragraph (a).~~

~~(f) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.~~

~~(g) A local government that has developed a community vision or completed a visioning process after July 1, 2000, and before July 1, 2005, which substantially accomplishes the goals set forth in this subsection and the appropriate goals, policies, or objectives have been adopted as part of the comprehensive plan or reflected in subsequently adopted land development regulations and the plan amendment incorporating the community vision as a component has been found in compliance is eligible for the incentives in s. 163.3184(17).~~

~~(14) Local governments are also encouraged to designate an urban service boundary. This area must be appropriate for compact, contiguous urban development within a 10-year planning timeframe. The urban service area boundary must be identified on the future land use map or map series. The local government shall demonstrate that the land included within the urban service boundary is served or is planned to be served with adequate public facilities and services based on the local government's adopted level-of-service standards by adopting a 10-year facilities plan in the capital improvements element which is financially feasible. The local government shall demonstrate that the amount of land within the urban service boundary does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning timeframe.~~

~~(a) As part of the process of establishing an urban service boundary, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.~~

~~(b)1. After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the urban service boundary. This plan amendment must be transmitted and adopted pursuant to the procedures in ss. 163.3184 and 163.3189 at meetings of the governing body other than those required under paragraph (a).~~

~~2. This subsection does not prohibit new development outside an urban service boundary. However, a local government that establishes an urban service boundary under this subsection is encouraged to require a full-cost-accounting analysis for any new development outside the boundary and to consider the results of that analysis when adopting a plan amendment for property outside the established urban service boundary.~~

~~(c) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.~~

~~(d) A local government that has adopted an urban service boundary before July 1, 2005, which substantially accomplishes the goals set forth in this subsection is not required to comply with paragraph (a) or subparagraph 1. of paragraph (b) in order to be eligible for the incentives under s. 163.3184(17). In order to satisfy the provisions of this paragraph, the local government must secure a determination from the state land planning agency that the urban service boundary adopted before July 1, 2005, substantially complies with the criteria of this subsection, based on data and analysis submitted by the local government to support this determination. The determination by the state land planning agency is not subject to administrative challenge.~~

(7)~~(15)~~(a) The Legislature finds that:

1. There are a number of rural agricultural industrial centers in the state that process, produce, or aid in the production or distribution of a variety of agriculturally based products, including, but not limited to, fruits, vegetables, timber, and other crops, and juices, paper, and building materials. Rural agricultural industrial centers have a significant amount of existing associated infrastructure that is used for processing, producing, or distributing agricultural products.

2. Such rural agricultural industrial centers are often located within or near communities in which the economy is largely dependent upon agriculture and agriculturally based products. The centers significantly enhance the economy of such communities. However, these agriculturally based communities are often socioeconomically challenged and designated as rural areas of critical economic concern. If such rural agricultural industrial centers are lost and not replaced with other job-creating enterprises, the agriculturally based communities will lose a substantial amount of their economies.

3. The state has a compelling interest in preserving the viability of agriculture and protecting rural agricultural communities and the state from the economic upheaval that would result from short-term or long-term adverse changes in the agricultural economy. To protect these communities and promote viable agriculture for the long term, it is essential to encourage and permit diversification of existing rural agricultural industrial centers by providing for jobs that are not solely dependent upon, but are compatible with and complement, existing agricultural industrial operations and to encourage the creation and expansion of industries that use agricultural products in innovative ways. However, the expansion and diversification of these existing cen-

ters must be accomplished in a manner that does not promote urban sprawl into surrounding agricultural and rural areas.

(b) As used in this subsection, the term "rural agricultural industrial center" means a developed parcel of land in an unincorporated area on which there exists an operating agricultural industrial facility or facilities that employ at least 200 full-time employees in the aggregate and process and prepare for transport a farm product, as defined in s. 163.3162, or any biomass material that could be used, directly or indirectly, for the production of fuel, renewable energy, bioenergy, or alternative fuel as defined by law. The center may also include land contiguous to the facility site which is not used for the cultivation of crops, but on which other existing activities essential to the operation of such facility or facilities are located or conducted. The parcel of land must be located within, or within 10 miles of, a rural area of critical economic concern.

(c)1. A landowner whose land is located within a rural agricultural industrial center may apply for an amendment to the local government comprehensive plan for the purpose of designating and expanding the existing agricultural industrial uses of facilities located within the center or expanding the existing center to include industrial uses or facilities that are not dependent upon but are compatible with agriculture and the existing uses and facilities. A local government comprehensive plan amendment under this paragraph must:

a. Not increase the physical area of the existing rural agricultural industrial center by more than 50 percent or 320 acres, whichever is greater.

b. Propose a project that would, upon completion, create at least 50 new full-time jobs.

c. Demonstrate that sufficient infrastructure capacity exists or will be provided to support the expanded center at the level-of-service standards adopted in the local government comprehensive plan.

d. Contain goals, objectives, and policies that will ensure that any adverse environmental impacts of the expanded center will be adequately addressed and mitigation implemented or demonstrate that the local government comprehensive plan contains such provisions.

2. Within 6 months after receiving an application as provided in this paragraph, the local government shall transmit the application to the state land planning agency for review pursuant to this chapter together with any needed amendments to the applicable sections of its comprehensive plan to include goals, objectives, and policies that provide for the expansion of rural agricultural industrial centers and discourage urban sprawl in the surrounding areas. Such goals, objectives, and policies must promote and be consistent with the findings in this subsection. An amendment that meets the requirements of this subsection is presumed *not* to be *urban sprawl as defined in s. 163.3164 and shall be considered within 90 days after any review required by the state land planning agency if required by s. 163.3184.* ~~consistent with rule 9J-5.006(5), Florida Administrative Code~~. This presumption may be rebutted by a preponderance of the evidence.

(d) This subsection does not apply to an optional sector plan adopted pursuant to s. 163.3245, a rural land stewardship area designated pursuant to *s. 163.3248* ~~subsection (11)~~, or any comprehensive plan amendment that includes an inland port terminal or affiliated port development.

(e) Nothing in this subsection shall be construed to confer the status of rural area of critical economic concern, or any of the rights or benefits derived from such status, on any land area not otherwise designated as such pursuant to s. 288.0656(7).

Section 13. Section 163.31777, Florida Statutes, is amended to read:

163.31777 Public schools interlocal agreement.—

(1)~~(a)~~ The county and municipalities located within the geographic area of a school district shall enter into an interlocal agreement with the district school board which jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. ~~The interlocal agreements shall be submitted to the state land planning agency and the Office of Educational Facilities in accordance with a schedule published by the state land planning agency.~~

~~(b) The schedule must establish staggered due dates for submission of interlocal agreements that are executed by both the local government and the district school board, commencing on March 1, 2003, and concluding by December 1, 2004, and must set the same date for all governmental entities within a school district. However, if the county where the school district is located contains more than 20 municipalities, the state land planning agency may establish staggered due dates for the submission of interlocal agreements by these municipalities. The schedule must begin with those areas where both the number of districtwide capital-outlay full-time-equivalent students equals 80 percent or more of the current year's school capacity and the projected 5-year student growth is 1,000 or greater, or where the projected 5-year student growth rate is 10 percent or greater.~~

~~(c) If the student population has declined over the 5-year period preceding the due date for submittal of an interlocal agreement by the local government and the district school board, the local government and the district school board may petition the state land planning agency for a waiver of one or more requirements of subsection (2). The waiver must be granted if the procedures called for in subsection (2) are unnecessary because of the school district's declining school age population, considering the district's 5-year facilities work program prepared pursuant to s. 1013.35. The state land planning agency may modify or revoke the waiver upon a finding that the conditions upon which the waiver was granted no longer exist. The district school board and local governments must submit an interlocal agreement within 1 year after notification by the state land planning agency that the conditions for a waiver no longer exist.~~

~~(d) Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177 before the effective date of this section must be updated and executed pursuant to the requirements of this section, if necessary. Amendments to interlocal agreements adopted pursuant to this section must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with this section.~~ Local governments and the district school board in each school district are encouraged to adopt a single interlocal agreement to which all join as parties. ~~The state land planning agency shall assemble and make available model interlocal agreements meeting the requirements of this section and notify local governments and, jointly with the Department of Education, the district school boards of the requirements of this section, the dates for compliance, and the sanctions for noncompliance. The state land planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the potential for sanctions.~~

(2) At a minimum, the interlocal agreement must address ~~interlocal agreement requirements in s. 163.3180(13)(g), except for exempt local governments as provided in s. 163.3177(12), and must address~~ the following issues:

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new, proposed expansion, or redevelopment of existing schools. The process must address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding the effect of comprehensive plan amendments on school capacity. The capacity reporting must be consistent with laws and rules relating to measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the district school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

~~(3)(a) The Office of Educational Facilities shall submit any comments or concerns regarding the executed interlocal agreement to the state land planning agency within 30 days after receipt of the executed interlocal agreement. The state land planning agency shall review the executed interlocal agreement to determine whether it is consistent with the requirements of subsection (2), the adopted local government comprehensive plan, and other requirements of law. Within 60 days after receipt of an executed interlocal agreement, the state land planning agency shall publish a notice of intent in the Florida Administrative Weekly and shall post a copy of the notice on the agency's Internet site. The notice of intent must state whether the interlocal agreement is consistent or inconsistent with the requirements of subsection (2) and this subsection, as appropriate.~~

~~(b) The state land planning agency's notice is subject to challenge under chapter 120; however, an affected person, as defined in s. 163.3184(1)(a), has standing to initiate the administrative proceeding, and this proceeding is the sole means available to challenge the consistency of an interlocal agreement required by this section with the criteria contained in subsection (2) and this subsection. In order to have standing, each person must have submitted oral or written comments, recommendations, or objections to the local government or the school board before the adoption of the interlocal agreement by the school board and local government. The district school board and local governments are parties to any such proceeding. In this proceeding, when the state land planning agency finds the interlocal agreement to be consistent with the criteria in subsection (2) and this subsection, the interlocal agreement shall be determined to be consistent with subsection (2) and this subsection if the local government's and school board's determination of consistency is fairly debatable. When the state planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (2) and this subsection, the local government's and school board's determination of consistency shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.~~

~~(c) If the state land planning agency enters a final order that finds that the interlocal agreement is inconsistent with the requirements of subsection (2) or this subsection, it shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to s. 163.3184(11) and may impose sanctions against the district school board by directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.~~

~~(4) If an executed interlocal agreement is not timely submitted to the state land planning agency for review, the state land planning agency shall, within 15 working days after the deadline for submittal, issue to the local government and the district school board a Notice to Show Cause why sanctions should not be imposed for failure to submit an executed interlocal agreement by the deadline established by the agency. The agency shall forward the notice and the responses to the Administration Commission, which may enter a final order citing the failure to comply and imposing sanctions against the local government and district school board by directing the appropriate agencies to withhold at least 5 percent of state funds pursuant to s. 163.3184(11) and by directing the Department of Education to withhold from the district school board at least 5 percent of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.~~

~~(5) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before the effective date of this section is not required to amend the element or any interlocal agreement to conform with the provisions of this section if the element is adopted prior to or within 1 year after the effective date of this section and remains in effect until the county conducts its evaluation and appraisal report and identifies changes necessary to more fully conform to the provisions of this section.~~

~~(6) Except as provided in subsection (7), municipalities meeting the exemption criteria in s. 163.3177(12) are exempt from the requirements of subsections (1), (2), and (3).~~

~~(7) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under s. 163.3177(12). If the municipality continues to meet these criteria, the municipality shall continue to be exempt from the interlocal agreement requirement. Each municipality exempt under s. 163.3177(12) must comply with the provisions of this section within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.~~

Section 14. Subsection (9) of section 163.3178, Florida Statutes, is amended to read:

163.3178 Coastal management.—

(9)(a) ~~Local governments may elect to comply with rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code, through the process provided in this section.~~ A proposed comprehensive plan amendment shall be found in compliance with state coastal high-hazard provisions ~~pursuant to rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code,~~ if:

1. The adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale; *or*

2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or

3. Appropriate mitigation is provided that will satisfy ~~the provisions of~~ subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation *may* ~~shall~~ not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.

(b) For those local governments that have not established a level of service for out-of-county hurricane evacuation by July 1, 2008, ~~but elect to comply with rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code,~~ by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.

(c) This subsection shall become effective immediately and shall apply to all local governments. No later than July 1, 2008, local governments shall amend their future land use map and coastal management element to include the new definition of coastal high-hazard area and to depict the coastal high-hazard area on the future land use map.

Section 15. Section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(1)~~(a)~~ Sanitary sewer, solid waste, drainage, *and* potable water~~, parks and recreation, schools, and transportation facilities, including mass transit, where applicable,~~ are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without ~~appropriate study and~~ approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

(a) If concurrency is applied to other public facilities, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service, to guide its application. In order for a local government to rescind any optional concurrency provisions, a comprehensive plan amendment is required. An amendment rescinding optional concurrency issues is not subject to state review.

(b) The local government comprehensive plan must demonstrate, for required or optional concurrency requirements, that the levels of service adopted can be reasonably met. Infrastructure needed to ensure that adopted level-of-service standards are achieved and maintained for the 5-year period of the capital improvement schedule must be identified pursuant to the requirements of s. 163.3177(3). The comprehensive plan must include principles, guidelines, standards, and strategies for the establishment of a concurrency management system.

~~(b) Local governments shall use professionally accepted techniques for measuring level of service for automobiles, bicycles, pedestrians, transit, and trucks. These techniques may be used to evaluate increased accessibility by multiple modes and reductions in vehicle miles of travel in an area or zone. The Department of Transportation shall develop methodologies to assist local governments in implementing this multimodal level-of-service analysis. The Department of Community Affairs and the Department of Transportation shall provide technical assistance to local governments in applying these methodologies.~~

(2)~~(a)~~ Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent. A local government may meet the concurrency requirement for sanitary sewer through the use of onsite sewage treatment and disposal systems approved by the Department of Health to serve new development.

~~(b) Consistent with the public welfare, and except as otherwise provided in this section, parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance by the local government of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities shall be dedicated or be acquired by the local government prior to issuance by the local government of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed no later than the local government's approval to commence construction.~~

~~(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation.~~

(3) Governmental entities that are not responsible for providing, financing, operating, or regulating public facilities needed to serve development may not establish binding level-of-service standards on governmental entities that do bear those responsibilities. ~~This subsection does not limit the authority of any agency to recommend or make objections, recommendations, comments, or determinations during reviews conducted under s. 163.3184.~~

(4)~~(a)~~ The concurrency requirement as implemented in local comprehensive plans applies to state and other public facilities and development to the same extent that it applies to all other facilities and development, as provided by law.

~~(b) The concurrency requirement as implemented in local comprehensive plans does not apply to public transit facilities. For the purposes of this paragraph, public transit facilities include transit stations and terminals; transit station parking; park and ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this paragraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.~~

~~(c) The concurrency requirement, except as it relates to transportation facilities and public schools, as implemented in local government comprehensive plans, may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan. The waiver shall be adopted as a plan amendment pursuant to the process set forth in s. 163.3187(3)(a). A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within these urban infill and redevelopment areas.~~

(5)*(a) If concurrency is applied to transportation facilities, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service to guide its application.*

(b) Local governments shall use professionally accepted studies to evaluate the appropriate levels of service. Local governments should consider the number of facilities that will be necessary to meet level-of-service demands when determining the appropriate levels of service. The schedule of facilities that are necessary to meet the adopted level of service shall be reflected in the capital improvement element.

(c) Local governments shall use professionally accepted techniques for measuring levels of service when evaluating potential impacts of a proposed development.

(d) The premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level of service standard. A comprehensive plan that imposes transportation concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3). The capital improvements element shall identify facilities necessary to meet adopted levels of service during a 5-year period.

(e) If a local government applies transportation concurrency in its jurisdiction, it is encouraged to develop policy guidelines and techniques to address potential negative impacts on future development:

1. In urban infill and redevelopment, and urban service areas.

2. With special part-time demands on the transportation system.

3. With de minimis impacts.

4. On community desired types of development, such as redevelopment, or job creation projects.

(f) Local governments are encouraged to develop tools and techniques to complement the application of transportation concurrency such as:

1. Adoption of long-term strategies to facilitate development patterns that support multimodal solutions, including urban design, and appropriate land use mixes, including intensity and density.

2. Adoption of an areawide level of service not dependent on any single road segment function.

3. Exempting or discounting impacts of locally desired development, such as development in urban areas, redevelopment, job creation, and mixed use on the transportation system.

4. Assigning secondary priority to vehicle mobility and primary priority to ensuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit.

5. Establishing multimodal level of service standards that rely primarily on nonvehicular modes of transportation where existing or planned community design will provide adequate level of mobility.

6. Reducing impact fees or local access fees to promote development within urban areas, multimodal transportation districts, and a balance of mixed use development in certain areas or districts, or for affordable or workforce housing.

(g) Local governments are encouraged to coordinate with adjacent local governments for the purpose of using common methodologies for measuring impacts on transportation facilities.

(h) Local governments that implement transportation concurrency must:

1. Consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system.

2. Exempt public transit facilities from concurrency. For the purposes of this subparagraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this subparagraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.

3. Allow an applicant for a development-of-regional-impact development order, a rezoning, or other land use development permit to satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06, when applicable, if:

a. The applicant enters into a binding agreement to pay for or construct its proportionate share of required improvements.

b. The proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility.

c.(I) The local government has provided a means by which the landowner will be assessed a proportionate share of the cost of providing the transportation facilities necessary to serve the proposed development. An applicant shall not be held responsible for the additional cost of reducing or eliminating deficiencies.

(II) When an applicant contributes or constructs its proportionate share pursuant to this subparagraph, a local government may not require payment or construction of transportation facilities whose costs would be greater than a development's proportionate share of the improvements necessary to mitigate the development's impacts.

(A) The proportionate-share contribution shall be calculated based upon the number of trips from the proposed development expected to reach roadways during the peak hour from the stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain or achieve the adopted level of service, multiplied by the construction cost, at the time of development payment, of the improvement necessary to maintain or achieve the adopted level of service.

(B) In using the proportionate-share formula provided in this subparagraph, the applicant, in its traffic analysis, shall identify those roads or facilities that have a transportation deficiency in accordance with the transportation deficiency as defined in sub-subparagraph e. The proportionate-share formula provided in this subparagraph shall be applied only to those facilities that are determined to be significantly impacted by the project traffic under review. If any road is determined to be transportation deficient without the project traffic under review, the costs of correcting that deficiency shall be removed from the project's proportionate-share calculation and the necessary transportation improvements to correct that deficiency shall be considered to be in place for purposes of the proportionate-share calculation. The improvement necessary to correct the transportation deficiency is the funding responsibility of the entity that has maintenance responsibility for the facility. The development's proportionate share shall be calculated only for the needed transportation improvements that are greater than the identified deficiency.

(C) When the provisions of this subparagraph have been satisfied for a particular stage or phase of development, all transportation impacts from that stage or phase for which mitigation was required and provided shall be deemed fully mitigated in any transportation analysis for a subsequent stage or phase of development. Trips from a previous stage or phase that did not result in impacts for which mitigation was required or provided may be cumulatively analyzed with trips from a subsequent stage or phase to determine whether an impact requires mitigation for the subsequent stage or phase.

(D) In projecting the number of trips to be generated by the development under review, any trips assigned to a toll-financed facility shall be eliminated from the analysis.

(E) The applicant shall receive a credit on a dollar-for-dollar basis for impact fees, mobility fees, and other transportation concurrency mitigation requirements paid or payable in the future for the project. The credit shall be reduced up to 20 percent by the percentage share that the project's traffic represents of the added capacity of the selected improvement, or by the amount specified by local ordinance, whichever yields the greater credit.

d. This subsection does not require a local government to approve a development that is not otherwise qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.

e. As used in this subsection, the term "transportation deficiency" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing, committed, and vested trips, plus additional projected background trips from any source other than the development project under review, and trips that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida's Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

~~(a) The Legislature finds that under limited circumstances, countervailing planning and public policy goals may come into conflict with the requirement that adequate public transportation facilities and services be available concurrent with the impacts of such development. The Legislature further finds that the unintended result of the concurrency requirement for transportation facilities is often the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. The Legislature also finds that in urban centers transportation cannot be effectively managed and mobility cannot be improved solely through the expansion of roadway capacity, that the expansion of roadway capacity is not always physically or financially possible, and that a range of transportation alternatives is essential to satisfy mobility needs, reduce congestion, and achieve healthy, vibrant centers.~~

~~(b)1. The following are transportation concurrency exception areas:~~

~~a. A municipality that qualifies as a dense urban land area under s. 163.3164;~~

~~b. An urban service area under s. 163.3164 that has been adopted into the local comprehensive plan and is located within a county that qualifies as a dense urban land area under s. 163.3164; and~~

~~c. A county, including the municipalities located therein, which has a population of at least 900,000 and qualifies as a dense urban land area under s. 163.3164, but does not have an urban service area designated in the local comprehensive plan.~~

~~2. A municipality that does not qualify as a dense urban land area pursuant to s. 163.3164 may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:~~

~~a. Urban infill as defined in s. 163.3164;~~

~~b. Community redevelopment areas as defined in s. 163.340;~~

~~c. Downtown revitalization areas as defined in s. 163.3164;~~

~~d. Urban infill and redevelopment under s. 163.2517; or~~

~~e. Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s. 163.3177(14).~~

~~3. A county that does not qualify as a dense urban land area pursuant to s. 163.3164 may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:~~

~~a. Urban infill as defined in s. 163.3164;~~

~~b. Urban infill and redevelopment under s. 163.2517; or~~

~~c. Urban service areas as defined in s. 163.3164.~~

~~4. A local government that has a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. shall, within 2 years after the designated area becomes exempt, adopt into its local comprehensive plan land use and transportation strategies to support and fund mobility within the exception area, including alternative modes of transportation. Local governments are encouraged to adopt complementary land use and transportation strategies that reflect the region's shared vision for its future. If the state land planning agency finds insufficient cause for the failure to adopt into its comprehensive plan land use and transportation strategies to support and fund mobility within the designated exception area after 2 years, it shall submit the finding to the Administration Commission, which may impose any of the sanctions set forth in s. 163.3184(11)(a) and (b) against the local government.~~

~~5. Transportation concurrency exception areas designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. do not apply to designated transportation concurrency districts located within a county that has a population of at least 1.5 million, has implemented and uses a transportation-related concurrency assessment to support alternative modes of transportation, including, but not limited to, mass transit, and does not levy transportation impact fees within the concurrency district.~~

~~6. Transportation concurrency exception areas designated under subparagraph 1., subparagraph 2., or subparagraph 3. do not apply in any county that has exempted more than 40 percent of the area inside the urban service area from transportation concurrency for the purpose of urban infill.~~

~~7. A local government that does not have a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:~~

~~a. Urban infill development;~~

~~b. Urban redevelopment;~~

~~c. Downtown revitalization;~~

~~d. Urban infill and redevelopment under s. 163.2517; or~~

~~e. An urban service area specifically designated as a transportation concurrency exception area which includes lands appropriate for compact, contiguous urban development, which does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning period, and which is served or is planned to be served with public facilities and services as provided by the capital improvements element.~~

~~(c) The Legislature also finds that developments located within urban infill, urban redevelopment, urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517, which pose only special part-time demands on the transportation system, are exempt from the concurrency requirement for transportation facilities. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.~~

~~(d) Except for transportation concurrency exception areas designated pursuant to subparagraph (b)1., subparagraph (b)2., or subparagraph (b)3., the following requirements apply:~~

~~1. The local government shall both adopt into the comprehensive plan and implement long-term strategies to support and fund mobility within the designated exception area, including alternative modes of transportation. The plan amendment must also demonstrate how strategies will support the purpose of the exception and how mobility within the designated exception area will be provided.~~

~~2. The strategies must address urban design; appropriate land use mixes, including intensity and density; and network connectivity plans needed to promote urban infill, redevelopment, or downtown revitalization. The comprehensive plan amendment designating the concurrency exception area must be accompanied by data and analysis supporting the local government's determination of the boundaries of the transportation concurrency exception area.~~

~~(e) Before designating a concurrency exception area pursuant to subparagraph (b)7., the state land planning agency and the Department of Transportation shall be consulted by the local government to assess the impact that the proposed exception area is expected to have on the adopted level-of-service standards established for regional transportation facilities identified pursuant to s. 186.507, including the Strategic Intermodal System and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall provide a plan for the mitigation of impacts to the Strategic Intermodal System, including, if appropriate, access management, parallel reliever roads, transportation demand management, and other measures.~~

~~(f) The designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees. This subsection does not affect any contract or agreement entered into or development order rendered before the creation of the transportation concurrency exception area except as provided in s. 380.06(29)(e).~~

~~(g) The Office of Program Policy Analysis and Government Accountability shall submit to the President of the Senate and the Speaker of the House of Representatives by February 1, 2015, a report on transportation concurrency exception areas created pursuant to this subsection. At a minimum, the report shall address the methods that local governments have used to implement and fund transportation strategies to achieve the purposes of designated transportation concurrency exception areas, and the effects of the strategies on mobility, congestion, urban design, the density and intensity of land use mixes, and network connectivity plans used to promote urban infill, redevelopment, or downtown revitalization.~~

~~(6) The Legislature finds that a de minimis impact is consistent with this part. A de minimis impact is an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the local government. No impact will be de minimis if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility; provided however, that an impact of a single family home on an existing lot will constitute a de minimis impact on all roadways regardless of the level of the deficiency of the roadway. Further, no impact will be de minimis if it would exceed the adopted level of service standard of any affected designated hurricane evacuation routes. Each local government shall maintain sufficient records to ensure that the 110-percent criterion is not exceeded. Each local government shall submit annually, with its updated capital improvements element, a summary of the de minimis records. If the state land planning agency determines that the 110-percent criterion has been exceeded, the state land planning agency shall notify the local government of the exceedance and that no further de minimis exceptions for the applicable roadway may be granted until such time as the volume is reduced below the 110 percent. The local government shall provide proof of this reduction to the state land planning agency before issuing further de minimis exceptions.~~

~~(7) In order to promote infill development and redevelopment, one or more transportation concurrency management areas may be designated in a local government comprehensive plan. A transportation concurrency management area must be a compact geographic area with an existing~~

~~network of roads where multiple, viable alternative travel paths or modes are available for common trips. A local government may establish an areawide level of service standard for such a transportation concurrency management area based upon an analysis that provides for a justification for the areawide level of service, how urban infill development or redevelopment will be promoted, and how mobility will be accomplished within the transportation concurrency management area. Prior to the designation of a concurrency management area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed concurrency management area is expected to have on the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). Transportation concurrency management areas existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last. The state land planning agency shall amend chapter 9J-5, Florida Administrative Code, to be consistent with this subsection.~~

~~(8) When assessing the transportation impacts of proposed urban redevelopment within an established existing urban service area, 110 percent of the actual transportation impact caused by the previously existing development must be reserved for the redevelopment, even if the previously existing development has a lesser or nonexisting impact pursuant to the calculations of the local government. Redevelopment requiring less than 110 percent of the previously existing capacity shall not be prohibited due to the reduction of transportation levels of service below the adopted standards. This does not preclude the appropriate assessment of fees or accounting for the impacts within the concurrency management system and capital improvements program of the affected local government. This paragraph does not affect local government requirements for appropriate development permits.~~

~~(9)(a) Each local government may adopt as a part of its plan, long-term transportation and school concurrency management systems with a planning period of up to 10 years for specially designated districts or areas where significant backlogs exist. The plan may include interim level of service standards on certain facilities and shall rely on the local government's schedule of capital improvements for up to 10 years as a basis for issuing development orders that authorize commencement of construction in these designated districts or areas. The concurrency management system must be designed to correct existing deficiencies and set priorities for addressing backlogged facilities. The concurrency management system must be financially feasible and consistent with other portions of the adopted local plan, including the future land use map.~~

~~(b) If a local government has a transportation or school facility backlog for existing development which cannot be adequately addressed in a 10 year plan, the state land planning agency may allow it to develop a plan and long term schedule of capital improvements covering up to 15 years for good and sufficient cause, based on a general comparison between that local government and all other similarly situated local jurisdictions, using the following factors:~~

~~1. The extent of the backlog.~~

~~2. For roads, whether the backlog is on local or state roads.~~

~~3. The cost of eliminating the backlog.~~

~~4. The local government's tax and other revenue raising efforts.~~

~~(c) The local government may issue approvals to commence construction notwithstanding this section, consistent with and in areas that are subject to a long term concurrency management system.~~

~~(d) If the local government adopts a long term concurrency management system, it must evaluate the system periodically. At a minimum, the local government must assess its progress toward improving levels of service within the long term concurrency management district or area in the evaluation and appraisal report and determine any changes that are necessary to accelerate progress in meeting acceptable levels of service.~~

~~(10) Except in transportation concurrency exception areas, with regard to roadway facilities on the Strategic Intermodal System designated in accordance with s. 339.63, local governments shall adopt the level of service standard established by the Department of Transportation by rule. However, if the Office of Tourism, Trade, and Economic Development concurs in writing with the local government that the proposed development is for a qualified job creation project under s. 288.0656 or s. 403.973, the affected local government, after consulting with the Department of Transportation, may provide for a waiver of transportation concurrency for the project. For all other roads on the State Highway System, local governments shall establish an adequate level of service standard that need not be consistent with any level of service standard established by the Department of Transportation. In establishing adequate level of service standards for any arterial roads, or collector roads as appropriate, which traverse multiple jurisdictions, local governments shall consider compatibility with the roadway facility's adopted level of service standards in adjacent jurisdictions. Each local government within a county shall use a professionally accepted methodology for measuring impacts on transportation facilities for the purposes of implementing its concurrency management system. Counties are encouraged to coordinate with adjacent counties, and local governments within a county are encouraged to coordinate, for the purpose of using common methodologies for measuring impacts on transportation facilities for the purpose of implementing their concurrency management systems.~~

~~(11) In order to limit the liability of local governments, a local government may allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy transportation concurrency, when all the following factors are shown to exist:~~

~~(a) The local government with jurisdiction over the property has adopted a local comprehensive plan that is in compliance.~~

~~(b) The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the adopted local plan, as determined by the local government.~~

~~(c) The local plan includes a financially feasible capital improvements element that provides for transportation facilities adequate to serve the proposed development, and the local government has not implemented that element.~~

~~(d) The local government has provided a means by which the landowner will be assessed a fair share of the cost of providing the transportation facilities necessary to serve the proposed development.~~

~~(e) The landowner has made a binding commitment to the local government to pay the fair share of the cost of providing the transportation facilities to serve the proposed development.~~

~~(12)(a) A development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by payment of a proportionate-share contribution for local and regionally significant traffic impacts, if:~~

~~1. The development of regional impact which, based on its location or mix of land uses, is designed to encourage pedestrian or other nonautomotive modes of transportation;~~

~~2. The proportionate-share contribution for local and regionally significant traffic impacts is sufficient to pay for one or more required mobility improvements that will benefit a regionally significant transportation facility;~~

~~3. The owner and developer of the development of regional impact pays or assures payment of the proportionate-share contribution; and~~

~~4. If the regionally significant transportation facility to be constructed or improved is under the maintenance authority of a governmental entity, as defined by s. 334.03(12), other than the local government with jurisdiction over the development of regional impact, the developer is required to enter into a binding and legally enforceable commitment to transfer funds to the governmental entity having~~

~~maintenance authority or to otherwise assure construction or improvement of the facility.~~

~~The proportionate-share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate-share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement. Proportionate share mitigation shall be limited to ensure that a development of regional impact meeting the requirements of this subsection mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs. This subsection also applies to Florida Quality Developments pursuant to s. 380.061 and to detailed specific area plans implementing optional sector plans pursuant to s. 163.3245.~~

~~(b) As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.~~

~~(13) School concurrency shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area unless exempt from the public school facilities element pursuant to s. 163.3177(12).~~

(6)(a) If concurrency is applied to public education facilities, ~~The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended.~~ all local governments within a county, except as provided in paragraph *(i)* ~~(f)~~, shall *include principles, guidelines, standards, and strategies, including adopted levels of service, in their comprehensive plans and* ~~adopt and transmit to the state land planning agency the necessary plan amendments, along with the~~ interlocal *agreements. If the county and one or more municipalities have adopted school concurrency into its comprehensive plan and interlocal agreement that represents at least 80 percent of the total countywide population, the failure of one or more municipalities to adopt the concurrency and enter into the interlocal agreement does not preclude implementation of school concurrency within jurisdictions of the school district that have opted to implement concurrency.* ~~agreement, for a compliance review pursuant to s. 163.3184(7) and (8). The minimum requirements for school concurrency are the following:~~

~~(a) *Public school facilities element.*—A local government shall adopt and transmit to the state land planning agency a plan or plan amendment which includes a public school facilities element which is consistent with the requirements of s. 163.3177(12) and which is determined to be in compliance as defined in s. 163.3184(1)(b).~~ All local government *provisions included in comprehensive plans regarding school concurrency* ~~public school facilities plan elements~~ within a county must be consistent with each other as well as the requirements of this part.

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

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

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

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

(e)~~4. For the purpose of determining whether levels of service have been achieved, for the first 3 years of school concurrency implementation,~~ A school district that includes relocatable facilities in its inventory of student stations shall include the capacity of such relocatable facilities as provided in s. 1013.35(2)(b)2.f., provided the relocatable facilities were purchased after 1998 and the relocatable facilities meet the standards for long-term use pursuant to s. 1013.20.

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

*(f)*1. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid disruption of existing educational and growth management processes, local governments are encouraged*, if they elect to adopt school concurrency,* to ~~initially~~ apply school concurrency to development ~~only~~ on a districtwide basis so that a concurrency determination for a specific development will be based upon the availability of school capacity districtwide. ~~To ensure that development is coordinated with schools having available capacity, within 5 years after adoption of school concurrency,~~

2. If a local *government elects to* ~~governments shall~~ apply school concurrency on a less than districtwide basis, *by* ~~such as~~ using school attendance zones or concurrency service areas~~, as provided in subparagraph 2.~~

a.~~2. For local governments applying school concurrency on a less than districtwide basis, such as utilizing school attendance zones or larger school concurrency service areas,~~ Local governments and school boards shall have the burden to demonstrate that the utilization of school capacity is maximized to the greatest extent possible in the comprehensive plan and amendment, taking into account transportation costs and court-approved desegregation plans, as well as other factors. In addition, in order to achieve concurrency within the service area boundaries selected by local governments and school boards, the service area boundaries, together with the standards for establishing those boundaries, shall be identified and included as supporting data and analysis for the comprehensive plan.

b.~~3.~~ Where school capacity is available on a districtwide basis but school concurrency is applied on a less than districtwide basis in the form of concurrency service areas, if the adopted level-of-service standard cannot be met in a particular service area as applied to an application for a development permit and if the needed capacity for the particular service area is available in one or more contiguous service areas, as adopted by the local government, then the local government may not deny an application for site plan or final subdivision approval or the functional equivalent for a development or phase of a development on the basis of school concurrency, and if issued, development impacts shall be *subtracted from the* ~~shifted to~~ contiguous service *area's* ~~areas with schools having available~~ capacity *totals. Students from the development may not be required to go to the adjacent service area unless the school board rezones the area in which the development occurs.*

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

~~1.~~ A comprehensive plan *that imposes* ~~amendment seeking to impose~~ school concurrency shall contain appropriate amendments to the capital

improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3) ~~and rule 9J-5.016, Florida Administrative Code~~. The capital improvements element shall *identify facilities necessary to meet adopted levels of service during a 5-year period consistent with the school board's educational* ~~set forth a financially feasible public school capital~~ facilities *plan* ~~program, established in conjunction with the school board, that demonstrates that the adopted level of service standards will be achieved and maintained~~.

(h)1. In order to limit the liability of local governments, a local government may allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy school concurrency, if all the following factors are shown to exist:

a. The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the adopted local plan, as determined by the local government.

b. The local government's capital improvements element and the school board's educational facilities plan provide for school facilities adequate to serve the proposed development, and the local government or school board has not implemented that element or the project includes a plan that demonstrates that the capital facilities needed as a result of the project can be reasonably provided.

c. The local government and school board have provided a means by which the landowner will be assessed a proportionate share of the cost of providing the school facilities necessary to serve the proposed development.

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

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

2.~~(e) *Availability standard.* Consistent with the public welfare,~~ *If* a local government *applies school concurrency, it* may not deny an application for site plan, final subdivision approval, or the functional equivalent for a development or phase of a development authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local school concurrency management system where adequate school facilities will be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval, or the functional equivalent. School concurrency is satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in *sub-sub-paragraph a.* ~~subparagraph 1~~. Options for proportionate-share mitigation of impacts on public school facilities must be established in the *comprehensive plan* ~~public school facilities element~~ and the interlocal agreement pursuant to s. 163.31777.

a.~~1.~~ Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; the construction of a charter school that complies with the requirements of s. 1002.33(18); or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a development agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased the overall residential density. The district school board must be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

b.~~2.~~ If the *interlocal agreement* ~~education facilities plan~~ and the *local government comprehensive plan* ~~public educational facilities element~~ authorize a contribution of land; the construction, expansion, or payment for land acquisition; the construction or expansion of a public school facility, or a portion thereof; or the construction of a charter school that complies with the requirements of s. 1002.33(18), as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

c.~~3.~~ Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified in *the* ~~a financially feasible~~ 5-year *school board's educational facilities* ~~district work~~ plan that satisfies the demands created by the development in accordance with a binding developer's agreement.

~~4. If a development is precluded from commencing because there is inadequate classroom capacity to mitigate the impacts of the development, the development may nevertheless commence if there are accelerated facilities in an approved capital improvement element scheduled for construction in year four or later of such plan which, when built, will mitigate the proposed development, or if such accelerated facilities will be in the next annual update of the capital facilities element, the developer enters into a binding, financially guaranteed agreement with the school district to construct an accelerated facility within the first 3 years of an approved capital improvement plan, and the cost of the school facility is equal to or greater than the development's proportionate share. When the completed school facility is conveyed to the school district, the developer shall receive impact fee credits usable within the zone where the facility is constructed or any attendance zone contiguous with or adjacent to the zone where the facility is constructed.~~

3.~~5.~~ This paragraph does not limit the authority of a local government to deny a development permit or its functional equivalent pursuant to its home rule regulatory powers, except as provided in this part.

(i)~~(f) *Intergovernmental coordination.*~~

~~1. When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2., except that~~ A municipality is not required to be a signatory to the interlocal agreement required by *paragraph (j)* ~~ss. 163.3177(6)(h)2. and 163.31777(6)~~, as a prerequisite for imposition of school concurrency, and as a nonsignatory, *may* ~~shall~~ not participate in the adopted local school concurrency system, if the municipality meets all of the following criteria for having no significant impact on school attendance:

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

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

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

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

~~2. A municipality which qualifies as having no significant impact on school attendance pursuant to the criteria of subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria pursuant to s. 163.31777(6). If the municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777, in order to fully participate in the school concurrency system. If such a municipality fails to do so, it will be subject to the enforcement provisions of s. 163.3191.~~

(j)~~(g) *Interlocal agreement for school concurrency.*~~ When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement that satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and 163.31777 and the requirements of this

subsection. The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. ~~The interlocal agreement shall be submitted to the state land planning agency by the local government as a part of the compliance review, along with the other necessary amendments to the comprehensive plan required by this part. In addition to the requirements of ss. 163.3177(6)(h) and 163.31777,~~ The interlocal agreement shall meet the following requirements:

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

~~2. Establish a process for the development of siting criteria which encourages the location of public schools proximate to urban residential areas to the extent possible and seeks to collocate schools with other public facilities such as parks, libraries, and community centers to the extent possible.~~

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

~~4. Establish a process for the preparation, amendment, and joint approval by each local government and the school board of a public school capital facilities program which is financially feasible, and a process and schedule for incorporation of the public school capital facilities program into the local government comprehensive plans on an annual basis.~~

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

4.~~6.~~ Establish a uniform districtwide procedure for implementing school concurrency which provides for:

a. The evaluation of development applications for compliance with school concurrency requirements, including information provided by the school board on affected schools, impact on levels of service, and programmed improvements for affected schools and any options to provide sufficient capacity;

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

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

~~7. Include provisions relating to amendment of the agreement.~~

5.~~8.~~ A process and uniform methodology for determining proportionate-share mitigation pursuant to *paragraph (h)* ~~subparagraph (e)1~~.

(k)~~(h)~~ ~~*Local government authority.*~~ ~~—~~This subsection does not limit the authority of a local government to grant or deny a development permit or its functional equivalent prior to the implementation of school concurrency.

~~(14) The state land planning agency shall, by October 1, 1998, adopt by rule minimum criteria for the review and determination of compliance of a public school facilities element adopted by a local government for purposes of imposition of school concurrency.~~

~~(15)(a) Multimodal transportation districts may be established under a local government comprehensive plan in areas delineated on the future land use map for which the local comprehensive plan assigns secondary priority to vehicle mobility and primary priority to assuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit. Such districts must incorporate community design features that will reduce the number of automobile trips or vehicle miles of travel and will support an integrated, multimodal transportation system. Prior to the designation of multimodal transportation districts, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed multimodal district area is expected to have on the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). Multimodal transportation districts existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.~~

~~(b) Community design elements of such a district include: a complementary mix and range of land uses, including educational, recreational, and cultural uses; interconnected networks of streets designed to encourage walking and bicycling, with traffic calming where desirable; appropriate densities and intensities of use within walking distance of transit stops; daily activities within walking distance of residences, allowing independence to persons who do not drive; public uses, streets, and squares that are safe, comfortable, and attractive for the pedestrian, with adjoining buildings open to the street and with parking not interfering with pedestrian, transit, automobile, and truck travel modes.~~

~~(c) Local governments may establish multimodal level of service standards that rely primarily on nonvehicular modes of transportation within the district, when justified by an analysis demonstrating that the existing and planned community design will provide an adequate level of mobility within the district based upon professionally accepted multimodal level of service methodologies. The analysis must also demonstrate that the capital improvements required to promote community design are financially feasible over the development or redevelopment timeframe for the district and that community design features within the district provide convenient interconnection for a multimodal transportation system. Local governments may issue development permits in reliance upon all planned community design capital improvements that are financially feasible over the development or redevelopment timeframe for the district, without regard to the period of time between development or redevelopment and the scheduled construction of the capital improvements. A determination of financial feasibility shall be based upon currently available funding or funding sources that could reasonably be expected to become available over the planning period.~~

~~(d) Local governments may reduce impact fees or local access fees for development within multimodal transportation districts based on the reduction of vehicle trips per household or vehicle miles of travel expected from the development pattern planned for the district.~~

~~(16) It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. The methodology used to calculate proportionate fair share mitigation under this section shall be as provided for in subsection (12).~~

~~(a) By December 1, 2006, each local government shall adopt by ordinance a methodology for assessing proportionate fair share mitigation options. By December 1, 2005, the Department of Transportation shall develop a model transportation concurrency management ordinance with methodologies for assessing proportionate fair share mitigation options.~~

~~(b)1. In its transportation concurrency management system, a local government shall, by December 1, 2006, include methodologies that will be applied to calculate proportionate fair share mitigation. A developer may choose to satisfy all transportation concurrency requirements by~~

~~contributing or paying proportionate fair-share mitigation if transportation facilities or facility segments identified as mitigation for traffic impacts are specifically identified for funding in the 5 year schedule of capital improvements in the capital improvements element of the local plan or the long term concurrency management system or if such contributions or payments to such facilities or segments are reflected in the 5 year schedule of capital improvements in the next regularly scheduled update of the capital improvements element. Updates to the 5 year capital improvements element which reflect proportionate fair share contributions may not be found not in compliance based on ss. 163.3164(32) and 163.3177(3) if additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.~~

~~2. Proportionate fair-share mitigation shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair share mitigation is used to address the same capital infrastructure improvements contemplated by the local government's impact fee ordinance.~~

~~(c) Proportionate fair share mitigation includes, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities and may include public funds as determined by the local government. Proportionate fair-share mitigation may be directed toward one or more specific transportation improvements reasonably related to the mobility demands created by the development and such improvements may address one or more modes of travel. The fair market value of the proportionate fair-share mitigation shall not differ based on the form of mitigation. A local government may not require a development to pay more than its proportionate fair share contribution regardless of the method of mitigation. Proportionate fair-share mitigation shall be limited to ensure that a development meeting the requirements of this section mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs.~~

~~(d) This subsection does not require a local government to approve a development that is not otherwise qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.~~

~~(e) Mitigation for development impacts to facilities on the Strategic Intermodal System made pursuant to this subsection requires the concurrence of the Department of Transportation.~~

~~(f) If the funds in an adopted 5 year capital improvements element are insufficient to fully fund construction of a transportation improvement required by the local government's concurrency management system, a local government and a developer may still enter into a binding proportionate share agreement authorizing the developer to construct that amount of development on which the proportionate share is calculated if the proportionate share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvements funded by the proportionate share component must be adopted into the 5 year capital improvements schedule of the comprehensive plan at the next annual capital improvements element update. The funding of any improvements that significantly benefit the impacted transportation system satisfies concurrency requirements as a mitigation of the development's impact upon the overall transportation system even if there remains a failure of concurrency on other impacted facilities.~~

~~(g) Except as provided in subparagraph (b)1., this section may not prohibit the Department of Community Affairs from finding other portions of the capital improvements element amendments not in compliance as provided in this chapter.~~

~~(h) The provisions of this subsection do not apply to a development of regional impact satisfying the requirements of subsection (12).~~

~~(i) As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level of service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.~~

~~(17) A local government and the developer of affordable workforce housing units developed in accordance with s. 380.06(19) or s. 380.0651(3) may identify an employment center or centers in close proximity to the affordable workforce housing units. If at least 50 percent of the units are occupied by an employee or employees of an identified employment center or centers, all of the affordable workforce housing units are exempt from transportation concurrency requirements, and the local government may not reduce any transportation trip generation entitlements of an approved development of regional impact development order. As used in this subsection, the term "close proximity" means 5 miles from the nearest point of the development of regional impact to the nearest point of the employment center, and the term "employment center" means a place of employment that employs at least 25 or more full time employees.~~

Section 16. Section 163.3182, Florida Statutes, is amended to read:

163.3182 Transportation *deficiencies* ~~concurrency backlogs~~.—

(1) DEFINITIONS.—For purposes of this section, the term:

(a) "Transportation *deficiency* ~~concurrency backlog~~ area" means the geographic area within the unincorporated portion of a county or within the municipal boundary of a municipality designated in a local government comprehensive plan for which a transportation *development* ~~concurrency backlog~~ authority is created pursuant to this section. A transportation *deficiency* ~~concurrency backlog~~ area created within the corporate boundary of a municipality shall be made pursuant to an interlocal agreement between a county, a municipality or municipalities, and any affected taxing authority or authorities.

(b) "Authority" or "transportation *development* ~~concurrency backlog~~ authority" means the governing body of a county or municipality within which an authority is created.

(c) "Governing body" means the council, commission, or other legislative body charged with governing the county or municipality within which *an* ~~a transportation concurrency backlog~~ authority is created pursuant to this section.

(d) "Transportation *deficiency* ~~concurrency backlog~~" means an identified *need* ~~deficiency~~ where the existing *and projected* extent of traffic volume exceeds the level of service standard adopted in a local government comprehensive plan for a transportation facility.

(e) "Transportation *sufficiency* ~~concurrency backlog~~ plan" means the plan adopted as part of a local government comprehensive plan by the governing body of a county or municipality acting as a transportation *development* ~~concurrency backlog~~ authority.

(f) "Transportation ~~concurrency backlog~~ project" means any designated transportation project identified for construction within the jurisdiction of a transportation *development* ~~concurrency backlog~~ authority.

(g) "Debt service millage" means any millage levied pursuant to s. 12, Art. VII of the State Constitution.

(h) "Increment revenue" means the amount calculated pursuant to subsection (5).

(i) "Taxing authority" means a public body that levies or is authorized to levy an ad valorem tax on real property located within a transportation *deficiency* ~~concurrency backlog~~ area, except a school district.

(2) CREATION OF TRANSPORTATION *DEVELOPMENT* ~~CONCURRENCY BACKLOG~~ AUTHORITIES.—

(a) A county or municipality may create a transportation *development* ~~concurrency backlog~~ authority if it has an identified transportation *deficiency* ~~concurrency backlog~~.

(b) Acting as the transportation *development* ~~concurrency backlog~~ authority within the authority's jurisdictional boundary, the governing body of a county or municipality shall adopt and implement a plan to eliminate all identified transportation *deficiencies* ~~concurrency backlogs~~

within the authority's jurisdiction using funds provided pursuant to subsection (5) and as otherwise provided pursuant to this section.

(c) The Legislature finds and declares that there exist in many counties and municipalities areas that have significant transportation deficiencies and inadequate transportation facilities; that many insufficiencies and inadequacies severely limit or prohibit the satisfaction of transportation *level of service* ~~concurrency~~ standards; that the transportation insufficiencies and inadequacies affect the health, safety, and welfare of the residents of these counties and municipalities; that the transportation insufficiencies and inadequacies adversely affect economic development and growth of the tax base for the areas in which these insufficiencies and inadequacies exist; and that the elimination of transportation deficiencies and inadequacies and the satisfaction of transportation concurrency standards are paramount public purposes for the state and its counties and municipalities.

(3) POWERS OF A TRANSPORTATION *DEVELOPMENT* ~~CONCURRENCY BACKLOG~~ AUTHORITY.—Each transportation *development* ~~concurrency backlog~~ authority *created pursuant to this section* has the powers necessary or convenient to carry out the purposes of this section, including the following powers in addition to others granted in this section:

(a) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this section.

(b) To undertake and carry out transportation ~~concurrency backlog~~ projects for transportation facilities *designed to relieve transportation deficiencies* ~~that have a concurrency backlog~~ within the authority's jurisdiction. *Transportation* ~~Concurrency backlog~~ projects may include transportation facilities that provide for alternative modes of travel including sidewalks, bikeways, and mass transit which are related to a *deficient* ~~backlogged~~ transportation facility.

(c) To invest any transportation ~~concurrency backlog~~ funds held in reserve, sinking funds, or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to the control of the authority and to redeem such bonds as have been issued pursuant to this section at the redemption price established therein, or to purchase such bonds at less than redemption price. All such bonds redeemed or purchased shall be canceled.

(d) To borrow money, including, but not limited to, issuing debt obligations such as, but not limited to, bonds, notes, certificates, and similar debt instruments; to apply for and accept advances, loans, grants, contributions, and any other forms of financial assistance from the Federal Government or the state, county, or any other public body or from any sources, public or private, for the purposes of this part; to give such security as may be required; to enter into and carry out contracts or agreements; and to include in any contracts for financial assistance with the Federal Government for or with respect to a transportation ~~concurrency backlog~~ project and related activities such conditions imposed under federal laws as the transportation *development* ~~concurrency backlog~~ authority considers reasonable and appropriate and which are not inconsistent with the purposes of this section.

(e) To make or have made all surveys and plans necessary to the carrying out of the purposes of this section; to contract with any persons, public or private, in making and carrying out such plans; and to adopt, approve, modify, or amend such transportation *sufficiency* ~~concurrency backlog~~ plans.

(f) To appropriate such funds and make such expenditures as are necessary to carry out the purposes of this section, and to enter into agreements with other public bodies, which agreements may extend over any period notwithstanding any provision or rule of law to the contrary.

(4) TRANSPORTATION *SUFFICIENCY* ~~CONCURRENCY BACKLOG~~ PLANS.—

~~(a)~~ Each transportation *development* ~~concurrency backlog~~ authority shall adopt a transportation *sufficiency* ~~concurrency backlog~~ plan as a part of the local government comprehensive plan within 6 months after the creation of the authority. The plan must:

(a)~~1.~~ Identify all transportation facilities that have been designated as deficient and require the expenditure of moneys to upgrade, modify, or mitigate the deficiency.

(b)~~2.~~ Include a priority listing of all transportation facilities that have been designated as deficient and do not satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and the applicable local government comprehensive plan.

(c)~~3.~~ Establish a schedule for financing and construction of transportation ~~concurrency backlog~~ projects that will eliminate transportation *deficiencies* ~~concurrency backlogs~~ within the jurisdiction of the authority within 10 years after the transportation *sufficiency* ~~concurrency backlog~~ plan adoption. The schedule shall be adopted as part of the local government comprehensive plan.

~~(b) The adoption of the transportation concurrency backlog plan shall be exempt from the provisions of s. 163.3187(1).~~

Notwithstanding such schedule requirements, as long as the schedule provides for the elimination of all transportation *deficiencies* ~~concurrency backlogs~~ within 10 years after the adoption of the *transportation sufficiency* ~~concurrency backlog~~ plan, the final maturity date of any debt incurred to finance or refinance the related projects may be no later than 40 years after the date the debt is incurred and the authority may continue operations and administer the trust fund established as provided in subsection (5) for as long as the debt remains outstanding.

(5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation *development* ~~concurrency backlog~~ authority shall establish a local transportation ~~concurrency backlog~~ trust fund upon creation of the authority. Each local trust fund shall be administered by the transportation *development* ~~concurrency backlog~~ authority within which ~~a~~ transportation *deficiencies have* ~~concurrency backlog has~~ been identified. Each local trust fund must continue to be funded under this section for as long as the projects set forth in the related transportation *sufficiency* ~~concurrency backlog~~ plan remain to be completed or until any debt incurred to finance or refinance the related projects is no longer outstanding, whichever occurs later. Beginning in the first fiscal year after the creation of the authority, each local trust fund shall be funded by the proceeds of an ad valorem tax increment collected within each transportation *deficiency* ~~concurrency backlog~~ area to be determined annually and shall be a minimum of 25 percent of the difference between the amounts set forth in paragraphs (a) and (b), except that if all of the affected taxing authorities agree under an interlocal agreement, a particular local trust fund may be funded by the proceeds of an ad valorem tax increment greater than 25 percent of the difference between the amounts set forth in paragraphs (a) and (b):

(a) The amount of ad valorem tax levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the jurisdiction of the transportation *development* ~~concurrency backlog~~ authority and within the transportation *deficiency* ~~backlog~~ area; and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property within the transportation *deficiency* ~~concurrency backlog~~ area as shown on the most recent assessment roll used in connection with the taxation of such property of each taxing authority prior to the effective date of the ordinance funding the trust fund.

(6) EXEMPTIONS.—

(a) The following public bodies or taxing authorities are exempt from ~~the provisions of~~ this section:

1. A special district that levies ad valorem taxes on taxable real property in more than one county.

2. A special district for which the sole available source of revenue is the authority to levy ad valorem taxes at the time an ordinance is adopted under this section. However, revenues or aid that may be dispensed or appropriated to a district as defined in s. 388.011 at the discretion of an entity other than such district *are* ~~shall~~ not ~~be~~ deemed available.

3. A library district.

4. A neighborhood improvement district created under the Safe Neighborhoods Act.

5. A metropolitan transportation authority.

6. A water management district created under s. 373.069.

7. A community redevelopment agency.

(b) A transportation *development* ~~concurrency exemption~~ authority may also exempt from this section a special district that levies ad valorem taxes within the transportation *deficiency* ~~concurrency backlog~~ area pursuant to s. 163.387(2)(d).

(7) TRANSPORTATION CONCURRENCY SATISFACTION.—Upon adoption of a transportation *sufficiency* ~~concurrency backlog~~ plan as a part of the local government comprehensive plan, and the plan going into effect, the area subject to the plan shall be deemed to have achieved and maintained transportation level-of-service standards~~, and to have met requirements for financial feasibility for transportation facilities, and for the purpose of proposed development transportation concurrency has been satisfied~~. Proportionate fair-share mitigation shall be limited to ensure that a development inside a transportation *deficiency* ~~concurrency backlog~~ area is not responsible for the additional costs of eliminating *deficiencies* ~~backlogs~~.

(8) DISSOLUTION.—Upon completion of all transportation ~~concurrency backlog~~ projects *identified in the transportation sufficiency plan* and repayment or defeasance of all debt issued to finance or refinance such projects, a transportation *development* ~~concurrency backlog~~ authority shall be dissolved, and its assets and liabilities transferred to the county or municipality within which the authority is located. All remaining assets of the authority must be used for implementation of transportation projects within the jurisdiction of the authority. The local government comprehensive plan shall be amended to remove the transportation concurrency backlog plan.

Section 17. Section 163.3184, Florida Statutes, is amended to read:

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

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

(a) "Affected person" includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; owners of real property abutting real property that is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

(b) "In compliance" means consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, ~~and~~ 163.3245, *and 163.3248* ~~with the state comprehensive plan~~, with the appropriate strategic regional policy plan, ~~and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part~~ and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

(c) "Reviewing agencies" means:

1. The state land planning agency;

2. The appropriate regional planning council;

3. The appropriate water management district;

4. The Department of Environmental Protection;

5. The Department of State;

6. The Department of Transportation;

7. In the case of plan amendments relating to public schools, the Department of Education;

8. In the case of plans or plan amendments that affect a military installation listed in s. 163.3175, the commanding officer of the affected military installation;

9. In the case of county plans and plan amendments, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; and

10. In the case of municipal plans and plan amendments, the county in which the municipality is located.

(2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

(a) Plan amendments adopted by local governments shall follow the expedited state review process in subsection (3), except as set forth in paragraphs (b) and (c).

(b) Plan amendments that qualify as small-scale development amendments may follow the small-scale review process in s. 163.3187.

(c) Plan amendments that are in an area of critical state concern designated pursuant to s. 380.05; propose a rural land stewardship area pursuant to s. 163.3248; propose a sector plan pursuant to s. 163.3245; update a comprehensive plan based on an evaluation and appraisal pursuant to s. 163.3191; or are new plans for newly incorporated municipalities adopted pursuant to s. 163.3167 shall follow the state coordinated review process in subsection (4).

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—

(a) The process for amending a comprehensive plan described in this subsection shall apply to all amendments except as provided in paragraphs (2)(b) and (c) and shall be applicable statewide.

(b)1. The local government, after the initial public hearing held pursuant to subsection (11), shall transmit within 10 days the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.

2. The reviewing agencies and any other local government or governmental agency specified in subparagraph 1. may provide comments regarding the amendment or amendments to the local government. State agencies shall only comment on important state resources and facilities that will be adversely impacted by the amendment if adopted. Comments provided by state agencies shall state with specificity how the plan amendment will adversely impact an important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. Such comments, if not resolved, may result in a challenge by the state land planning agency to the plan amendment. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later than 30 days from the date on which the agency or government received the amendment or amendments. Reviewing agencies shall also send a copy of their comments to the state land planning agency.

3. Comments to the local government from a regional planning council, county, or municipality shall be limited as follows:

a. The regional planning council review and comments shall be limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A regional planning council may not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council.

b. County comments shall be in the context of the relationship and effect of the proposed plan amendments on the county plan.

c. Municipal comments shall be in the context of the relationship and effect of the proposed plan amendments on the municipal plan.

d. Military installation comments shall be provided in accordance with s. 163.3175.

4. Comments to the local government from state agencies shall be limited to the following subjects as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted:

a. The Department of Environmental Protection shall limit its comments to the subjects of air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration.

b. The Department of State shall limit its comments to the subjects of historic and archeological resources.

c. The Department of Transportation shall limit its comments to issues within the agency's jurisdiction as it relates to transportation resources and facilities of state importance.

d. The Fish and Wildlife Conservation Commission shall limit its comments to subjects relating to fish and wildlife habitat and listed species and their habitat.

e. The Department of Agriculture and Consumer Services shall limit its comments to the subjects of agriculture, forestry, and aquaculture issues.

f. The Department of Education shall limit its comments to the subject of public school facilities.

g. The appropriate water management district shall limit its comments to flood protection and floodplain management, wetlands and other surface waters, and regional water supply.

h. The state land planning agency shall limit its comments to important state resources and facilities outside the jurisdiction of other commenting state agencies and may include comments on countervailing planning policies and objectives served by the plan amendment that should be balanced against potential adverse impacts to important state resources and facilities.

(c)1. The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, the amendments shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 days after the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under subparagraph (b)2.

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.

4. An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

(4) STATE COORDINATED REVIEW PROCESS.—

(a)~~(2)~~ Coordination.—*The state land planning agency shall only use the state coordinated review process described in this subsection for review of comprehensive plans and plan amendments described in paragraph (2)(c).* Each comprehensive plan or plan amendment proposed to be adopted pursuant to this *subsection* ~~part~~ shall be transmitted, adopted, and reviewed in the manner prescribed in this *subsection* ~~section~~. The state land planning agency shall have responsibility for plan review, coordination, and the preparation and transmission of comments, pursuant to this *subsection* ~~section~~, to the local governing body responsible for the comprehensive plan *or plan amendment*. ~~The state land planning agency shall maintain a single file concerning any proposed or adopted plan amendment submitted by a local government for any review under this section. Copies of all correspondence, papers, notes, memoranda, and other documents received or generated by the state land planning agency must be placed in the appropriate file. Paper copies of all electronic mail correspondence must be placed in the file. The file and its contents must be available for public inspection and copying as provided in chapter 119.~~

(b)~~(3)~~ Local government transmittal of proposed plan or amendment.—

~~(a)~~ Each local governing body *proposing a plan or plan amendment specified in paragraph (2)(c)* shall transmit the complete proposed comprehensive plan or plan amendment to the *reviewing agencies* ~~state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, the Department of State, and the Department of Transportation, and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services,~~ immediately following *the first* ~~a~~ public hearing pursuant to subsection *(11). The transmitted document shall clearly indicate on the cover sheet that this plan amendment is subject to the state coordinated review process of s. 163.3184(4)*~~(15) as specified in the state land planning agency's procedural rules~~. The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for the plan or plan amendment. ~~The local government may request a review by the state land planning agency pursuant to subsection (6) at the time of the transmittal of an amendment.~~

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

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

~~(d) In cases in which a local government transmits multiple individual amendments that can be clearly and legally separated and~~

~~distinguished for the purpose of determining whether to review the proposed amendment, and the state land planning agency elects to review several or a portion of the amendments and the local government chooses to immediately adopt the remaining amendments not reviewed, the amendments immediately adopted and any reviewed amendments that the local government subsequently adopts together constitute one amendment cycle in accordance with s. 163.3187(1).~~

~~(c) At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact the provisions of any proposed plan amendment transmitted pursuant to this subsection. Zoning changes approved by the local government are contingent upon the comprehensive plan or plan amendment transmitted becoming effective.~~

(c)~~(4)~~ *Reviewing agency comments* ~~INTERGOVERNMENTAL REVIEW.~~—The ~~governmental~~ agencies specified in *paragraph (b) may* ~~paragraph (3)(a) shall~~ provide comments *regarding the plan or plan amendments in accordance with subparagraphs (3)(b)2.-4. However, comments on plans or plan amendments required to be reviewed under the state coordinated review process shall be sent* to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan *or plan* amendment *from the local government. If the state land planning agency comments on a plan or plan amendment adopted under the state coordinated review process, it shall provide comments according to paragraph (d). Any other unit of local government or government agency specified in paragraph (b) may provide comments to the state land planning agency in accordance with subparagraphs (3)(b)2.-4. within 30 days after receipt by the state land planning agency of the complete proposed plan or plan amendment.* ~~If the plan or plan amendment includes or relates to the public school facilities element pursuant to s. 163.3177(12), the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of Education for review and comment. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment.~~ Written comments submitted by the public *shall be sent directly to the local government* ~~within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).~~

~~(5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW. The review of the regional planning council pursuant to subsection (4) shall be limited to effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government. However, any inconsistency between a local plan or plan amendment and a strategic regional policy plan must not be the sole basis for a notice of intent to find a local plan or plan amendment not in compliance with this act. A regional planning council shall not review and comment on a proposed comprehensive plan it prepared itself unless the plan has been changed by the local government subsequent to the preparation of the plan by the regional planning agency. The review of the county land planning agency pursuant to subsection (4) shall be primarily in the context of the relationship and effect of the proposed plan amendment on any county comprehensive plan element. Any review by municipalities will be primarily in the context of the relationship and effect on the municipal plan.~~

(d)~~(6)~~ State land planning agency review.—

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

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

1.~~(c) The state land planning agency shall establish by rule a schedule for receipt of comments from the various government agencies, as well as written public comments, pursuant to subsection (4).~~ If the state land planning agency elects to review *a plan or plan* ~~the~~ amendment ~~or the agency is required to review the amendment as~~ specified in paragraph *(2)(c)*~~(a)~~, the agency shall issue a report giving its objections, recommendations, and comments regarding the proposed *plan or plan* amendment within 60 days after receipt of the ~~complete~~ proposed *plan or plan* amendment ~~by the state land planning agency~~. *Notwithstanding the limitation on comments in sub-subparagraph (3)(b)4.g., the state land planning agency may make objections, recommendations, and comments in its report regarding whether the plan or plan amendment is in compliance and whether the plan or plan amendment will adversely impact important state resources and facilities. Any objection regarding an important state resource or facility that will be adversely impacted by the adopted plan or plan amendment shall also state with specificity how the plan or plan amendment will adversely impact the important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts.* When a federal, state, or regional agency has implemented a permitting program, ~~the state land planning agency shall not require~~ a local government *is not required* to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. *This subparagraph does not* ~~Nothing contained herein shall~~ prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections, recommendations, and comments ~~or making compliance determinations~~ regarding densities and intensities consistent with ~~the provisions of~~ this part. In preparing its comments, the state land planning agency shall only base its considerations on written, and not oral, comments~~, from any source~~.

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

(e)~~(7)~~ Local government review of comments; adoption of plan or amendments and transmittal.—

1.~~(a)~~ The local government shall review the *report* ~~written comments~~ submitted to it by the state land planning agency, *if any,* and *written comments submitted to it by* any other person, agency, or government. ~~Any comments, recommendations, or objections and any reply to them shall be public documents, a part of the permanent record in the matter, and admissible in any proceeding in which the comprehensive plan or plan amendment may be at issue.~~ The local government, upon receipt of *the report* ~~written comments~~ from the state land planning agency, shall *hold its second public hearing, which shall be a hearing to determine whether to adopt the comprehensive plan or one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails to hold the second hearing within 180 days after receipt of the state land planning agency's report, the amendments shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.*

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 days after the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under paragraph (c).

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of a plan or plan amendment package. For purposes of completeness, a plan or plan

amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.

4. After the state land planning agency makes a determination of completeness regarding the adopted plan or plan amendment, the state land planning agency shall have 45 days to determine if the plan or plan amendment is in compliance with this act. Unless the plan or plan amendment is substantially changed from the one commented on, the state land planning agency's compliance determination shall be limited to objections raised in the objections, recommendations, and comments report. During the period provided for in this subparagraph, the state land planning agency shall issue, through a senior administrator or the secretary, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. The state land planning agency shall post a copy of the notice of intent on the agency's Internet website. Publication by the state land planning agency of the notice of intent on the state land planning agency's Internet site shall be prima facie evidence of compliance with the publication requirements of this subparagraph.

5. A plan or plan amendment adopted under the state coordinated review process shall go into effect pursuant to the state land planning agency's notice of intent. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

(5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN AMENDMENTS.—

(a) Any affected person as defined in paragraph (1)(a) may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendments are in compliance as defined in paragraph (1)(b). This petition must be filed with the division within 30 days after the local government adopts the amendment. The state land planning agency may not intervene in a proceeding initiated by an affected person.

(b) The state land planning agency may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendment is in compliance as defined in paragraph (1)(b). The state land planning agency's petition must clearly state the reasons for the challenge. Under the expedited state review process, this petition must be filed with the division within 30 days after the state land planning agency notifies the local government that the plan amendment package is complete according to subparagraph (3)(c)3. Under the state coordinated review process, this petition must be filed with the division within 45 days after the state land planning agency notifies the local government that the plan amendment package is complete according to subparagraph (3)(c)3.

1. The state land planning agency's challenge to plan amendments adopted under the expedited state review process shall be limited to the comments provided by the reviewing agencies pursuant to subparagraphs (3)(b)2.-4., upon a determination by the state land planning agency that an important state resource or facility will be adversely impacted by the adopted plan amendment. The state land planning agency's petition shall state with specificity how the plan amendment will adversely impact the important state resource or facility. The state land planning agency may challenge a plan amendment that has substantially changed from the version on which the agencies provided comments but only upon a determination by the state land planning agency that an important state resource or facility will be adversely impacted.

2. If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of Management Services, which shall conduct a proceeding under ss. 120.569 and 120.57 in the county of and convenient to the affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government, and any affected person who intervenes. No new issue may be alleged as a reason to find a plan or plan amendment not in compliance in an administrative pleading filed more than 21 days after publication of notice unless the party seeking that issue establishes good cause for not alleging the issue within that time period. Good cause does not include excusable neglect.

(c) An administrative law judge shall hold a hearing in the affected local jurisdiction on whether the plan or plan amendment is in compliance.

1. In challenges filed by an affected person, the comprehensive plan or plan amendment shall be determined to be in compliance if the local government's determination of compliance is fairly debatable.

2.a. In challenges filed by the state land planning agency, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct, and the local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance.

b. In challenges filed by the state land planning agency, the local government's determination that elements of its plan are related to and consistent with each other shall be sustained if the determination is fairly debatable.

3. In challenges filed by the state land planning agency that require a determination by the agency that an important state resource or facility will be adversely impacted by the adopted plan or plan amendment, the local government may contest the agency's determination of an important state resource or facility. The state land planning agency shall prove its determination by clear and convincing evidence.

(d) If the administrative law judge recommends that the amendment be found not in compliance, the judge shall submit the recommended order to the Administration Commission for final agency action. The Administration Commission shall enter a final order within 45 days after its receipt of the recommended order.

(e) If the administrative law judge recommends that the amendment be found in compliance, the judge shall submit the recommended order to the state land planning agency.

1. If the state land planning agency determines that the plan amendment should be found not in compliance, the agency shall refer, within 30 days after receipt of the recommended order, the recommended order and its determination to the Administration Commission for final agency action.

2. If the state land planning agency determines that the plan amendment should be found in compliance, the agency shall enter its final order not later than 30 days after receipt of the recommended order.

(f) Parties to a proceeding under this subsection may enter into compliance agreements using the process in subsection (6).

(6) COMPLIANCE AGREEMENT.—

(a) At any time after the filing of a challenge, the state land planning agency and the local government may voluntarily enter into a compliance agreement to resolve one or more of the issues raised in the proceedings. Affected persons who have initiated a formal proceeding or have intervened in a formal proceeding may also enter into a compliance agreement with the local government. All parties granted intervenor status shall be provided reasonable notice of the commencement of a compliance agreement negotiation process and a reasonable opportunity to participate in such negotiation process. Negotiation meetings with local governments or intervenors shall be open to the public. The state land planning agency shall provide each party granted intervenor status with a copy of the compliance agreement within 10 days after the agreement is executed. The compliance agreement shall list each portion of the plan or plan amendment that has been challenged, and shall specify remedial actions that the local government has agreed to complete within a specified time in order to resolve the challenge, including adoption of all necessary plan amendments. The compliance agreement may also establish monitoring requirements and incentives to ensure that the conditions of the compliance agreement are met.

(b) Upon the filing of a compliance agreement executed by the parties to a challenge and the local government with the Division of Administrative Hearings, any administrative proceeding under ss. 120.569 and 120.57 regarding the plan or plan amendment covered by the compliance agreement shall be stayed.

(c) Before its execution of a compliance agreement, the local government must approve the compliance agreement at a public hearing advertised at least 10 days before the public hearing in a newspaper of general circulation in the area in accordance with the advertisement requirements of chapter 125 or chapter 166, as applicable.

(d) The local government shall hold a single public hearing for adopting remedial amendments.

(e) For challenges to amendments adopted under the expedited review process, if the local government adopts a comprehensive plan amendment pursuant to a compliance agreement, an affected person or the state land planning agency may file a revised challenge with the Division of Administrative Hearings within 15 days after the adoption of the remedial amendment.

(f) For challenges to amendments adopted under the state coordinated process, the state land planning agency, upon receipt of a plan or plan amendment adopted pursuant to a compliance agreement, shall issue a cumulative notice of intent addressing both the remedial amendment and the plan or plan amendment that was the subject of the agreement.

1. If the local government adopts a comprehensive plan or plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings and the administrative law judge shall realign the parties in the pending proceeding under ss. 120.569 and 120.57, which shall thereafter be governed by the process contained in paragraph (5)(a) and subparagraph (5)(c)1., including provisions relating to challenges by an affected person, burden of proof, and issues of a recommended order and a final order. Parties to the original proceeding at the time of realignment may continue as parties without being required to file additional pleadings to initiate a proceeding, but may timely amend their pleadings to raise any challenge to the amendment that is the subject of the cumulative notice of intent, and must otherwise conform to the rules of procedure of the Division of Administrative Hearings. Any affected person not a party to the realigned proceeding may challenge the plan amendment that is the subject of the cumulative notice of intent by filing a petition with the agency as provided in subsection (5). The agency shall forward the petition filed by the affected person not a party to the realigned proceeding to the Division of Administrative Hearings for consolidation with the realigned proceeding. If the cumulative notice of intent is not challenged, the state land planning agency shall request that the Division of Administrative Hearings relinquish jurisdiction to the state land planning agency for issuance of a final order.

2. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent is issued that finds the plan amendment not in compliance, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings, which shall consolidate the proceeding with the pending proceeding and immediately set a date for a hearing in the pending proceeding under ss. 120.569 and 120.57. Affected persons who are not a party to the underlying proceeding under ss. 120.569 and 120.57 may challenge the plan amendment adopted pursuant to the compliance agreement by filing a petition pursuant to paragraph (5)(a).

(g) This subsection does not prohibit a local government from amending portions of its comprehensive plan other than those that are the subject of a challenge. However, such amendments to the plan may not be inconsistent with the compliance agreement.

(h) This subsection does not require settlement by any party against its will or preclude the use of other informal dispute resolution methods in the course of or in addition to the method described in this subsection.

(7) MEDIATION AND EXPEDITIOUS RESOLUTION.-

(a) At any time after the matter has been forwarded to the Division of Administrative Hearings, the local government proposing the amendment may demand formal mediation or the local government proposing the amendment or an affected person who is a party to the proceeding may demand informal mediation or expeditious resolution of the amendment proceedings by serving written notice on the state land planning agency if a party to the proceeding, all other parties to the proceeding, and the administrative law judge.

(b) Upon receipt of a notice pursuant to paragraph (a), the administrative law judge shall set the matter for final hearing no more than 30 days after receipt of the notice. Once a final hearing has been set, no continuance in the hearing, and no additional time for post-hearing submittals, may be granted without the written agreement of the parties absent a finding by the administrative law judge of extraordinary circumstances. Extraordinary circumstances do not include matters relating to workload or need for additional time for preparation, negotiation, or mediation.

(c) Absent a showing of extraordinary circumstances, the administrative law judge shall issue a recommended order, in a case proceeding under subsection (5), within 30 days after filing of the transcript, unless the parties agree in writing to a longer time.

(d) Absent a showing of extraordinary circumstances, the Administration Commission shall issue a final order, in a case proceeding under subsection (5), within 45 days after the issuance of the recommended order, unless the parties agree in writing to a longer time. ~~have 120 days to adopt or adopt with changes the proposed comprehensive plan or s. 163.3191 plan amendments. In the case of comprehensive plan amendments other than those proposed pursuant to s. 163.3191, the local government shall have 60 days to adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment. The adoption of the proposed plan or plan amendment or the determination not to adopt a plan amendment, other than a plan amendment proposed pursuant to s. 163.3191, shall be made in the course of a public hearing pursuant to subsection (15). The local government shall transmit the complete adopted comprehensive plan or plan amendment, including the names and addresses of persons compiled pursuant to paragraph (15)(e), to the state land planning agency as specified in the agency's procedural rules within 10 working days after adoption. The local governing body shall also transmit a copy of the adopted comprehensive plan or plan amendment to the regional planning agency and to any other unit of local government or governmental agency in the state that has filed a written request with the governing body for a copy of the plan or plan amendment.~~

~~(b) If the adopted plan amendment is unchanged from the proposed plan amendment transmitted pursuant to subsection (3) and an affected person as defined in paragraph (1)(a) did not raise any objection, the state land planning agency did not review the proposed plan amendment, and the state land planning agency did not raise any objections during its review pursuant to subsection (6), the local government may state in the transmittal letter that the plan amendment is unchanged and was not the subject of objections.~~

~~(8) NOTICE OF INTENT.~~

~~(a) If the transmittal letter correctly states that the plan amendment is unchanged and was not the subject of review or objections pursuant to paragraph (7)(b), the state land planning agency has 20 days after receipt of the transmittal letter within which to issue a notice of intent that the plan amendment is in compliance.~~

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

~~1. The state land planning agency's written comments to the local government pursuant to subsection (6); or~~

~~2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.~~

~~(c)1. During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government. The advertisement shall be placed in that portion of the newspaper where legal notices appear. The advertisement shall be published in a newspaper that meets the size and circulation requirements set forth in paragraph (15)(c) and that has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section. The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. The agency shall, no later than the date the notice of intent is transmitted to the newspaper, send by regular mail a courtesy informational statement to persons who provide their names and addresses to the local government at the transmittal hearing or at the adoption hearing where the local government has provided the names and addresses of such persons to the department at the time of transmittal of the adopted amendment. The informational statements shall include the name of the newspaper in which the notice of intent will appear, the approximate date of publication, the ordinance number of the plan or plan amendment, and a statement that affected persons have 21 days after the actual date of publication of the notice to file a petition.~~

~~2. A local government that has an Internet site shall post a copy of the state land planning agency's notice of intent on the site within 5 days after receipt of the mailed copy of the agency's notice of intent.~~

~~(9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.—~~

~~(a) If the state land planning agency issues a notice of intent to find that the comprehensive plan or plan amendment transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189, or s. 163.3191 is in compliance with this act, any affected person may file a petition with the agency pursuant to ss. 120.569 and 120.57 within 21 days after the publication of notice. In this proceeding, the local plan or plan amendment shall be determined to be in compliance if the local government's determination of compliance is fairly debatable.~~

~~(b) The hearing shall be conducted by an administrative law judge of the Division of Administrative Hearings of the Department of Management Services, who shall hold the hearing in the county of and convenient to the affected local jurisdiction and submit a recommended order to the state land planning agency. The state land planning agency shall allow for the filing of exceptions to the recommended order and shall issue a final order after receipt of the recommended order if the state land planning agency determines that the plan or plan amendment is in compliance. If the state land planning agency determines that the plan or plan amendment is not in compliance, the agency shall submit the recommended order to the Administration Commission for final agency action.~~

~~(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN COMPLIANCE.—~~

~~(a) If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of Management Services, which shall conduct a proceeding under ss. 120.569 and 120.57 in the county of and convenient to the affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government, and any affected person who intervenes. No new issue may be alleged as a reason to find a plan or plan amendment not in compliance in an administrative pleading filed more than 21 days after publication of notice unless the party seeking that issue establishes good cause for not alleging the issue within that time period. Good cause shall not include excusable neglect. In the proceeding, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct. The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance. The local government's determination that elements of its plans are related to and consistent with each other shall be sustained if the determination is fairly debatable.~~

~~(b) The administrative law judge assigned by the division shall submit a recommended order to the Administration Commission for final agency action.~~

~~(c) Prior to the hearing, the state land planning agency shall afford an opportunity to mediate or otherwise resolve the dispute. If a party to the proceeding requests mediation or other alternative dispute resolution, the hearing may not be held until the state land planning agency advises the administrative law judge in writing of the results of the mediation or other alternative dispute resolution. However, the hearing may not be delayed for longer than 90 days for mediation or other alternative dispute resolution unless a longer delay is agreed to by the parties to the proceeding. The costs of the mediation or other alternative dispute resolution shall be borne equally by all of the parties to the proceeding.~~

(8)~~(11)~~ ADMINISTRATION COMMISSION.—

(a) If the Administration Commission, upon a hearing pursuant to subsection *(5)*~~(9) or subsection (10)~~, finds that the comprehensive plan or plan amendment is not in compliance with this act, the commission shall specify remedial actions *that* ~~which~~ would bring the comprehensive plan or plan amendment into compliance.

(b) The commission may specify the sanctions provided in subparagraphs 1. and 2. to which the local government will be subject if it elects to make the amendment effective notwithstanding the determination of noncompliance.

1. The commission may direct state agencies not to provide funds to increase the capacity of roads, bridges, or water and sewer systems within the boundaries of those local governmental entities which have comprehensive plans or plan elements that are determined not to be in compliance. The commission order may also specify that the local government *is* ~~shall~~ not ~~be~~ eligible for grants administered under the following programs:

a.~~1.~~ The Florida Small Cities Community Development Block Grant Program, as authorized by ss. 290.0401-290.049.

b.~~2.~~ The Florida Recreation Development Assistance Program, as authorized by chapter 375.

c.~~3.~~ Revenue sharing pursuant to ss. 206.60, 210.20, and 218.61 and chapter 212, to the extent not pledged to pay back bonds.

2.~~(b)~~ If the local government is one which is required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), the commission order may also specify that the local government is not eligible for funding pursuant to s. 161.091. The commission order may also specify that the fact that the coastal management element has been determined to be not in compliance shall be a consideration when the department considers permits under s. 161.053 and when the Board of Trustees of the Internal Improvement Trust Fund considers whether to sell, convey any interest in, or lease any sovereignty lands or submerged lands until the element is brought into compliance.

3.~~(c)~~ The sanctions provided by *subparagraphs 1. and 2. do* ~~paragraphs (a) and (b) shall~~ not apply to a local government regarding any plan amendment, except for plan amendments that amend plans that have not been finally determined to be in compliance with this part, and except as provided in *paragraph (b)* ~~s. 163.3189(2) or s. 163.3191(11)~~.

(9)~~(12)~~ GOOD FAITH FILING.—The signature of an attorney or party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay, or for economic advantage, competitive reasons, or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the administrative law judge, upon motion or his or her own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses

incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

(10)~~(13)~~ EXCLUSIVE PROCEEDINGS.—The proceedings under this section shall be the sole proceeding or action for a determination of whether a local government's plan, element, or amendment is in compliance with this act.

~~(14) AREAS OF CRITICAL STATE CONCERN. No proposed local government comprehensive plan or plan amendment which is applicable to a designated area of critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in this section.~~

(11)~~(15)~~ PUBLIC HEARINGS.—

(a) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment pursuant to *subparagraph* ~~subsection~~ (3)*(b)1. and paragraph (4)(b)* and for adoption of a comprehensive plan or plan amendment pursuant to *subparagraphs(3)(c)1. and (4)(e)1.* ~~subsection (7)~~ shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing. The adoption of a comprehensive plan or plan amendment shall be by ordinance. For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.

(b) The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment as follows:

1. The first public hearing shall be held at the transmittal stage ~~pursuant to subsection (3)~~. It shall be held on a weekday at least 7 days after the day that the first advertisement is published *pursuant to the requirements of chapter 125 or chapter 166*.

2. The second public hearing shall be held at the adoption stage ~~pursuant to subsection (7)~~. It shall be held on a weekday at least 5 days after the day that the second advertisement is published *pursuant to the requirements of chapter 125 or chapter 166*.

(c) Nothing in this part is intended to prohibit or limit the authority of local governments to require a person requesting an amendment to pay some or all of the cost of the public notice.

(12) CONCURRENT ZONING.—At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection. Zoning changes approved by the local government are contingent upon the comprehensive plan or plan amendment transmitted becoming effective.

(13) AREAS OF CRITICAL STATE CONCERN.—No proposed local government comprehensive plan or plan amendment that is applicable to a designated area of critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in paragraph (1)(b).

~~(c) The local government shall provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and mailing addresses. The sign-in form must advise that any person providing the requested information will receive a courtesy informational statement concerning publications of the state land planning agency's notice of intent. The local government shall add to the sign-in form the name and address of any person who submits written comments concerning the proposed plan or plan amendment during the time period between the commencement of the transmittal hearing and the end of the adoption hearing. It is the responsibility of the person completing the form or providing written comments to accurately, completely, and legibly provide all information needed in order to receive the courtesy informational statement.~~

~~(d) The agency shall provide a model sign-in form for providing the list to the agency which may be used by the local government to satisfy the requirements of this subsection.~~

~~(e) If the proposed comprehensive plan or plan amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category or changes the actual future land use map designation of a parcel or parcels of land, the required advertisements shall be in the format prescribed by s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a municipality.~~

~~(16) COMPLIANCE AGREEMENTS.~~

~~(a) At any time following the issuance of a notice of intent to find a comprehensive plan or plan amendment not in compliance with this part or after the initiation of a hearing pursuant to subsection (9), the state land planning agency and the local government may voluntarily enter into a compliance agreement to resolve one or more of the issues raised in the proceedings. Affected persons who have initiated a formal proceeding or have intervened in a formal proceeding may also enter into the compliance agreement. All parties granted intervenor status shall be provided reasonable notice of the commencement of a compliance agreement negotiation process and a reasonable opportunity to participate in such negotiation process. Negotiation meetings with local governments or intervenors shall be open to the public. The state land planning agency shall provide each party granted intervenor status with a copy of the compliance agreement within 10 days after the agreement is executed. The compliance agreement shall list each portion of the plan or plan amendment which is not in compliance, and shall specify remedial actions which the local government must complete within a specified time in order to bring the plan or plan amendment into compliance, including adoption of all necessary plan amendments. The compliance agreement may also establish monitoring requirements and incentives to ensure that the conditions of the compliance agreement are met.~~

~~(b) Upon filing by the state land planning agency of a compliance agreement executed by the agency and the local government with the Division of Administrative Hearings, any administrative proceeding under ss. 120.569 and 120.57 regarding the plan or plan amendment covered by the compliance agreement shall be stayed.~~

~~(c) Prior to its execution of a compliance agreement, the local government must approve the compliance agreement at a public hearing advertised at least 10 days before the public hearing in a newspaper of general circulation in the area in accordance with the advertisement requirements of subsection (15).~~

~~(d) A local government may adopt a plan amendment pursuant to a compliance agreement in accordance with the requirements of paragraph (15)(a). The plan amendment shall be exempt from the requirements of subsections (2)-(7). The local government shall hold a single adoption public hearing pursuant to the requirements of subparagraph (15)(b)2. and paragraph (15)(c). Within 10 working days after adoption of a plan amendment, the local government shall transmit the amendment to the state land planning agency as specified in the agency's procedural rules, and shall submit one copy to the regional planning agency and to any other unit of local government or government agency in the state that has filed a written request with the governing body for a copy of the plan amendment, and one copy to any party to the proceeding under ss. 120.569 and 120.57 granted intervenor status.~~

~~(e) The state land planning agency, upon receipt of a plan amendment adopted pursuant to a compliance agreement, shall issue a cumulative notice of intent addressing both the compliance agreement amendment and the plan or plan amendment that was the subject of the agreement, in accordance with subsection (8).~~

~~(f)1. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings and the administrative law judge shall realign the parties in the pending proceeding under ss. 120.569 and 120.57, which shall thereafter be governed by the process contained in paragraphs (9)(a) and (b), including provisions relating to challenges by an affected person, burden of proof, and issues of a recommended order and a final order, except as provided in subparagraph 2. Parties to the original proceeding at the time of realignment may continue as parties without being required to file additional pleadings to initiate a proceeding, but may timely amend their pleadings to raise any challenge to the amendment which is the subject of the cumulative notice of intent, and must otherwise conform to the rules of procedure of the Division of Administrative Hearings. Any affected person not a party to the realigned proceeding may challenge the plan amendment which is the subject of~~

~~the cumulative notice of intent by filing a petition with the agency as provided in subsection (9). The agency shall forward the petition filed by the affected person not a party to the realigned proceeding to the Division of Administrative Hearings for consolidation with the realigned proceeding.~~

~~2. If any of the issues raised by the state land planning agency in the original subsection (10) proceeding are not resolved by the compliance agreement amendments, any intervenor in the original subsection (10) proceeding may require those issues to be addressed in the pending consolidated realigned proceeding under ss. 120.569 and 120.57. As to those unresolved issues, the burden of proof shall be governed by subsection (10).~~

~~3. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment not in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings, which shall consolidate the proceeding with the pending proceeding and immediately set a date for hearing in the pending proceeding under ss. 120.569 and 120.57. Affected persons who are not a party to the underlying proceeding under ss. 120.569 and 120.57 may challenge the plan amendment adopted pursuant to the compliance agreement by filing a petition pursuant to subsection (10).~~

~~(g) If the local government fails to adopt a comprehensive plan amendment pursuant to a compliance agreement, the state land planning agency shall notify the Division of Administrative Hearings, which shall set the hearing in the pending proceeding under ss. 120.569 and 120.57 at the earliest convenient time.~~

~~(h) This subsection does not prohibit a local government from amending portions of its comprehensive plan other than those which are the subject of the compliance agreement. However, such amendments to the plan may not be inconsistent with the compliance agreement.~~

~~(i) Nothing in this subsection is intended to limit the parties from entering into a compliance agreement at any time before the final order in the proceeding is issued, provided that the provisions of paragraph (c) shall apply regardless of when the compliance agreement is reached.~~

~~(j) Nothing in this subsection is intended to force any party into settlement against its will or to preclude the use of other informal dispute resolution methods, such as the services offered by the Florida Growth Management Dispute Resolution Consortium, in the course of or in addition to the method described in this subsection.~~

~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.—A local government that has adopted a community vision and urban service boundary under s. 163.3177(13) and (14) may adopt a plan amendment related to map amendments solely to property within an urban service boundary in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high-hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.~~

~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.—A municipality that has a designated urban infill and redevelopment area under s. 163.2517 may adopt a plan amendment related to map amendments solely to property within a designated urban infill and redevelopment area in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high-hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.~~

~~(19) HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS.—Any local government that identifies in its comprehensive plan the types of housing developments and conditions for which it will consider plan amendments that are consistent with the local housing incentive strategies identified in s. 420.9076 and authorized by the local government may expedite consideration of such plan amendments. At least 30 days prior to adopting a plan amendment pursuant to this subsection, the local government shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include the local government's evaluation of site suitability and availability of facilities and services. A plan amendment considered under this subsection shall require only a single public hearing before the local governing body, which shall be a plan amendment adoption hearing as described in subsection (7). The public notice of the hearing required under subparagraph (15)(b)2. must include a statement that the local government intends to use the expedited adoption process authorized under this subsection. The state land planning agency shall issue its notice of intent required under subsection (8) within 30 days after determining that the amendment package is complete. Any further proceedings shall be governed by subsections (9)-(16).~~

Section 18. Section 163.3187, Florida Statutes, is amended to read:

163.3187 *Process for adoption of small-scale comprehensive plan* amendment ~~of adopted comprehensive plan~~.—

~~(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:~~

~~(a) In the case of an emergency, comprehensive plan amendments may be made more often than twice during the calendar year if the additional plan amendment receives the approval of all of the members of the governing body. "Emergency" means any occurrence or threat thereof whether accidental or natural, caused by humankind, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or public funds.~~

~~(b) Any local government comprehensive plan amendments directly related to a proposed development of regional impact, including changes which have been determined to be substantial deviations and including Florida Quality Developments pursuant to s. 380.061, may be initiated by a local planning agency and considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in this section and applicable local ordinances.~~

(1)~~(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan.~~ A small scale development amendment may be adopted ~~only~~ under the following conditions:

(a)~~1.~~ The proposed amendment involves a use of 10 acres or fewer and:

(b)~~a.~~ The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government *does* ~~shall~~ not exceed~~:~~

~~(I)~~ a maximum of 120 acres in a *calendar year*. ~~local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60~~

~~acres annually of property outside the designated areas listed in this sub-sub-subparagraph. Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.~~

~~(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).~~

~~(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.~~

~~b. The proposed amendment does not involve the same property granted a change within the prior 12 months.~~

~~c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.~~

(c)~~d.~~ The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity. *However, text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible under this section.*

(d)~~e.~~ The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). ~~Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).~~

~~f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre or the proposed future land use category allows a maximum residential density of the same or less than the maximum residential density allowable under the existing future land use category, except that this limitation does not apply to small scale amendments involving the construction of affordable housing units meeting the criteria of s. 420.0004(3) on property which will be the subject of a land use restriction agreement, or small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).~~

~~2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.~~

~~b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.~~

(2)~~3.~~ Small scale development amendments adopted pursuant to this *section* ~~paragraph~~ require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184*(11)*~~(7)~~, and are not subject to the requirements of s. ~~163.3184(3) (6) unless the local government elects to have them subject to those requirements~~.

(3)~~4.~~ If the small scale development amendment involves a site within ~~an area that is designated by the Governor as~~ a rural area of critical economic concern *as defined* under s. 288.0656*(2)(d)*~~(7)~~ for the duration of such designation, the 10-acre limit listed in *subsection (1)* ~~subparagraph 1.~~ shall be increased by 100 percent to 20 acres. The local government approving the small scale plan amendment shall certify to the Office of Tourism, Trade, and Economic Development that the plan amendment furthers the economic objectives set forth in the executive order issued under s. 288.0656(7), and the property subject to the plan amendment shall undergo public review to ensure that all concurrency requirements and federal, state, and local environmental permit requirements are met.

~~(d) Any comprehensive plan amendment required by a compliance agreement pursuant to s. 163.3184(16) may be approved without regard to statutory limits on the frequency of adoption of amendments to the comprehensive plan.~~

~~(e) A comprehensive plan amendment for location of a state correctional facility. Such an amendment may be made at any time and does not count toward the limitation on the frequency of plan amendments.~~

~~(f) The capital improvements element annual update required in s. 163.3177(3)(b)1. and any amendments directly related to the schedule.~~

~~(g) Any local government comprehensive plan amendments directly related to proposed redevelopment of brownfield areas designated under s. 376.80 may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan.~~

~~(h) Any comprehensive plan amendments for port transportation facilities and projects that are eligible for funding by the Florida Seaport Transportation and Economic Development Council pursuant to s. 311.07.~~

~~(i) A comprehensive plan amendment for the purpose of designating an urban infill and redevelopment area under s. 163.2517 may be approved without regard to the statutory limits on the frequency of amendments to the comprehensive plan.~~

~~(j) Any comprehensive plan amendment to establish public school concurrency pursuant to s. 163.3180(13), including, but not limited to, adoption of a public school facilities element and adoption of amendments to the capital improvements element and intergovernmental coordination element. In order to ensure the consistency of local government public school facilities elements within a county, such elements shall be prepared and adopted on a similar time schedule.~~

~~(k) A local comprehensive plan amendment directly related to providing transportation improvements to enhance life safety on Controlled Access Major Arterial Highways identified in the Florida Intrastate Highway System, in counties as defined in s. 125.011, where such roadways have a high incidence of traffic accidents resulting in serious injury or death. Any such amendment shall not include any amendment modifying the designation on a comprehensive development plan land use map nor any amendment modifying the allowable densities or intensities of any land.~~

~~(l) A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. 163.3177(12) and future land use map amendments for school siting may be approved notwithstanding statutory limits on the frequency of adopting plan amendments.~~

~~(m) A comprehensive plan amendment that addresses criteria or compatibility of land uses adjacent to or in close proximity to military installations in a local government's future land use element does not count toward the limitation on the frequency of the plan amendments.~~

~~(n) Any local government comprehensive plan amendment establishing or implementing a rural land stewardship area pursuant to the provisions of s. 163.3177(11)(d).~~

~~(o) A comprehensive plan amendment that is submitted by an area designated by the Governor as a rural area of critical economic concern under s. 288.0656(7) and that meets the economic development objectives may be approved without regard to the statutory limits on the frequency of adoption of amendments to the comprehensive plan.~~

~~(p) Any local government comprehensive plan amendment that is consistent with the local housing incentive strategies identified in s. 420.9076 and authorized by the local government.~~

~~(q) Any local government plan amendment to designate an urban service area as a transportation concurrency exception area under s. 163.3180(5)(b)2. or 3. and an area exempt from the development of regional impact process under s. 380.06(29).~~

(4)~~(2)~~ Comprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to s. 163.3177~~(2)~~. Corrections, updates, or modifications of current costs which were set out as part of the comprehensive plan shall not, for the purposes of this act, be deemed to be amendments.

~~(3)(a) The state land planning agency shall not review or issue a notice of intent for small scale development amendments which satisfy the requirements of paragraph (1)(c).~~

(5)(a) Any affected person may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57 to request a hearing to challenge the compliance of a small scale development amendment with this act within 30 days following the local government's adoption of the amendment *and*~~,~~ shall serve a copy of the petition on the local government~~, and shall furnish a copy to the state land planning agency~~. An administrative law judge shall hold a hearing in the affected jurisdiction not less than 30 days nor more than 60 days following the filing of a petition and the assignment of an administrative law judge. The parties to a hearing held pursuant to this subsection shall be the petitioner, the local government, and any intervenor. In the proceeding, the *plan amendment shall be determined to be in compliance if the* local government's determination that the small scale development amendment is in compliance is *fairly debatable* ~~presumed to be correct~~. ~~The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the amendment is not in compliance with the requirements of this act. In any proceeding initiated pursuant to this subsection,~~ The state land planning agency may *not* intervene *in any proceeding initiated pursuant to this section*.

(b)1. If the administrative law judge recommends that the small scale development amendment be found not in compliance, the administrative law judge shall submit the recommended order to the Administration Commission for final agency action. If the administrative law judge recommends that the small scale development amendment be found in compliance, the administrative law judge shall submit the recommended order to the state land planning agency.

2. If the state land planning agency determines that the plan amendment is not in compliance, the agency shall submit, within 30 days following its receipt, the recommended order to the Administration Commission for final agency action. If the state land planning agency determines that the plan amendment is in compliance, the agency shall enter a final order within 30 days following its receipt of the recommended order.

(c) Small scale development amendments *may* ~~shall~~ not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments *may* ~~shall~~ not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining *that* the adopted small scale development amendment is in compliance.

(d) In all challenges under this subsection, when a determination of compliance as defined in s. 163.3184(1)(b) is made, consideration shall be given to the plan amendment as a whole and whether the plan amendment furthers the intent of this part.

~~(4) Each governing body shall transmit to the state land planning agency a current copy of its comprehensive plan not later than December 1, 1985. Each governing body shall also transmit copies of any amendments it adopts to its comprehensive plan so as to continually update the plans on file with the state land planning agency.~~

~~(5) Nothing in this part is intended to prohibit or limit the authority of local governments to require that a person requesting an amendment pay some or all of the cost of public notice.~~

~~(6)(a) No local government may amend its comprehensive plan after the date established by the state land planning agency for adoption of its evaluation and appraisal report unless it has submitted its report or addendum to the state land planning agency as prescribed by s. 163.3191, except for plan amendments described in paragraph (1)(b) or paragraph (1)(h).~~

~~(b) A local government may amend its comprehensive plan after it has submitted its adopted evaluation and appraisal report and for a period of 1 year after the initial determination of sufficiency regardless of whether the report has been determined to be insufficient.~~

~~(c) A local government may not amend its comprehensive plan, except for plan amendments described in paragraph (1)(b), if the 1 year period after the initial sufficiency determination of the report has expired and the report has not been determined to be sufficient.~~

~~(d) When the state land planning agency has determined that the report has sufficiently addressed all pertinent provisions of s. 163.3191, the local government may amend its comprehensive plan without the limitations imposed by paragraph (a) or paragraph (c).~~

~~(e) Any plan amendment which a local government attempts to adopt in violation of paragraph (a) or paragraph (c) is invalid, but such invalidity may be overcome if the local government readopts the amendment and transmits the amendment to the state land planning agency pursuant to s. 163.3184(7) after the report is determined to be sufficient.~~

Section 19. *Section 163.3189, Florida Statutes, is repealed.*

Section 20. Section 163.3191, Florida Statutes, is amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(1) At least once every 7 years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements in this part since the last update of the comprehensive plan, and notify the state land planning agency as to its determination.

(2) If the local government determines amendments to its comprehensive plan are necessary to reflect changes in state requirements, the local government shall prepare and transmit within 1 year such plan amendment or amendments for review pursuant to s. 163.3184.

(3) Local governments are encouraged to comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions. Plan amendments transmitted pursuant to this section shall be reviewed in accordance with s. 163.3184.

(4) If a local government fails to submit its letter prescribed by subsection (1) or update its plan pursuant to subsection (2), it may not amend its comprehensive plan until such time as it complies with this section.

~~(1) The planning program shall be a continuous and ongoing process. Each local government shall adopt an evaluation and appraisal report once every 7 years assessing the progress in implementing the local government's comprehensive plan. Furthermore, it is the intent of this section that:~~

~~(a) Adopted comprehensive plans be reviewed through such evaluation process to respond to changes in state, regional, and local policies on planning and growth management and changing conditions and trends, to ensure effective intergovernmental coordination, and to identify major issues regarding the community's achievement of its goals.~~

~~(b) After completion of the initial evaluation and appraisal report and any supporting plan amendments, each subsequent evaluation and appraisal report must evaluate the comprehensive plan in effect at the time of the initiation of the evaluation and appraisal report process.~~

~~(c) Local governments identify the major issues, if applicable, with input from state agencies, regional agencies, adjacent local governments, and the public in the evaluation and appraisal report process. It is also the intent of this section to establish minimum requirements for information to ensure predictability, certainty, and integrity in the growth management process. The report is intended to serve as a summary audit of the actions that a local government has undertaken and identify changes that it may need to make. The report should be based on the~~

~~local government's analysis of major issues to further the community's goals consistent with statewide minimum standards. The report is not intended to require a comprehensive rewrite of the elements within the local plan, unless a local government chooses to do so.~~

~~(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:~~

~~(a) Population growth and changes in land area, including annexation, since the adoption of the original plan or the most recent update amendments.~~

~~(b) The extent of vacant and developable land.~~

~~(c) The financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted level of service standards and sustain concurrency management systems through the capital improvements element, as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities.~~

~~(d) The location of existing development in relation to the location of development as anticipated in the original plan, or in the plan as amended by the most recent evaluation and appraisal report update amendments, such as within areas designated for urban growth.~~

~~(e) An identification of the major issues for the jurisdiction and, where pertinent, the potential social, economic, and environmental impacts.~~

~~(f) Relevant changes to the state comprehensive plan, the requirements of this part, the minimum criteria contained in chapter 9J-5, Florida Administrative Code, and the appropriate strategic regional policy plan since the adoption of the original plan or the most recent evaluation and appraisal report update amendments.~~

~~(g) An assessment of whether the plan objectives within each element, as they relate to major issues, have been achieved. The report shall include, as appropriate, an identification as to whether unforeseen or unanticipated changes in circumstances have resulted in problems or opportunities with respect to major issues identified in each element and the social, economic, and environmental impacts of the issue.~~

~~(h) A brief assessment of successes and shortcomings related to each element of the plan.~~

~~(i) The identification of any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report. Such identification shall include, as appropriate, new population projections, new revised planning timeframes, a revised future conditions map or map series, an updated capital improvements element, and any new and revised goals, objectives, and policies for major issues identified within each element. This paragraph shall not require the submittal of the plan amendments with the evaluation and appraisal report.~~

~~(j) A summary of the public participation program and activities undertaken by the local government in preparing the report.~~

~~(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to s. 1013.35. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. For those counties or municipalities that do not have a public schools interlocal agreement or public school facilities element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county or municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facilities element, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777 in order to fully participate in the school concurrency system.~~

~~(l) The extent to which the local government has been successful in identifying alternative water supply projects and traditional water supply projects, including conservation and reuse, necessary to meet the water needs identified in s. 373.709(2)(a) within the local government's jurisdiction. The report must evaluate the degree to which the local government has implemented the work plan for building public, private, and regional water supply facilities, including development of alternative water supplies, identified in the element as necessary to serve existing and new development.~~

~~(m) If any of the jurisdiction of the local government is located within the coastal high hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.~~

~~(n) An assessment of whether the criteria adopted pursuant to s. 163.3177(6)(a) were successful in achieving compatibility with military installations.~~

~~(o) The extent to which a concurrency exception area designated pursuant to s. 163.3180(5), a concurrency management area designated pursuant to s. 163.3180(7), or a multimodal transportation district designated pursuant to s. 163.3180(15) has achieved the purpose for which it was created and otherwise complies with the provisions of s. 163.3180.~~

~~(p) An assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination with the municipalities and counties, as appropriate pursuant to s. 163.3180(10).~~

~~(3) Voluntary scoping meetings may be conducted by each local government or several local governments within the same county that agree to meet together. Joint meetings among all local governments in a county are encouraged. All scoping meetings shall be completed at least 1 year prior to the established adoption date of the report. The purpose of the meetings shall be to distribute data and resources available to assist in the preparation of the report, to provide input on major issues in each community that should be addressed in the report, and to advise on the extent of the effort for the components of subsection (2). If scoping meetings are held, the local government shall invite each state and regional reviewing agency, as well as adjacent and other affected local governments. A preliminary list of new data and major issues that have emerged since the adoption of the original plan, or the most recent evaluation and appraisal report-based update amendments, should be developed by state and regional entities and involved local governments for distribution at the scoping meeting. For purposes of this subsection, a "scoping meeting" is a meeting conducted to determine the scope of review of the evaluation and appraisal report by parties to which the report relates.~~

~~(4) The local planning agency shall prepare the evaluation and appraisal report and shall make recommendations to the governing body regarding adoption of the proposed report. The local planning agency shall prepare the report in conformity with its public participation procedures adopted as required by s. 163.3181. During the preparation of the proposed report and prior to making any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with public notice, on the proposed report. At a minimum, the format and content of the proposed report shall include a table of contents; numbered pages; element headings; section headings within elements; a list of included tables, maps, and figures; a title and sources for all included tables; a preparation date; and the name of the preparer. Where applicable, maps shall include major natural and artificial geographic features; city, county, and state lines; and a legend indicating a north arrow, map scale, and the date.~~

~~(5) Ninety days prior to the scheduled adoption date, the local government may provide a proposed evaluation and appraisal report to the state land planning agency and distribute copies to state and regional commenting agencies as prescribed by rule, adjacent jurisdictions, and~~

~~interested citizens for review. All review comments, including comments by the state land planning agency, shall be transmitted to the local government and state land planning agency within 30 days after receipt of the proposed report.~~

~~(6) The governing body, after considering the review comments and recommended changes, if any, shall adopt the evaluation and appraisal report by resolution or ordinance at a public hearing with public notice. The governing body shall adopt the report in conformity with its public participation procedures adopted as required by s. 163.3181. The local government shall submit to the state land planning agency three copies of the report, a transmittal letter indicating the dates of public hearings, and a copy of the adoption resolution or ordinance. The local government shall provide a copy of the report to the reviewing agencies which provided comments for the proposed report, or to all the reviewing agencies if a proposed report was not provided pursuant to subsection (5), including the adjacent local governments. Within 60 days after receipt, the state land planning agency shall review the adopted report and make a preliminary sufficiency determination that shall be forwarded by the agency to the local government for its consideration. The state land planning agency shall issue a final sufficiency determination within 90 days after receipt of the adopted evaluation and appraisal report.~~

~~(7) The intent of the evaluation and appraisal process is the preparation of a plan update that clearly and concisely achieves the purpose of this section. Toward this end, the sufficiency review of the state land planning agency shall concentrate on whether the evaluation and appraisal report sufficiently fulfills the components of subsection (2). If the state land planning agency determines that the report is insufficient, the governing body shall adopt a revision of the report and submit the revised report for review pursuant to subsection (6).~~

~~(8) The state land planning agency may delegate the review of evaluation and appraisal reports, including all state land planning agency duties under subsections (4)-(7), to the appropriate regional planning council. When the review has been delegated to a regional planning council, any local government in the region may elect to have its report reviewed by the regional planning council rather than the state land planning agency. The state land planning agency shall by agreement provide for uniform and adequate review of reports and shall retain oversight for any delegation of review to a regional planning council.~~

~~(9) The state land planning agency may establish a phased schedule for adoption of reports. The schedule shall provide each local government at least 7 years from plan adoption or last established adoption date for a report and shall allot approximately one seventh of the reports to any 1 year. In order to allow the municipalities to use data and analyses gathered by the counties, the state land planning agency shall schedule municipal report adoption dates between 1 year and 18 months later than the report adoption date for the county in which those municipalities are located. A local government may adopt its report no earlier than 90 days prior to the established adoption date. Small municipalities which were scheduled by chapter 9J-33, Florida Administrative Code, to adopt their evaluation and appraisal report after February 2, 1999, shall be rescheduled to adopt their report together with the other municipalities in their county as provided in this subsection.~~

~~(10) The governing body shall amend its comprehensive plan based on the recommendations in the report and shall update the comprehensive plan based on the components of subsection (2), pursuant to the provisions of ss. 163.3184, 163.3187, and 163.3189. Amendments to update a comprehensive plan based on the evaluation and appraisal report shall be adopted during a single amendment cycle within 18 months after the report is determined to be sufficient by the state land planning agency, except the state land planning agency may grant an extension for adoption of a portion of such amendments. The state land planning agency may grant a 6-month extension for the adoption of such amendments if the request is justified by good and sufficient cause as determined by the agency. An additional extension may also be granted if the request will result in greater coordination between transportation and land use, for the purposes of improving Florida's transportation system, as determined by the agency in coordination with the Metropolitan Planning Organization program. Beginning July 1, 2006, failure to timely adopt and transmit update amendments to the comprehensive plan based on the evaluation and appraisal report shall result in a local government being prohibited from adopting amendments to the comprehensive plan until the evaluation and appraisal report update amendments have been adopted and transmitted to the state land planning agency. The prohibition on plan amendments shall commence when the update amendments to the comprehensive plan are past due. The comprehensive plan as amended shall be in compliance as defined in s. 163.3184(1)(b). Within 6 months after the effective date of the update amendments to the comprehensive plan, the local government shall provide to the state land planning agency and to all agencies designated by rule a complete copy of the updated comprehensive plan.~~

~~(11) The Administration Commission may impose the sanctions provided by s. 163.3184(11) against any local government that fails to adopt and submit a report, or that fails to implement its report through timely and sufficient amendments to its local plan, except for reasons of excusable delay or valid planning reasons agreed to by the state land planning agency or found present by the Administration Commission. Sanctions for untimely or insufficient plan amendments shall be prospective only and shall begin after a final order has been issued by the Administration Commission and a reasonable period of time has been allowed for the local government to comply with an adverse determination by the Administration Commission through adoption of plan amendments that are in compliance. The state land planning agency may initiate, and an affected person may intervene in, such a proceeding by filing a petition with the Division of Administrative Hearings, which shall appoint an administrative law judge and conduct a hearing pursuant to ss. 120.569 and 120.57(1) and shall submit a recommended order to the Administration Commission. The affected local government shall be a party to any such proceeding. The commission may implement this subsection by rule.~~

(5)~~(12)~~ The state land planning agency *may* ~~shall~~ not adopt rules to implement this section, other than procedural rules *or a schedule indicating when local governments must comply with the requirements of this section*.

~~(13) The state land planning agency shall regularly review the evaluation and appraisal report process and submit a report to the Governor, the Administration Commission, the Speaker of the House of Representatives, the President of the Senate, and the respective community affairs committees of the Senate and the House of Representatives. The first report shall be submitted by December 31, 2004, and subsequent reports shall be submitted every 5 years thereafter. At least 9 months before the due date of each report, the Secretary of Community Affairs shall appoint a technical committee of at least 15 members to assist in the preparation of the report. The membership of the technical committee shall consist of representatives of local governments, regional planning councils, the private sector, and environmental organizations. The report shall assess the effectiveness of the evaluation and appraisal report process.~~

~~(14) The requirement of subsection (10) prohibiting a local government from adopting amendments to the local comprehensive plan until the evaluation and appraisal report update amendments have been adopted and transmitted to the state land planning agency does not apply to a plan amendment proposed for adoption by the appropriate local government as defined in s. 163.3178(2)(k) in order to integrate a port comprehensive master plan with the coastal management element of the local comprehensive plan as required by s. 163.3178(2)(k) if the port comprehensive master plan or the proposed plan amendment does not cause or contribute to the failure of the local government to comply with the requirements of the evaluation and appraisal report.~~

Section 21. Paragraph (b) of subsection (2) of section 163.3217, Florida Statutes, is amended to read:

163.3217 Municipal overlay for municipal incorporation.—

(2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL OVERLAY.—

(b)~~1.~~ A municipal overlay shall be adopted as an amendment to the local government comprehensive plan as prescribed by s. 163.3184.

~~2. A county may consider the adoption of a municipal overlay without regard to the provisions of s. 163.3187(1) regarding the frequency of adoption of amendments to the local comprehensive plan.~~

Section 22. Subsection (3) of section 163.3220, Florida Statutes, is amended to read:

163.3220 Short title; legislative intent.—

(3) In conformity with, in furtherance of, and to implement the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act and the Florida State Comprehensive Planning Act of 1972, it is the intent of the Legislature to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.

Section 23. Subsections (2) and (11) of section 163.3221, Florida Statutes, are amended to read:

163.3221 Florida Local Government Development Agreement Act; definitions.—As used in ss. 163.3220-163.3243:

(2) "Comprehensive plan" means a plan adopted pursuant to the *Community* ~~"Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act.~~"~~

(11) "Local planning agency" means the agency designated to prepare a comprehensive plan or plan amendment pursuant to the *Community* ~~"Florida Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act.~~"~~

Section 24. Section 163.3229, Florida Statutes, is amended to read:

163.3229 Duration of a development agreement and relationship to local comprehensive plan.—The duration of a development agreement *may* ~~shall~~ not exceed *30* ~~20~~ years*, unless it is*~~. It may be~~ extended by mutual consent of the governing body and the developer, subject to a public hearing in accordance with s. 163.3225. No development agreement shall be effective or be implemented by a local government unless the local government's comprehensive plan and plan amendments implementing or related to the agreement are ~~found~~ in compliance ~~by the state land planning agency in accordance~~ with s. 163.3184~~, s. 163.3187, or s. 163.3189~~.

Section 25. Section 163.3235, Florida Statutes, is amended to read:

163.3235 Periodic review of a development agreement.—A local government shall review land subject to a development agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. ~~For each annual review conducted during years 6 through 10 of a development agreement, the review shall be incorporated into a written report which shall be submitted to the parties to the agreement and the state land planning agency. The state land planning agency shall adopt rules regarding the contents of the report, provided that the report shall be limited to the information sufficient to determine the extent to which the parties are proceeding in good faith to comply with the terms of the development agreement.~~ If the local government finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the agreement may be revoked or modified by the local government.

Section 26. Section 163.3239, Florida Statutes, is amended to read:

163.3239 Recording and effectiveness of a development agreement.—Within 14 days after a local government enters into a development agreement, the local government shall record the agreement with the clerk of the circuit court in the county where the local government is located. ~~A copy of the recorded development agreement shall be submitted to the state land planning agency within 14 days after the agreement is recorded.~~ A development agreement *is* ~~shall~~ not ~~be~~ effective until it is properly recorded in the public records of the county ~~and until 30 days after having been received by the state land planning agency pursuant to this section~~. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

Section 27. Section 163.3243, Florida Statutes, is amended to read:

163.3243 Enforcement.—Any party *or*~~, any~~ aggrieved or adversely affected person as defined in s. 163.3215(2)~~, or the state land planning agency~~ may file an action for injunctive relief in the circuit court where the local government is located to enforce the terms of a development agreement or to challenge compliance of the agreement with ~~the provisions of~~ ss. 163.3220- 163.3243.

Section 28. Section 163.3245, Florida Statutes, is amended to read:

163.3245 ~~Optional~~ Sector plans.—

(1) In recognition of the benefits of ~~conceptual~~ long-range planning for ~~the buildout of an area, and detailed planning for~~ specific areas, ~~as a demonstration project, the requirements of s. 380.06 may be addressed as identified by this section for up to five~~ local governments or combinations of local governments *may* ~~which~~ adopt into *their* ~~the~~ comprehensive *plans a* ~~plan an optional~~ sector plan in accordance with this section. This section is intended to *promote and encourage long-term planning for conservation, development, and agriculture on a landscape scale; to* further the intent of s. 163.3177(11), which supports innovative and flexible planning and development strategies, and the purposes of this part~~,~~ and part I of chapter 380*; to facilitate protection of regionally significant resources, including, but not limited to, regionally significant water courses and wildlife corridors;*~~,~~ and to avoid duplication of effort in terms of the level of data and analysis required for a development of regional impact, while ensuring the adequate mitigation of impacts to applicable regional resources and facilities, including those within the jurisdiction of other local governments, as would otherwise be provided. ~~Optional~~ Sector plans are intended for substantial geographic areas *that include* ~~including~~ at least *15,000* ~~5,000~~ acres of one or more local governmental jurisdictions and are to emphasize urban form and protection of regionally significant resources and *public* facilities. *A* ~~The state land planning agency may approve optional sector plans of less than 5,000 acres based on local circumstances if it is determined that the plan would further the purposes of this part and part I of chapter 380. Preparation of an optional sector plan is authorized by agreement between the state land planning agency and the applicable local governments under s. 163.3171(4). An optional sector plan may be adopted through one or more comprehensive plan amendments under s. 163.3184. However, an optional~~ sector plan may not be *adopted* ~~authorized~~ in an area of critical state concern.

(2) *Upon the request of a local government having jurisdiction,* ~~The state land planning agency may enter into an agreement to authorize preparation of an optional sector plan upon the request of one or more local governments based on consideration of problems and opportunities presented by existing development trends; the effectiveness of current comprehensive plan provisions; the potential to further the state comprehensive plan, applicable strategic regional policy plans, this part, and part I of chapter 380; and those factors identified by s. 163.3177(10)(i).~~ the applicable regional planning council shall conduct a scoping meeting with affected local governments and those agencies identified in s. 163.3184*(1)(c)*~~(4)~~ before *preparation of the sector plan* ~~execution of the agreement authorized by this section~~. The purpose of this meeting is to assist the state land planning agency and the local government in the identification of the relevant planning issues to be addressed and the data and resources available to assist in the preparation of *the sector plan* ~~subsequent plan amendments~~. *If a scoping meeting is conducted,* the regional planning council shall make written recommendations to the state land planning agency and affected local governments *on the issues requested by the local government. The scoping meeting shall be noticed and open to the public. If the entire planning area proposed for the sector plan is within the jurisdiction of two or more local governments, some or all of them may enter into a joint planning agreement pursuant to s. 163.3171 with respect to*~~, including whether a sustainable sector plan would be appropriate. The agreement must define~~ the geographic area to be subject to the sector plan, the planning issues that will be emphasized, *procedures* ~~requirements~~ for intergovernmental coordination to address extrajurisdictional impacts, supporting application materials including data and analysis, ~~and~~ procedures for public participation*, or other issues*. ~~An agreement may address previously adopted sector plans that are consistent with the standards in this section. Before executing an agreement under this subsection, the local government shall hold a duly noticed public workshop to review and explain to the public the optional sector planning process and the terms and conditions of the proposed agreement. The local government shall hold a duly noticed public hearing to execute the agreement. All meetings between the department and the local government must be open to the public.~~

(3) ~~Optional~~ Sector planning encompasses two levels: adoption *pursuant to* ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term *master plan for the entire planning area as part of the comprehensive plan, and adoption by*

local development order of two or more ~~buildout overlay to the comprehensive plan, having no immediate effect on the issuance of development orders or the applicability of s. 380.06, and adoption under s. 163.3184 of~~ detailed specific area plans that implement the ~~conceptual~~ long-term *master plan* ~~buildout overlay and authorize issuance of development orders,~~ and within which s. 380.06 is waived. ~~Until such time as a detailed specific area plan is adopted, the underlying future land use designations apply.~~

(a) In addition to the other requirements of this chapter, a *long-term master plan pursuant to this section* ~~conceptual long-term buildout overlay~~ must include *maps, illustrations, and text supported by data and analysis to address the following*:

1. A ~~long-range conceptual~~ framework map that*,* at a minimum*, generally depicts* ~~identifies anticipated~~ areas of urban, agricultural, rural, and conservation land use*, identifies allowed uses in various parts of the planning area, specifies maximum and minimum densities and intensities of use, and provides the general framework for the development pattern in developed areas with graphic illustrations based on a hierarchy of places and functional place-making components*.

2. A general identification of the water supplies needed and available sources of water, including water resource development and water supply development projects, and water conservation measures needed to meet the projected demand of the future land uses in the long-term master plan.

3. A general identification of the transportation facilities to serve the future land uses in the long-term master plan, including guidelines to be used to establish each modal component intended to optimize mobility.

4.~~2.~~ *A general* identification of *other* regionally significant public facilities ~~consistent with chapter 9J-2, Florida Administrative Code, irrespective of local governmental jurisdiction~~ necessary to support ~~buildout of~~ the ~~anticipated~~ future land uses*, which may include central utilities provided onsite within the planning area, and policies setting forth the procedures to be used to mitigate the impacts of future land uses on public facilities*.

5.~~3.~~ *A general* identification of regionally significant natural resources *within the planning area based on the best available data and policies setting forth the procedures for protection or conservation of specific resources consistent with the overall conservation and development strategy for the planning area* ~~consistent with chapter 9J-2, Florida Administrative Code~~.

6.~~4.~~ *General* principles and guidelines *addressing* ~~that address~~ the urban form and *the* interrelationships of ~~anticipated~~ future land uses*; the protection and, as appropriate, restoration and management of lands identified for permanent preservation through recordation of conservation easements consistent with s. 704.06, which shall be phased or staged in coordination with detailed specific area plans to reflect phased or staged development within the planning area;* ~~and a discussion, at the applicant's option, of the extent, if any, to which the plan will address restoring key ecosystems,~~ achieving a more clean, healthy environment*;* ~~,~~ limiting urban sprawl*; providing a range of housing types;* ~~,~~ protecting wildlife and natural areas*;* ~~,~~ advancing the efficient use of land and other resources*;* ~~, and~~ creating quality communities *of a design that promotes travel by multiple transportation modes;* and *enhancing the prospects for the creation of* jobs.

7.~~5.~~ Identification of general procedures *and policies* to *facilitate* ~~ensure~~ intergovernmental coordination to address extrajurisdictional impacts from the *future land uses* ~~long-range conceptual framework map~~.

A long-term master plan adopted pursuant to this section may be based upon a planning period longer than the generally applicable planning period of the local comprehensive plan, shall specify the projected population within the planning area during the chosen planning period, and may include a phasing or staging schedule that allocates a portion of the local government's future growth to the planning area through the planning period. A long-term master plan adopted pursuant to this section is not required to demonstrate need based upon projected population growth or on any other basis.

(b) In addition to the other requirements of this chapter, ~~including those in paragraph (a),~~ the detailed specific area plans *shall be consistent with the long-term master plan and* must include *conditions and commitments that provide for*:

1. *Development or conservation of* an area of ~~adequate size to accommodate a level of development which achieves a functional relationship between a full range of land uses within the area and to encompass~~ at least 1,000 acres *consistent with the long-term master plan*. The *local government* ~~state land planning agency~~ may approve detailed specific area plans of less than 1,000 acres based on local circumstances if it is determined that the *detailed specific area* plan furthers the purposes of this part and part I of chapter 380.

2. Detailed identification and analysis of the *maximum and minimum densities and intensities of use and the* distribution, extent, and location of future land uses.

3. Detailed identification of water resource development and water supply development projects and related infrastructure and water conservation measures to address water needs of development in the detailed specific area plan.

4. Detailed identification of the transportation facilities to serve the future land uses in the detailed specific area plan.

5.~~3.~~ Detailed identification of *other* regionally significant public facilities, including public facilities outside the jurisdiction of the host local government, ~~anticipated~~ impacts of future land uses on those facilities, and required improvements consistent with *the long-term master plan* ~~chapter 9J-2, Florida Administrative Code~~.

6.~~4.~~ Public facilities necessary *to serve development in the detailed specific area plan* ~~for the short term~~, including developer contributions in a ~~financially feasible~~ 5-year capital improvement schedule of the affected local government.

7.~~5.~~ Detailed analysis and identification of specific measures to *ensure* ~~assure~~ the protection *and, as appropriate, restoration and management of lands within the boundary of the detailed specific area plan identified for permanent preservation through recordation of conservation easements consistent with s. 704.06, which easements shall be effective before or concurrent with the effective date of the detailed specific area plan* ~~of regionally significant natural resources~~ and other important resources both within and outside the host jurisdiction~~, including those regionally significant resources identified in chapter 9J-2, Florida Administrative Code~~.

8.~~6.~~ *Detailed* principles and guidelines *addressing* ~~that address~~ the urban form and *the* interrelationships of ~~anticipated~~ future land uses*;* ~~and a discussion, at the applicant's option, of the extent, if any, to which the plan will address restoring key ecosystems,~~ achieving a more clean, healthy environment*,* ~~,~~ limiting urban sprawl*; providing a range of housing types;* ~~,~~ protecting wildlife and natural areas*;* ~~,~~ advancing the efficient use of land and other resources*;* ~~, and~~ creating quality communities *of a design that promotes travel by multiple transportation modes;* and *enhancing the prospects for the creation of* jobs.

9.~~7.~~ Identification of specific procedures to *facilitate* ~~ensure~~ intergovernmental coordination to address extrajurisdictional impacts *from* ~~of~~ the detailed specific area plan.

A detailed specific area plan adopted by local development order pursuant to this section may be based upon a planning period longer than the generally applicable planning period of the local comprehensive plan and shall specify the projected population within the specific planning area during the chosen planning period. A detailed specific area plan adopted pursuant to this section is not required to demonstrate need based upon projected population growth or on any other basis. All lands identified in the long-term master plan for permanent preservation shall be subject to a recorded conservation easement consistent with s. 704.06 before or concurrent with the effective date of the final detailed specific area plan to be approved within the planning area.

(c) In its review of a long-term master plan, the state land planning agency shall consult with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and the applicable water management district regarding the design of areas for protection and conservation of regionally significant natural resources and for the protection and,

as appropriate, restoration and management of lands identified for permanent preservation.

(d) In its review of a long-term master plan, the state land planning agency shall consult with the Department of Transportation, the applicable metropolitan planning organization, and any urban transit agency regarding the location, capacity, design, and phasing or staging of major transportation facilities in the planning area.

(e) Whenever a local government issues a development order approving a detailed specific area plan, a copy of such order shall be rendered to the state land planning agency and the owner or developer of the property affected by such order, as prescribed by rules of the state land planning agency for a development order for a development of regional impact. Within 45 days after the order is rendered, the owner, the developer, or the state land planning agency may appeal the order to the Florida Land and Water Adjudicatory Commission by filing a petition alleging that the detailed specific area plan is not consistent with the comprehensive plan or with the long-term master plan adopted pursuant to this section. The appellant shall furnish a copy of the petition to the opposing party, as the case may be, and to the local government that issued the order. The filing of the petition stays the effectiveness of the order until after completion of the appeal process. However, if a development order approving a detailed specific area plan has been challenged by an aggrieved or adversely affected party in a judicial proceeding pursuant to s. 163.3215, and a party to such proceeding serves notice to the state land planning agency, the state land planning agency shall dismiss its appeal to the commission and shall have the right to intervene in the pending judicial proceeding pursuant to s. 163.3215. Proceedings for administrative review of an order approving a detailed specific area plan shall be conducted consistent with s. 380.07(6). The commission shall issue a decision granting or denying permission to develop pursuant to the long-term master plan and the standards of this part and may attach conditions or restrictions to its decisions.

(f)~~(e)~~ This subsection *does* ~~may~~ not ~~be construed to~~ prevent preparation and approval of the ~~optional~~ sector plan and detailed specific area plan concurrently or in the same submission.

(4) *Upon the long-term master plan becoming legally effective:*

(a) Any long-range transportation plan developed by a metropolitan planning organization pursuant to s. 339.175(7) must be consistent, to the maximum extent feasible, with the long-term master plan, including, but not limited to, the projected population and the approved uses and densities and intensities of use and their distribution within the planning area. The transportation facilities identified in adopted plans pursuant to subparagraphs (3)(a)3. and (b)4. must be developed in coordination with the adopted M.P.O. long-range transportation plan.

(b) The water needs, sources and water resource development, and water supply development projects identified in adopted plans pursuant to subparagraphs (3)(a)2. and (b)3. shall be incorporated into the applicable district and regional water supply plans adopted in accordance with ss. 373.036 and 373.709. Accordingly, and notwithstanding the permit durations stated in s. 373.236, an applicant may request and the applicable district may issue consumptive use permits for durations commensurate with the long-term master plan or detailed specific area plan, considering the ability of the master plan area to contribute to regional water supply availability and the need to maximize reasonable-beneficial use of the water resource. The permitting criteria in s. 373.223 shall be applied based upon the projected population and the approved densities and intensities of use and their distribution in the long-term master plan; however, the allocation of the water may be phased over the permit duration to correspond to actual projected needs. This paragraph does not supersede the public interest test set forth in s. 373.223. ~~The host local government shall submit a monitoring report to the state land planning agency and applicable regional planning council on an annual basis after adoption of a detailed specific area plan. The annual monitoring report must provide summarized information on development orders issued, development that has occurred, public facility improvements made, and public facility improvements anticipated over the upcoming 5 years.~~

(5) When ~~a plan amendment adopting~~ a detailed specific area plan has become effective *for a portion of the planning area governed by a long-term master plan adopted pursuant to this section* ~~under ss. 163.3184 and 163.3189(2)~~, ~~the provisions of~~ s. 380.06 *does* ~~do~~ not apply to development within the geographic area of the detailed specific area plan. However, any development-of-regional-impact development order that is vested from the detailed specific area plan may be enforced *pursuant to* ~~under~~ s. 380.11.

(a) The local government adopting the detailed specific area plan is primarily responsible for monitoring and enforcing the detailed specific area plan. Local governments *may* ~~shall~~ not issue any permits or approvals or provide any extensions of services to development that are not consistent with the detailed *specific* ~~sector~~ area plan.

(b) If the state land planning agency has reason to believe that a violation of any detailed specific area plan~~, or of any agreement entered into under this section,~~ has occurred or is about to occur, it may institute an administrative or judicial proceeding to prevent, abate, or control the conditions or activity creating the violation, using the procedures in s. 380.11.

(c) In instituting an administrative or judicial proceeding involving *a* ~~an optional~~ sector plan or detailed specific area plan, including a proceeding pursuant to paragraph (b), the complaining party shall comply with the requirements of s. 163.3215(4), (5), (6), and (7)*, except as provided by paragraph (3)(e)*.

(d) The detailed specific area plan shall establish a buildout date until which the approved development is not subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that implementation of the plan is not continuing in good faith based on standards established by plan policy, that substantial changes in the conditions underlying the approval of the detailed specific area plan have occurred, that the detailed specific area plan was based on substantially inaccurate information provided by the applicant, or that the change is clearly established to be essential to the public health, safety, or welfare.

(6) Concurrent with or subsequent to review and adoption of a long-term master plan pursuant to paragraph (3)(a), an applicant may apply for master development approval pursuant to s. 380.06(21) for the entire planning area in order to establish a buildout date until which the approved uses and densities and intensities of use of the master plan are not subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that implementation of the master plan is not continuing in good faith based on standards established by plan policy, that substantial changes in the conditions underlying the approval of the master plan have occurred, that the master plan was based on substantially inaccurate information provided by the applicant, or that change is clearly established to be essential to the public health, safety, or welfare. Review of the application for master development approval shall be at a level of detail appropriate for the long-term and conceptual nature of the long-term master plan and, to the maximum extent possible, may only consider information provided in the application for a long-term master plan. Notwithstanding s. 380.06, an increment of development in such an approved master development plan must be approved by a detailed specific area plan pursuant to paragraph (3)(b) and is exempt from review pursuant to s. 380.06.

~~(6) Beginning December 1, 1999, and each year thereafter, the department shall provide a status report to the Legislative Committee on Intergovernmental Relations regarding each optional sector plan authorized under this section.~~

(7) A developer within an area subject to a long-term master plan that meets the requirements of paragraph (3)(a) and subsection (6) or a detailed specific area plan that meets the requirements of paragraph (3)(b) may enter into a development agreement with a local government pursuant to ss. 163.3220-163.3243. The duration of such a development agreement may be through the planning period of the long-term master plan or the detailed specific area plan, as the case may be, notwithstanding the limit on the duration of a development agreement pursuant to s. 163.3229.

(8) Any owner of property within the planning area of a proposed long-term master plan may withdraw his consent to the master plan at any time prior to local government adoption, and the local government shall exclude such parcels from the adopted master plan. Thereafter, the long-term master plan, any detailed specific area plan, and the exemption from development-of-regional-impact review under this section do not apply to the subject parcels. After adoption of a long-term master plan, an

owner may withdraw his or her property from the master plan only with the approval of the local government by plan amendment adopted and reviewed pursuant to s. 163.3184.

(9) The adoption of a long-term master plan or a detailed specific area plan pursuant to this section does not limit the right to continue existing agricultural or silvicultural uses or other natural resource-based operations or to establish similar new uses that are consistent with the plans approved pursuant to this section.

(10) The state land planning agency may enter into an agreement with a local government that, on or before July 1, 2011, adopted a large-area comprehensive plan amendment consisting of at least 15,000 acres that meets the requirements for a long-term master plan in paragraph (3)(a), after notice and public hearing by the local government, and thereafter, notwithstanding s. 380.06, this part, or any planning agreement or plan policy, the large-area plan shall be implemented through detailed specific area plans that meet the requirements of paragraph (3)(b) and shall otherwise be subject to this section.

(11) Notwithstanding this section, a detailed specific area plan to implement a conceptual long-term buildout overlay, adopted by a local government and found in compliance before July 1, 2011, shall be governed by this section.

(12) Notwithstanding s. 380.06, this part, or any planning agreement or plan policy, a landowner or developer who has received approval of a master development-of-regional-impact development order pursuant to s. 380.06(21) may apply to implement this order by filing one or more applications to approve a detailed specific area plan pursuant to paragraph (3)(b).

(13)~~(7)~~ This section may not be construed to abrogate the rights of any person under this chapter.

Section 29. Subsections (9), (12), and (14) of section 163.3246, Florida Statutes, are amended to read:

163.3246 Local government comprehensive planning certification program.—

(9)(a) Upon certification all comprehensive plan amendments associated with the area certified must be adopted and reviewed in the manner described in *s.* ~~ss.~~ 163.3184*(5)-(11)*~~(1), (2), (7), (14), (15), and (16) and 163.3187~~, such that state and regional agency review is eliminated. *Plan amendments that qualify as small scale development amendments may follow the small scale review process in s. 163.3187.* The department may not issue any objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by s. 163.3184(1)(a), may file a petition for administrative review pursuant to the requirements of s. *163.3184(5)* ~~163.3187(3)(a)~~ to challenge the compliance of an adopted plan amendment.

(b) Plan amendments that change the boundaries of the certification area; propose a rural land stewardship area pursuant to s. *163.3248* ~~163.3177(11)(d)~~; propose *a* ~~an optional~~ sector plan pursuant to s. 163.3245; ~~propose a school facilities element;~~ update a comprehensive plan based on an evaluation and appraisal *review* ~~report~~; impact lands outside the certification boundary; implement new statutory requirements that require specific comprehensive plan amendments; or increase hurricane evacuation times or the need for shelter capacity on lands within the coastal high-hazard area shall be reviewed pursuant to *s.* ~~ss.~~ 163.3184 ~~and 163.3187~~.

(12) A local government's certification shall be reviewed by the local government and the department as part of the evaluation and appraisal process pursuant to s. 163.3191. Within 1 year after the deadline for the local government to update its comprehensive plan based on the evaluation and appraisal report, the department shall renew or revoke the certification. The local government's ~~failure to adopt a timely evaluation and appraisal report, failure to adopt an evaluation and appraisal report found to be sufficient, or~~ failure to timely adopt *necessary* amendments *to update its comprehensive plan* based on an evaluation and appraisal*, which are* ~~report~~ found to be in compliance by the department*,* shall be cause for revoking the certification agreement. The department's decision to renew or revoke shall be considered agency action subject to challenge under s. 120.569.

~~(14) The Office of Program Policy Analysis and Government Accountability shall prepare a report evaluating the certification program, which shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2007.~~

Section 30. *Section 163.32465, Florida Statutes, is repealed.*

Section 31. Subsection (6) is added to section 163.3247, Florida Statutes, to read:

163.3247 Century Commission for a Sustainable Florida.—

(6) EXPIRATION.-This section is repealed and the commission is abolished June 30, 2013.

Section 32. Section 163.3248, Florida Statutes, is created to read:

163.3248 Rural land stewardship areas.—

(1) Rural land stewardship areas are designed to establish a long-term incentive based strategy to balance and guide the allocation of land so as to accommodate future land uses in a manner that protects the natural environment, stimulate economic growth and diversification, and encourage the retention of land for agriculture and other traditional rural land uses.

(2) Upon written request by one or more landowners of the subject lands to designate lands as a rural land stewardship area, or pursuant to a private-sector-initiated comprehensive plan amendment filed by, or with the consent of the owners of the subject lands, local governments may adopt a future land use overlay to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques to support a diverse economic and employment base. The future land use overlay may not require a demonstration of need based on population projections or any other factors.

(3) Rural land stewardship areas may be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion and diversification of economic activity and employment opportunities within the rural areas; maintenance of the viability of the state's agricultural economy; and protection of private property rights in rural areas of the state. Rural land stewardship areas may be multicounty in order to encourage coordinated regional stewardship planning.

(4) A local government or one or more property owners may request assistance and participation in the development of a plan for the rural land stewardship area from the state land planning agency, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the appropriate water management district, the Department of Transportation, the regional planning council, private land owners, and stakeholders.

(5) A rural land stewardship area shall be not less than 10,000 acres, shall be located outside of municipalities and established urban service areas, and shall be designated by plan amendment by each local government with jurisdiction over the rural land stewardship area. The plan amendment or amendments designating a rural land stewardship area are subject to review pursuant to s. 163.3184 and shall provide for the following:

(a) Criteria for the designation of receiving areas which shall, at a minimum, provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with significant environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; and the establishment of receiving area service boundaries that provide for a transition from receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services.

(b) Innovative planning and development strategies to be applied within rural land stewardship areas pursuant to this section.

(c) A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection, which provide for a functional mix of land uses through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

(d) A mix of densities and intensities that would not be characterized as urban sprawl through the use of innovative strategies and creative land use techniques.

(6) A receiving area may be designated only pursuant to procedures established in the local government's land development regulations. If receiving area designation requires the approval of the county board of county commissioners, such approval shall be by resolution with a simple majority vote. Before the commencement of development within a stewardship receiving area, a listed species survey must be performed for the area proposed for development. If listed species occur on the receiving area development site, the applicant must coordinate with each appropriate local, state, or federal agency to determine if adequate provisions have been made to protect those species in accordance with applicable regulations. In determining the adequacy of provisions for the protection of listed species and their habitats, the rural land stewardship area shall be considered as a whole, and the potential impacts and protective measures taken within areas to be developed as receiving areas shall be considered in conjunction with and compensated by lands set aside and protective measures taken within the designated sending areas.

(7) Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, establish a rural land stewardship overlay zoning district, which shall provide the methodology for the creation, conveyance, and use of transferable rural land use credits, hereinafter referred to as stewardship credits, the assignment and application of which does not constitute a right to develop land or increase the density of land, except as provided by this section. The total amount of stewardship credits within the rural land stewardship area must enable the realization of the long-term vision and goals for the rural land stewardship area, which may take into consideration the anticipated effect of the proposed receiving areas. The estimated amount of receiving area shall be projected based on available data, and the development potential represented by the stewardship credits created within the rural land stewardship area must correlate to that amount.

(8) Stewardship credits are subject to the following limitations:

(a) Stewardship credits may exist only within a rural land stewardship area.

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

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

(d) Neither the creation of the rural land stewardship area by plan amendment nor the adoption of the rural land stewardship zoning overlay district by the local government may displace the underlying permitted uses or the density or intensity of land uses assigned to a parcel of land within the rural land stewardship area that existed before adoption of the plan amendment or zoning overlay district; however, once stewardship credits have been transferred from a designated sending area for use within a designated receiving area, the underlying density assigned to the designated sending area ceases to exist.

(e) The underlying permitted uses, density, or intensity on each parcel of land located within a rural land stewardship area may not be increased or decreased by the local government, except as a result of the conveyance or stewardship credits, as long as the parcel remains within the rural land stewardship area.

(f) Stewardship credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is used.

(g) An increase in the density or intensity of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of stewardship credits and do not require a plan amendment. A change in the type of agricultural use on property within a rural land stewardship area is not considered a change in use or intensity of use and does not require any transfer of stewardship credits.

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

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

(j) Stewardship credits may be assigned at different ratios of credits per acre according to the natural resource or other beneficial use characteristics of the land and according to the land use remaining after the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land or, in locations where the retention of open space and agricultural land is a priority, to such lands.

(k) Stewardship credits may be transferred from a sending area only after a stewardship easement is placed on the sending area land with assigned stewardship credits. A stewardship easement is a covenant or restrictive easement running with the land which specifies the allowable uses and development restrictions for the portion of a sending area from which stewardship credits have been transferred. The stewardship easement must be jointly held by the county and the Department of Environmental Protection, the Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

(9) Owners of land within rural land stewardship sending areas should be provided other incentives, in addition to the use or conveyance of stewardship credits, to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, the Fish and Wildlife Conservation Commission, and local governments to achieve mutually agreed upon objectives. Such incentives may include, but are not limited to, the following:

(a) Opportunity to accumulate transferable wetland and species habitat mitigation credits for use or sale.

(b) Extended permit agreements.

(c) Opportunities for recreational leases and ecotourism.

(d) Compensation for the achievement of specified land management activities of public benefit, including, but not limited to, facility siting and corridors, recreational leases, water conservation and storage, water reuse, wastewater recycling, water supply and water resource development, nutrient reduction, environmental restoration and mitigation, public recreation, listed species protection and recovery, and wildlife corridor management and enhancement.

(e) Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of specified conservation objectives.

(10) This section constitutes an overlay of land use options that provide economic and regulatory incentives for landowners outside of established and planned urban service areas to conserve and manage vast areas of land for the benefit of the state's citizens and natural environment while maintaining and enhancing the asset value of their landholdings. It is the intent of the Legislature that this section be implemented pursuant to law and rulemaking is not authorized.

(11) It is the intent of the Legislature that the rural land stewardship area located in Collier County, which was established pursuant to the requirements of a final order by the Governor and Cabinet, duly adopted as a growth management plan amendment by Collier County, and found in compliance with this chapter, be recognized as a statutory rural land stewardship area and be afforded the incentives in this section.

Section 33. Paragraph (a) of subsection (2) of section 163.360, Florida Statutes, is amended to read:

163.360 Community redevelopment plans.—

(2) The community redevelopment plan shall:

(a) Conform to the comprehensive plan for the county or municipality as prepared by the local planning agency under the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act.

Section 34. Paragraph (a) of subsection (3) and subsection (8) of section 163.516, Florida Statutes, are amended to read:

163.516 Safe neighborhood improvement plans.—

(3) The safe neighborhood improvement plan shall:

(a) Be consistent with the adopted comprehensive plan for the county or municipality pursuant to the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act. No district plan shall be implemented unless the local governing body has determined said plan is consistent.

(8) Pursuant to *s.* ~~ss.~~ 163.3184~~, 163.3187, and 163.3189~~, the governing body of a municipality or county shall hold two public hearings to consider the board-adopted safe neighborhood improvement plan as an amendment or modification to the municipality's or county's adopted local comprehensive plan.

Section 35. Paragraph (f) of subsection (6), subsection (9), and paragraph (c) of subsection (11) of section 171.203, Florida Statutes, are amended to read:

171.203 Interlocal service boundary agreement.—The governing body of a county and one or more municipalities or independent special districts within the county may enter into an interlocal service boundary agreement under this part. The governing bodies of a county, a municipality, or an independent special district may develop a process for reaching an interlocal service boundary agreement which provides for public participation in a manner that meets or exceeds the requirements of subsection (13), or the governing bodies may use the process established in this section.

(6) An interlocal service boundary agreement may address any issue concerning service delivery, fiscal responsibilities, or boundary adjustment. The agreement may include, but need not be limited to, provisions that:

(f) Establish a process for land use decisions consistent with part II of chapter 163, including those made jointly by the governing bodies of the county and the municipality, or allow a municipality to adopt land use changes consistent with part II of chapter 163 for areas that are scheduled to be annexed within the term of the interlocal agreement; however, the county comprehensive plan and land development regulations shall control until the municipality annexes the property and amends its comprehensive plan accordingly. ~~Comprehensive plan amendments to incorporate the process established by this paragraph are exempt from the twice per year limitation under s. 163.3187.~~

(9) Each local government that is a party to the interlocal service boundary agreement shall amend the intergovernmental coordination element of its comprehensive plan, as described in s. 163.3177(6)(h)1., no later than 6 months following entry of the interlocal service boundary agreement consistent with s. 163.3177(6)(h)1. ~~Plan amendments required by this subsection are exempt from the twice per year limitation under s. 163.3187.~~

(11)

~~(c) Any amendment required by paragraph (a) is exempt from the twice per year limitation under s. 163.3187.~~

Section 36. Section 186.513, Florida Statutes, is amended to read:

186.513 Reports.—Each regional planning council shall prepare and furnish an annual report on its activities to the state land planning agency as defined in s. 163.3164~~(20)~~ and the local general-purpose governments within its boundaries and, upon payment as may be established by the council, to any interested person. The regional planning councils shall make a joint report and recommendations to appropriate legislative committees.

Section 37. Section 186.515, Florida Statutes, is amended to read:

186.515 Creation of regional planning councils under chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and 186.515 is intended to repeal or limit the provisions of chapter 163; however, the local general-purpose governments serving as voting members of the governing body of a regional planning council created pursuant to ss. 186.501-186.507, 186.513, and 186.515 are not authorized to create a regional planning council pursuant to chapter 163 unless an agency, other than a regional planning council created pursuant to ss. 186.501-186.507, 186.513, and 186.515, is designated to exercise the powers and duties in any one or more of ss. 163.3164~~(19)~~ and 380.031(15); in which case, such a regional planning council is also without authority to exercise the powers and duties in s. 163.3164~~(19)~~ or s. 380.031(15).

Section 38. Subsection (1) of section 189.415, Florida Statutes, is amended to read:

189.415 Special district public facilities report.—

(1) It is declared to be the policy of this state to foster coordination between special districts and local general-purpose governments as those local general-purpose governments develop comprehensive plans under the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act, pursuant to part II of chapter 163.

Section 39. Subsection (3) of section 190.004, Florida Statutes, is amended to read:

190.004 Preemption; sole authority.—

(3) The establishment of an independent community development district as provided in this act is not a development order within the meaning of chapter 380. All governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a community development district. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government.

Section 40. Paragraph (a) of subsection (1) of section 190.005, Florida Statutes, is amended to read:

190.005 Establishment of district.—

(1) The exclusive and uniform method for the establishment of a community development district with a size of 1,000 acres or more shall be pursuant to a rule, adopted under chapter 120 by the Florida Land and Water Adjudicatory Commission, granting a petition for the establishment of a community development district.

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the Florida Land and Water Adjudicatory Commission. The petition shall contain:

1. A metes and bounds description of the external boundaries of the district. Any real property within the external boundaries of the district which is to be excluded from the district shall be specifically described, and the last known address of all owners of such real property shall be listed. The petition shall also address the impact of the proposed district on any real property within the external boundaries of the district which is to be excluded from the district.

2. The written consent to the establishment of the district by all landowners whose real property is to be included in the district or documentation demonstrating that the petitioner has control by deed, trust agreement, contract, or option of 100 percent of the real property to be included in the district, and when real property to be included in the district is owned by a governmental entity and subject to a ground lease as described in s. 190.003(14), the written consent by such governmental entity.

3. A designation of five persons to be the initial members of the board of supervisors, who shall serve in that office until replaced by elected members as provided in s. 190.006.

4. The proposed name of the district.

5. A map of the proposed district showing current major trunk water mains and sewer interceptors and outfalls if in existence.

6. Based upon available data, the proposed timetable for construction of the district services and the estimated cost of constructing the proposed services. These estimates shall be submitted in good faith but *are* ~~shall~~ not ~~be~~ binding and may be subject to change.

7. A designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the district by the future land use plan element of the effective local government comprehensive plan of which all mandatory elements have been adopted by the applicable general-purpose local government in compliance with the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act.

8. A statement of estimated regulatory costs in accordance with the requirements of s. 120.541.

Section 41. Paragraph (i) of subsection (6) of section 193.501, Florida Statutes, is amended to read:

193.501 Assessment of lands subject to a conservation easement, environmentally endangered lands, or lands used for outdoor recreational or park purposes when land development rights have been conveyed or conservation restrictions have been covenanted.—

(6) The following terms whenever used as referred to in this section have the following meanings unless a different meaning is clearly indicated by the context:

(i) "Qualified as environmentally endangered" means land that has unique ecological characteristics, rare or limited combinations of geological formations, or features of a rare or limited nature constituting habitat suitable for fish, plants, or wildlife, and which, if subject to a development moratorium or one or more conservation easements or development restrictions appropriate to retaining such land or water areas predominantly in their natural state, would be consistent with the conservation, recreation and open space, and, if applicable, coastal protection elements of the comprehensive plan adopted by formal action of the local governing body pursuant to s. 163.3161, the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act; or surface waters and wetlands, as determined by the methodology ratified in s. 373.4211.

Section 42. Subsection (15) of section 287.042, Florida Statutes, is amended to read:

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

(15) To enter into joint agreements with governmental agencies, as defined in s. 163.3164~~(10)~~, for the purpose of pooling funds for the purchase of commodities or information technology that can be used by multiple agencies.

(a) Each agency that has been appropriated or has existing funds for such purchase, shall, upon contract award by the department, transfer their portion of the funds into the department's Operating Trust Fund for payment by the department. The funds shall be transferred by the Executive Office of the Governor pursuant to the agency budget amendment request provisions in chapter 216.

(b) Agencies that sign the joint agreements are financially obligated for their portion of the agreed-upon funds. If an agency becomes more than 90 days delinquent in paying the funds, the department shall certify to the Chief Financial Officer the amount due, and the Chief Financial Officer shall transfer the amount due to the Operating Trust Fund of the department from any of the agency's available funds. The Chief Financial Officer shall report these transfers and the reasons for the transfers to the Executive Office of the Governor and the legislative appropriations committees.

Section 43. Subsection (4) of section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(4) The Office of Tourism, Trade, and Economic Development may adopt criteria by which transportation projects are to be reviewed and certified in accordance with s. 288.061. In approving transportation projects for funding, the Office of Tourism, Trade, and Economic Development shall consider factors including, but not limited to, the cost per job created or retained considering the amount of transportation funds requested; the average hourly rate of wages for jobs created; the reliance on the program as an inducement for the project's location decision; the amount of capital investment to be made by the business; the demonstrated local commitment; the location of the project in an enterprise zone designated pursuant to s. 290.0055; the location of the project in a spaceport territory as defined in s. 331.304; the unemployment rate of the surrounding area; *and* the poverty rate of the community~~; and the adoption of an economic element as part of its local comprehensive plan in accordance with s. 163.3177(7)(j)~~. The Office of Tourism, Trade, and Economic Development may contact any agency it deems appropriate for additional input regarding the approval of projects.

Section 44. Paragraph (a) of subsection (2), subsection (10), and paragraph (d) of subsection (12) of section 288.975, Florida Statutes, are amended to read:

288.975 Military base reuse plans.—

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

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

(10) Within 60 days after receipt of a proposed military base reuse plan, these entities shall review and provide comments to the host local government. The commencement of this review period shall be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. No later than 180 days after receipt and consideration of all comments, and the holding of at least two public hearings, the host local government shall adopt the military base reuse plan. The host local government shall comply with the notice requirements set forth in s. 163.3184*(11)*~~(15)~~ to ensure full public participation in this planning process.

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

(d) Within 45 days after receiving the report from the state land planning agency, the Administration Commission shall take action to resolve the issues in dispute. In deciding upon a proper resolution, the Administration Commission shall consider the nature of the issues in dispute, any requests for a formal administrative hearing pursuant to chapter 120, the compliance of the parties with this section, the extent of the conflict between the parties, the comparative hardships and the public interest involved. If the Administration Commission incorporates in its final order a term or condition that requires any local government to amend its local government comprehensive plan, the local government shall amend its plan within 60 days after the issuance of the order. ~~Such amendment or amendments shall be exempt from the limitation of the frequency of plan amendments contained in s. 163.3187(1), and~~ A public hearing on such amendment or amendments pursuant to s. 163.3184*(11)*~~(15)~~(b)1. *is* ~~shall~~ not ~~be~~ required. The final order of the Administration Commission is subject to appeal pursuant to s. 120.68. If the order of the Administration Commission is appealed, the time for the local government to amend its plan shall be tolled during the pendency of any local, state, or federal administrative or judicial proceeding relating to the military base reuse plan.

Section 45. Subsection (4) of section 290.0475, Florida Statutes, is amended to read:

290.0475 Rejection of grant applications; penalties for failure to meet application conditions.—Applications received for funding under all program categories shall be rejected without scoring only in the event that any of the following circumstances arise:

(4) The application is not consistent with the local government's comprehensive plan adopted pursuant to s. 163.3184~~(7)~~.

Section 46. Paragraph (c) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)

(c) To be eligible for consideration by the council pursuant to this section, a project must be consistent with the port comprehensive master plan which is incorporated as part of the approved local government comprehensive plan as required by s. 163.3178(2)(k) or other provisions of the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act, part II of chapter 163.

Section 47. Subsection (1) of section 331.319, Florida Statutes, is amended to read:

331.319 Comprehensive planning; building and safety codes.—The board of directors may:

(1) Adopt, and from time to time review, amend, supplement, or repeal, a comprehensive general plan for the physical development of the area within the spaceport territory in accordance with the objectives and purposes of this act and consistent with the comprehensive plans of the applicable county or counties and municipality or municipalities adopted pursuant to the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act, part II of chapter 163.

Section 48. Paragraph (e) of subsection (5) of section 339.155, Florida Statutes, is amended to read:

339.155 Transportation planning.—

(5) ADDITIONAL TRANSPORTATION PLANS.—

(e) The regional transportation plan developed pursuant to this section must, at a minimum, identify regionally significant transportation facilities located within a regional transportation area and contain a prioritized list of regionally significant projects. ~~The level-of-service standards for facilities to be funded under this subsection shall be adopted by the appropriate local government in accordance with s. 163.3180(10).~~ The projects shall be adopted into the capital improvements schedule of the local government comprehensive plan pursuant to s. 163.3177(3).

Section 49. Paragraph (a) of subsection (4) of section 339.2819, Florida Statutes, is amended to read:

339.2819 Transportation Regional Incentive Program.—

(4)(a) Projects to be funded with Transportation Regional Incentive Program funds shall, at a minimum:

1. Support those transportation facilities that serve national, statewide, or regional functions and function as an integrated regional transportation system.

2. Be identified in the capital improvements element of a comprehensive plan that has been determined to be in compliance with part II of chapter 163, after July 1, 2005~~, or to implement a long-term concurrency management system adopted by a local government in accordance with s. 163.3180(9)~~. Further, the project shall be in compliance with local government comprehensive plan policies relative to corridor management.

3. Be consistent with the Strategic Intermodal System Plan developed under s. 339.64.

4. Have a commitment for local, regional, or private financial matching funds as a percentage of the overall project cost.

Section 50. Subsection (5) of section 369.303, Florida Statutes, is amended to read:

369.303 Definitions.—As used in this part:

(5) "Land development regulation" means a regulation covered by the definition in s. 163.3164~~(23)~~ and any of the types of regulations described in s. 163.3202.

Section 51. Subsections (5) and (7) of section 369.321, Florida Statutes, are amended to read:

369.321 Comprehensive plan amendments.—Except as otherwise expressly provided, by January 1, 2006, each local government within the Wekiva Study Area shall amend its local government comprehensive plan to include the following:

(5) Comprehensive plans and comprehensive plan amendments adopted by the local governments to implement this section shall be reviewed by the Department of Community Affairs pursuant to s. 163.3184~~, and shall be exempt from the provisions of s. 163.3187(1)~~.

(7) During the period prior to the adoption of the comprehensive plan amendments required by this act, any local comprehensive plan amendment adopted by a city or county that applies to land located within the Wekiva Study Area shall protect surface and groundwater resources and be reviewed by the Department of Community Affairs~~, pursuant to chapter 163 and chapter 9J-5, Florida Administrative Code,~~ using best available data, including the information presented to the Wekiva River Basin Coordinating Committee.

Section 52. Subsection (1) of section 378.021, Florida Statutes, is amended to read:

378.021 Master reclamation plan.—

(1) The Department of Environmental Protection shall amend the master reclamation plan that provides guidelines for the reclamation of lands mined or disturbed by the severance of phosphate rock prior to July 1, 1975, which lands are not subject to mandatory reclamation under part II of chapter 211. In amending the master reclamation plan, the Department of Environmental Protection shall continue to conduct an onsite evaluation of all lands mined or disturbed by the severance of phosphate rock prior to July 1, 1975, which lands are not subject to mandatory reclamation under part II of chapter 211. The master reclamation plan when amended by the Department of Environmental Protection shall be consistent with local government plans prepared pursuant to the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act.

Section 53. Subsection (10) of section 380.031, Florida Statutes, is amended to read:

380.031 Definitions.—As used in this chapter:

(10) "Local comprehensive plan" means any or all local comprehensive plans or elements or portions thereof prepared, adopted, or amended pursuant to the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act, as amended.

Section 54. Paragraph (d) of subsection (2), paragraph (b) of subsection (6), paragraph (g) of subsection (15), paragraphs (b), (c), (e), and (f) of subsection (19), subsection (24), paragraph (e) of subsection (28), and paragraphs (a), (d), and (e) of subsection (29) of section 380.06, Florida Statutes, are amended to read:

(2) STATEWIDE GUIDELINES AND STANDARDS.—

(d) The guidelines and standards shall be applied as follows:

1. Fixed thresholds.—

a. A development that is below 100 percent of all numerical thresholds in the guidelines and standards shall not be required to undergo development-of-regional-impact review.

b. A development that is at or above 120 percent of any numerical threshold shall be required to undergo development-of-regional-impact review.

c. Projects certified under s. 403.973 which create at least 100 jobs and meet the criteria of the Office of Tourism, Trade, and Economic Development as to their impact on an area's economy, employment, and prevailing wage and skill levels that are at or below 100 percent of the numerical thresholds for industrial plants, industrial parks, distribution, warehousing or wholesaling facilities, office development or multiuse projects other than residential, as described in s. 380.0651(3)(c), ~~(d),~~ and *(f)*~~(h),~~ are not required to undergo development-of-regional-impact review.

2. Rebuttable presumption.—It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.

(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT PLAN AMENDMENTS.—

(b) Any local government comprehensive plan amendments related to a proposed development of regional impact, including any changes proposed under subsection (19), may be initiated by a local planning agency or the developer and must be considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in s. 163.3187 ~~or s. 163.3189~~ and applicable local ordinances, without regard to ~~statutory or~~ local ~~ordinance~~ limits on the frequency of consideration of amendments to the local comprehensive plan. ~~Nothing in~~ This paragraph *does not* ~~shall be deemed to~~ require favorable consideration of a plan amendment solely because it is related to a development of regional impact. The procedure for processing such comprehensive plan amendments is as follows:

1. If a developer seeks a comprehensive plan amendment related to a development of regional impact, the developer must so notify in writing the regional planning agency, the applicable local government, and the state land planning agency no later than the date of preapplication conference or the submission of the proposed change under subsection (19).

2. When filing the application for development approval or the proposed change, the developer must include a written request for comprehensive plan amendments that would be necessitated by the development-of-regional-impact approvals sought. That request must include data and analysis upon which the applicable local government can determine whether to transmit the comprehensive plan amendment pursuant to s. 163.3184.

3. The local government must advertise a public hearing on the transmittal within 30 days after filing the application for development approval or the proposed change and must make a determination on the transmittal within 60 days after the initial filing unless that time is extended by the developer.

4. If the local government approves the transmittal, procedures set forth in s. 163.3184*(4)(b)-(d)*~~(3)-(6)~~ must be followed.

5. Notwithstanding subsection (11) or subsection (19), the local government may not hold a public hearing on the application for development approval or the proposed change or on the comprehensive plan amendments sooner than 30 days from receipt of the response from the state land planning agency pursuant to s. 163.3184*(4)(d)*~~(6)~~. ~~The 60-day time period for local governments to adopt, adopt with changes, or not adopt plan amendments pursuant to s. 163.3184(7) shall not apply to concurrent plan amendments provided for in this subsection.~~

6. The local government must hear both the application for development approval or the proposed change and the comprehensive plan amendments at the same hearing. However, the local government must take action separately on the application for development approval or the proposed change and on the comprehensive plan amendments.

7. Thereafter, the appeal process for the local government development order must follow the provisions of s. 380.07, and the compliance process for the comprehensive plan amendments must follow the provisions of s. 163.3184.

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(g) A local government shall not issue permits for development subsequent to the buildout date contained in the development order unless:

1. The proposed development has been evaluated cumulatively with existing development under the substantial deviation provisions of subsection (19) subsequent to the termination or expiration date;

2. The proposed development is consistent with an abandonment of development order that has been issued in accordance with the provisions of subsection (26);

3. The development of regional impact is essentially built out, in that all the mitigation requirements in the development order have been satisfied, all developers are in compliance with all applicable terms and conditions of the development order except the buildout date, and the amount of proposed development that remains to be built is less than *40* ~~20~~ percent of any applicable development-of-regional-impact threshold; or

4. The project has been determined to be an essentially built-out development of regional impact through an agreement executed by the developer, the state land planning agency, and the local government, in accordance with s. 380.032, which will establish the terms and conditions under which the development may be continued. If the project is determined to be essentially built out, development may proceed pursuant to the s. 380.032 agreement after the termination or expiration date contained in the development order without further development-of-regional-impact review subject to the local government comprehensive plan and land development regulations or subject to a modified development-of-regional-impact analysis. As used in this paragraph, an "essentially built-out" development of regional impact means:

a. The developers are in compliance with all applicable terms and conditions of the development order except the buildout date; and

b.(I) The amount of development that remains to be built is less than the substantial deviation threshold specified in paragraph (19)(b) for each individual land use category, or, for a multiuse development, the sum total of all unbuilt land uses as a percentage of the applicable substantial deviation threshold is equal to or less than 100 percent; or

(II) The state land planning agency and the local government have agreed in writing that the amount of development to be built does not create the likelihood of any additional regional impact not previously reviewed.

The single-family residential portions of a development may be considered "essentially built out" if all of the workforce housing obligations and all of the infrastructure and horizontal development have been completed, at least 50 percent of the dwelling units have been completed, and more than 80 percent of the lots have been conveyed to third-party individual lot owners or to individual builders who own no more than 40 lots at the time of the determination. The mobile home park portions of a development may be considered "essentially built out" if all the infrastructure and horizontal development has been completed, and at least 50 percent of the lots are leased to individual mobile home owners.

(19) SUBSTANTIAL DEVIATIONS.—

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by *15* ~~10~~ percent or *500* ~~330~~ spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by *15* ~~10~~ percent or *1,500* ~~1,100~~ spectators, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.

~~3. An increase in industrial development area by 10 percent or 35 acres, whichever is greater.~~

~~4. An increase in the average annual acreage mined by 10 percent or 11 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 10 percent or 330,000 gallons, whichever is greater. A net increase in the size of the mine by 10 percent or 825 acres, whichever is less. For purposes of calculating any net increases in size, only additions and deletions of lands that have not been mined shall be considered. An increase in the size of a heavy mineral mine as defined in s. 378.403(7) will only constitute a substantial deviation if the average annual acreage mined is more than 550 acres and consumes more than 3.3 million gallons of water per day.~~

3.~~5.~~ An increase in land area for office development by *15* ~~10~~ percent or an increase of gross floor area of office development by *15* ~~10~~ percent or *100,000* ~~66,000~~ gross square feet, whichever is greater.

4.~~6.~~ An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.

5.~~7.~~ An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

6.~~8.~~ An increase in commercial development by *60,000* ~~55,000~~ square feet of gross floor area or of parking spaces provided for customers for *425* ~~330~~ cars or a 10-percent increase ~~of either of these~~, whichever is greater.

~~9. An increase in hotel or motel rooms by 10 percent or 83 rooms, whichever is greater.~~

7.~~10.~~ An increase in a recreational vehicle park area by 10 percent or 110 vehicle spaces, whichever is less.

8.~~11.~~ A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

9.~~12.~~ A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded.

10.~~13.~~ A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

11.~~14.~~ Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The refinement of the boundaries and configuration of such areas shall be considered under sub-subparagraph (e)2.j.

The substantial deviation numerical standards in subparagraphs 3., *6., and* ~~5., 8.,~~ 9.~~, and 12.~~, excluding residential uses, and in subparagraph *10.* ~~13.~~, are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 3., *4.* 5., 6., ~~7., 8.,~~ 9., ~~12.,~~ and *10.* ~~13.~~ are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(c) An extension of the date of buildout of a development, or any phase thereof, by more than 7 years is presumed to create a substantial deviation subject to further development-of-regional-impact review.

1. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years is presumed not to create a substantial deviation. The extension of the date of buildout of an area-wide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation.

2. In recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, buildout, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension. Associated mitigation requirements are extended for the same period unless, before December 1, 2011, a governmental entity notifies a developer that has commenced any construction within the phase for which the mitigation is required that the local government has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer. The 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The developer must notify the local government in writing by December 31, 2011, in order to receive the 4-year extension.

For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time. ~~In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3 year extension is not a substantial deviation, is not subject to further development of regional impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection.~~

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)*1.-10.*~~1. 13.~~ and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

j. Changes that modify boundaries and configuration of areas described in subparagraph (b)*11.*~~14.~~ due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.

k. Any other change which the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-j. and which does not create the likelihood of any additional regional impact.

This subsection does not require the filing of a notice of proposed change but shall require an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., or sub-subparagraph k., and it believes the change creates a reasonable likelihood of new or additional regional impacts.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), *and* (e)~~, and (f)~~ and residential use.

6. If a local government agrees to a proposed change, a change in the transportation proportionate share calculation and mitigation plan in an adopted development order as a result of recalculation of the proportionate share contribution meeting the requirements of s. 163.3180(5)(h) in effect as of the date of such change shall be presumed not to create a substantial deviation. For purposes of this subsection, the proposed change in the proportionate share calculation or mitigation plan shall not be considered an additional regional transportation impact.

(f)1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order.

2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within 60 days after submittal of the proposed changes, unless that time is extended by the developer.

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45 days after submittal by the developer of the proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer.

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and subparagraph (e)3. shall be applicable in determining whether further development-of-regional-impact review is required. *The local government may also deny the proposed change based on matters relating to local issues, such as if the land on which the change is sought is plat restricted in a way that would be incompatible with the proposed change, and the local government does not wish to change the plat restriction as part of the proposed change.*

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The requirement that a change be otherwise approved shall not be construed to require additional local review or approval if the change is allowed by applicable local ordinances without further local review or approval. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)1. or subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or

natural resource not previously identified in the original development-of-regional-impact review.

(24) STATUTORY EXEMPTIONS.—

(a) Any proposed hospital is exempt from ~~the provisions of~~ this section.

(b) Any proposed electrical transmission line or electrical power plant is exempt from ~~the provisions of~~ this section.

(c) Any proposed addition to an existing sports facility complex is exempt from ~~the provisions of~~ this section if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled hours of operation of the existing facility.

2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility.

3. The sports facility complex property is owned by a public body prior to July 1, 1983.

This exemption does not apply to any pari-mutuel facility.

(d) Any proposed addition or cumulative additions subsequent to July 1, 1988, to an existing sports facility complex owned by a state university is exempt if the increased seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.

(e) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body prior to July 1, 1973, is exempt from ~~the provisions of~~ this section if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year's capacity.

(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators is exempt from ~~the provisions of~~ this section, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and not to exceed a total of 10 percent in any 5-year period, and provided that the sports facility notifies the appropriate local government within which the facility is located of the increase at least 6 months prior to the initial use of the increased seating, in order to permit the appropriate local government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan shall be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.

(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility is exempt from ~~the provisions of~~ this section, if the following conditions exist:

1.a. The sports facility had a permanent seating capacity on January 1, 1991, of at least 41,000 spectator seats;

b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or

c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and

2. The local government having jurisdiction of the sports facility includes in the development order or development permit approving such expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer and stormwater drainage provisions of the approved local comprehensive plan and local land development regulations relating to those provisions.

Any owner or developer who intends to rely on this statutory exemption shall provide to the department a copy of the local government application for a development permit. Within 45 days of receipt of the application, the department shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the department's opinion, the prescribed conditions exist for an exemption under this paragraph. The local government shall render the development order approving each such expansion to the department. The owner, developer, or department may appeal the local government development order pursuant to s. 380.07, within 45 days after the order is rendered. The scope of review shall be limited to the determination of whether the conditions prescribed in this paragraph exist. If any sports facility expansion undergoes development-of-regional-impact review, all previous expansions which were exempt under this paragraph shall be included in the development-of-regional-impact review.

(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) are exempt from ~~the provisions of~~ this section when such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with ~~the provisions of~~ s. 163.3178.

(i) Any proposed facility for the storage of any petroleum product or any expansion of an existing facility is exempt from ~~the provisions of~~ this section.

(j) Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use.

(k) Waterport and marina development, including dry storage facilities, are exempt from ~~the provisions of~~ this section.

(l) Any proposed development within an urban service boundary established under s. 163.3177(14), which is not otherwise exempt pursuant to subsection (29), is exempt from ~~the provisions of~~ this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary, has entered into a binding agreement with jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities~~, and has adopted a proportionate share methodology pursuant to s. 163.3180(16)~~.

(m) Any proposed development within a rural land stewardship area created under s. *163.3248* ~~163.3177(11)(d) is exempt from the provisions of this section if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16)~~.

(n) The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, is exempt from this section.

(o) Any self-storage warehousing that does not allow retail or other services is exempt from this section.

(p) Any proposed nursing home or assisted living facility is exempt from this section.

(q) Any development identified in an airport master plan and adopted into the comprehensive plan pursuant to s. 163.3177(6)(k) is exempt from this section.

(r) Any development identified in a campus master plan and adopted pursuant to s. 1013.30 is exempt from this section.

(s) Any development in a *detailed* specific area plan which is prepared *and adopted* pursuant to s. 163.3245 ~~and adopted into the comprehensive plan~~ is exempt from this section.

(t) Any proposed solid mineral mine and any proposed addition to, expansion of, or change to an existing solid mineral mine is exempt from this section. A mine owner will enter into a binding agreement with the Department of Transportation to mitigate impacts to strategic intermodal system facilities pursuant to the transportation thresholds in 380.06(19) or rule 9J-2.045(6), Florida Administrative Code. Proposed changes to any previously approved solid mineral mine development-of-regional-impact development orders having vested rights is not subject to further review or approval as a development-of-regional-impact or notice-of-proposed-change review or approval pursuant to subsection (19), except for those applications pending as of July 1, 2011, which shall be governed by s. 380.115(2). Notwithstanding the foregoing, however, pursuant to s.

380.115(1), previously approved solid mineral mine development-of-regional-impact development orders shall continue to enjoy vested rights and continue to be effective unless rescinded by the developer. All local government regulations of proposed solid mineral mines shall be applicable to any new solid mineral mine or to any proposed addition to, expansion of, or change to an existing solid mineral mine.

(u) Notwithstanding any provisions in an agreement with or among a local government, regional agency, or the state land planning agency or in a local government's comprehensive plan to the contrary, a project no longer subject to development-of-regional-impact review under revised thresholds is not required to undergo such review.

(v)~~(t)~~ Any development within a county with a research and education authority created by special act and that is also within a research and development park that is operated or managed by a research and development authority pursuant to part V of chapter 159 is exempt from this section.

If a use is exempt from review as a development of regional impact under paragraphs *(a)-(u)* ~~(a)-(s)~~, but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development of regional impact that includes a landowner, tenant, or user that has entered into a funding agreement with the Office of Tourism, Trade, and Economic Development under the Innovation Incentive Program and the agreement contemplates a state award of at least $50 million.

(28) PARTIAL STATUTORY EXEMPTIONS.—

(e) The vesting provision of s. 163.3167*(5)*~~(8)~~ relating to an authorized development of regional impact *does* ~~shall~~ not apply to those projects partially exempt from the development-of-regional-impact review process under paragraphs (a)-(d).

(29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

(a) The following are exempt from this section:

1. Any proposed development in a municipality that *has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000* ~~qualifies as a dense urban land area as defined in s. 163.3164~~;

2. Any proposed development within a county*, including the municipalities located in the county,* that *has an average of at least 1,000 people per square mile of land area* ~~qualifies as a dense urban land area as defined in s. 163.3164~~ and ~~that~~ is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan; ~~or~~

3. Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, *that has an average of at least 1,000 people per square mile of land area* ~~which qualifies as a dense urban land area under s. 163.3164~~, but which does not have an urban service area designated in the comprehensive plan*; or*

4. Any proposed development within a county, including the municipalities located therein, which has a population of at least 1 million and is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan.

The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions meet the density criteria in subparagraphs 1.-4. by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.091. The Office of Economic and Demographic Research shall annually submit to the state land planning agency by July 1 a list of jurisdictions that meet the total population and density criteria. The state land planning agency shall publish the list of jurisdictions on its Internet website within 7 days after the list is received. The designation of jurisdictions that meet the criteria of subparagraphs 1.-4. is effective upon publication on the state land planning agency's Internet website. If a municipality that has previously met the criteria no longer meets the criteria, the state land planning agency shall maintain the municipality on the list and indicate the year the jurisdiction last met the criteria. However, any proposed development of regional impact not within the established boundaries of a municipality at the time the municipality last met the criteria must meet the requirements of this section until such time as the municipality as a whole meets the criteria. Any county that meets the criteria shall remain on the list in accordance with the provisions of this paragraph. Any jurisdiction that was placed on the dense urban land area list before the effective date of this act shall remain on the list in accordance with the provisions of this paragraph.

(d) A development that is located partially outside an area that is exempt from the development-of-regional-impact program must undergo development-of-regional-impact review pursuant to this section. *However, if the total acreage that is included within the area exempt from development-of-regional-impact review exceeds 85 percent of the total acreage and square footage of the approved development of regional impact, the development-of-regional-impact development order may be rescinded in both local governments pursuant to s. 380.115(1), unless the portion of the development outside the exempt area meets the threshold criteria of a development-of-regional-impact.*

(e) In an area that is exempt under paragraphs (a)-(c), any previously approved development-of-regional-impact development orders shall continue to be effective, but the developer has the option to be governed by s. 380.115(1). A pending application for development approval shall be governed by s. 380.115(2). ~~A development that has a pending application for a comprehensive plan amendment and that elects not to continue development of regional impact review is exempt from the limitation on plan amendments set forth in s. 163.3187(1) for the year following the effective date of the exemption.~~

Section 55. Subsection (3) and paragraph (a) of subsection (4) of section 380.0651, Florida Statutes, are amended to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(a) *Airports.*—

1. Any of the following airport construction projects shall be a development of regional impact:

a. A new commercial service or general aviation airport with paved runways.

b. A new commercial service or general aviation paved runway.

c. A new passenger terminal facility.

2. Lengthening of an existing runway by 25 percent or an increase in the number of gates by 25 percent or three gates, whichever is greater, on a commercial service airport or a general aviation airport with regularly scheduled flights is a development of regional impact. However, expansion of existing terminal facilities at a nonhub or small hub commercial service airport shall not be a development of regional impact.

3. Any airport development project which is proposed for safety, repair, or maintenance reasons alone and would not have the potential to increase or change existing types of aircraft activity is not a development of regional impact. Notwithstanding subparagraphs 1. and 2., renovation, modernization, or replacement of airport airside or terminal facilities that may include increases in square footage of such facilities but does not increase the number of gates or change the existing types of aircraft activity is not a development of regional impact.

(b) *Attractions and recreation facilities.*—Any sports, entertainment, amusement, or recreation facility, including, but not limited to, a sports arena, stadium, racetrack, tourist attraction, amusement park, or parimutuel facility, the construction or expansion of which:

1. For single performance facilities:

a. Provides parking spaces for more than 2,500 cars; or

b. Provides more than 10,000 permanent seats for spectators.

2. For serial performance facilities:

a. Provides parking spaces for more than 1,000 cars; or

b. Provides more than 4,000 permanent seats for spectators.

For purposes of this subsection, "serial performance facilities" means those using their parking areas or permanent seating more than one time per day on a regular or continuous basis.

~~3. For multiscreen movie theaters of at least 8 screens and 2,500 seats:~~

~~a. Provides parking spaces for more than 1,500 cars; or~~

~~b. Provides more than 6,000 permanent seats for spectators.~~

~~(c) *Industrial plants, industrial parks, and distribution, warehousing or wholesaling facilities.* Any proposed industrial, manufacturing, or processing plant, or distribution, warehousing, or wholesaling facility, excluding wholesaling developments which deal primarily with the general public onsite, under common ownership, or any proposed industrial, manufacturing, or processing activity or distribution, warehousing, or wholesaling activity, excluding wholesaling activities which deal primarily with the general public onsite, which:~~

~~1. Provides parking for more than 2,500 motor vehicles; or~~

~~2. Occupies a site greater than 320 acres.~~

(c)~~(d)~~ *Office development.*—Any proposed office building or park operated under common ownership, development plan, or management that:

1. Encompasses 300,000 or more square feet of gross floor area; or

2. Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan.

(d)~~(e)~~ *Retail and service development.*—Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that:

1. Encompasses more than 400,000 square feet of gross area; or

2. Provides parking spaces for more than 2,500 cars.

~~(f) *Hotel or motel development.*~~

~~1. Any proposed hotel or motel development that is planned to create or accommodate 350 or more units; or~~

~~2. Any proposed hotel or motel development that is planned to create or accommodate 750 or more units, in a county with a population greater than 500,000.~~

(e)~~(g)~~ *Recreational vehicle development.*—Any proposed recreational vehicle development planned to create or accommodate 500 or more spaces.

(f)~~(h)~~ *Multiuse development.*—Any proposed development with two or more land uses where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 145 percent. Any proposed development with three or more land uses, one of which is residential and contains at least 100 dwelling units or 15 percent of the applicable residential threshold, whichever is greater, where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 160 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under any other threshold.

(g)~~(i)~~ *Residential development.*—No rule may be adopted concerning residential developments which treats a residential development in one county as being located in a less populated adjacent county unless more than 25 percent of the development is located within 2 or less miles of the less populated adjacent county. The residential thresholds of adjacent counties with less population and a lower threshold shall not be controlling on any development wholly located within areas designated as rural areas of critical economic concern.

(h)~~(j)~~ *Workforce housing.*—The applicable guidelines for residential development and the residential component for multiuse development shall be increased by 50 percent where the developer demonstrates that at least 15 percent of the total residential dwelling units authorized within the development of regional impact will be dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For the purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

(i)~~(k)~~ *Schools.*—

1. The proposed construction of any public, private, or proprietary postsecondary educational campus which provides for a design population of more than 5,000 full-time equivalent students, or the proposed physical expansion of any public, private, or proprietary postsecondary educational campus having such a design population that would increase the population by at least 20 percent of the design population.

2. As used in this paragraph, "full-time equivalent student" means enrollment for 15 or more quarter hours during a single academic semester. In career centers or other institutions which do not employ semester hours or quarter hours in accounting for student participation, enrollment for 18 contact hours shall be considered equivalent to one quarter hour, and enrollment for 27 contact hours shall be considered equivalent to one semester hour.

3. This paragraph does not apply to institutions which are the subject of a campus master plan adopted by the university board of trustees pursuant to s. 1013.30.

(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other.

(a) The criteria of *three* ~~two~~ of the following subparagraphs must be met in order for the state land planning agency to determine that there is a unified plan of development:

1.a. The same person has retained or shared control of the developments;

b. The same person has ownership or a significant legal or equitable interest in the developments; or

c. There is common management of the developments controlling the form of physical development or disposition of parcels of the development.

2. There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort.

3. A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to a

local general-purpose government, water management district, the Florida Department of Environmental Protection, or the Division of Florida Condominiums, Timeshares, and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan.

~~4. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated, except that which was implemented because it was required by a local general-purpose government; water management district; the Department of Environmental Protection; the Division of Florida Condominiums, Timeshares, and Mobile Homes; or the Public Service Commission.~~

4.~~5.~~ There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

Section 56. Subsection (17) of section 331.303, Florida Statutes, is amended to read:

331.303 Definitions.—

(17) "Spaceport launch facilities" means industrial facilities as described in s. 380.0651(3)(c)*, Florida Statutes 2010,* and include any launch pad, launch control center, and fixed launch-support equipment.

Section 57. Subsection (1) of section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction, changes in guidelines and standards.—

(1) A change in a development-of-regional-impact guideline and standard does not abridge or modify any vested or other right or any duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact. A development that has received a development-of-regional-impact development order pursuant to s. 380.06, but is no longer required to undergo development-of-regional-impact review by operation of a change in the guidelines and standards or has reduced its size below the thresholds in s. 380.0651, *or a development that is exempt pursuant to s. 380.06(29)* shall be governed by the following procedures:

(a) The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order unless the developer or landowner has followed the procedures for rescission in paragraph (b). Any proposed changes to those developments which continue to be governed by a development order shall be approved pursuant to s. 380.06(19) as it existed prior to a change in the development-of-regional-impact guidelines and standards, except that all percentage criteria shall be doubled and all other criteria shall be increased by 10 percent. The development-of-regional-impact development order may be enforced by the local government as provided by ss. 380.06(17) and 380.11.

(b) If requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed.

Section 58. Paragraph (a) of subsection (8) of section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

(8)(a) Any local government comprehensive plan amendments related to a Florida Quality Development may be initiated by a local planning agency and considered by the local governing body at the same time as the application for development approval~~, using the procedures provided for local plan amendment in s. 163.3187 or s. 163.3189 and applicable local ordinances, without regard to statutory or local ordinance limits on the frequency of consideration of amendments to the local comprehensive plan~~. Nothing in this subsection shall be construed to require favorable consideration of a Florida Quality Development solely because it is related to a development of regional impact.

Section 59. Paragraph (a) of subsection (2) and subsection (10) of section 380.065, Florida Statutes, are amended to read:

380.065 Certification of local government review of development.—

(2) When a petition is filed, the state land planning agency shall have no more than 90 days to prepare and submit to the Administration Commission a report and recommendations on the proposed certification. In deciding whether to grant certification, the Administration Commission shall determine whether the following criteria are being met:

(a) The petitioning local government has adopted and effectively implemented a local comprehensive plan and development regulations which comply with ss. 163.3161-163.3215, the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act.

~~(10) The department shall submit an annual progress report to the President of the Senate and the Speaker of the House of Representatives by March 1 on the certification of local governments, stating which local governments have been certified. For those local governments which have applied for certification but for which certification has been denied, the department shall specify the reasons certification was denied.~~

Section 60. Section 380.0685, Florida Statutes, is amended to read:

380.0685 State park in area of critical state concern in county which creates land authority; surcharge on admission and overnight occupancy.—The Department of Environmental Protection shall impose and collect a surcharge of 50 cents per person per day, or $5 per annual family auto entrance permit, on admission to all state parks in areas of critical state concern located in a county which creates a land authority pursuant to s. 380.0663(1), and a surcharge of $2.50 per night per campsite, cabin, or other overnight recreational occupancy unit in state parks in areas of critical state concern located in a county which creates a land authority pursuant to s. 380.0663(1); however, no surcharge shall be imposed or collected under this section for overnight use by nonprofit groups of organized group camps, primitive camping areas, or other facilities intended primarily for organized group use. Such surcharges shall be imposed within 90 days after any county creating a land authority notifies the Department of Environmental Protection that the land authority has been created. The proceeds from such surcharges, less a collection fee that shall be kept by the Department of Environmental Protection for the actual cost of collection, not to exceed 2 percent, shall be transmitted to the land authority of the county from which the revenue was generated. Such funds shall be used to purchase property in the area or areas of critical state concern in the county from which the revenue was generated. An amount not to exceed 10 percent may be used for administration and other costs incident to such purchases. However, the proceeds of the surcharges imposed and collected pursuant to this section in a state park or parks located wholly within a municipality, less the costs of collection as provided herein, shall be transmitted to that municipality *for use by the municipality for land acquisition or for beach renourishment or restoration, including, but not limited to, costs associated with any design, permitting, monitoring, and mitigation of such work, as well as the work itself. However, these funds may not be included in any calculation used for providing state matching funds for local contributions for beach renourishment or restoration*. The surcharges levied under this section shall remain imposed as long as the land authority is in existence.

Section 61. Subsection (3) of section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction, changes in guidelines and standards.—

(3) A landowner that has filed an application for a development-of-regional-impact review prior to the adoption of *a* ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to have the application reviewed pursuant to s. 380.06, comprehensive plan provisions in force prior to adoption of the sector plan, and any requested comprehensive plan amendments that accompany the application.

Section 62. Subsection (1) of section 403.50665, Florida Statutes, is amended to read:

403.50665 Land use consistency.—

(1) The applicant shall include in the application a statement on the consistency of the site and any associated facilities that constitute a "development," as defined in s. 380.04, with existing land use plans and zoning ordinances that were in effect on the date the application was filed and a full description of such consistency. This information shall include an identification of those associated facilities that the applicant believes are exempt from the requirements of land use plans and zoning ordinances under ~~the provisions of~~ the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act provisions of chapter 163 and s. 380.04(3).

Section 63. Subsection (13) and paragraph (a) of subsection (14) of section 403.973, Florida Statutes, are amended to read:

403.973 Expedited permitting; amendments to comprehensive plans.—

(13) Notwithstanding any other provisions of law:

~~(a) Local comprehensive plan amendments for projects qualified under this section are exempt from the twice-a-year limits provision in s. 163.3187; and~~

~~(b)~~ Projects qualified under this section are not subject to interstate highway level-of-service standards adopted by the Department of Transportation for concurrency purposes. The memorandum of agreement specified in subsection (5) must include a process by which the applicant will be assessed a fair share of the cost of mitigating the project's significant traffic impacts, as defined in chapter 380 and related rules. The agreement must also specify whether the significant traffic impacts on the interstate system will be mitigated through the implementation of a project or payment of funds to the Department of Transportation. Where funds are paid, the Department of Transportation must include in the 5-year work program transportation projects or project phases, in an amount equal to the funds received, to mitigate the traffic impacts associated with the proposed project.

(14)(a) Challenges to state agency action in the expedited permitting process for projects processed under this section are subject to the summary hearing provisions of s. 120.574, except that the administrative law judge's decision, as provided in s. 120.574(2)(f), shall be in the form of a recommended order and *do* ~~shall~~ not constitute the final action of the state agency. In those proceedings where the action of only one agency of the state other than the Department of Environmental Protection is challenged, the agency of the state shall issue the final order within 45 working days after receipt of the administrative law judge's recommended order, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. In those proceedings where the actions of more than one agency of the state are challenged, the Governor shall issue the final order within 45 working days after receipt of the administrative law judge's recommended order, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. This paragraph does not apply to the issuance of department licenses required under any federally delegated or approved permit program. In such instances, the department shall enter the final order. The participating agencies of the state may opt at the preliminary hearing conference to allow the administrative law judge's decision to constitute the final agency action. ~~If a participating local government agrees to participate in the summary hearing provisions of s. 120.574 for purposes of review of local government comprehensive plan amendments, s. 163.3184(9) and (10) apply.~~

Section 64. Subsections (9) and (10) of section 420.5095, Florida Statutes, are amended to read:

420.5095 Community Workforce Housing Innovation Pilot Program.—

(9) Notwithstanding s. 163.3184*(4)(b)-(d)*~~(3)-(6)~~, any local government comprehensive plan amendment to implement a Community Workforce Housing Innovation Pilot Program project found consistent with ~~the provisions of~~ this section shall be expedited as provided in this subsection. At least 30 days prior to adopting a plan amendment under this subsection, the local government shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include its evaluation related to site suitability and availability of facilities and services. The public notice of the hearing required by s. 163.3184*(11)*~~(15)~~(b)2. shall include a statement that the local government intends to use the expedited adoption process authorized by this subsection. Such amendments shall require only a single public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184*(4)(e)*~~(7)~~. ~~The state land planning agency shall issue its notice of intent pursuant to s. 163.3184(8) within 30 days after determining that the amendment package is complete.~~ Any further proceedings shall be governed by *s.* ~~ss.~~ 163.3184*(5)-(13)*~~(9)-(16)~~. ~~Amendments proposed under this section are not subject to s. 163.3187(1), which limits the adoption of a comprehensive plan amendment to no more than two times during any calendar year.~~

(10) The processing of approvals of development orders or development permits, as defined in s. 163.3164~~(7) and (8)~~, for innovative community workforce housing projects shall be expedited.

Section 65. Subsection (5) of section 420.615, Florida Statutes, is amended to read:

420.615 Affordable housing land donation density bonus incentives.—

(5) The local government, as part of the approval process, shall adopt a comprehensive plan amendment, pursuant to part II of chapter 163, for the receiving land that incorporates the density bonus. Such amendment shall be adopted in the manner as required for small-scale amendments pursuant to s. 163.3187, is not subject to the requirements of s. 163.3184*(4)(b)-(d)*~~(3)-(6), and is exempt from the limitation on the frequency of plan amendments as provided in s. 163.3187~~.

Section 66. Subsection (16) of section 420.9071, Florida Statutes, is amended to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(16) "Local housing incentive strategies" means local regulatory reform or incentive programs to encourage or facilitate affordable housing production, which include at a minimum, assurance that permits as defined in s. 163.3164~~(7) and (8)~~ for affordable housing projects are expedited to a greater degree than other projects; an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption; and a schedule for implementing the incentive strategies. Local housing incentive strategies may also include other regulatory reforms, such as those enumerated in s. 420.9076 or those recommended by the affordable housing advisory committee in its triennial evaluation of the implementation of affordable housing incentives, and adopted by the local governing body.

Section 67. Paragraph (a) of subsection (4) of section 420.9076, Florida Statutes, is amended to read:

420.9076 Adoption of affordable housing incentive strategies; committees.—

(4) Triennially, the advisory committee shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, each advisory committee shall submit a report to the local governing body that includes recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives in the following areas:

(a) The processing of approvals of development orders or permits, as defined in s. 163.3164~~(7) and (8)~~, for affordable housing projects is expedited to a greater degree than other projects.

The advisory committee recommendations may also include other affordable housing incentives identified by the advisory committee. Local governments that receive the minimum allocation under the State Housing Initiatives Partnership Program shall perform the initial review but may elect to not perform the triennial review.

Section 68. Subsection (1) of section 720.403, Florida Statutes, is amended to read:

720.403 Preservation of residential communities; revival of declaration of covenants.—

(1) Consistent with required and optional elements of local comprehensive plans and other applicable provisions of the *Community* ~~Local Government Comprehensive~~ Planning ~~and Land Development Regulation~~ Act, homeowners are encouraged to preserve existing residential communities, promote available and affordable housing, protect structural and aesthetic elements of their residential community, and, as applicable, maintain roads and streets, easements, water and sewer systems, utilities, drainage improvements, conservation and open areas, recreational amenities, and other infrastructure and common areas that serve and support the residential community by the revival of a previous declaration of covenants and other governing documents that may have ceased to govern some or all parcels in the community.

Section 69. Subsection (6) of section 1013.30, Florida Statutes, is amended to read:

1013.30 University campus master plans and campus development agreements.—

(6) Before a campus master plan is adopted, a copy of the draft master plan must be sent for review or made available electronically to the host and any affected local governments, the state land planning agency, the Department of Environmental Protection, the Department of Transportation, the Department of State, the Fish and Wildlife Conservation Commission, and the applicable water management district and regional planning council. At the request of a governmental entity, a hard copy of the draft master plan shall be submitted within 7 business days of an electronic copy being made available. These agencies must be given 90 days after receipt of the campus master plans in which to conduct their review and provide comments to the university board of trustees. The commencement of this review period must be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. Following receipt and consideration of all comments and the holding of an informal information session and at least two public hearings within the host jurisdiction, the university board of trustees shall adopt the campus master plan. It is the intent of the Legislature that the university board of trustees comply with the notice requirements set forth in s. 163.3184*(11)*~~(15)~~ to ensure full public participation in this planning process. The informal public information session must be held before the first public hearing. The first public hearing shall be held before the draft master plan is sent to the agencies specified in this subsection. The second public hearing shall be held in conjunction with the adoption of the draft master plan by the university board of trustees. Campus master plans developed under this section are not rules and are not subject to chapter 120 except as otherwise provided in this section.

Section 70. Section 1013.33, Florida Statutes, is amended to read:

1013.33 Coordination of planning with local governing bodies.—

(1) It is the policy of this state to require the coordination of planning between boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. Such planning shall include the integration of the educational facilities plan and applicable policies and procedures of a board with the local comprehensive plan and land development regulations of local governments. The planning must include the consideration of allowing students to attend the school located nearest their homes when a new housing development is constructed near a county boundary and it is more feasible to transport the students a short distance to an existing facility in an adjacent county than to construct a new facility or transport students longer distances in their county of residence. The planning must also consider the effects of the location of public education facilities, including the feasibility of keeping central city facilities viable, in order to encourage central city redevelopment and the efficient use of infrastructure and to discourage uncontrolled urban sprawl. In addition, all parties to the planning process must consult with state and local road departments to assist in implementing the Safe Paths to Schools program administered by the Department of Transportation.

(2)(a) The school board, county, and nonexempt municipalities located within the geographic area of a school district shall enter into an interlocal agreement that jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. The interlocal agreements shall be submitted to the state land planning agency and the Office of Educational Facilities in accordance with a schedule published by the state land planning agency.

(b) The schedule must establish staggered due dates for submission of interlocal agreements that are executed by both the local government and district school board, commencing on March 1, 2003, and concluding by December 1, 2004, and must set the same date for all governmental entities within a school district. However, if the county where the school district is located contains more than 20 municipalities, the state land planning agency may establish staggered due dates for the submission of interlocal agreements by these municipalities. The schedule must begin with those areas where both the number of districtwide capital-outlay full-time-equivalent students equals 80 percent or more of the current year's school capacity and the projected 5-year student growth rate is 1,000 or greater, or where the projected 5-year student growth rate is 10 percent or greater.

(c) If the student population has declined over the 5-year period preceding the due date for submittal of an interlocal agreement by the local government and the district school board, the local government and district school board may petition the state land planning agency for a waiver of one or more of the requirements of subsection (3). The waiver must be granted if the procedures called for in subsection (3) are unnecessary because of the school district's declining school age population, considering the district's 5-year work program prepared pursuant to s. 1013.35. The state land planning agency may modify or revoke the waiver upon a finding that the conditions upon which the waiver was granted no longer exist. The district school board and local governments must submit an interlocal agreement within 1 year after notification by the state land planning agency that the conditions for a waiver no longer exist.

(d) Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177 before the effective date of subsections *(2)-(7)* ~~(2)-(9)~~ must be updated and executed pursuant to the requirements of subsections *(2)-(7)* ~~(2)-(9)~~, if necessary. Amendments to interlocal agreements adopted pursuant to subsections *(2)-(7)* ~~(2)-(9)~~ must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with subsections (3) and (4). Local governments and the district school board in each school district are encouraged to adopt a single interlocal agreement in which all join as parties. The state land planning agency shall assemble and make available model interlocal agreements meeting the requirements of subsections *(2)-(7)* ~~(2)-(9)~~ and shall notify local governments and, jointly with the Department of Education, the district school boards of the requirements of subsections *(2)-(7)* ~~(2)-(9)~~, the dates for compliance, and the sanctions for noncompliance. The state land planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the potential for sanctions.

(3) At a minimum, the interlocal agreement must address interlocal agreement requirements in s. *163.31777 and, if applicable, s.* 163.3180*(6)*~~(13)(g), except for exempt local governments as provided in s. 163.3177(12)~~, and must address the following issues:

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new construction, proposed expansion, or redevelopment of existing schools. The process shall address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding the effect of comprehensive plan amendments on school capacity. The capacity reporting must be consistent with laws and rules regarding measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

(4)(a) The Office of Educational Facilities shall submit any comments or concerns regarding the executed interlocal agreement to the state land planning agency within 30 days after receipt of the executed interlocal agreement. The state land planning agency shall review the executed interlocal agreement to determine whether it is consistent with the requirements of subsection (3), the adopted local government comprehensive plan, and other requirements of law. Within 60 days after receipt of an executed interlocal agreement, the state land planning agency shall publish a notice of intent in the Florida Administrative Weekly and shall post a copy of the notice on the agency's Internet site. The notice of intent must state that the interlocal agreement is consistent or inconsistent with the requirements of subsection (3) and this subsection as appropriate.

(b) The state land planning agency's notice is subject to challenge under chapter 120; however, an affected person, as defined in s. 163.3184(1)(a), has standing to initiate the administrative proceeding, and this proceeding is the sole means available to challenge the consistency of an interlocal agreement required by this section with the criteria contained in subsection (3) and this subsection. In order to have standing, each person must have submitted oral or written comments, recommendations, or objections to the local government or the school board before the adoption of the interlocal agreement by the district school board and local government. The district school board and local governments are parties to any such proceeding. In this proceeding, when the state land planning agency finds the interlocal agreement to be consistent with the criteria in subsection (3) and this subsection, the interlocal agreement must be determined to be consistent with subsection (3) and this subsection if the local government's and school board's determination of consistency is fairly debatable. When the state land planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (3) and this subsection, the local government's and school board's determination of consistency shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.

(c) If the state land planning agency enters a final order that finds that the interlocal agreement is inconsistent with the requirements of subsection (3) or this subsection, the state land planning agency shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to s. 163.3184(11) and may impose sanctions against the district school board by directing the Department of Education to withhold an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(5) If an executed interlocal agreement is not timely submitted to the state land planning agency for review, the state land planning agency shall, within 15 working days after the deadline for submittal, issue to the local government and the district school board a notice to show cause why sanctions should not be imposed for failure to submit an executed interlocal agreement by the deadline established by the agency. The agency shall forward the notice and the responses to the Administration Commission, which may enter a final order citing the failure to comply and imposing sanctions against the local government and district school board by directing the appropriate agencies to withhold at least 5 percent of state funds pursuant to s. 163.3184(11) and by directing the Department of Education to withhold from the district school board at least 5 percent of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(6) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before the effective date of this section is not required to amend the element or any interlocal agreement to conform with the provisions of subsections *(2)-(6)* ~~(2)-(8)~~ if the element is adopted prior to or within 1 year after the effective date of subsections *(2)-(6)* ~~(2)-(8)~~ and remains in effect.

~~(7) Except as provided in subsection (8), municipalities meeting the exemption criteria in s. 163.3177(12) are exempt from the requirements of subsections (2), (3), and (4).~~

~~(8) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under s. 163.3177(12). If the municipality continues to meet these criteria, the municipality shall continue to be exempt from the interlocal agreement requirement. Each municipality exempt under s. 163.3177(12) must comply with the provisions of subsections (2)-(8) within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.~~

(7)~~(9)~~ A board and the local governing body must share and coordinate information related to existing and planned school facilities; proposals for development, redevelopment, or additional development; and infrastructure required to support the school facilities, concurrent with proposed development. A school board shall use information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136 when preparing the district educational facilities plan pursuant to s. 1013.35, as modified and agreed to by the local governments, when provided by interlocal agreement, and the Office of Educational Facilities, in consideration of local governments' population projections, to ensure that the district educational facilities plan not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. The projections must be apportioned geographically with assistance from the local governments using local government trend data and the school district student enrollment data. A school board is precluded from siting a new school in a jurisdiction where the school board has failed to provide the annual educational facilities plan for the prior year required pursuant to s. 1013.35 unless the failure is corrected.

(8)~~(10)~~ The location of educational facilities shall be consistent with the comprehensive plan of the appropriate local governing body developed under part II of chapter 163 and consistent with the plan's implementing land development regulations.

(9)~~(11)~~ To improve coordination relative to potential educational facility sites, a board shall provide written notice to the local government that has regulatory authority over the use of the land consistent with an interlocal agreement entered pursuant to subsections *(2)-(6)* ~~(2)-(8)~~ at least 60 days prior to acquiring or leasing property that may be used for a new public educational facility. The local government, upon receipt of

this notice, shall notify the board within 45 days if the site proposed for acquisition or lease is consistent with the land use categories and policies of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to subsection *(10)* ~~(12)~~.

(10)~~(12)~~ As early in the design phase as feasible and consistent with an interlocal agreement entered pursuant to subsections *(2)-(6)* ~~(2)-(8)~~, but no later than 90 days before commencing construction, the district school board shall in writing request a determination of consistency with the local government's comprehensive plan. The local governing body that regulates the use of land shall determine, in writing within 45 days after receiving the necessary information and a school board's request for a determination, whether a proposed educational facility is consistent with the local comprehensive plan and consistent with local land development regulations. If the determination is affirmative, school construction may commence and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a district school board's request for a determination of consistency shall be considered an approval of the district school board's application. Campus master plans and development agreements must comply with the provisions of ss. 1013.30 and 1013.63.

(11)~~(13)~~ A local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the comprehensive plan's land use policies and categories in which public schools are identified as allowable uses, the local government may not deny the application but it may impose reasonable development standards and conditions in accordance with s. 1013.51(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established in this chapter or the Florida Building Code, unless mutually agreed and consistent with the interlocal agreement required by subsections *(2)-(6)* ~~(2)-(8)~~.

(12)~~(14)~~ This section does not prohibit a local governing body and district school board from agreeing and establishing an alternative process for reviewing a proposed educational facility and site plan, and offsite impacts, pursuant to an interlocal agreement adopted in accordance with subsections *(2)-(6)* ~~(2)-(8)~~.

(13)~~(15)~~ Existing schools shall be considered consistent with the applicable local government comprehensive plan adopted under part II of chapter 163. If a board submits an application to expand an existing school site, the local governing body may impose reasonable development standards and conditions on the expansion only, and in a manner consistent with s. 1013.51(1). Standards and conditions may not be imposed which conflict with those established in this chapter or the Florida Building Code, unless mutually agreed. Local government review or approval is not required for:

(a) The placement of temporary or portable classroom facilities; or

(b) Proposed renovation or construction on existing school sites, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity, or as mutually agreed upon, pursuant to an interlocal agreement adopted in accordance with subsections (2)-*(6)*~~(8)~~.

Section 71. Paragraph (b) of subsection (2) of section 1013.35, Florida Statutes, is amended to read:

1013.35 School district educational facilities plan; definitions; preparation, adoption, and amendment; long-term work programs.—

(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN.—

(b) The plan must also include a financially feasible district facilities work program for a 5-year period. The work program must include:

1. A schedule of major repair and renovation projects necessary to maintain the educational facilities and ancillary facilities of the district.

2. A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. This schedule shall consider:

a. The locations, capacities, and planned utilization rates of current educational facilities of the district. The capacity of existing satisfactory facilities, as reported in the Florida Inventory of School Houses must be compared to the capital outlay full-time-equivalent student enrollment as determined by the department, including all enrollment used in the calculation of the distribution formula in s. 1013.64.

b. The proposed locations of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. The provisions of ss. 1013.33*(10), (11), and* (12)~~, (13), and (14)~~ and 1013.36 must be addressed for new facilities planned within the first 3 years of the work plan, as appropriate.

c. Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.

d. Plans for multitrack scheduling, grade level organization, block scheduling, or other alternatives that reduce the need for additional permanent student stations.

e. Information concerning average class size and utilization rate by grade level within the district which will result if the tentative district facilities work program is fully implemented.

f. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program. For determining future needs, student capacity may not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the current year of the adopted district educational facilities plan and in the district facilities work program adopted under this section. Those relocatable classrooms clearly identified and scheduled for replacement in a school-board-adopted, financially feasible, 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed and the relocatable classrooms are not replaced as scheduled in the work program, the classrooms must be reentered into the system and be counted at actual capacity. Relocatable classrooms may not be perpetually added to the work program or continually extended for purposes of circumventing this section. All relocatable classrooms not identified and scheduled for replacement, including those owned, lease-purchased, or leased by the school district, must be counted at actual student capacity. The district educational facilities plan must identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement.

g. Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

h. Projects for which capital outlay and debt service funds accruing under s. 9(d), Art. XII of the State Constitution are to be used shall be identified separately in priority order on a project priority list within the district facilities work program.

3. The projected cost for each project identified in the district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.

4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the district facilities work program.

5. A schedule indicating which projects included in the district facilities work program will be funded from current revenues projected in subparagraph 4.

6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may include effort index grants, SIT Program awards, and Classrooms First funds.

Section 72. *Rules 9J-5 and 9J-11.023, Florida Administrative Code, are repealed, and the Department of State is directed to remove those rules from the Florida Administrative Code.*

Section 73. *(1) Any permit or any other authorization that was extended under section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida, is extended and renewed for an additional period of 2 years after its previously scheduled expiration date. This extension is in addition to the 2-year permit extension provided under section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida. This section does not prohibit conversion from the construction phase to the operation phase upon completion of construction. Permits that were extended by a total of 4 years pursuant to section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida, and by section 46 of chapter 2010-147, Laws of Florida, cannot be further extended under this provision.*

(2) The commencement and completion dates for any required mitigation associated with a phased construction project shall be extended such that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension shall notify the authorizing agency in writing by December 31, 2011, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided for in subsection (1) does not apply to:

(a) A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

(b) A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension, that would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by rules in effect at the time the permit was issued, except if it is demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This subsection applies to any modification of the plans, terms, and conditions of the permit that lessens the environmental impact, except that any such modification may not extend the time limit beyond 2 additional years.

(6) This section does not impair the authority of a county or municipality to require the owner of a property that has notified the county or municipality of the owner's intention to receive the extension of time granted pursuant to this section to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

Section 74. *(1) The state land planning agency, within 60 days after the effective date of this act, shall review any administrative or judicial proceeding filed by the agency and pending on the effective date of this act to determine whether the issues raised by the state land planning agency are consistent with the revised provisions of part II of chapter 163, Florida Statutes. For each proceeding, if the agency determines that issues have been raised that are not consistent with the revised provisions of part II of chapter 163, Florida Statutes, the agency shall dismiss the proceeding. If the state land planning agency determines that one or more issues have been raised that are consistent with the revised provisions of part II of chapter 163, Florida Statutes, the agency shall amend its petition within 30 days after the determination to plead with particularity as to the manner in which the plan or plan amendment fails to meet the revised provisions of part II of chapter 163, Florida Statutes. If the agency fails to timely file such amended petition, the proceeding shall be dismissed.*

(2) In all proceedings that were initiated by the state land planning agency before the effective date of this act, and continue after that date, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct, and the local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance.

Section 75. *All local governments shall be governed by the revised provisions of s. 163.3191, Florida Statutes, notwithstanding a local government's previous failure to timely adopt its evaluation and appraisal report or evaluation and appraisal report-based amendments by the due dates previously established by the state land planning agency.*

Section 76. *A comprehensive plan amendment adopted pursuant to s. 163.32465, Florida Statutes, subject to voter referendum by local charter, and found in compliance before the effective date of this act, may be readopted by ordinance, shall become effective upon approval by the local government, and is not subject to review or challenge pursuant to the provisions of s. 163.32465 or s. 163.3184, Florida Statutes.*

Section 77. *The Department of Transportation shall develop and submit to the President of the Senate and the Speaker of the House of Representatives, no later than December 15, 2011, a report on recommended changes to or alternatives to the calculation of the proportionate share contribution in s. 163.3180(5)(h)3., Florida Statutes. The department's recommendations, if any, shall be designed to ensure development contributions to mitigate impacts on the transportation system are assessed in predictable, equitable and fair manner and shall be developed in consultation with developers and representatives of local governments.*

Section 78. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 79. *(1) Except as provided in subsection (4), and in recognition of 2011 real estate market conditions, any building permit, and any permit issued by the Department of Environmental Protection or by a water management district pursuant to part IV of chapter 373, Florida Statutes, which has an expiration date from January 1, 2012, through January 1, 2014, is extended and renewed for a period of 2 years after its previously scheduled date of expiration. This extension includes any local government-issued development order or building permit including certificates of levels of service. This section does not prohibit conversion from the construction phase to the operation phase upon completion of construction. This extension is in addition to any existing permit extension. Extensions granted pursuant to this section; section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida; section 46 of chapter 2010-147, Laws of Florida; or section 74 of this act shall not exceed 4 years in total. Further, specific development order extensions granted pursuant to s. 380.06(19)(c)2., Florida Statutes, cannot be further extended by this section.*

(2) The commencement and completion dates for any required mitigation associated with a phased construction project are extended so that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension must notify the authorizing agency in writing by December 31, 2011, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided for in subsection (1) does not apply to:

(a) A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

(b) A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension that would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by the rules in effect at the time the permit was issued, except if it is

demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This provision applies to any modification of the plans, terms, and conditions of the permit which lessens the environmental impact, except that any such modification does not extend the time limit beyond 2 additional years.

(6) This section does not impair the authority of a county or municipality to require the owner of a property that has notified the county or municipality of the owner's intent to receive the extension of time granted pursuant to this section to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

Section 80. *The Division of Statutory Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.*

Section 81. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to growth management; amending s. 163.3161, F.S.; redesignating the "Local Government Comprehensive Planning and Land Development Regulation Act" as the "Community Planning Act"; revising and providing intent and purpose of act; amending s. 163.3164, F.S.; revising definitions; amending s. 163.3167, F.S.; revising scope of the act; revising and providing duties of local governments and municipalities relating to comprehensive plans; deleting retroactive effect; creating s. 163.3168, F.S.; encouraging local governments to apply for certain innovative planning tools; authorizing the state land planning agency and other appropriate state and regional agencies to use direct and indirect technical assistance; amending s. 163.3171, F.S.; providing legislative intent; amending s. 163.3174, F.S.; deleting certain notice requirements relating to the establishment of local planning agencies by a governing body; amending s. 163.3175, F.S.; providing that certain comments, underlying studies, and reports provided by a military installation's commanding officer are not binding on local governments; providing additional factors for local government consideration in impacts to military installations; clarifying requirements for adopting criteria to address compatibility of lands relating to military installations; amending s. 163.3177, F.S.; revising and providing duties of local governments; revising and providing required and optional elements of comprehensive plans; revising requirements of schedules of capital improvements; revising and providing provisions relating to capital improvements elements; revising major objectives of, and procedures relating to, the local comprehensive planning process; revising and providing required and optional elements of future land use plans; providing required transportation elements; revising and providing required conservation elements; revising and providing required housing elements; revising and providing required coastal management elements; revising and providing required intergovernmental coordination elements; amending s. 163.31777, F.S.; revising requirements relating to public schools' interlocal agreements; deleting duties of the Office of Educational Facilities, the state land planning agency, and local governments relating to such agreements; deleting an exemption; amending s. 163.3178, F.S.; deleting a deadline for local governments to amend coastal management elements and future land use maps; amending s. 163.3180, F.S.; revising and providing provisions relating to concurrency; revising concurrency requirements; revising application and findings; revising local government requirements; revising and providing requirements relating to transportation concurrency, transportation concurrency exception areas, urban infill, urban redevelopment, urban service, downtown revitalization areas, transportation concurrency management areas, long-term transportation and school concurrency management systems, development of regional impact, school concurrency, service areas, financial feasibility, interlocal agreements, and multimodal transportation districts; revising duties of the Office of Program Policy Analysis and the state land planning agency; providing requirements for local plans; providing for the limiting the liability of local governments under certain conditions; amending s. 163.3182, F.S.; revising definitions; revising provisions relating to transportation deficiency plans and projects; amending s. 163.3184, F.S.; providing a definition; providing requirements for comprehensive plans and plan amendments; providing a expedited state review process for adoption of comprehensive plan amendments; providing requirements for the adoption of comprehensive plan amendments; creating the state-coordinated review process; providing and revising provisions relating to the review process; revising requirements relating to local government transmittal of proposed plan or amendments; providing for comment by reviewing agencies; deleting provisions relating to regional, county, and municipal review; revising provisions relating to state land planning agency review; revising provisions relating to local government review of comments; deleting and revising provisions relating to notice of intent and processes for compliance and noncompliance; providing procedures for administrative challenges to plans and plan amendments; providing for compliance agreements; providing for mediation and expeditious resolution; revising powers and duties of the administration commission; revising provisions relating to areas of critical state concern; providing for concurrent zoning; amending s. 163.3187, F.S.; deleting provisions relating to the amendment of adopted comprehensive plan and providing the process for adoption of small-scale comprehensive plan amendments; repealing s. 163.3189, F.S., relating to process for amendment of adopted comprehensive plan; amending s. 163.3191, F.S., relating to the evaluation and appraisal of comprehensive plans; providing and revising local government requirements including notice, amendments, compliance, mediation, reports, and scoping meetings; amending s. 163.3229, F.S.; revising limitations on duration of development agreements; amending s. 163.3235, F.S.; revising requirements for periodic reviews of a development agreements; amending s. 163.3239, F.S.; revising recording requirements; amending s. 163.3243, F.S.; revising parties who may file an action for injunctive relief; amending s. 163.3245, F.S.; revising provisions relating to optional sector plans; authorizing the adoption of sector plans under certain circumstances; amending s. 163.3246, F.S.; revising provisions relating to the local government comprehensive planning certification program; conforming provisions to changes made by the act; deleting reporting requirements of the Office of Program Policy Analysis and Government Accountability; repealing s. 163.32465, F.S., relating to state review of local comprehensive plans in urban areas; amending s. 163.3247, F.S.; providing for future repeal and abolition of the Century Commission for a Sustainable Florida; creating s. 163.3248, F.S.; providing for the designation of rural land stewardship areas; providing purposes and requirements for the establishment of such areas; providing for the creation of rural land stewardship overlay zoning district and transferable rural land use credits; providing certain limitation relating to such credits; providing for incentives; providing eligibility for incentives; providing legislative intent; amending s. 380.06, F.S.; revising requirements relating to the issuance of permits for development by local governments; revising criteria for the determination of substantial deviation; providing for extension of certain expiration dates; revising exemptions governing developments of regional impact; revising provisions to conform to changes made by this act; amending s. 380.0651, F.S.; revising provisions relating to statewide guidelines and standards for certain multiscreen movie theaters, industrial plants, industrial parks, distribution, warehousing and wholesaling facilities, and hotels and motels; revising criteria for the determination of when to treat two or more developments as a single development; amending s. 331.303, F.S.; conforming a cross-reference; amending s. 380.115, F.S.; subjecting certain developments required to undergo development-of-regional-impact review to certain procedures; amending s. 380.065, F.S.; deleting certain reporting requirements; conforming provisions to changes made by the act; amending s. 380.0685, F.S., relating to use of surcharges for beach renourishment and restoration; repealing Rules 9J-5 and 9J-11.023, Florida Administrative Code, relating to minimum criteria for review of local government comprehensive plans and plan amendments, evaluation and appraisal reports, land development regulations, and determinations of compliance; amending ss. 70.51, 163.06, 163.2517, 163.3162, 163.3217, 163.3220, 163.3221, 163.3229, 163.360, 163.516, 171.203, 186.513, 189.415, 190.004, 190.005, 193.501, 287.042, 288.063, 288.975, 290.0475, 311.07, 331.319, 339.155, 339.2819, 369.303, 369.321, 378.021, 380.115, 380.031, 380.061, 403.50665, 403.973, 420.5095, 420.615, 420.5095, 420.9071, 420.9076, 720.403, 1013.30, 1013.33, and 1013.35, F.S.; revising provisions to conform to changes made by this act; extending permits and other authorizations extended under s. 14, ch. 2009-96, Laws of Florida; extending certain previously granted buildout dates; requiring a permitholder to notify the authorizing agency of its intended use of the extension; exempting certain permits from eligibility for an extension; providing for applicability of rules governing permits; declaring that certain provisions do not impair the authority of counties and municipalities under certain circumstances; requiring the state land planning agency to review certain administrative and judicial proceedings; providing procedures for such review; providing that all local governments shall be governed by certain provisions of general law; allowing specified amendments to be adopted upon approval by the local government; directing the Department of Transportation to report on the calculation of proportionate share; providing for severability; creat-

ing a 2-year permit extension; providing a directive of the Division of Statutory Revision; providing an effective date.

On motion by Senator Gaetz, the Conference Committee Report on **HB 7207** was adopted. **HB 7207** passed by the required constitutional three-fifths vote of the membership as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gaetz	Oelrich
Alexander	Garcia	Richter
Altman	Gardiner	Ring
Benacquisto	Hays	Simmons
Bennett	Hill	Siplin
Bogdanoff	Jones	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	
Flores	Norman	

Nays—5

Braynon	Joyner	Sachs
Dockery	Rich	

Vote after roll call:

Yea to Nay—Sobel, Storms

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for HB 641, as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

CONFERENCE COMMITTEE REPORT ON CS for HB 641

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for HB 641, same being:

An act relating to the contaminated site rehabilitation tax credit.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
s/ Joe Negron
Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley
Chair
s/ Ben Albritton
Gary Aubuchon, At Large
Leonard L. Bembry
Mack Bernard
s/ Jeffrey "Jeff" Brandes
s/ Douglas Vaughn "Doug" Broxson
Charles S. "Chuck" Chestnut IV, At Large
s/ Fredrick W. "Fred" Costello
s/ Daniel Davis
Chris Dorworth
Clay Ford
James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
Eduardo "Eddy" Gonzalez
James W. "J.W." Grant
s/ Doug Holder
s/ Mike Horner
s/ Dorothy L. Hukill, At Large
Mia L. Jones
Martin David "Marty" Kiar
s/ John Legg, At Large
Debbie Mayfield
s/ Seth McKeel, At Large
s/ Peter Nehr
Jeanette M. Nunez
Mark S. Pafford
s/ W. Keith Perry
Scott Plakon
s/ Stephen L. Precourt
s/ Lake Ray
Betty Reed
Hazelle P. "Hazel" Rogers
Darryl Ervin Rouson, At Large
Ron Saunders, At Large
Irving "Irv" Slosberg
William D. Snyder, At Large
Kelli Stargel
s/ Carlos Trujillo
Alan B. Williams
John Wood
s/ Dana D. Young
s/ Janet H. Adkins
s/ Larry Ahern
s/ Frank Artiles
s/ Dennis K. Baxley
Lori Berman
Michael Bileca
s/ Jason T. Brodeur
s/ Matthew H. "Matt" Caldwell
Daphne D. Campbell
s/ Marti Coley
Richard Corcoran
s/ Steve Crisafulli
s/ Jose Felix Diaz
Brad Drake
s/ Erik Fresen
s/ Matt Gaetz
s/ Richard "Rich" Glorioso
Tom Goodson
s/ Gayle B. Harrell
s/ Ed Hooper
s/ Matt Hudson
s/ Clay Ingram
John Patrick Julien
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Larry Metz
s/ Bryan Nelson
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Ray Pilon
Elizabeth W. Porter
William L. "Bill" Proctor, At Large
Kenneth L. "Ken" Roberson
s/ Patrick Rooney, Jr.
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
s/ Jimmie T. Smith
Darren Soto
s/ W. Gregory "Greg" Steube
Will W. Weatherford, At Large
s/ Trudi K. Williams
Ritch Workman

Managers on the part of the House

The Conference Committee Amendment for CS for HB 641, relating to Tax Administration, provides for the following:

Estate Tax Filing Requirement – The bill extends until December 31, 2012, a provision that relieves an estate with a zero Florida tax liability from the requirement to file an estate tax return.

Beverage and Tobacco Wholesaler Reports – The bill requires alcohol and tobacco wholesalers to annually provide information to the Department of Revenue regarding sales to retailers. The information will assist in the Department's enforcement of the state sales tax.

Conference Committee Amendment (600545)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Retroactive to January 1, 2011, subsection (4) of section 198.13, Florida Statutes, is amended to read:

198.13 Tax return to be made in certain cases; certificate of nonliability.—

(4) Notwithstanding any other provisions of this section and applicable to the estate of a decedent who dies after December 31, 2004, if, upon the death of the decedent, a state death tax credit or a generation-skipping transfer credit is not allowable pursuant to the Internal Revenue Code of 1986, as amended:

(a) The personal representative of the estate is not required to file a return under subsection (1) in connection with the estate.

(b) The person who would otherwise be required to file a return reporting a generation-skipping transfer under subsection (3) is not required to file such a return in connection with the estate.

The provisions of this subsection do not apply to estates of decedents dying after December 31, *2012* ~~2010~~.

Section 1. Section 212.133, Florida Statutes, is created to read:

212.133 Information reports required for sales of alcoholic beverages and tobacco products.—

(1)(a) For the sole purpose of enforcing the collection of the tax levied by this chapter on retail sales, the department shall require every seller of alcoholic beverages or tobacco products to file an information report of any sales of those products to any retailer in this state.

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

1. "Retailer" means a person engaged in the business of making sales at retail and who holds a license pursuant to chapters 561 through 565 or a permit pursuant to chapters 210 and 569.

2. "Seller" means any manufacturer, wholesaler, or distributor of alcoholic beverages or tobacco products who sells to a retailer in this state.

(2)(a) The information report must be filed electronically by using the department's e-filing website or secure file transfer protocol or electronic data interchange files with the department's e-filing provider. The information report must contain:

1. The seller's name.

2. The seller's beverage license or tobacco permit number.

3. The retailer's name.

4. The retailer's beverage license or tobacco permit number.

5. The retailer's address, including street address, municipality, state, and five-digit zip code.

6. The general item type, such as cigarettes, cigars, tobacco, beer, wine, spirits, or any combination of those items.

7. The net monthly sales total, in dollars sold to each retailer.

(b) The department may annually waive the requirement to submit the information report through an electronic data interchange due to problems arising from the seller's computer capabilities, data system changes, or operating procedures. The annual request for a waiver must be in writing and the seller must demonstrate that such circumstances exist. A waiver under this paragraph does not operate to relieve the seller from the obligation to file an information report.

(3) The information report must contain the required information for the period from July 1 through June 30. The information report is due annually on July 1 for the preceding reporting period and is delinquent if not received by the department by September 30.

(4) Any seller who fails to provide the information report by September 30 is subject to a penalty of $1,000 for every month, or part thereof, the report is not provided, up to a maximum amount of $10,000. This penalty must be settled or compromised if it is determined by the department that the noncompliance is due to reasonable cause and not to willful negligence, willful neglect, or fraud.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to tax administration; amending s. 198.13, F.S.; extending the period of exemption under certain circumstances from the filing of returns with respect to tax on estates of decedents or tax on generation-skipping transfers; providing for retroactive application; creating s. 212.133, F.S.; requiring sellers of alcoholic beverages or tobacco products to file information reports of sales of those products to retailers in this state with the Department of Revenue; providing definitions; requiring such reports to be filed electronically and to include specified information; authorizing the department to waive certain requirements; providing penalties for noncompliance; providing an effective date.

On motion by Senator Bogdanoff, the Conference Committee Report on **CS for HB 641** was adopted. **CS for HB 641** passed as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 5011, as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

CONFERENCE COMMITTEE REPORT ON HB 5011

The Honorable Mike Haridopolos May 5, 2011
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 5011, same being:

An act relating to the Commission of Capital Cases.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander	*s/ Joe Negron*
Chair	Vice Chair
s/ Thad Altman	*s/ Lizbeth Benacquisto*
s/ Michael S. "Mike" Bennett	*s/ Ellyn Setnor Bogdanoff*
s/ Oscar Braynon II	Larcenia J. Bullard
s/ Charles S. "Charlie" Dean, Sr.	*s/ Nancy C. Detert*
s/ Miguel Diaz de la Portilla	Paula Dockery

s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Denise Grimsley
Chair
s/ Ben Albritton
Gary Aubuchon, At Large
Leonard L. Bembry
Mack Bernard
s/ Jeffrey "Jeff" Brandes
s/ Douglas Vaughn "Doug" Broxson
Charles S. "Chuck" Chestnut IV, At Large
s/ Fredrick W. "Fred" Costello
s/ Daniel Davis
Chris Dorworth
s/ Clay Ford
James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
Eduardo "Eddy" Gonzalez
James W. "J.W." Grant
s/ Doug Holder
s/ Mike Horner
s/ Dorothy L. Hukill, At Large
Mia L. Jones
Martin David "Marty" Kiar
s/ John Legg, At Large
Debbie Mayfield
s/ Seth McKeel, At Large
s/ Peter Nehr
Jeanette M. Nunez
Mark S. Pafford
s/ W. Keith Perry
Scott Plakon
s/ Stephen L. Precourt
s/ Lake Ray
Kenneth L. "Ken" Roberson
s/ Patrick Rooney, Jr.
Franklin Sands, At Large
s/ Robert C. "Rob" Schenck, At Large
s/ William D. Snyder, At Large
Kelli Stargel
s/ Carlos Trujillo
Alan B. Williams
John Wood
s/ Dana D. Young
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

s/ Janet H. Adkins
s/ Larry Ahern
s/ Frank Artiles
s/ Dennis K. Baxley
Lori Berman
Michael Bileca
s/ Jason T. Brodeur
s/ Matthew H. "Matt" Caldwell
Daphne D. Campbell
s/ Marti Coley
Richard Corcoran
s/ Steve Crisafulli
s/ Jose Felix Diaz
Brad Drake
s/ Erik Fresen
s/ Matt Gaetz
s/ Richard "Rich" Glorioso
s/ Tom Goodson
s/ Gayle B. Harrell
s/ Ed Hooper
s/ Matt Hudson
s/ Clay Ingram
John Patrick Julien
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Larry Metz
s/ Bryan Nelson
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Ray Pilon
Elizabeth W. Porter
s/ William L. "Bill" Proctor, At Large
Hazelle P. "Hazel" Rogers
Darryl Ervin Rouson, At Large
Ron Saunders, At Large
Irving "Irv" Slosberg
s/ Jimmie T. Smith
Darren Soto
s/ W. Gregory "Greg" Steube
Will W. Weatherford, At Large
s/ Trudi K. Williams
Ritch Workman

Managers on the part of the House

The Conference Committee Amendment for HB 5011, relating to the Commission on Capital Cases, provides for the following:

- Repeals the Commission of Capital Cases from section 27.709, Florida Statutes.

- Requires the executive director of the Justice Administrative Commission to maintain the registry of capital collateral qualified attorneys.

- Requires the executive director of the Justice Administrative Commission to request additional attorneys to add to the registry when fewer than 50 attorneys are listed statewide on the registry.

Conference Committee Amendment (152215)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. *Section 27.709, Florida Statutes, is repealed.*

Section 2. Subsections (6) and (7) of section 27.7002, Florida Statutes, are amended to read:

27.7002 Limitation on collateral representation; lawyer disqualification; use of state funds for excess fees not authorized.—

(6) The executive director of the *Justice Administrative* Commission ~~on Capital Cases~~ is authorized to permanently remove from the registry of attorneys provided in ss. 27.710 and 27.711 any attorney who seeks compensation for services above the amounts provided in s. 27.711.

(7) Any attorney who notifies any court, judge, state attorney, the Attorney General, or the executive director of the *Justice Administrative* Commission ~~on Capital Cases~~, that he or she cannot provide adequate or proper representation under the terms and conditions set forth in s. 27.711 shall be permanently disqualified from any attorney registry created under this chapter unless good cause arises after a change in circumstances.

Section 3. Subsection (4) of section 27.702, Florida Statutes, is amended to read:

27.702 Duties of the capital collateral regional counsel; reports.—

(4)(a) The capital collateral regional counsel or private counsel shall give written notification of each pleading filed by that office and the name of the person filing the pleading to ~~the Commission on Capital Cases and to~~ the trial court assigned to the case.

(b) Each capital collateral regional counsel and each attorney participating in the pilot program in the northern region pursuant to s. 27.701(2) shall provide a quarterly report to the President of the Senate *and*~~,~~ the Speaker of the House of Representatives~~, and the Commission on Capital Cases~~ which details the number of hours worked by investigators and legal counsel per case and the amounts per case expended during the preceding quarter in investigating and litigating capital collateral cases.

Section 4. Subsections (1) and (4) of section 27.710, Florida Statutes, are amended to read:

27.710 Registry of attorneys applying to represent persons in postconviction capital collateral proceedings; certification of minimum requirements; appointment by trial court.—

(1) The executive director of the *Justice Administrative* Commission ~~on Capital Cases~~ shall compile and maintain a statewide registry of attorneys in private practice who have certified that they meet the minimum requirements of s. 27.704(2), who are available for appointment by the court under this section to represent persons convicted and sentenced to death in this state in postconviction collateral proceedings, and who have attended within the last year a continuing legal education program of at least 10 hours' duration devoted specifically to the defense of capital cases, if available. Continuing legal education programs meeting the requirements of this rule offered by The Florida Bar or another recognized provider and approved for continuing legal education credit by The Florida Bar shall satisfy this requirement. The failure to comply with this requirement may be cause for removal from the list until the requirement is fulfilled. To ensure that sufficient attorneys are available for appointment by the court, when the number of attorneys on the registry falls below 50, the executive director shall notify the chief judge of each circuit by letter and request the chief judge to promptly submit the names of at least three private attorneys who regularly practice criminal law in that circuit and who appear to meet the minimum requirements to represent persons in postconviction capital collateral proceedings. The executive director shall send an application to each attorney identified by the chief judge so that the attorney may register for appointment as counsel in postconviction capital collateral proceedings. As necessary, the executive director may also advertise in legal publications and other appropriate media for qualified attorneys interested in registering for appointment as counsel in postconviction capital collateral proceedings. Not later than September 1 of each year, and as necessary thereafter, the executive director shall provide to the Chief Justice of the Supreme Court, the chief judge and state attorney in

each judicial circuit, and the Attorney General a current copy of its registry of attorneys who are available for appointment as counsel in postconviction capital collateral proceedings. The registry must be indexed by judicial circuit and must contain the requisite information submitted by the applicants in accordance with this section.

(4) Each private attorney who is appointed by the court to represent a capital defendant must enter into a contract with the Chief Financial Officer. If the appointed attorney fails to execute the contract within 30 days after the date the contract is mailed to the attorney, the executive director ~~of the Commission on Capital Cases~~ shall notify the trial court. The Chief Financial Officer shall develop the form of the contract, function as contract manager, and enforce performance of the terms and conditions of the contract. By signing such contract, the attorney certifies that he or she intends to continue the representation under the terms and conditions set forth in the contract until the sentence is reversed, reduced, or carried out or until released by order of the trial court.

Section 5. Paragraph (b) of subsection (1) of section 27.711, Florida Statutes, is amended to read:

27.711 Terms and conditions of appointment of attorneys as counsel in postconviction capital collateral proceedings.—

(1) As used in s. 27.710 and this section, the term:

(b) "Executive director" means the executive director of the *Justice Administrative* Commission ~~on Capital Cases~~.

Section 6. This act shall take effect July 1, 2011.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to the Commission on Capital Cases; repealing s. 27.709, F.S., relating to the creation of the Commission on Capital Cases; amending ss. 27.7002, 27.702, 27.710, and 27.711, F.S.; providing for assumption of certain duties of the Commission on Capital Cases by the Justice Administrative Commission; conforming provisions to changes made by the act; providing an effective date.

On motion by Senator Fasano, the Conference Committee Report on **HB 5011** was adopted. **HB 5011** passed as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—27

Mr. President	Evers	Latvala
Alexander	Fasano	Lynn
Altman	Flores	Negron
Benacquisto	Gaetz	Norman
Bennett	Garcia	Oelrich
Bogdanoff	Gardiner	Richter
Dean	Hays	Simmons
Detert	Hill	Thrasher
Diaz de la Portilla	Jones	Wise

Nays—12

Braynon	Montford	Siplin
Dockery	Rich	Smith
Joyner	Ring	Sobel
Margolis	Sachs	Storms

The Senate resumed consideration of—

HB 5305—A bill to be entitled An act relating to the Correctional Medical Authority; repealing ss. 945.601, 945.602, 945.603, 945.6031, 945.6032, 945.6035, and 945.6036, F.S., relating to the Correctional Medical Authority definitions, creation, powers, reports and surveys, quality management, dispute resolution, and enforcement, respectively; amending ss. 381.90, 766.101, 944.8041, 945.35, 945.6034, and 951.27, F.S.; conforming provisions to changes made by the act; providing an effective date.

—as amended by the Conference Committee Report this day.

On motion by Senator Negron, **HB 5305** was passed as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—26

Mr. President	Evers	Montford
Alexander	Flores	Negron
Altman	Gaetz	Norman
Benacquisto	Garcia	Oelrich
Bennett	Gardiner	Richter
Bogdanoff	Hays	Simmons
Dean	Jones	Thrasher
Detert	Latvala	Wise
Diaz de la Portilla	Lynn	

Nays—13

Braynon	Margolis	Smith
Dockery	Rich	Sobel
Fasano	Ring	Storms
Hill	Sachs	
Joyner	Siplin	

INTRODUCTION OF RESOLUTION

First Reading

On motion by Senator Thrasher, by unanimous consent—

By Senator Thrasher—

SCR 2230—A concurrent resolution extending the 2011 Regular Session of the Florida Legislature under the authority of Section 3(d), Article III of the State Constitution.

WHEREAS, the 60 days of the 2011 Regular Session of the Florida Legislature will expire on Friday May 6, 2011, and the necessary tasks of the session have not been completed, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the 2011 Regular Session of the Florida Legislature is extended until 6 p.m., Saturday, May 7, under the authority of Section 3(d), Article III of the State Constitution.

BE IT FURTHER RESOLVED that the regular session so extended shall consider only the following matters:

(1) Senate Bill 2000, the General Appropriations bill, or any Senate and House Conference Committee Report thereon.

(2) Senate Bill 2002, the Appropriations Implementing bill, or any Senate and House Conference Committee Report thereon.

(3) Any bill, or any Senate and House Conference Committee Report thereon, under consideration before Thursday, May 5, 2011, by a Conference Committee appointed by each house.

BE IT FURTHER RESOLVED that all other measures in both houses are indefinitely postponed and withdrawn from consideration of the respective house as of 12 a.m., Saturday, May 7, 2011.

BE IT FURTHER RESOLVED that upon recess or adjournment Saturday, May 7, 2011, either house may reconvene upon the call of its presiding officer.

—was introduced out of order and read by title. On motion by Senator Thrasher, by two-thirds vote **SCR 2230** was read the second time in full, adopted by the required constitutional three-fifths vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gaetz	Rich
Alexander	Garcia	Richter
Altman	Gardiner	Ring
Benacquisto	Hays	Sachs
Bennett	Hill	Simmons
Bogdanoff	Jones	Siplin
Braynon	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Flores	Oelrich	

Nays—None

RECESS

By direction of the President, the Senate recessed at 11:43 p.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by President Haridopolos at 12:17 a.m. A quorum present—38:

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Joyner	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Dockery	Montford	Thrasher
Evers	Negron	Wise
Fasano	Norman	

RECESS

By direction of the President, the Senate recessed at 12:19 a.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by President Haridopolos at 12:59 a.m. A quorum present—38:

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Joyner	Smith
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE BUSINESS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment	*For Term Ending*
Board of Medicine	
Appointee: Zachariah, Zachariah P., M.D., Sea Ranch Lakes	10/31/2014

Referred to the Rules Subcommittee on Ethics and Elections.

REPORTS OF COMMITTEE RELATING TO EXECUTIVE BUSINESS

Mr. R. Philip Twogood May 6, 2011
Secretary, The Florida Senate

Dear Mr. Secretary:

Please be advised that the following executive appointments were not acted on by the full Senate upon adjournment of the 2011 Session of the Florida Legislature:

Office and Appointment	*For Term Ending*
Council on Efficient Government	
Appointee: Evans, Steven L.	08/22/2011
Adjutant General of Florida National Guard	
Appointee: Titshaw, Emmett R., Jr.	Pleasure of Governor

The Senate Rules Subcommittee on Ethics and Elections did not consider the appointee Steven L. Evans because the Council on Efficient Government was repealed on 7/1/2010.

The Senate Rules Subcommittee on Ethics and Elections did not consider the appointee Emmitt R. Titshaw, Jr. because the term expired.

Respectfully submitted,
Miguel Diaz de la Portilla, Chair

Mr. R. Philip Twogood May 6, 2011
Secretary, The Florida Senate

Dear Mr. Secretary:

The following executive appointments were referred to the Senate Committee on Higher Education and the Senate Rules Subcommittee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee Higher Education and the Senate Rules Subcommittee did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2011 Regular Session of the Florida Legislature:

Office and Appointment	*For Term Ending*
Board of Trustees, Florida International University	
Appointee: Kahn, Sidney Lawrence, III	01/06/2016
Board of Trustees, University of North Florida	
Appointee: Newton, Joan W.	01/06/2016

The following executive appointments were referred to the Senate Rules Subcommittee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Rules Subcommittee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on

by the Senate upon adjournment of the 2011 Regular Session of the Florida Legislature:

Office and Appointment		*For Term Ending*
Governor's Mansion Commission		
Appointee:	Rooney, Kathleen C.	09/30/2014
Board of Medicine		
Appointee:	Zachariah, Zachariah P., M.D.	10/31/2014
Parole Commission		
Appointees:	Jenkins, Cassandra D.	06/30/2014
	Pate, Tena M.	06/30/2016
Secretary of Transportation		
Appointee:	Prasad, Ananth	Pleasure of Governor
Interim Executive Director of Department of Veterans' Affairs		
Appointee:	Milligan, Robert F.	Pleasure of Governor
Board of Trustees, University of Central Florida		
Appointee:	Sprouls, John R., Esquire	01/06/2016
Board of Trustees, Florida International University		
Appointees:	Armas, Jose	01/06/2016
	de la Vega, Mayi	01/06/2016

Respectfully submitted,
Miguel Diaz de la Portilla, Chair

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed HB 609, CS for CS for HB 1037, CS for HB 1463, CS for HB 7209; has passed as amended CS for CS for HB 119, CS for HB 567 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Representative(s) Coley—

HB 609—A bill to be entitled An act for the relief of Laron S. Harris, Jr., by and through his parents, Melinda Williams and Laron S. Harris, Sr., and Melinda Williams and Laron S. Harris, Sr., individually, by the North Broward Hospital District, d/b/a Coral Springs Medical Center; providing for an appropriation to compensate them for injuries sustained as a result of the negligence of the Coral Springs Medical Center; providing a limitation on the payment of fees and costs; providing an effective date.

—was referred to the Special Master on Claim Bills; and the Committee on Rules.

By Health & Human Services Committee, Health & Human Services Quality Subcommittee and Representative(s) Bembry, Passidomo, Corcoran, Schwartz—

CS for CS for HB 1037—A bill to be entitled An act relating to continuing care retirement communities; providing for the provision of continuing care at-home; amending s. 651.011, F.S.; revising definitions; defining "continuing care at-home," "nursing care," "personal services," and "shelter"; amending s. 651.012, F.S.; conforming a cross-reference; amending s. 651.013, F.S.; conforming provisions to changes made by the act; amending s. 651.021, F.S., relating to the requirement for certificates of authority; requiring that a person in the business of issuing continuing care at-home contracts obtain a certificate of authority from the Office of Insurance Regulation; requiring written approval from the Office of Insurance Regulation for a 20 percent or more expansion in the number of continuing care at-home contracts; providing that an actuarial study may be substituted for a feasibility study in specified circumstances; amending s. 651.022, F.S., relating to provisional certificates of authority; conforming provisions to changes made by the act; amending s. 651.023, F.S., relating to an application for a certificate of authority; specifying the content of the feasibility study that is included in the application for a certificate; requiring the same minimum reservation requirements for continuing care at-home contracts as continuing care contracts; requiring that a certain amount of the entrance fee collected for contracts resulting from an expansion be placed in an escrow account or on deposit with the department; amending ss. 651.033, 651.035, and 651.055, F.S.; requiring a facility to provide proof of compliance with a residency contract; conforming provisions to changes made by the act; providing application relating to the entitlement of a prospective resident, resident, or resident's estate to interest on a deposit or entrance fee; creating s. 651.057, F.S.; providing additional requirements for continuing care at-home contracts; requiring that a provider who wishes to offer continuing care at-home contracts submit certain additional documents to the office; requiring that the provider comply with certain requirements; limiting the number of continuing care and continuing care at-home contracts at a facility based on the types of units at the facility; amending ss. 651.071, 651.091, 651.106, 651.114, 651.118, 651.121, and 651.125, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Banking and Insurance; and Budget.

By Health & Human Services Committee and Representative(s) Hudson, Workman—

CS for HB 1463—A bill to be entitled An act relating to crisis stabilization units; amending s. 394.875, F.S.; directing the Department of Children and Family Services to implement a demonstration project in circuit 18 to test the impact of expanding the maximum number of crisis stabilization unit beds; providing an effective date.

—was referred to the Committees on Health Regulation; and Budget.

By Economic Affairs Committee, Business & Consumer Affairs Subcommittee and Representative(s) Crisafulli—

CS for HB 7209—A bill to be entitled An act relating to the consumer services functions of the Department of Agriculture and Consumer Services; amending s. 320.90, F.S.; transferring responsibility for distribution of a motor vehicle consumer's rights pamphlet from the department to the Department of Highway Safety and Motor Vehicles; amending s. 493.6105, F.S.; revising the application requirements and procedures for certain private investigator, private security, or repossession service; deleting a requirement that certain applicants submit photographs with their applications; revising the certifications that a person applying for a Class "K" firearms instructor license must possess; amending s. 493.6106, F.S.; revising the citizenship or immigration requirements for licenses issued by the department; prohibiting the licensure of applicants for a Class "G" statewide firearm license or Class "K" firearms instructor license who are prohibited by law from purchasing or possessing firearms; requiring that private investigative, private security, and recovery agencies notify the department of changes to their branch office locations; making grammatical and technical changes; amending s. 493.6107, F.S.; revising requirements for the method of payment of license fees for certain licensees; amending s. 493.6108, F.S.; requiring the department to investigate the mental history and current mental and emotional fitness of applicants for a Class "K" firearms instructor license; amending s. 493.6111, F.S.; revising the validity period for Class "K" firearms instructor licenses; requiring a security officer school or recovery agent school to obtain written authorization from the department before operating under a fictitious name; specifying that a licensee may not operate under more than one fictitious name; amending s. 493.6113, F.S.; deleting a requirement that

Class "A" private investigative agency licensees and Class "R" recovery agency licensees provide evidence of certain insurance coverage to renew a license; requiring a Class "K" firearms instructor licensee to submit proof of certification to provide firearms instruction; amending s. 493.6115, F.S.; conforming cross-references; amending s. 493.6118, F.S.; authorizing the department to take disciplinary action against a Class "G" statewide firearms licensee or applicant or a Class "K" firearms instructor licensee or applicant if the person is prohibited by law from purchasing or possessing a firearm; amending s. 493.6121, F.S.; deleting a provision authorizing the department to have access to certain criminal history information of the purchaser of a firearm; amending s. 493.6202, F.S.; revising requirements for the method of payment of examination and license fees for certain licensees; amending s. 493.6203, F.S.; providing that experience as a bodyguard does not qualify as experience or training for purposes of a Class "MA" or Class "C" license; requiring an initial applicant for a Class "CC" license to complete specified training courses; conforming a cross-reference; amending s. 493.6302, F.S.; revising requirements for the method of payment of license fees for certain licensees; amending s. 493.6303, F.S.; requiring an applicant for an initial Class "D" security officer license to complete specified training courses; amending s. 493.6304, F.S.; requiring an application for a security officer school or training facility to be verified under oath; amending ss. 493.6401 and 493.6402, F.S.; renaming repossessors as "recovery agents"; revising requirements for the method of payment of the license fees for certain licensees; amending s. 493.6406, F.S.; requiring recovery agent schools or instructors to be licensed by the department to offer training to Class "E" licensees and applicants; revising application requirements for recovery agent school and instructor licenses; amending s. 500.03, F.S.; providing and revising definitions for purposes of the Florida Food Safety Act; amending s. 500.121, F.S.; providing penalties for food safety violations committed by cottage food operations; creating s. 500.80, F.S.; exempting cottage food operations from food permitting requirements; limiting the annual gross sales of cottage food operations and the methods by which cottage food products may be sold or offered for sale; requiring certain packaging and labeling of cottage food products; limiting the sale of cottage food products to certain locations; providing for application; authorizing the Department of Agriculture and Consumer Services to investigate complaints and enter into the premises of a cottage food operation; amending s. 501.145, F.S.; deleting authority for the department to bring actions for injunctive relief under the Bedding Label Act; deleting the definitions of certain terms to conform; amending s. 501.160, F.S.; deleting authorization for the department to enforce certain prohibitions against unconscionable practices during a declared state of emergency; amending s. 525.01, F.S.; revising requirements for petroleum fuel affidavits; amending s. 526.06, F.S.; revising prohibited acts related to certain mixing, blending, compounding, or adulterating of liquid fuels; deleting certain provisions authorizing the sale of ethanol-blended fuels for use in motor vehicles; amending s. 539.001, F.S.; correcting a reference to a local business tax receipt; amending ss. 681.102, 681.103, 681.108, 681.109, 681.1095, 681.1096, 681.112, and 681.117, F.S.; transferring the duties of the Division of Consumer Services of the Department of Agriculture and Consumer Services for enforcement of the Motor Vehicle Warranty Enforcement Act and related to the Florida New Motor Vehicle Arbitration Board to the Department of Legal Affairs; conforming provisions; revising procedures and notice requirements for arbitration disputes; authorizing the Department of Legal Affairs to adopt rules; providing an effective date.

—was referred to the Committees on Commerce and Tourism; Budget Subcommittee on General Government Appropriations; Budget; and Rules.

By Health & Human Services Committee, Health & Human Services Quality Subcommittee and Representative(s) Hudson, Van Zant—

CS for CS for HB 119—A bill to be entitled An act relating to health care; amending s. 83.42, F.S., establishing that s. 400.0255, F.S., provides exclusive procedures for resident transfer and discharge; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; deleting an obsolete provision; deleting a requirement that a laboratory that conducts drug tests submit certain reports to the Agency for Health Care Administration; amending s. 318.21, F.S.; revising distribution of funds from civil penalties imposed for traffic infractions by county courts; repealing s. 383.325, F.S., relating to confidentiality of inspection reports of licensed birth center facilities; amending s. 395.002, F.S.; revising and deleting definitions applicable to regulation of hospitals and other licensed facilities; conforming a cross-reference; amending s. 395.003, F.S.; deleting an obsolete provision; conforming a cross-reference; amending s. 395.0161, F.S.; deleting a provision requiring licensure inspection fees for hospitals, ambulatory surgical centers, and mobile surgical facilities to be paid at the time of the inspection; amending s. 395.0193, F.S.; requiring a licensed facility to report certain peer review information and final disciplinary actions to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.1023, F.S.; providing for the Department of Children and Family Services rather than the Department of Health to perform certain functions with respect to child protection cases; requiring certain hospitals to notify the Department of Children and Family Services of compliance; amending s. 395.1041, F.S., relating to hospital emergency services and care; deleting obsolete provisions; repealing s. 395.1046, F.S., relating to complaint investigation procedures; amending s. 395.1055, F.S.; requiring additional housekeeping and sanitation procedures in licensed facilities for infection control purposes; requiring licensed facility beds to conform to standards specified by the Agency for Health Care Administration, the Florida Building Code, and the Florida Fire Prevention Code; amending s. 395.10972, F.S.; revising a reference to the Florida Society of Healthcare Risk Management to conform to the current designation; amending s. 395.2050, F.S.; revising a reference to the federal Health Care Financing Administration to conform to the current designation; amending s. 395.3036, F.S.; correcting a reference; repealing s. 395.3037, F.S., relating to redundant definitions; amending ss. 154.11, 394.741, 395.3038, 400.925, 400.9935, 408.05, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; revising references to the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, and the Council on Accreditation to conform to their current designations; amending s. 395.4025, F.S.; authorizing the Department of Health to grant additional extensions for trauma center applicants under certain circumstances; amending s. 395.602, F.S.; revising the definition of the term "rural hospital" to delete an obsolete provision; amending s. 400.021, F.S.; revising the definition of the term "geriatric outpatient clinic" to include additional staff; revising the term "resident care plan"; removing a provision that requires certain signatures on the plan; amending s. 400.0255, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.063, F.S.; deleting an obsolete provision; amending ss. 400.071 and 400.0712, F.S.; revising applicability of general licensure requirements under part II of ch. 408, F.S., the Health Care Licensing Procedures Act, to applications for nursing home licensure; revising provisions governing inactive licenses; amending s. 400.111, F.S.; providing for disclosure of controlling interest of a nursing home facility upon request by the Agency for Health Care Administration; amending s. 400.1183, F.S.; revising grievance record maintenance and reporting requirements for nursing homes; amending s. 400.141, F.S.; providing criteria for the provision of respite services by nursing homes; requiring a written plan of care; requiring a contract for services; requiring resident release to caregivers to be designated in writing; providing an exemption to the application of discharge planning rules; providing for residents' rights; providing for use of personal medications; providing terms of respite stay; providing for communication of patient information; requiring a physician's order for care and proof of a physical examination; providing for services for respite patients and duties of facilities with respect to such patients; conforming a cross-reference; requiring facilities to maintain clinical records that meet specified standards; providing a fine relating to an admissions moratorium; deleting requirement for facilities to submit certain information related to management companies to the agency; deleting a requirement for facilities to notify the agency of certain bankruptcy filings to conform to changes made by the act; providing a limit on fees charged by a facility for copies of patient records; amending s. 400.142, F.S.; deleting language relating to agency adoption of rules; repealing s. 400.145, F.S., relating to records of care and treatment of residents; repealing ss. 400.0234 and 429.294, F.S., relating to availability of facility records for investigation of resident's rights violations and defenses; amending 400.147, F.S.; removing a requirement for nursing

homes and related health care facilities to notify the agency within a specified period of time after receipt of an adverse incident report; revising reporting requirements for licensed nursing home facilities relating to adverse incidents; repealing s. 400.148, F.S., relating to the Medicaid "Up-or-Out" Quality of Care Contract Management Program; amending s. 400.179, F.S.; deleting an obsolete provision; amending s. 400.19, F.S.; revising inspection requirements; amending s. 400.23, F.S.; deleting an obsolete provision; correcting a reference; directing the agency to adopt rules for minimum staffing standards in nursing homes that serve persons under 21 years of age; providing minimum staffing standards; amending s. 400.275, F.S.; revising agency duties with regard to training nursing home surveyor teams; revising requirements for team members; amending s. 400.462, F.S.; revising the definition of the term "remuneration" as it applies to home health agencies; amending s. 400.484, F.S.; revising the schedule of home health agency inspection violations; amending s. 400.506, F.S.; deleting language relating to exemptions from penalties imposed on nurse registries if a nurse registry does not bill the Florida Medicaid Program; providing criteria for an administrator to manage a nurse registry; amending s. 400.509, F.S.; revising the service providers exempt from licensure registration to include organizations that provide companion services only for persons with developmental disabilities; amending s. 400.606, F.S.; revising the content requirements of the plan accompanying an initial or change-of-ownership application for licensure of a hospice; revising requirements relating to certificates of need for certain hospice facilities; amending s. 400.607, F.S.; revising grounds for agency action against a hospice; amending s. 400.915, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.931, F.S.; deleting a requirement that an applicant for a home medical equipment provider license submit a surety bond to the agency; requiring applicants to submit documentation of accreditation within a specified period of time; amending s. 400.932, F.S.; revising grounds for the imposition of administrative penalties for certain violations by an employee of a home medical equipment provider; amending s. 400.967, F.S.; revising the schedule of inspection violations for intermediate care facilities for the developmentally disabled; providing a penalty for certain violations; amending s. 400.9905, F.S.; revising the definitions of the terms "clinic" and "portable equipment provider"; providing that part X of ch. 400, F.S., the Health Care Clinic Act, does not apply to certain clinical facilities, an entity owned by a corporation with a specified amount of annual sales of health care services under certain circumstances, an entity owned or controlled by a publicly traded entity with a specified amount of annual revenues, or an entity that employs a specified number of licensed health care practitioners under certain conditions; amending s. 400.991, F.S.; conforming terminology; revising application requirements relating to documentation of financial ability to operate a mobile clinic; amending s. 408.033, F.S.; permitting fees assessed on certain health care facilities to be collected prospectively at the time of licensure renewal and prorated for the licensure period; amending s. 408.034, F.S.; revising agency authority relating to licensing of intermediate care facilities for the developmentally disabled; amending s. 408.036, F.S.; deleting an exemption from certain certificate-of-need review requirements for a hospice or a hospice inpatient facility; deleting a requirement that the agency submit a report regarding requests for exemption; amending s. 408.037, F.S.; revising certificate-of-need requirements for general hospital applicants to evaluate the applicant's parent corporation if audited financial statements of the applicant do not exist; amending s. 408.043, F.S.; revising requirements for certain freestanding inpatient hospice care facilities to obtain a certificate of need; amending s. 408.061, F.S.; revising health care facility data reporting requirements; amending s. 408.10, F.S.; removing agency authority to investigate certain consumer complaints; amending s. 408.802, F.S.; removing applicability of part II of ch. 408, F.S., relating to general licensure requirements, to private review agents; amending s. 408.804, F.S.; providing penalties for altering, defacing, or falsifying a license certificate issued by the agency or displaying such an altered, defaced, or falsified certificate; amending s. 408.806, F.S.; revising agency responsibilities for notification of licensees of impending expiration of a license; requiring payment of a late fee for a license application to be considered complete under certain circumstances; amending s. 408.8065, F.S.; requiring home health agencies, home medical equipment providers, and health care clinics to submit projected financial statements; amending s. 408.809, F.S., relating to background screening of specified employees of health care providers; revising provisions for required rescreening; removing provisions authorizing the agency to adopt rules establishing a rescreening schedule; establishing a rescreening schedule; amending s. 408.810, F.S.; requiring disclosure of information by a controlling interest of certain court actions relating to financial instability within a specified time period; amending s. 408.813, F.S.; authorizing the agency to impose fines for unclassified violations of part II of ch. 408, F.S.; amending s. 408.815, F.S.; providing for certain mitigating circumstances to be considered for any application subject to denial; authorizing the agency to extend a license expiration date under certain circumstances; amending s. s. 409.212, F.S.; increasing the limit on the amount of additional supplementation provided by a third party under the optional state supplementation program; amending s. 409.91196, F.S.; revising components of a Medicaid prescribed-drug spending-control program; conforming a cross-reference; amending s. 409.912, F.S.; revising procedures for implementation of a Medicaid prescribed-drug spending-control program; amending s. 429.07, F.S.; deleting the requirement for an assisted living facility to obtain an additional license in order to provide limited nursing services; deleting the requirement for the agency to conduct quarterly monitoring visits of facilities that hold a license to provide extended congregate care services; deleting the requirement for the department to report annually on the status of and recommendations related to extended congregate care; deleting the requirement for the agency to conduct monitoring visits at least twice a year to facilities providing limited nursing services; eliminating the license fee for the limited nursing services license; transferring from another provision of law the requirement that the standard survey of an assisted living facility include specific actions to determine whether the facility is adequately protecting residents' rights; providing that under specified conditions an assisted living facility that has a class I or class II violation is subject to periodic unannounced monitoring; requiring a registered nurse to participate in certain monitoring visits; amending s. 429.11, F.S.; revising licensure application requirements for assisted living facilities to eliminate provisional licenses; amending s. 429.12, F.S.; deleting a requirement that a transferor of an assisted living facility advise the transferee to submit a plan for correction of certain deficiencies to the Agency for Health Care Administration before ownership of the facility is transferred; amending s. 429.14, F.S.; clarifying provisions relating to a facility's request for a hearing under certain circumstances; amending s. 429.17, F.S.; deleting provisions relating to the limited nursing services license; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 429.195, F.S.; revising the list of entities prohibited from providing rebates; providing exceptions to prohibited patient brokering for assisted living facilities; amending s. 429.23, F.S.; deleting reporting requirements for assisted living facilities relating to liability claims; amending s. 429.255, F.S.; eliminating provisions authorizing the use of volunteers to provide certain health-care-related services in assisted living facilities; authorizing assisted living facilities to provide limited nursing services; requiring an assisted living facility to be responsible for certain recordkeeping and staff to be trained to monitor residents receiving certain health-care-related services; amending s. 429.28, F.S.; deleting a requirement for a biennial survey of an assisted living facility, to conform to changes made by the act; conforming a cross-reference; amending s. 429.41, F.S., relating to rulemaking; conforming provisions to changes made by the act; deleting the requirement for the Department of Elderly Affairs to submit a copy of proposed rules to the Legislature; amending s. 429.53, F.S.; revising provisions relating to consultation by the agency; revising a definition; amending s. 429.71, F.S.; revising schedule of inspection violations for adult family-care homes; amending s. 429.915, F.S.; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 440.102, F.S.; deleting the requirement for laboratories to submit a monthly report to the agency with statistical information regarding the testing of employees and job applicants; amending s. 456.053, F.S.; revising the definition of the term "group practice" as it relates to financial arrangements of referring health care providers and providers of health care services to include group practices that provide radiation therapy services under certain circumstances; amending s. 483.035, F.S.; requiring certain clinical laboratories operated by one or more practitioners licensed under part I of ch. 464, F.S., the Nurse Practice Act, to be licensed under part I of ch. 483, F.S., the Florida Clinical Laboratory Law; amending s. 483.051, F.S.; establishing qualifications necessary for clinical laboratory licensure; amending s. 483.294, F.S.; revising fre-

quency of agency inspections of multiphasic health testing centers; amending s. 499.003, F.S.; removing the requirement for certain prescription drug purchasers to maintain a separate inventory of certain prescription drugs; amending s. 633.081, F.S.; limiting State Fire Marshal inspections of nursing homes to once a year; providing for additional inspections based on complaints and violations identified in the course of orientation or training activities; amending s. 766.202, F.S.; adding persons licensed under part XIV of ch. 468, F.S., relating to orthotics, prosthetics, and pedorthics, to the definition of "health care provider"; amending s. 817.505, F.S.; creating an exception to the patient brokering prohibition for assisted living facilities; amending ss. 394.4787, 400.0239, 408.07, 430.80, and 651.118, F.S.; conforming terminology and references to changes made by the act; revising a reference; establishing that assisted living facility licensure fees have been adjusted by Consumer Price Index since 1998 and are not intended to be reset by this act; providing an effective date.

—was referred to the Committees on Health Regulation; and Budget.

By Judiciary Committee and Representative(s) Hudson—

CS for HB 567—A bill to be entitled An act relating to judgment interest; amending s. 55.03, F.S.; requiring annual adjustments to the rate of interest payable on judgments; providing exceptions; revising the calculation of the interest rate; amending s. 717.1341, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Accountability; and Budget.

RETURNING MESSAGES — FINAL ACTION

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 2230.

Robert L. "Bob" Ward, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed SB 2136, SB 2154 and SB 2162 as amended by the required constitutional three-fifths vote of the membership of the House; accepted the Conference Committee Report in its entirety and passed SB 2098, SB 2100, SB 2104, SB 2110, SB 2114, SB 2128, and SB 2160 as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 and passed HB 501 as amended; concurred in Senate Amendment 1 and passed CS for CS for HB 7095 as amended; concurred in Senate Amendment 1 and passed CS for HB 7107 as amended; and concurred in Senate Amendment 1 and passed CS for HB 7109 as amended.

Robert L. "Bob" Ward, Clerk

VOTE PREFERENCE

Senator Benacquisto was recorded as voting "yea" on substitute Amendment 3 (527646) to CS for CS for CS for SB 408 which was passed as amended in the Senate on May 5, 2011.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 5 was corrected and approved.

CO-INTRODUCERS

Senators Altman—SR 2190; Benacquisto—SR 2190; Bennett—SR 2190; Bogdanoff—SR 2190; Braynon—SR 2190; Dean—SR 2190; Detert—SR 2190; Diaz de la Portilla—SR 2190; Dockery—SR 2190; Evers—SR 2190; Fasano—SR 2190; Flores—SR 2190; Gaetz—SR 2190; Garcia—SR 2190; Gardiner—SR 2190; Haridopolos—SR 2190; Hays—SR 2190; Hill—SR 2190; Jones—SR 2190; Joyner—SR 2190; Latvala—SR 2190; Lynn—SR 2190; Margolis—CS for CS for SB 818, SR 2190; Montford—SR 2190; Negron—SR 2190; Norman—SR 2190; Oelrich—SR 2190; Rich—SR 2190; Richter—SR 2190; Ring—SR 2190; Sachs—SR 2224; Simmons—SR 2190; Siplin—SR 2190; Sobel—SR 2190; Storms—SR 2190; Thrasher—SR 2190; Wise—SR 2190

RECESS

On motion by Senator Thrasher, the Senate recessed at 1:01 a.m., May 7, for the purpose of conducting other Senate business to reconvene at 10:00 a.m. this day or upon call of the President.

Journal of the Senate

Number 24—Regular Session **Saturday, May 7, 2011**

CONTENTS

CALL TO ORDER

The Senate was called to order by President Haridopolos at 3:01 a.m. A quorum present—36:

Mr. President	Fasano	Norman
Alexander	Flores	Oelrich
Altman	Gaetz	Rich
Benacquisto	Garcia	Ring
Bennett	Gardiner	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Joyner	Smith
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Montford	Thrasher
Evers	Negron	Wise

Excused: Senator Bullard

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed CS for HB 143 as further amended, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for HB 143—A bill to be entitled An act relating to tax credits; amending s. 220.02, F.S.; revising the priority of tax credits that may be taken against the corporate income tax or the franchise tax; amending s. 220.13, F.S.; redefining the term "adjusted federal income" to include the amount of certain tax credits; creating s. 220.1811, F.S.; authorizing aerospace-sector jobs tax credits and tuition reimbursement tax credits; defining terms; authorizing a tax credit to aerospace businesses based on the salary or tuition reimbursed to certain employees; specifying the maximum annual amount of tax credits for an aerospace business; limiting the annual amount of tax credits available; prohibiting a business from claiming an aerospace-sector jobs tax credit and a tuition reimbursement tax credit, or any other state tax credit or tax incentive refund, for the same employee; providing for the Department of Revenue to approve applications for tax credits; prohibiting increases in the amount of unused tax credits carried over in amended tax returns; providing fines and criminal penalties for certain unlawful claims of tax credits; authorizing the Department of Revenue to adopt rules; providing for the expiration of the tax credit program; providing for applicability; providing an effective date.

House Amendment 1 to Senate Amendment 1 (046765) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (f) of subsection (2) of section 14.2015, Florida Statutes, is amended to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(2) The purpose of the Office of Tourism, Trade, and Economic Development is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to provide economic opportunities for all Floridians. To accomplish such purposes, the Office of Tourism, Trade, and Economic Development shall:

(f)~~1.~~ Administer the Florida Enterprise Zone Act under ss. 290.001-290.016, the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses under s. 288.106, the tax-refund program for qualified defense contractors and space flight business contractors under s. 288.1045, contracts for transportation projects under s. 288.063, the sports franchise facility programs under ss. 288.1162 and 288.11621, the professional golf hall of fame facility program under s. 288.1168, the expedited permitting process under s. 403.973, the Rural Community Development Revolving Loan Fund under s. 288.065, the Regional Rural Development Grants Program under s. 288.018, the Certified Capital Company Act under s. 288.99, the Florida State Rural Development Council, the Rural Economic Development Initiative, *the corporate income tax credits for spaceflight projects under s. 220.194,* and other programs that are specifically assigned to the office by law, by the appropriations process, or by the Governor.

1. Notwithstanding any other provisions of law, the office may expend interest earned from the investment of program funds deposited in the Grants and Donations Trust Fund to contract for the administration of the programs, or portions of the programs, enumerated in this paragraph or assigned to the office by law, by the appropriations process, or by the Governor. Such expenditures *are* ~~shall be~~ subject to review under chapter 216.

2. The office may enter into contracts in connection with the fulfillment of its duties concerning the Florida First Business Bond Pool under chapter 159, tax incentives under chapters 212 and 220, tax incentives under the Certified Capital Company Act in chapter 288, foreign offices under chapter 288, the Enterprise Zone program under chapter 290, the Seaport Employment Training program under chapter 311, the Florida Professional Sports Team License Plates under chapter 320, Spaceport Florida under chapter 331, Expedited Permitting under chapter 403, and in carrying out other functions that are specifically assigned to the office by law, by the appropriations process, or by the Governor.

Section 2. Effective January 1, 2012, paragraph (a) of subsection (1) of section 72.011, Florida Statutes, is amended to read:

72.011 Jurisdiction of circuit courts in specific tax matters; administrative hearings and appeals; time for commencing action; parties; deposits.—

(1)(a) A taxpayer may contest the legality of any assessment or denial of refund of tax, fee, surcharge, permit, interest, or penalty provided for under s. 125.0104, s. 125.0108, chapter 198, chapter 199, chapter 201, chapter 202, chapter 203, chapter 206, chapter 207, chapter 210, chapter 211, chapter 212, chapter 213, chapter 220, ~~chapter 221,~~ s. 379.362(3),

chapter 376, s. 403.717, s. 403.718, s. 403.7185, s. 538.09, s. 538.25, chapter 550, chapter 561, chapter 562, chapter 563, chapter 564, chapter 565, chapter 624, or s. 681.117 by filing an action in circuit court; or, alternatively, the taxpayer may file a petition under the applicable provisions of chapter 120. However, once an action has been initiated under s. 120.56, s. 120.565, s. 120.569, s. 120.57, or s. 120.80(14)(b), no action relating to the same subject matter may be filed by the taxpayer in circuit court, and judicial review shall be exclusively limited to appellate review pursuant to s. 120.68; and once an action has been initiated in circuit court, no action may be brought under chapter 120.

Section 3. Effective January 1, 2012, section 72.041, Florida Statutes, is amended to read:

72.041 Tax liabilities arising under the laws of other states.—Actions to enforce lawfully imposed sales, use, and corporate income taxes and motor and other fuel taxes of another state may be brought in a court of this state under the following conditions:

(1) The state seeking to institute an action for the collection, assessment, or enforcement of a lawfully imposed tax must have extended a like courtesy to this state;

(2) Venue for any action under this section shall be the circuit court of the county in which the defendant resides;

(3) This section does not apply to the enforcement of tax warrants of another state unless the warrant has been obtained as a result of a judgment entered by a court of competent jurisdiction in the taxing state or unless the courts of the state seeking to enforce its warrant allow the enforcement of the warrants issued by the Department of Revenue pursuant to chapters 206, 212, 213, *and* 220~~, and 221~~; and

(4) All tax liabilities owing to this state or any of its subdivisions shall be paid first and shall be prior in right to any tax liability arising under the laws of other states.

Section 4. Section 216.138, Florida Statutes, is amended to read:

216.138 Authority to request additional analysis of *legislative proposals* ~~legislation~~.—

(1) The President of the Senate or the Speaker of the House of Representatives may request special impact ~~sessions of consensus~~ estimating conferences to evaluate *legislative proposals* ~~proposed legislation~~ based on tools and models not generally employed by the *consensus estimating* conferences, including cost-benefit, return-on-investment, or dynamic scoring techniques, when suitable and appropriate for the *legislative proposals* ~~legislation~~ being evaluated.

(2) Unless exempt from s. 119.07(1), information used to develop the analyses shall be available to the public. *In addition, all meetings of a special impact estimating conference shall be open to the public. The President of the Senate and the Speaker of the House of Representatives, jointly, shall be the sole judge for the interpretation, implementation, and enforcement of this subsection.*

(3) A special impact estimating conference shall consist of four principals: one person from the Executive Office of the Governor; the coordinator of the Office of Economic and Demographic Research, or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives. Each principal shall have appropriate fiscal expertise in the subject matter of the legislative proposal. A separate special impact estimating conference may be appointed for each proposal.

(4) After the designation of the four principals, a special impact estimating conference shall convene to adopt official information relating to the proposal.

(a) A principal may invite any person to participate in a special impact estimating conference. Such person shall be designated as a participant. A participant shall, at the request of any principal before or during any meeting of a conference, collect and supply data, perform analyses, or provide other information needed by a conference.

(b) The principal from the Office of Economic and Demographic Research may convene any of the conferences established in s. 216.136 to reach a consensus on supplemental information required for the analysis of the proposed legislation.

(c) All official information of a special impact estimating conference shall be adopted by consensus of all of the principals of the conference. For the purposes of this section, the terms "official information" and "consensus" have the same meanings as provided in s. 216.133.

Section 5. Subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, those enumerated in s. 220.1875, those enumerated in s. 220.192, those enumerated in s. 220.193, those enumerated in s. 288.9916, those enumerated in s. 220.1899, ~~and~~ those enumerated in s. 220.1896*, those enumerated in s. 220.194, and those enumerated in s. 220.196*.

Section 6. Effective January 1, 2012, subsection (8) of section 220.02, Florida Statutes, as amended by this act, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. *220.195* ~~221.02~~, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, those enumerated in s. 220.1875, those enumerated in s. 220.192, those enumerated in s. 220.193, those enumerated in s. 288.9916, those enumerated in s. 220.1899, those enumerated in s. 220.1896, those enumerated in s. 220.194, and those enumerated in 220.196.

Section 7. Paragraphs (a) and (b) of subsection (1) of section 220.13, Florida Statutes, are amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.—There shall be added to such taxable income:

1. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. This subparagraph shall expire on the

date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

6. The amount of emergency excise tax paid or accrued as a liability to this state under chapter 221 which tax is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. The amount taken as a credit for the taxable year under s. 220.1875. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. This addition is not intended to result in adding the same expense back to income more than once.

12. The amount taken as a credit for the taxable year under s. 220.192.

13. The amount taken as a credit for the taxable year under s. 220.193.

14. Any portion of a qualified investment, as defined in s. 288.9913, which is claimed as a deduction by the taxpayer and taken as a credit against income tax pursuant to s. 288.9916.

15. The costs to acquire a tax credit pursuant to s. 288.1254(5) that are deducted from or otherwise reduce federal taxable income for the taxable year.

16. The amount taken as a credit for the taxable year under s. 220.194.

17. The amount taken as a credit for the taxable year under s. 220.196. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. The addition is not intended to result in adding the same expense back to income more than once.

(b) Subtractions.—

1. There shall be subtracted from such taxable income:

a. The net operating loss deduction allowable for federal income tax purposes under s. 172 of the Internal Revenue Code for the taxable year*, except that any net operating loss that is transferred pursuant to s. 220.194(6) may not be deducted by the seller*,

b. The net capital loss allowable for federal income tax purposes under s. 1212 of the Internal Revenue Code for the taxable year,

c. The excess charitable contribution deduction allowable for federal income tax purposes under s. 170(d)(2) of the Internal Revenue Code for the taxable year, and

d. The excess contributions deductions allowable for federal income tax purposes under s. 404 of the Internal Revenue Code for the taxable year.

However, a net operating loss and a capital loss shall never be carried back as a deduction to a prior taxable year, but all deductions attributable to such losses shall be deemed net operating loss carryovers and capital loss carryovers, respectively, and treated in the same manner, to the same extent, and for the same time periods as are prescribed for such carryovers in ss. 172 and 1212, respectively, of the Internal Revenue Code.

2. There shall be subtracted from such taxable income any amount to the extent included therein the following:

a. Dividends treated as received from sources without the United States, as determined under s. 862 of the Internal Revenue Code.

b. All amounts included in taxable income under s. 78 or s. 951 of the Internal Revenue Code.

However, as to any amount subtracted under this subparagraph, there shall be added to such taxable income all expenses deducted on the taxpayer's return for the taxable year which are attributable, directly or indirectly, to such subtracted amount. Further, no amount shall be subtracted with respect to dividends paid or deemed paid by a Domestic International Sales Corporation.

3. In computing "adjusted federal income" for taxable years beginning after December 31, 1976, there shall be allowed as a deduction the amount of wages and salaries paid or incurred within this state for the taxable year for which no deduction is allowed pursuant to s. 280C(a) of the Internal Revenue Code (relating to credit for employment of certain new employees).

4. There shall be subtracted from such taxable income any amount of nonbusiness income included therein.

5. There shall be subtracted any amount of taxes of foreign countries allowable as credits for taxable years beginning on or after September 1, 1985, under s. 901 of the Internal Revenue Code to any corporation which derived less than 20 percent of its gross income or loss for its taxable year ended in 1984 from sources within the United States, as described in s. 861(a)(2)(A) of the Internal Revenue Code, not including credits allowed under ss. 902 and 960 of the Internal Revenue Code, withholding taxes on dividends within the meaning of sub-subparagraph 2.a., and withholding taxes on royalties, interest, technical service fees, and capital gains.

6. Notwithstanding any other provision of this code, except with respect to amounts subtracted pursuant to subparagraphs 1. and 3., any increment of any apportionment factor which is directly related to an increment of gross receipts or income which is deducted, subtracted, or otherwise excluded in determining adjusted federal income shall be excluded from both the numerator and denominator of such apportionment factor. Further, all valuations made for apportionment factor purposes shall be made on a basis consistent with the taxpayer's method of accounting for federal income tax purposes.

Section 8. Effective January 1, 2012, paragraph (a) of subsection (1) of section 220.13, Florida Statutes, as amended by this act, is amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.—There shall be added to such taxable income:

1. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

6. The amount *taken as a credit under s. 220.195* ~~of emergency excise tax paid or accrued as a liability to this state under chapter 221~~ which ~~tax~~ is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. The amount taken as a credit for the taxable year under s. 220.1875. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. This addition is not intended to result in adding the same expense back to income more than once.

12. The amount taken as a credit for the taxable year under s. 220.192.

13. The amount taken as a credit for the taxable year under s. 220.193.

14. Any portion of a qualified investment, as defined in s. 288.9913, which is claimed as a deduction by the taxpayer and taken as a credit against income tax pursuant to s. 288.9916.

15. The costs to acquire a tax credit pursuant to s. 288.1254(5) that are deducted from or otherwise reduce federal taxable income for the taxable year.

16. The amount taken as a credit for the taxable year pursuant to s. 220.194.

17. The amount taken as a credit for the taxable year under s. 220.196. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. The addition is not intended to result in adding the same expense back to income more than once.

Section 9. Subsection (5) of section 220.131, Florida Statutes, is amended to read:

220.131 Adjusted federal income; affiliated groups.—

(5) Each taxpayer shall apportion adjusted federal income under s. 220.15 as a member of an affiliated group which files a consolidated return under this section on the basis of apportionment factors described in s. 220.15. For the purposes of this subsection, each special industry member included in an affiliated group filing a consolidated return ~~hereunder~~, *who* ~~which member~~ would otherwise be permitted to use a special method of apportionment under s. 220.151 *or s. 220.153*, shall construct the numerator of its sales, property, and payroll factors, respectively, by multiplying the denominator of each such factor by the premiums*,* ~~or~~ revenue miles*, or single sales* factor ratio otherwise applicable *under* ~~pursuant to~~ s. 220.151 *or s. 220.153* in the manner prescribed by ~~the~~ department ~~by~~ rule.

Section 10. Subsection (1) of section 220.15, Florida Statutes, is amended to read:

220.15 Apportionment of adjusted federal income.—

(1) Except as provided in ss. 220.151*,* ~~and~~ 220.152, *and 220.153,* adjusted federal income as defined in s. 220.13 shall be apportioned to this state by taxpayers doing business within and without this state by multiplying it by an apportionment fraction composed of a sales factor representing 50 percent of the fraction, a property factor representing 25 percent of the fraction, and a payroll factor representing 25 percent of the fraction. If any factor described in subsection (2), subsection (4), or subsection (5) has a denominator that is zero or is determined by the department to be insignificant, the relative weights of the other factors in the denominator of the apportionment fraction shall be as follows:

(a) If the denominators for any two factors are zero or are insignificant, the weighted percentage for the remaining factor shall be 100 percent.

(b) If the denominator for the sales factor is zero or is insignificant, the weighted percentage for the property and payroll factors shall change from 25 percent to 50 percent, respectively.

(c) If the denominator for either the property or payroll factor is zero or is insignificant, the weighted percentage for the other shall be 33 1/3 percent, and the weighted percentage for the sales factor shall be 66 2/3 percent.

Section 11. Section 220.153, Florida Statutes, is created to read:

220.153 Apportionment by sales factor.—

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

(a) "Office" means the Office of Tourism, Trade, and Economic Development.

(b) "Qualified capital expenditures" means expenditures in this state for purposes substantially related to a business's production or sale of goods or services. The expenditure must fund the acquisition of additional real property (land, buildings, including appurtenances, fixtures and fixed equipment, structures, etc.), including additions, replacements, major repairs, and renovations to real property which materially extend its useful life or materially improve or change its functional use and the furniture and equipment necessary to furnish and operate a new or improved facility. The term "qualified capital expenditures" does not include an expenditure for a passive investment or for an investment intended for the accumulation of reserves or the realization of profit for distribution to any person holding an ownership interest in the business. The term "qualified capital expenditures" does not include expenditures to acquire an existing business or expenditures in excess of $125 million to acquire land or buildings.

(2) APPORTIONMENT OF TAXES; ELIGIBILITY.—A taxpayer, not including a financial organization as defined in s. 220.15(6) or a bank, savings association, international banking facility, or banking organization as defined in s. 220.62, doing business within and without this state, who applies and demonstrates to the office that, within a 2-year

period beginning on or after July 1, 2011, it has made qualified capital expenditures equal to or exceeding $250 million may apportion its adjusted federal income solely by the sales factor set forth in s. 220.15(5), commencing in the taxable year that the office approves the application, but not before a taxable year that begins on or after January 1, 2013. Once approved, a taxpayer may elect to apportion its adjusted federal income for any taxable year using the method provided under this section or the method provided under s. 220.15.

(3) QUALIFICATION PROCESS.—

(a) To qualify as a taxpayer who is eligible to apportion its adjusted federal income under this section:

1. The taxpayer must notify the office of its intent to submit an application to apportion its adjusted federal income in order to commence the 2-year period for measuring qualified capital expenditures.

2. The taxpayer must submit an application to apportion its adjusted federal income under this section to the office within 2 years after notifying the office of the taxpayer's intent to qualify. The application must be made under oath and provide such information as the office reasonably requires by rule for determining the applicant's eligibility to apportion adjusted federal income under this section. The taxpayer is responsible for affirmatively demonstrating to the satisfaction of the office that it meets the eligibility requirements.

(b) The taxpayer notice and application forms shall be established by the office by rule. The office shall acknowledge receipt of the notice and approve or deny the application in writing within 45 days after receipt.

(4) REVIEW AUTHORITY; RECAPTURE OF TAX.—

(a) In addition to its existing audit authority, the department may perform any financial and technical review and investigation, including examining the accounts, books, and records of the taxpayer as necessary, to verify that the taxpayer's tax return correctly computes and apportions adjusted federal income and to ensure compliance with this chapter.

(b) The office may, by order, revoke its decision to grant eligibility for apportionment pursuant to this section, and may also order the recalculation of apportionment factors to those applicable under s. 220.15 if, as the result of an audit, investigation, or examination, it determines that information provided by the taxpayer in the application, or in a statement, representation, record, report, plan, or other document provided to the office to become eligible for apportionment, was materially false at the time it was made and that an individual acting on behalf of the taxpayer knew, or should have known, that the information submitted was false. The taxpayer shall pay such additional taxes and interest as may be due pursuant to this chapter computed as the difference between the tax that would have been due under the apportionment formula provided in s. 220.15 for such years and the tax actually paid. In addition, the department shall assess a penalty equal to 100 percent of the additional tax due.

(c) The office shall immediately notify the department of an order affecting a taxpayer's eligibility to apportion tax pursuant to this section. A taxpayer who is liable for past tax must file an amended return with the department, or such other report as the department prescribes by rule, and pay any required tax, interest, and penalty within 60 days after the taxpayer receives notification from the office that the previously approved credits have been revoked. If the revocation is contested, the taxpayer shall file an amended return or other report within 30 days after an order becomes final. A taxpayer who fails to pay the past tax, interest, and penalty by the due date is subject to the penalties provided in s. 220.803.

(5) RULES.—The office and the department may adopt rules to administer this section.

Section 12. Paragraph (f) of subsection (2) of section 220.1845, Florida Statutes, is amended to read:

220.1845 Contaminated site rehabilitation tax credit.—

(2) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.—

(f) The total amount of the tax credits which may be granted under this section is *$5* ~~$2~~ million annually.

Section 13. Subsections (4), (5), and (11) of section 376.30781, Florida Statutes, are amended to read:

376.30781 Tax credits for rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas; application process; rulemaking authority; revocation authority.—

(4) The Department of Environmental Protection is responsible for allocating the tax credits provided for in s. 220.1845, which may not exceed a total of *$5* ~~$2~~ million in tax credits annually.

(5) To claim the credit for site rehabilitation or solid waste removal, each tax credit applicant must apply to the Department of Environmental Protection for an allocation of the *$5* ~~$2~~ million annual credit by filing a tax credit application with the Division of Waste Management on a form developed by the Department of Environmental Protection in cooperation with the Department of Revenue. The form shall include an affidavit from each tax credit applicant certifying that all information contained in the application, including all records of costs incurred and claimed in the tax credit application, are true and correct. If the application is submitted pursuant to subparagraph (3)(a)2., the form must include an affidavit signed by the real property owner stating that it is not, and has never been, the owner or operator of the drycleaning facility where the contamination exists. Approval of tax credits must be accomplished on a first-come, first-served basis based upon the date and time complete applications are received by the Division of Waste Management, subject to the limitations of subsection (14). To be eligible for a tax credit, the tax credit applicant must:

(a) For site rehabilitation tax credits, have entered into a voluntary cleanup agreement with the Department of Environmental Protection for a drycleaning-solvent-contaminated site or a Brownfield Site Rehabilitation Agreement, as applicable, and have paid all deductibles pursuant to s. 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program sites, as applicable. A site rehabilitation tax credit applicant must submit only a single completed application per site for each calendar year's site rehabilitation costs. A site rehabilitation application must be received by the Division of Waste Management of the Department of Environmental Protection by January 31 of the year after the calendar year for which site rehabilitation costs are being claimed in a tax credit application. All site rehabilitation costs claimed must have been for work conducted between January 1 and December 31 of the year for which the application is being submitted. All payment requests must have been received and all costs must have been paid prior to submittal of the tax credit application, but no later than January 31 of the year after the calendar year for which site rehabilitation costs are being claimed.

(b) For solid waste removal tax credits, have entered into a brownfield site rehabilitation agreement with the Department of Environmental Protection. A solid waste removal tax credit applicant must submit only a single complete application per brownfield site, as defined in the brownfield site rehabilitation agreement, for solid waste removal costs. A solid waste removal tax credit application must be received by the Division of Waste Management of the Department of Environmental Protection subsequent to the completion of the requirements listed in paragraph (3)(e).

(11) If a tax credit applicant does not receive a tax credit allocation due to an exhaustion of the *$5* ~~2~~ million annual tax credit authorization, such application will then be included in the same first-come, first-served order in the next year's annual tax credit allocation, if any, based on the prior year application.

Section 14. Subsection (5) is added to section 220.16, Florida Statutes, to read:

220.16 Allocation of nonbusiness income.—Nonbusiness income shall be allocated as follows:

(5) The amount of payments received in exchange for transferring a net operating loss authorized by s. 220.194 is allocable to the state.

Section 15. Section 220.194, Florida Statutes, is created to read:

220.194 Corporate income tax credits for spaceflight projects.—

(1) SHORT TITLE.—This section may be cited as the "Florida Space Business Incentives Act."

(2) PURPOSE.—The purpose of this section is to create incentives to attract launch, payload, research and development, and other space business to this state.

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

(a) "Administrative support" means that 51 percent or more of an activity supports a certified spaceflight business.

(b) "Certified" means that a spaceflight business has been certified by the office as meeting all of the requirements necessary to obtain at least one of the approved tax credits available under this section, including approval to transfer a credit.

(c) "New employee" means a state resident who begins or maintains full-time employment in this state with a spaceflight business on or after October 1, 2011. The term does not include a person who is a partner, majority stockholder, or owner of the business or a person who is employed in a temporary construction job or primarily involved with the construction of real property.

(d) "New job" means the full-time employment of an employee in a manner that is consistent with terms used by the Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation. In order to meet the requirement for certification specified in paragraph (5)(b), a new job must:

1. Pay new employees at least 115 percent of the statewide or countywide average annual private-sector wage for the 3 taxable years immediately preceding filing an application for certification;

2. Require a new employee to perform duties on a regular full-time basis in this state for an average of at least 36 hours per week each month for the 3 taxable years immediately preceding filing an application for certification; and

3. Not be held by a person who has previously been included as a new employee on an application for any credit authorized under this section.

(e) "Office" means the Office of Tourism, Trade, and Economic Development.

(f) "Payload" means an object built or assembled in this state to be placed into earth's upper atmospheres or space.

(g) "Reentry" means to return or attempt to return an object from earth's upper atmospheres or space.

(h) "Reentry service" means an activity conducted in this state related to preparing a reentry vehicle and any payload for reentry and the reentry.

(i) "Space vehicle" means any spacecraft, satellite, space station, upper-stage, launch vehicle, reentry vehicle, and related ground-support systems and equipment.

(j) "Spaceflight business" means a business that:

1. Is registered with the Secretary of State to do business in this state; and

2. Is currently engaged in a spaceflight project. A spaceflight business may participate in more than one spaceflight project at a time and may conduct work on a commercial, governmental, or United States defense-related spaceflight project.

(k) "Spaceflight project" means any of the following activities performed in this state:

1. Designing, manufacturing, testing, or assembling a space vehicle or components thereof;

2. Providing a launch service, payload processing service, or reentry service; or

3. Providing the payload for a launch vehicle or reentry space vehicle;

4. Administrative support; or

5. Providing the launch vehicle or the reentry vehicle for space tourists.

(l) "Taxpayer" has the same meaning as provided in s. 220.03.

(4) TAX CREDITS.—

(a) If approved and certified pursuant to subsection (5), the following tax credits may be taken on a return for a taxable year beginning on or after October 1, 2015:

1. A certified spaceflight business may take a nontransferable corporate income tax credit for up to 50 percent of the business's tax liability under this chapter for the taxable year in which the credit is taken. The maximum nontransferable tax credit amount that may be approved per taxpayer for a taxable year is $1 million. No more than $3 million in total tax credits pursuant to this subparagraph may be certified pursuant to subsection (5). No credit may be approved after October 1, 2017.

2. A certified spaceflight business may transfer, in whole or in part, its Florida net operating loss that would otherwise be available to be taken on a return filed under this chapter, provided that the activity giving rise to such net operating loss must have occurred after July 1, 2011. The transfer allowed under this subparagraph will be in the form of a transferable tax credit equal to the amount of the net operating loss eligible to be transferred. The maximum transferable tax credit amount that may be approved per taxpayer for a taxable year is $2.5 million. No more than $7 million in total tax credits pursuant to this subparagraph may be certified pursuant to subsection (5). No credit may be approved after October 1, 2017.

a. In order to transfer the credit, the business must:

(I) Have been approved to transfer the tax credit for the taxable year in which it is transferred;

(II) Have incurred a qualifying net operating loss on activity in this state after July 1, 2011, directly associated with one or more spaceflight projects in any of its 3 previous taxable years;

(III) Not be 50 percent or more owned or controlled, directly or indirectly, by another corporation that has demonstrated positive net income in any of the 3 previous taxable years of ongoing operations; and

(IV) Not be part of a consolidated group of affiliated corporations, as filed for federal income tax purposes, which in the aggregate demonstrated positive net income in any of the 3 previous taxable years.

b. The credit that may be transferred by a certified spaceflight business:

(I) Is limited to the amount of eligible net operating losses incurred in the immediate 3 taxable years before the transfer; and

(II) Must be directly associated with a spaceflight project in this state as verified through an audit or examination by a certified public accountant licensed to do business in this state and as verified by the office.

(b) Each certified spaceflight business may only be approved for a credit under subparagraph (a)1. once and may only be approved to transfer a tax credit under subparagraph (a)2. once, and a certified spaceflight business may not be approved for both in a single state fiscal year.

(c) Credits approved under subparagraph (a)1. may be taken only against the corporate income tax liability generated by or arising out of a spaceflight project in this state, as verified through an audit or examination by a certified public accountant licensed to do business in this state and as verified by the office.

(d) A certified spaceflight business may not file a consolidated return in order to claim the tax incentives described in this subsection.

(e) The certified spaceflight business or transferee must demonstrate to the satisfaction of the office and the department that it is eligible to take the credits approved under this section.

(5) APPLICATION AND CERTIFICATION.—

(a) In order to claim a tax credit under this section, a spaceflight business must first submit an application to the office for approval to earn tax credits or create transferable tax credits. The application must be filed by the date established by the office. In addition to any information that the office may require, the applicant must provide a complete description of the activity in this state which demonstrates to the office the applicant's likelihood to be certified to take or transfer a credit. The applicant must also provide a description of the total amount and type of credits for which approval is sought. The office may consult with Space Florida regarding the qualifications of an applicant. The applicant shall provide an affidavit certifying that all information contained in the application is true and correct.

1. Approval of the credits shall be provided on a first-come, first-served basis, based on the date the completed applications are received by the office. A taxpayer may not submit more than one completed application per state fiscal year. The office may not accept an incomplete placeholder application, and the submission of such an application will not secure a place in the first-come, first-served application line.

2. The office has 60 days after the receipt of a completed application within which to issue a notice of intent to deny or approve an application for credits. The office must ensure that the corporate income tax credits approved for all applicants does not exceed the limits provided in this section.

(b) In order to take a tax credit under subparagraph (a)1. or, if applicable, to transfer an approved credit under subparagraph (a)2., a spaceflight business must submit an application for certification to the office along with a nonrefundable $250 fee.

1. The application must include:

a. The name and physical in-state address of the taxpayer.

b. Documentation demonstrating to the satisfaction of the office that:

(I) The taxpayer is a spaceflight business.

(II) The business has engaged in a qualifying spaceflight project before taking or transferring a credit under this section.

c. In addition to any requirement specific to a credit, documentation that the business has:

(I) Created 35 new jobs in this state directly associated with spaceflight projects during its immediately preceding 3 taxable years. The business shall be deemed to have created new jobs if the number of full-time jobs located in this state at the time of application for certification is greater than the total number of full-time jobs located in this state at the time of application for approval to earn credits; and

(II) Invested a total of at least $15 million in this state on a spaceflight project during its immediately preceding 3 taxable years.

d. The total amount and types of credits sought.

e. An acknowledgment that a transfer of a tax credit is to be accomplished pursuant to subsection (5).

f. A copy of an audit or audits of the preceding 3 taxable years, prepared by a certified public accountant licensed to practice in this state, which identifies that portion of the business's activities in this state related to spaceflight projects in this state.

g. An acknowledgement that the business must file an annual report on the spaceflight project's progress with the office.

h. Any other information necessary to demonstrate that the applicant meets the job creation, investment, and other requirements of this section.

2. Within 60 days after receipt of the application for certification, the office shall evaluate the application and recommend the business for certification or denial. The executive director of the office must approve or deny the application within 30 days after receiving the recommendation. If approved, the office must provide a letter of certification to the applicant consistent with any restrictions imposed. If the office denies any part of the requested credit, the office must inform the applicant of the grounds for the denial. A copy of the certification shall be submitted to the department within 10 days after the executive director's approval.

(6) TRANSFERABILITY OF CREDIT.—

(a) A certified spaceflight business allowed to transfer an approved credit, in whole or in part, to a taxpayer by written agreement may do so without transferring any ownership interest in the property generating the credit or any interest in the entity owning such property.

(b) In order to perfect the transfer, the transferor shall provide the department with a written transfer statement that has been approved by the office notifying the department of the transferor's intent to transfer the tax credits to the transferee; the date that the transfer is effective; the transferee's name, address, and federal taxpayer identification number; the tax period; and the amount of tax credits to be transferred. Upon receipt of the approved transfer statement, the department shall provide the transferee and the office with a certificate reflecting the tax credit amounts transferred. A copy of the certificate must be attached to each tax return for which the transferee seeks to apply the credits.

(7) AUDIT AUTHORITY; RECAPTURE OF CREDITS.—

(a) In addition to its existing audit and investigative authority, the department may perform any additional financial and technical audits and investigations, including examining the accounts, books, and financial records of the tax credit applicant, which are necessary for verifying the accuracy of the return and to ensure compliance with this section. If requested by the department, the office and Space Florida must provide technical assistance for any technical audits or examinations performed under this subsection.

(b) Grounds for forfeiture of previously claimed tax credits approved under this section exist if the department determines, as a result of an audit or examination, or from information received from the office, that a certified spaceflight business, or in the case of transferred tax credits, a taxpayer received tax credits for which the certified spaceflight business or taxpayer was not entitled. The spaceflight business or transferee must file an amended return reflecting the disallowed credits and paying any tax due as a result of the amendment.

(c) If an amendment to, recomputation of, or redetermination of a certified spaceflight business's Florida corporate income tax return changes an item entered into the computation of a claimed credit, the taxpayer must notify the department by filing an amended return. The amount of any credit award not supported by the amended return shall be deemed a deficiency that must be remitted with the amended return and is subject to s. 220.23. The spaceflight business is also liable for a penalty equal to the credit claimed or transferred, reduced in proportion to the amount of the net operating loss certified for transfer which is disallowed over the amount of the net operating loss certified for the credit. The certified business and its successors must maintain all records necessary to support the reported net operating loss.

(d) The office may revoke or modify a certification granting eligibility for tax credits if it finds that the certified spaceflight business made a false statement or representation in any application, record, report, plan, or other document filed in an attempt to receive tax credits under this section. The office shall immediately notify the department of any revoked or modified orders affecting previously granted tax credits. The certified spaceflight business must also notify the department of any change in its claimed tax credit.

(e) The certified spaceflight business must file with the department an amended return or other report required by the department by rule and pay any required tax and interest within 60 days after the certified business receives notification from the office that previously approved tax credits have been revoked or modified. If the revocation or modification order is contested, the spaceflight business must file the amended return or other report within 60 days after a final order is issued.

(f) The department may assess an additional tax, penalty, or interest pursuant to s. 95.091.

(8) RULES.—

(a) The office, in consultation with Space Florida, shall adopt rules to administer this section, including rules relating to application forms for credit approval and certification, and the application and certification

procedures, guidelines, and requirements necessary to administer this section.

(b) The department may adopt rules to administer this section, including rules relating to:

1. The forms required to claim a tax credit under this section, the requirements and basis for establishing an entitlement to a credit, and the examination and audit procedures required to administer this section.

2. The implementation and administration of provisions allowing the transfer of a net operating loss as a tax credit, including rules that prescribe forms, reporting requirements, and specific procedures, guidelines, and requirements necessary to perform the transfer.

3. The minimum portion of the credit which is available for transfer.

(9) ANNUAL REPORT.—Beginning in 2014, the office, in cooperation with Space Florida and the department, shall submit an annual report summarizing activities relating to the Florida Space Business Incentives Act established under this section to the Governor, the President of the Senate, and the Speaker of the House of Representatives by each November 30.

(10) NONAPPLICABILITY.—This section does not apply to returns filed for any tax period before October 1, 2015.

Section 16. Effective January 1, 2012, section 220.195, Florida Statutes, is created to read:

220.195 Emergency excise tax credit.—

(1) Beginning with taxable years ending in 2012, a taxpayer who has earned, but not yet taken, a credit for emergency excise tax paid under former s. 221.02 may take such credit against the tax imposed by this chapter.

(2) If a credit granted pursuant to this section is not fully used in taxable years ending in 2012 because of insufficient tax liability on the part of the taxpayer, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year, after applying the other credits and unused credit carryovers in the order provided in s. 220.02(8).

Section 17. Effective July 1, 2011, and applicable to taxable years beginning on or after January 1, 2012, section 220.196, Florida Statutes, is created to read:

220.196 Research and development tax credit.—

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

(a) "Base amount" means the average of the business enterprise's qualified research expenses in this state allowed under 26 U.S.C. s. 41 for the 4 taxable years preceding the taxable year for which the credit is determined. The qualified research expenses taken into account in computing the base amount shall be determined on a basis consistent with the determination of qualified research expenses for the taxable year.

(b) "Business enterprise" means any corporation as defined in s. 220.03 which meets the definition of a target industry business as defined in s. 288.106.

(c) "Qualified research expenses" mean research expenses qualifying for the credit under 26 U.S.C. s. 41 for in-house research expenses incurred in this state or contract research expenses incurred in this state. The term does not include research conducted outside this state or research expenses that do not qualify for a credit under 26 U.S.C. s. 41.

(2) TAX CREDIT.—Subject to the limitations contained in paragraph (e), a business enterprise is eligible for a credit against the tax imposed by this chapter if the business enterprise has qualified research expenses in this state in the taxable year exceeding the base amount and, for the same taxable year, claims and is allowed a research credit for such qualified research expenses under 26 U.S.C. s. 41.

(a) The tax credit shall be 10 percent of the excess qualified research expenses over the base amount. However, the maximum tax credit for a business enterprise that has not been in existence for at least 4 taxable years immediately preceding the taxable year is reduced by 25 percent for each taxable year for which the business enterprise, or a predecessor corporation that was a business enterprise, did not exist.

(b) The credit taken in any taxable year may not exceed 50 percent of the business enterprise's remaining net income tax liability under this chapter after all other credits have been applied under s. 220.02(8).

(c) Any unused credit authorized under this section may be carried forward and claimed by the taxpayer for up to 5 years.

(d) The combined total amount of tax credits which may be granted to all business enterprises under this section during any calendar year is $9 million. Applications may be filed with the department on or after March 20 for qualified research expenses incurred within the preceding calendar year, and credits shall be granted in the order in which completed applications are received.

(3) RECALCULATION OF CREDIT AMOUNT.—If the amount of qualified research expenses is reduced as a result of a federal audit or examination, the credit granted pursuant to this section must be recalculated. The taxpayer must file amended returns for all affected years pursuant to s. 220.23(2), and the taxpayer must pay to the department the difference between the initial credit amount taken and the recalculated credit amount with interest.

(4) RULES.—The department may adopt rules to administer this section, including, but not limited to, rules prescribing forms and application procedures and dates, and may establish guidelines for making an affirmative showing of qualification for a credit and any evidence needed to substantiate a claim for credit under this section.

Section 18. Effective January 1, 2012, subsection (4) of section 220.801, Florida Statutes, is amended to read:

220.801 Penalties; failure to timely file returns.—

(4) The provisions of this section shall specifically apply to the notice of federal change required under s. 220.23~~, and to any tax returns required under chapter 221, relating to the emergency excise tax~~.

Section 19. Effective January 1, 2012, section 213.05, Florida Statutes, is amended to read:

213.05 Department of Revenue; control and administration of revenue laws.—The Department of Revenue shall have only those responsibilities for ad valorem taxation specified to the department in chapter 192, taxation, general provisions; chapter 193, assessments; chapter 194, administrative and judicial review of property taxes; chapter 195, property assessment administration and finance; chapter 196, exemption; chapter 197, tax collections, sales, and liens; chapter 199, intangible personal property taxes; and chapter 200, determination of millage. The Department of Revenue shall have the responsibility of regulating, controlling, and administering all revenue laws and performing all duties as provided in s. 125.0104, the Local Option Tourist Development Act; s. 125.0108, tourist impact tax; chapter 198, estate taxes; chapter 201, excise tax on documents; chapter 202, communications services tax; chapter 203, gross receipts taxes; chapter 206, motor and other fuel taxes; chapter 211, tax on production of oil and gas and severance of solid minerals; chapter 212, tax on sales, use, and other transactions; chapter 220, income tax code; ~~chapter 221, emergency excise tax;~~ ss. 336.021 and 336.025, taxes on motor fuel and special fuel; s. 376.11, pollutant spill prevention and control; s. 403.718, waste tire fees; s. 403.7185, lead-acid battery fees; s. 538.09, registration of secondhand dealers; s. 538.25, registration of secondary metals recyclers; s. 624.4621, group self-insurer's fund premium tax; s. 624.5091, retaliatory tax; s. 624.475, commercial self-insurance fund premium tax; ss. 624.509-624.511, insurance code: administration and general provisions; s. 624.515, State Fire Marshal regulatory assessment; s. 627.357, medical malpractice self-insurance premium tax; s. 629.5011, reciprocal insurers premium tax; and s. 681.117, motor vehicle warranty enforcement.

Section 20. Paragraph (dd) is added to subsection (8) of section 213.053, Florida Statutes, as amended by chapter 2010-280, Laws of Florida, and effective January 1, 2012, subsection (1) and paragraph (k) of subsection (8) of that section are amended, to read:

213.053 Confidentiality and information sharing.—

(1) This section applies to:

(a) Section 125.0104, county government;

(b) Section 125.0108, tourist impact tax;

(c) Chapter 175, municipal firefighters' pension trust funds;

(d) Chapter 185, municipal police officers' retirement trust funds;

(e) Chapter 198, estate taxes;

(f) Chapter 199, intangible personal property taxes;

(g) Chapter 201, excise tax on documents;

(h) Chapter 202, the Communications Services Tax Simplification Law;

(i) Chapter 203, gross receipts taxes;

(j) Chapter 211, tax on severance and production of minerals;

(k) Chapter 212, tax on sales, use, and other transactions;

(l) Chapter 220, income tax code;

~~(m) Chapter 221, emergency excise tax;~~

(m)~~(n)~~ Section 252.372, emergency management, preparedness, and assistance surcharge;

(n)~~(o)~~ Section 379.362(3), Apalachicola Bay oyster surcharge;

(o)~~(p)~~ Chapter 376, pollutant spill prevention and control;

(p)~~(q)~~ Section 403.718, waste tire fees;

(q)~~(r)~~ Section 403.7185, lead-acid battery fees;

(r)~~(s)~~ Section 538.09, registration of secondhand dealers;

(s)~~(t)~~ Section 538.25, registration of secondary metals recyclers;

(t)~~(u)~~ Sections 624.501 and 624.509-624.515, insurance code;

(u)~~(v)~~ Section 681.117, motor vehicle warranty enforcement; and

(v)~~(w)~~ Section 896.102, reports of financial transactions in trade or business.

(8) Notwithstanding any other provision of this section, the department may provide:

(k)1. Payment information relative to chapters 199, 201, 202, 212, 220, ~~221,~~ and 624 *and former chapter 221* to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, in the administration of the tax refund program for qualified defense contractors and space flight business contractors authorized by s. 288.1045 and the tax refund program for qualified target industry businesses authorized by s. 288.106.

2. Information relative to tax credits taken by a business under s. 220.191 and exemptions or tax refunds received by a business under s. 212.08(5)(j) to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, in the administration and evaluation of the capital investment tax credit program authorized in s. 220.191 and the semiconductor, defense, and space tax exemption program authorized in s. 212.08(5)(j).

3. Information relative to tax credits taken by a taxpayer pursuant to the tax credit programs created in ss. 193.017; 212.08(5)(g),(h),(n),(o) and (p); 212.08(15); 212.096; 212.097; 212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185; 220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99; 290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352; 550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, for use in the administration or evaluation of such programs.

4. Information relative to single sales factor apportionment used by a taxpayer to the Office of Tourism, Trade, and Economic Development or its employees or agents who are identified in writing by the office to the department for use by the office to administer s. 220.153.

(dd) Information relating to tax credits taken under s. 220.194 to the Office of Tourism, Trade, and Economic Development or to Space Florida.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 21. Effective January 1, 2012, subsection (12) of section 213.255, Florida Statutes, is amended to read:

213.255 Interest.—Interest shall be paid on overpayments of taxes, payment of taxes not due, or taxes paid in error, subject to the following conditions:

(12) The rate of interest shall be the adjusted rate established pursuant to s. 213.235, except that the annual rate of interest shall never be greater than 11 percent. This annual rate of interest shall be applied to all refunds of taxes administered by the department except for corporate income taxes ~~and emergency excise taxes~~ governed by ss. 220.721 and 220.723.

Section 22. *Effective January 1, 2012, chapter 221, Florida Statutes, consisting of sections 221.01, 221.02, 221.04, and 221.05, is repealed.*

Section 23. Effective January 1, 2012, paragraph (a) of subsection (6) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

(6) ECONOMIC INCENTIVE PROGRAMS.—

(a) The following information held by an economic development agency pursuant to the administration of an economic incentive program for qualified businesses is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period not to exceed the duration of the incentive agreement, including an agreement authorizing a tax refund or tax credit, or upon termination of the incentive agreement:

1. The percentage of the business's sales occurring outside this state and, for businesses applying under s. 288.1045, the percentage of the business's gross receipts derived from Department of Defense contracts during the 5 years immediately preceding the date the business's application is submitted.

2. The anticipated wages for the project jobs that the business plans to create, as reported on the application for certification.

3. The average wage actually paid by the business for those jobs created by the project or an employee's personal identifying information which is held as evidence of the achievement or nonachievement of the wage requirements of the tax refund, tax credit, or incentive agreement programs or of the job creation requirements of such programs.

4. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212;

b. Corporate income taxes paid pursuant to chapter 220;

c. Intangible personal property taxes paid pursuant to chapter 199;

~~d. Emergency excise taxes paid pursuant to chapter 221;~~

d.~~e.~~ Insurance premium taxes paid pursuant to chapter 624;

e.~~f.~~ Excise taxes paid on documents pursuant to chapter 201;

f.~~g.~~ Ad valorem taxes paid, as defined in s. 220.03(1); or

g.~~h.~~ State communications services taxes paid pursuant to chapter 202.

Section 24. Paragraph (c) of subsection (2) of section 288.1045, Florida Statutes, and effective January 1, 2012, paragraph (f) of that subsection, are amended to read:

288.1045 Qualified defense contractor and space flight business tax refund program.—

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

(c) A qualified applicant may not receive more than *$7* ~~$5~~ million in tax refunds pursuant to this section in all fiscal years.

(f) After entering into a tax refund agreement pursuant to subsection (4), a qualified applicant may:

1. Receive refunds from the account for corporate income taxes due and paid pursuant to chapter 220 by that business beginning with the first taxable year of the business which begins after entering into the agreement.

2. Receive refunds from the account for the following taxes due and paid by that business after entering into the agreement:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212.

b. Intangible personal property taxes paid pursuant to chapter 199.

~~c. Emergency excise taxes paid pursuant to chapter 221.~~

c.~~d.~~ Excise taxes paid on documents pursuant to chapter 201.

d.~~e.~~ Ad valorem taxes paid, as defined in s. 220.03(1)(a) on June 1, 1996.

e.~~f.~~ State communications services taxes administered under chapter 202. This provision does not apply to the gross receipts tax imposed under chapter 203 and administered under chapter 202 or the local communications services tax authorized under s. 202.19.

However, a qualified applicant may not receive a tax refund pursuant to this section for any amount of credit, refund, or exemption granted such contractor for any of such taxes. If a refund for such taxes is provided by the office, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified applicant other than that provided in this section, the qualified applicant shall reimburse the Economic Development Trust Fund for the amount of such credit, refund, or exemption. A qualified applicant must notify and tender payment to the office within 20 days after receiving a credit, refund, or exemption, other than that provided in this section. The addition of communications services taxes administered under chapter 202 is remedial in nature and retroactive to October 1, 2001. The office may make supplemental tax refund payments to allow for tax refunds for communications services taxes paid by an eligible qualified defense contractor after October 1, 2001.

Section 25. Paragraph (c) of subsection (3) of section 288.106, Florida Statutes, and effective January 1, 2012, paragraph (d) of that subsection, are amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(3) TAX REFUND; ELIGIBLE AMOUNTS.—

(c) A qualified target industry business may not receive refund payments of more than 25 percent of the total tax refunds specified in the tax refund agreement under subparagraph (5)(a)1. in any fiscal year. Further, a qualified target industry business may not receive more than $1.5 million in refunds under this section in any single fiscal year, or more than $2.5 million in any single fiscal year if the project is located in an enterprise zone. A qualified target industry business may not receive more than *$7* ~~$5~~ million in refund payments under this section in all fiscal years, or more than $7.5 million if the project is located in an enterprise zone.

(d) After entering into a tax refund agreement under subsection (5), a qualified target industry business may:

1. Receive refunds from the account for the following taxes due and paid by that business beginning with the first taxable year of the business that begins after entering into the agreement:

a. Corporate income taxes under chapter 220.

b. Insurance premium tax under s. 624.509.

2. Receive refunds from the account for the following taxes due and paid by that business after entering into the agreement:

a. Taxes on sales, use, and other transactions under chapter 212.

b. Intangible personal property taxes under chapter 199.

~~c. Emergency excise taxes under chapter 221.~~

c.~~d.~~ Excise taxes on documents under chapter 201.

d.~~e.~~ Ad valorem taxes paid, as defined in s. 220.03(1).

e.~~f.~~ State communications services taxes administered under chapter 202. This provision does not apply to the gross receipts tax imposed under chapter 203 and administered under chapter 202 or the local communications services tax authorized under s. 202.19.

Section 26. Paragraphs (b), (h), and (i) of subsection (1), paragraphs (c) and (e) of subsection (3), paragraph (b) of subsection (4), paragraph (c) of subsection (5), paragraph (a) of subsection (7), and subsection (10) of section 288.1254, Florida Statutes, are amended, and paragraphs (k), (l), (m), (n), and (o) are added to subsection (1) of that section, to read:

288.1254 Entertainment industry financial incentive program.—

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

(b) "Digital media project" means a production of interactive entertainment that is produced for distribution in commercial or educational markets. The term includes a video game or production intended for Internet or wireless distribution. The term does not include a production *that contains* ~~deemed by the Office of Film and Entertainment to contain~~ obscene content as defined in s. 847.001(10).

(f) "Production" means a theatrical or direct-to-video motion picture; a made-for-television motion picture; visual effects or digital animation sequences produced in conjunction with a motion picture; a commercial; a music video; an industrial or educational film; an infomercial; a documentary film; a television pilot program; a presentation for a television pilot program; a television series, including, but not limited to, a drama, a reality show, a comedy, a soap opera, a telenovela, a game show, an awards show, or a miniseries production; or a digital media project by the entertainment industry. One season of a television series is considered one production. The term does not include a weather or market program; a sporting event; a sports show; a gala; a production that solicits funds; a home shopping program; a political program; a political documentary; political advertising; a gambling-related project or production; a concert production; or a local, regional, or Internet-distributed-only news show, current-events show, pornographic production, or current-affairs show. A production may be produced on or by film, tape, or otherwise by means of a motion picture camera; electronic camera or device; tape device; computer; any combination of the foregoing; or any other means, method, or device.

(h) "Qualified expenditures" means production expenditures incurred in this state by a qualified production for:

1. Goods purchased or leased from, or services, including, but not limited to, insurance costs and bonding, payroll services, and legal fees, which are provided by, a vendor or supplier in this state that is registered with the Department of State or the Department of Revenue, has a physical location in this state, and employs one or more legal residents of this state. *This does not include re-billed goods or services provided by an in-state company from out-of-state vendors or suppliers.* When services are provided by the vendor or supplier include personal services or labor, only personal services or labor provided by residents of this state, evidenced by the required documentation of residency in this state, qualify.

2. Payments to legal residents of this state in the form of salary, wages, or other compensation up to a maximum of $400,000 per resident unless otherwise specified in subsection (4). A completed declaration of residency in this state must accompany the documentation submitted to the office for reimbursement.

For a qualified production involving an event, such as an awards show, the term does not include expenditures solely associated with the event itself and not directly required by the production. The term does not include expenditures incurred before certification, with the exception of those incurred for a commercial, a music video, or the pickup of additional episodes of a high-impact television series within a single season. Under no circumstances may the qualified production include in the calculation for qualified expenditures the original purchase price for equipment or other tangible property that is later sold or transferred by the qualified production for consideration. In such cases, the qualified expenditure is the net of the original purchase price minus the consideration received upon sale or transfer.

(i) "Qualified production" means a production in this state meeting the requirements of this section. The term does not include a production:

1. In which, for the first 2 years of the incentive program, less than 50 percent, and thereafter, less than 60 percent, of the positions that make up its production cast and below-the-line production crew, or, in the case of digital media projects, less than 75 percent of such positions, are filled by legal residents of this state, whose residency is demonstrated by a valid Florida driver's license or other state-issued identification confirming residency, or students enrolled full-time in a film-and-entertainment-related course of study at an institution of higher education in this state; or

2. That *contains* ~~is deemed by the Office of Film and Entertainment to contain~~ obscene content as defined in s. 847.001(10).

(k) "Qualified digital media production facility" means a building or series of buildings and their improvements in which data processing, visualization, and sound synchronization technologies are regularly applied for the production of qualified digital media projects or the digital animation components of qualified productions.

(l) "Qualified production facility" means a building or complex of buildings and their improvements and associated backlot facilities in which regular filming activity for film or television has occurred for a period of no less than one year and which contain at least one sound stage of at least 7,800 square feet.

(m) "Regional population ratio" means the ratio of the population of a region to the population of this state. The regional population ratio applicable to a given fiscal year is the regional population ratio calculated by the Office of Film and Entertainment using the latest official estimates of population certified under s. 186.901, available on the first day of that fiscal year.

(n) "Regional tax credit ratio" means a ratio the numerator of which is the sum of tax credits awarded to productions in a region to date plus the tax credits certified, but not yet awarded, to productions currently in that region and the denominator of which is the sum of all tax credits awarded in the state to date plus all tax credits certified, but not yet awarded, to productions currently in the state. The regional tax credit ratio applicable to a given year is the regional tax credit ratio calculated by the Office of Film and Entertainment using credit award and certification information available on the first day of that fiscal year.

(o) "Underutilized region" for a given state fiscal year means a region with a regional tax credit ratio applicable to that fiscal year that is lower than its regional population ratio applicable to that fiscal year. The following regions are established for purposes of making this determination:

1. North Region, consisting of Alachua, Baker, Bay, Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Putnam, Santa Rosa, St. Johns, Suwannee, Taylor, Union, Wakulla, Walton, and Washington counties.

2. Central East Region, consisting of Brevard, Flagler, Indian River, Lake, Okeechobee, Orange, Osceola, Seminole, St. Lucie, and Volusia counties.

3. Central West Region, consisting of Citrus, Hernando, Hillsborough, Manatee, Marion, Polk, Pasco, Pinellas, Sarasota, and Sumter counties.

4. Southwest Region, consisting of Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, and Lee counties.

5. Southeast Region, consisting of Broward, Martin, Miami-Dade, Monroe, and Palm Beach counties.

(3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

(c) Application process.—The Office of Film and Entertainment shall establish a process by which an application is accepted and reviewed and by which tax credit eligibility and award amount are determined. The Office of Film and Entertainment may request assistance from a duly appointed local film commission in determining compliance with this section. *A certified high-impact television series may submit an initial application for no more than two successive seasons, notwithstanding the fact that the successive seasons have not been ordered. The successive season's qualified expenditure amounts shall be based on the current season's estimated qualified expenditures. Upon the completion of production of each season, a high-impact television series may submit an application for no more than one additional season.*

(e) Grounds for denial.—The Office of Film and Entertainment shall deny an application if it determines that the application is not complete or the production or application does not meet the requirements of this section. *Within 90 days after submitting a program application, except with respect to applications in the independent and emerging media queue, a production must provide proof of project financing to the Office of Film and Entertainment, otherwise the project is deemed denied and withdrawn. A project that has been withdrawn may submit a new application upon providing the Office of Film and Entertainment proof of financing.*

(4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES; ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS; PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND ACQUISITIONS.—

(b) Tax credit eligibility.—

1. General production queue.—Ninety-four percent of tax credits authorized pursuant to subsection (6) in any state fiscal year must be dedicated to the general production queue. The general production queue consists of all qualified productions other than those eligible for the commercial and music video queue or the independent and emerging media production queue. A qualified production that demonstrates a minimum of $625,000 in qualified expenditures is eligible for tax credits equal to 20 percent of its actual qualified expenditures, up to a maximum of $8 million. A qualified production that incurs qualified expenditures during multiple state fiscal years may combine those expenditures to satisfy the $625,000 minimum threshold.

a. An off-season certified production that is a feature film, independent film, or television series or pilot is eligible for an additional 5-percent tax credit on actual qualified expenditures. An off-season certified production that does not complete 75 percent of principal photography due to a disruption caused by a hurricane or tropical storm may not be disqualified from eligibility for the additional 5-percent credit as a result of the disruption.

b. *If more than 25 percent of the sum of total tax credits awarded to productions after July 1, 2010, and total tax credits certified, but not yet awarded, to productions currently in this state has been awarded for television series, then no television series or pilot shall be eligible for tax credits under this subparagraph.*

c. The calculations required by this sub-subparagraph shall use only credits available to be certified and awarded on or after July 1, 2011.

(I) If the provisions of sub-subparagraph b. are not applicable and less than 25 percent of the sum of the total tax credits awarded to productions and the total tax credits certified, but not yet awarded, to productions currently in this state has been to high-impact television series,

any ~~A~~ qualified high-impact television series shall be allowed first position in this queue for tax credit awards not yet certified.

(II) If less than 20 percent of the sum of the total tax credits awarded to productions and the total tax credits certified, but not yet awarded, to productions currently in this state has been to digital media projects, any digital media project with qualified expenditures of greater than $4,500,000 shall be allowed first position in this queue for tax credit awards not yet certified.

(III) For the purposes of determining position between a high-impact television series allowed first position and a digital media project allowed first position under this sub-subparagraph, tax credits shall be awarded on a first-come, first-served basis.

d. A qualified production that incurs at least 85 percent of its qualified expenditures within a region designated as an underutilized region at the time that the production is certified is eligible for an additional 5 percent tax credit.

e. Any qualified production that employs students enrolled full-time in a film and entertainment-related or digital media-related course of study at an institution of higher education in this state is eligible for an additional 15 percent tax credit on qualified expenditures that are wages, salaries, or other compensation paid to such students. The additional 15 percent tax credit shall also be applicable to persons hired within 12 months of graduating from a film and entertainment-related or digital media-related course of study at an institution of higher education in this state. The additional 15 percent tax credit shall apply to qualified expenditures that are wages, salaries, or other compensation paid to such recent graduates for one year from the date of hiring.

f. A qualified production for which 50 percent or more of its principal photography occurs at a qualified production facility, or a qualified digital media project or the digital animation component of a qualified production for which 50 percent or more of the project's or component's qualified expenditures are related to a qualified digital media production facility shall be eligible for an additional 5 percent tax credit on actual qualified expenditures for production activity at that facility.

g. No qualified production shall be eligible for tax credits provided under this paragraph totaling more than 30 percent of its actual qualified expenses.

2. Commercial and music video queue.—Three percent of tax credits authorized pursuant to subsection (6) in any state fiscal year must be dedicated to the commercial and music video queue. A qualified production company that produces national or regional commercials or music videos may be eligible for a tax credit award if it demonstrates a minimum of $100,000 in qualified expenditures per national or regional commercial or music video and exceeds a combined threshold of $500,000 after combining actual qualified expenditures from qualified commercials and music videos during a single state fiscal year. After a qualified production company that produces commercials, music videos, or both reaches the threshold of $500,000, it is eligible to apply for certification for a tax credit award. The maximum credit award shall be equal to 20 percent of its actual qualified expenditures up to a maximum of $500,000. If there is a surplus at the end of a fiscal year after the Office of Film and Entertainment certifies and determines the tax credits for all qualified commercial and video projects, such surplus tax credits shall be carried forward to the following fiscal year and be available to any eligible qualified productions under the general production queue.

3. Independent and emerging media production queue.—Three percent of tax credits authorized pursuant to subsection (6) in any state fiscal year must be dedicated to the independent and emerging media production queue. This queue is intended to encourage Florida independent film and emerging media production. Any qualified production, excluding commercials, infomercials, or music videos, that demonstrates at least $100,000, but not more than $625,000, in total qualified expenditures is eligible for tax credits equal to 20 percent of its actual qualified expenditures. If a surplus exists at the end of a fiscal year after the Office of Film and Entertainment certifies and determines the tax credits for all qualified independent and emerging media production projects, such surplus tax credits shall be carried forward to the following fiscal year and be available to any eligible qualified productions under the general production queue.

4. Family-friendly productions.—A certified theatrical or direct-to-video motion picture production or video game determined by the Commissioner of Film and Entertainment, with the advice of the Florida Film and Entertainment Advisory Council, to be family-friendly, based on the review of the script and the review of the final release version, is eligible for an additional tax credit equal to 5 percent of its actual qualified expenditures. Family-friendly productions are those that have cross-generational appeal; would be considered suitable for viewing by children age 5 or older; are appropriate in theme, content, and language for a broad family audience; embody a responsible resolution of issues; and do not exhibit or imply any act of smoking, sex, nudity, or vulgar or profane language.

(5) TRANSFER OF TAX CREDITS.—

(c) Transferee rights and limitations.—The transferee is subject to the same rights and limitations as the certified production company awarded the tax credit, except that the *initial* transferee *shall be permitted a one-time transfer of unused credits to no more than two subsequent transferees, and such transfers must occur in the same taxable year as the credits were received by the initial transferee, after which the subsequent transferees* may not sell or otherwise transfer the tax credit.

(7) ANNUAL ALLOCATION OF TAX CREDITS.—

(a) The aggregate amount of the tax credits that may be certified pursuant to paragraph (3)(d) may not exceed:

1. For fiscal year 2010-2011, $53.5 million.

2. For fiscal year 2011-2012, $74.5 million.

3. For fiscal years 2012-2013, 2013-2014, and 2014-2015, *$42* ~~$38~~ million per fiscal year.

(10) ANNUAL REPORT.—Each October 1, the Office of Film and Entertainment shall provide an annual report for the previous fiscal year to the Governor, the President of the Senate, and the Speaker of the House of Representatives which outlines the return on investment and economic benefits to the state. *The report shall also include an estimate of the full-time equivalent positions created by each production that received tax credits under s. 288.1254 and information relating to the distribution of productions receiving credits by geographic region and type of production.*

Section 27. Subsection (5) of section 288.1258, Florida Statutes, is amended to read:

288.1258 Entertainment industry qualified production companies; application procedure; categories; duties of the Department of Revenue; records and reports.—

(5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film and Entertainment shall keep annual records from the information provided on taxpayer applications for tax exemption certificates beginning January 1, 2001. ~~These records shall reflect a ratio of the annual amount of sales and use tax exemptions under this section and incentives awarded pursuant to s. 288.1254 to the estimated amount of funds expended by certified productions, including productions that received incentives pursuant to s. 288.1254.~~ These records also shall reflect a ~~separate~~ ratio of the annual amount of sales and use tax exemptions under this section, plus the incentives awarded pursuant to s. 288.1254 to the estimated amount of funds expended by certified productions. In addition, the office shall maintain data showing annual growth in Florida-based entertainment industry companies and entertainment industry employment and wages. *The employment information shall include an estimate of the full-time equivalent positions created by each production that received tax credits pursuant to s. 288.1254.* The Office of Film and Entertainment shall report this information to the Legislature no later than December 1 of each year.

Section 28. Effective January 1, 2012, paragraph (d) is added to subsection (6) of section 290.0055, Florida Statutes, to read:

290.0055 Local nominating procedure.—

(6)

(d)1. The governing body of a jurisdiction which has nominated an application for an enterprise zone that is no larger than 12 square miles and includes a portion of the state designated as a rural area of critical economic concern under s. 288.0656(7) may apply to the Office of Tourism, Trade, and Economic Development to expand the boundary of the enterprise zone by not more than 3 square miles. An application to expand the boundary of an enterprise zone under this paragraph must be submitted by December 31, 2012.

2. Notwithstanding the area limitations specified in subsection (4), the Office of Tourism, Trade, and Economic Development may approve the request for a boundary amendment if the area continues to satisfy the remaining requirements of this section.

3. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of an enterprise zone designated under this paragraph.

Section 29. Effective January 1, 2012, section 290.00726, Florida Statutes, is created to read:

290.00726 Enterprise zone designation for Martin County.—Martin County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone for an area within Martin County, which zone shall encompass an area of up to 10 square miles consisting of land within the primary urban services boundary and focusing on Indiantown, but excluding property owned by Florida Power and Light to the west, two areas to the north designated as estate residential, and the county-owned Timer Powers Recreational Area. Within the designated enterprise zone, Martin County shall exempt residential condominiums from benefiting from state enterprise zone incentives, unless prohibited by law. The application must have been submitted by December 31, 2011, and must comply with the requirements of s. 290.0055. Notwithstanding s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

Section 30. Section 290.00727, Florida Statutes, is created to read:

290.00727 Enterprise zone designation for the City of Palm Bay.—The City of Palm Bay may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone for an area within the northeast portion of the city, which zone shall encompass an area of up to 5 square miles. The application must have been submitted by December 31, 2011, and must comply with the requirements of s. 290.0055. Notwithstanding s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

Section 31. Section 290.00728, Florida Statutes, is created to read:

290.00728 Enterprise zone designation for Lake County.—Lake County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone, which zone shall encompass an area of up to 10 square miles within Lake County. The application must have been submitted by December 31, 2011, and must comply with the requirements of s. 290.0055. Notwithstanding s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

Section 32. Effective January 1, 2012, subsection (1) of section 334.30, Florida Statutes, is amended to read:

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

(1) The department may receive or solicit proposals and, with legislative approval as evidenced by approval of the project in the department's work program, enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of transportation facilities. The department may advance projects programmed in the adopted 5-year work program or projects increasing transportation capacity and greater than $500 million in the 10-year Strategic Intermodal Plan using funds provided by public-private partnerships or private entities to be reimbursed from department funds for the project as programmed in the adopted work program. The department shall by rule establish an application fee for the submission of unsolicited proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The department may engage the services of private consultants to assist in the evaluation. Before approval, the department must determine that the proposed project:

(a) Is in the public's best interest;

(b) Would not require state funds to be used unless the project is on the State Highway System;

(c) Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default or cancellation of the agreement by the department;

(d) Would have adequate safeguards in place to ensure that the department or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations; and

(e) Would be owned by the department upon completion or termination of the agreement.

The department shall ensure that all reasonable costs to the state, related to transportation facilities that are not part of the State Highway System, are borne by the private entity. The department shall also ensure that all reasonable costs to the state and substantially affected local governments and utilities, related to the private transportation facility, are borne by the private entity for transportation facilities that are owned by private entities. For projects on the State Highway System, the department may use state resources to participate in funding and financing the project as provided for under the department's enabling legislation. Because the Legislature recognizes that private entities or consortia thereof would perform a governmental or public purpose or function when they enter into agreements with the department to design, build, operate, own, or finance transportation facilities, the transportation facilities, including leasehold interests thereof, are exempt from ad valorem taxes as provided in chapter 196 to the extent property is owned by the state or other government entity, and from intangible taxes as provided in chapter 199 and special assessments of the state, any city, town, county, special district, political subdivision of the state, or any other governmental entity. The private entities or consortia thereof are exempt from tax imposed by chapter 201 on all documents or obligations to pay money which arise out of the agreements to design, build, operate, own, lease, or finance transportation facilities. Any private entities or consortia thereof must pay any applicable corporate taxes as provided in *chapter* ~~chapters~~ 220 ~~and 221~~, and unemployment compensation taxes as provided in chapter 443, and sales and use tax as provided in chapter 212 shall be applicable. The private entities or consortia thereof must also register and collect the tax imposed by chapter 212 on all their direct sales and leases that are subject to tax under chapter 212. The agreement between the private entity or consortia thereof and the department establishing a transportation facility under this chapter constitutes documentation sufficient to claim any exemption under this section.

Section 33. Effective January 1, 2012, subsection (4), paragraph (a) of subsection (6), and subsection (7) of section 624.509, Florida Statutes, are amended to read:

624.509 Premium tax; rate and computation.—

(4) The income tax imposed under chapter 220 ~~and the emergency excise tax imposed under chapter 221~~ which *is* ~~are~~ paid by any insurer

shall be credited against, and to the extent thereof shall discharge, the liability for tax imposed by this section for the annual period in which such tax payments are made. As to any insurer issuing policies insuring against loss or damage from the risks of fire, tornado, and certain casualty lines, the tax imposed by this section, as intended and contemplated by this subsection, shall be construed to mean the net amount of such tax remaining after there has been credited thereon such gross premium receipts tax as may be payable by such insurer in pursuance of the imposition of such tax by any incorporated cities or towns in the state for firefighters' relief and pension funds and police officers' retirement funds maintained in such cities or towns, as provided in and by relevant provisions of the Florida Statutes. For purposes of this subsection, payments of estimated income tax under chapter 220 ~~and of estimated emergency excise tax under chapter 221~~ shall be deemed paid either at the time the insurer actually files its annual returns under chapter 220 or at the time such returns are required to be filed, whichever first occurs, and not at such earlier time as such payments of estimated tax are actually made.

(6)(a) The total of the credit granted for the taxes paid by the insurer under *chapter* ~~chapters~~ 220 ~~and 221~~ and the credit granted by subsection (5) *may* ~~shall~~ not exceed 65 percent of the tax due under subsection (1) after deducting therefrom the taxes paid by the insurer under ss. 175.101 and 185.08 and any assessments pursuant to s. 440.51.

(7) Credits and deductions against the tax imposed by this section shall be taken in the following order: deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.08; credits for income taxes paid under chapter 220~~, the emergency excise tax paid under chapter 221~~ and the credit allowed under subsection (5), as these credits are limited by subsection (6); all other available credits and deductions.

Section 34. Effective January 1, 2012, subsection (1) of section 624.51055, Florida Statutes, is amended to read:

624.51055 Credit for contributions to eligible nonprofit scholarship-funding organizations.—

(1) There is allowed a credit of 100 percent of an eligible contribution made to an eligible nonprofit scholarship-funding organization under s. 1002.395 against any tax due for a taxable year under s. 624.509(1). However, such a credit may not exceed 75 percent of the tax due under s. 624.509(1) after deducting from such tax deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.08; credits for income taxes paid under chapter 220; ~~credits for the emergency excise tax paid under chapter 221;~~ and the credit allowed under s. 624.509(5), as such credit is limited by s. 624.509(6). An insurer claiming a credit against premium tax liability under this section shall not be required to pay any additional retaliatory tax levied pursuant to s. 624.5091 as a result of claiming such credit. Section 624.5091 does not limit such credit in any manner.

Section 35. *(1) The executive director of the Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules under ss. 120.536(1) and 120.54(4), Florida Statutes, for the purpose of implementing this act.*

(2) Notwithstanding any other provision of law, such emergency rules shall remain in effect for 6 months after the date adopted and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 36. *(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on August 12, 2011, through 11:59 p.m. on August 14, 2011, on the sale of:*

(a) Clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a sales price of $75 or less per item. As used in this paragraph, the term "clothing" means:

1. Any article of wearing apparel intended to be worn on or about the human body, excluding watches, watchbands, jewelry, umbrellas, or handkerchiefs; and

2. All footwear, excluding skis, swim fins, roller blades, and skates.

(b) School supplies having a sales price of $15 or less per item. As used in this paragraph, the term "school supplies" means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, protractors, compasses, and calculators.

(2) The tax exemptions in this section do not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or an airport as defined in s. 330.27(2), Florida Statutes.

(3) The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to administer this section.

(4) This section shall take effect upon this act becoming a law.

Section 37. *Effective upon this act becoming a law, and for the 2010-2011 fiscal year, the sum of $218,905 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for purposes of administering section 36. Funds remaining unexpended or unencumbered from this appropriation as of June 30, 2011, shall revert and be reappropriated for the same purpose in the 2011-2012 fiscal year.*

Section 38. Effective upon this act becoming a law, section 288.987, Florida Statutes, is created to read:

288.987 Florida Defense Support Task Force.—

(1) The Florida Defense Support Task Force is created.

(2) The mission of the task force is to make recommendations to prepare the state to effectively compete in any federal base realignment and closure action, to support the state's position in research and development related to or arising out of military missions and contracting, and to improve the state's military-friendly environment for service members, military dependents, military retirees, and businesses that bring military and base-related jobs to the state.

(3) The task force shall be comprised of the Governor or his or her designee, and 12 members appointed as follows:

(a) Four members appointed by the Governor.

(b) Four members appointed by the President of the Senate.

(c) Four members appointed by the Speaker of the House of Representatives.

(d) Appointed members must represent defense-related industries or communities that host military bases and installations. All appointments must be made by August 1, 2011. Members shall serve for a term of 4 years, with the first term ending July 1, 2015. However, if members of the Legislature are appointed to the task force, those members shall serve until the expiration of their legislative term and may be reappointed once. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the initial appointment. All members of the council are eligible for reappointment. A member who serves in the Legislature may participate in all task force activities, but may only vote on matters that are advisory.

(4) The President of the Senate and the Speaker of the House of Representatives shall each designate one of their appointees to serve as chair of the task force. The chair shall rotate each July 1. The appointee designated by the President of the Senate shall serve as initial chair. If the Governor, instead of his or her designee, participates in the activities of the task force, then the Governor shall serve as chair.

(5) The Director of the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor, or his or her designee, shall serve as the ex officio, nonvoting executive director of the task force.

(6) The chair shall schedule and conduct the first meeting of the task force by October 1, 2011. The task force shall submit a progress report and work plan for the remainder of the 2011-2012 fiscal year to the Governor, the President of the Senate, and the Speaker of the House of Re-

presentatives by February 1, 2012, and shall submit an annual report each February 1 thereafter.

(7) The Office of Tourism, Trade, and Economic Development shall contract with the task force for expenditure of appropriated funds, which may be used by the task force for economic and product research and development, joint planning with host communities to accommodate military missions and prevent base encroachment, advocacy on the state's behalf with federal civilian and military officials, assistance to school districts in providing a smooth transition for large numbers of additional military-related students, job training and placement for military spouses in communities with high proportions of active duty military personnel, and promotion of the state to military and related contractors and employers. The task force may annually spend up to $200,000 of funds appropriated to the Executive Office of the Governor, Office of Tourism, Trade, and Economic Development, for the task force for staffing and administrative expenses of the task force, including travel and per diem costs incurred by task force members who are not otherwise eligible for state reimbursement.

Section 39. *There is appropriated for state fiscal year 2011-2012 to the Executive Office of the Governor, Office of Tourism, Trade, and Economic Development:*

(1) The sum of $15 million in nonrecurring funds from the General Revenue Fund for the Innovation Incentive Fund program.

(2) The sum of $42 million in nonrecurring funds from the General Revenue Fund for the Quick Action Closing Fund program. From these funds, preference shall be given to those projects that include at least a 20 percent local match of cash or in-kind contributions, which contributions provide a cash savings to the private business entity receiving the incentive awards.

(3) The sum of $10 million in nonrecurring funds from the General Revenue Fund for the Institute for the Commercialization of Public Research.

(4) The sum of $5 million in nonrecurring funds from the General Revenue Fund for the Florida Defense Support Task Force.

Section 40. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2011.

And the title is amended as follows:

Remove line 7 and insert:

Delete the entire title and insert: A bill to be entitled An act relating to economic development; amending s. 14.2015, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to administer corporate income tax credits for spaceflight projects; amending ss. 72.011 and 72.041, F.S.; deleting a reference to conform to changes made by this act; amending s. 216.138, F.S.; providing for special impact estimating conferences to evaluate legislative proposals; requiring conference meetings to be open to the public; specifying the four principals of the conference; authorizing the convening of any special estimating conference by a specified principal in order to adopt certain supplemental information; requiring all official information of a special impact estimating conference to be adopted by consensus; authorizing a principal to invite any person to participate in the conference; providing definitions; amending ss. 220.02 and 220.13, F.S.; revising references to conform to changes made by this act; revising the order in which credits against the corporate income tax or franchise tax may be taken to include credits for certain spaceflight projects and certain research and development; redefining the term "adjusted federal income" to include the amount of certain tax credits taken relating to spaceflight projects and research and development; providing application; prohibiting a deduction from taxable income for any net operating loss if a credit against corporate income taxes relating to a spaceflight project has been taken or transferred; amending s. 220.131, F.S.; conforming provisions to changes made by this act; amending s. 220.15, F.S.; conforming provisions to changes made by this act; creating s. 220.153, F.S.; defining the terms "office" and "qualified capital expenditures"; providing for the apportionment of certain taxpayer's adjusted federal income solely by the sales factor provided in s. 220.15, F.S.; providing for eligibility based on the taxpayer's capital expenditures; providing a qualification and application process; authorizing the Department of Revenue to examine and verify that a taxpayer has correctly apportioned its taxes; authorizing the Office of Tourism, Trade, and Economic Development to approve and revoke approval of an application; providing for the recapture of unpaid taxes, interest, and penalties; authorizing the Office of Tourism, Trade, and Economic Development and the Department of Revenue to adopt rules; amending s. 220.1845, F.S.; increasing the annual tax credit cap relating to contaminated site rehabilitation; amending s. 376.30781, F.S.; conforming references; amending s. 220.16, F.S.; requiring that the amount of payments received in exchange for transferring a net operating loss for spaceflight projects be allocated to the state; creating s. 220.194, F.S.; providing a short title; providing legislative purpose; defining terms; authorizing a certified spaceflight business to take or transfer corporate income tax credits related to spaceflight projects carried out in this state; specifying tax credit amounts and business eligibility criteria; providing limitations; requiring a business to demonstrate to the satisfaction of the office and the department its eligibility to claim a tax credit; requiring a business to submit an application to the office for approval to earn credits; specifying the required contents of the application; requiring the office to approve or deny an application within 60 days after receipt; specifying the approval process; requiring a spaceflight business to submit an application for certification to the office; specifying the required contents of an application for certification; specifying the approval process; requiring the office to submit a copy of an approved certification to the department; providing procedures for transferring a tax credit to a taxpayer; authorizing the department to perform audits and investigations necessary to verify the accuracy of returns relating to the tax credit; specifying circumstances under which the office may revoke or modify a certification that grants eligibility for tax credits; requiring a certified spaceflight business to file an amended return and pay any required tax within 60 days after receiving notice that previously approved tax credits have been revoked or modified; authorizing the department to assess additional taxes, interest, or penalties; authorizing the office and the department to adopt rules; requiring the office to submit an annual report to the Governor and Legislature regarding the Florida Space Business Incentives Act; creating s. 220.195, F.S.; creating a corporate income tax credit to continue credits available under the emergency excise tax; creating s. 220.196, F.S.; providing application; providing definitions; providing a tax credit for certain research and development expenses; providing eligibility requirements for research and development tax credits; providing limitations regarding eligibility; providing an amount for such credit; providing a maximum amount of credit that may be taken during a taxable year by a business enterprise; providing that any unused credit may be carried forward for a specified period; limiting the total amount of tax credits which may be approved by the department in a calendar year; providing that applications for credits may be filed on or after a specified date; requiring that the credits be granted in the order in which applications are received; requiring the recalculation of a credit under certain circumstances; authorizing the department to adopt rules; amending ss. 220.801, 213.05, 213.053, and 213.255, F.S.; deleting references to conform to changes made by this act; authorizing the department to share information with the office relating to single sales factor apportionment used by a taxpayer; authorizing the department to share information relating to corporate income tax credits for spaceflight projects with the office; repealing chapter 221, F.S.; repealing the emergency excise tax and related provisions; amending ss. 288.075, 288.1045, and 288.106, F.S.; deleting references to conform to changes made by this act; revising a provision to conform to changes made by this act; amending s. 288.1254, F.S.; revising and providing definitions; revising criteria for awarding tax credits and increasing the amount of credits to be awarded under the entertainment industry financial incentive program; revising the application procedure and approval process; permitting an initial transferee of tax credits to make a one-time transfer of unused tax credits; amending s. 288.1258, F.S.; changing the recordkeeping requirements of the Office of Film and Entertainment; amending s. 290.0055, F.S.; authorizing certain governing bodies to apply to the Office of Tourism, Trade, and Economic Development to amend the boundary of an enterprise zone that includes a rural area of critical economic concern; providing a limitation; providing an application deadline; authorizing the office to approve the amendment application subject to certain requirements; requiring the office to establish the effective date of certain enterprise zones; creating s. 290.00726, F.S.; authorizing Martin County to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing application requirements; authorizing the office to designate an enterprise zone in Martin County; providing responsibilities of the office; creating s. 290.00727, F.S.; authorizing the City of Palm Bay to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing application requirements; authorizing

the office to designate an enterprise zone in the City of Palm Bay; providing responsibilities of the office; creating s. 290.00728, F.S.; authorizing Lake County to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing application requirements; authorizing the office to designate an enterprise zone in Lake County; providing responsibilities of the office; amending ss. 334.30, 624.509, and 624.51055, F.S.; deleting references to conform to changes made by this act; authorizing the executive director of the Department of Revenue to adopt emergency rules; specifying a period during this year when the sale of clothing, wallets, bags, and school supplies are exempt from the sales tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt emergency rules; providing an appropriation; creating s. 288.987, F.S.; creating the Florida Defense Support Task Force; providing for the task force's mission, membership composition, appointment of membership, and administration; authorizing the expenditure of appropriated funds by the task force for specified purposes; providing appropriations to the Executive Office of the Governor, Office of Tourism, Trade and Economic Development; providing effective dates.

On motion by Senator Bogdanoff, the Senate concurred in the House Amendment to the Senate Amendment.

CS for HB 143 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Evers	Negron
Alexander	Fasano	Norman
Altman	Flores	Oelrich
Benacquisto	Gaetz	Ring
Bennett	Garcia	Simmons
Bogdanoff	Gardiner	Siplin
Braynon	Hill	Smith
Dean	Jones	Sobel
Detert	Latvala	Storms
Diaz de la Portilla	Lynn	Thrasher
Dockery	Montford	Wise

Nays—3

Joyner	Rich	Sachs

RETURNING MESSAGES — FINAL ACTION

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed SB 404 and CS for CS for SB 1316.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report in its entirety and passed CS for CS for SB 1292, CS for CS for SB 1314, CS for SB 1738, SB 2000, SB 2002, SB 2094, SB 2096, SB 2106, SB 2112, SB 2116, SB 2118, SB 2120, SB 2122, SB 2130, SB 2132, SB 2142, SB 2144, SB 2146, SB 2150, SB 2152 and SB 2156 as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has failed to pass SB 2134 as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 to House Amendment 5 to Senate Amendment 1, and has receded from House Amendment 3 to Senate Amendment 1, and passed CS for CS for HB 7005 as amended.

Robert L. "Bob" Ward, Clerk

SPECIAL VOTE

By direction of the President, the Senators present in the chamber unanimously voted to show their support of Eric Brody and William Dillon, claimants in CS for SB 42 and CS for SB 46, respectively.

VOTE PREFERENCE

Senator Bullard was recorded as voting "nay" on CS for HB 5005 which failed as amended on May 6, 2011.

Senator Joyner was recorded as changing her vote from "yea to nay" on CS for HB 7185 which was passed as amended on May 3, 2011; and changing her vote from "yea to nay" on SB 404 and CS for HB 567 which were passed as amended on May 6, 2011.

Senator Rich was recorded as voting "nay" on CS for HB 5005, CS for HB 5007, HB 5011, HB 5303, HB 5305, HB 5309, HB 5401, CS for HB 5403, HB 5405, HB 5409, HB 7205, and HB 7207 which were passed as amended on April 7, 2011; was recorded as voting "yea" on CS for HB 279 which was passed on May 2, 2011; and was recorded as voting "yea" on CS for CS for SB 1292 which was passed as amended on May 6, 2011.

Senator Sachs was recorded as changing her vote from "yea to nay" on SB 404 which was passed as amended on May 6, 2011.

Senator Sobel was recorded as changing her vote from "yea to nay" on CS for CS for CS for HB 993 which was passed as amended on May 4, 2011; and changing her vote from "yea to nay" on SB 404 and SB 2142 which were passed as amended on May 6, 2011.

ENROLLING REPORTS

SCR 2230 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on May 6, 2011.

R. Philip Twogood, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 6 was corrected and approved.

CO-INTRODUCERS

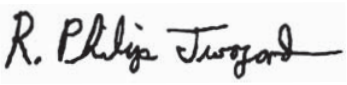
Senators Gaetz—SB 850; Sachs—CS for CS for SB 1318

ADJOURNMENT

On motion by Senator Thrasher, the Senate in extended session adjourned sine die at 3:35 a.m.

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 1849, inclusive, are and constitute a complete, true and correct journal and record of the proceedings of the Senate of the State of Florida at the Forty-third Regular Session of the Legislature, convened under the Constitution as revised in 1968, held from March 8 through May 7, 2011. Additionally, there has been included a record of the transmittal of Acts and Resolutions and actions taken by the Governor subsequent to the sine die adjournment of the Regular Session.



R. Philip Twogood
Secretary of the Senate

Tallahassee, Florida
June 28, 2011

Journal of the Senate

Final Reports After Adjournment Sine Die **Regular Session 2011**

ENROLLING REPORTS

CS for CS for CS for SB 408 and SB 2122 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 11, 2011.

SB 344, CS for CS for SB 450, CS for CS for SB 1292, CS for CS for SB 1314, CS for SB 1738, CS for CS for CS for SB 1816, SB 2000, SB 2002, SB 2094, SB 2096, SB 2098, SB 2100, SB 2104, SB 2106, SB 2110, SB 2112, SB 2114, SB 2116, SB 2118, SB 2120, SB 2128, SB 2130, SB 2132, SB 2136, SB 2142, SB 2144, SB 2146, SB 2150, SB 2152, SB 2154 and SB 2160 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 17, 2011.

CS for SB 84, SB 228, CS for SB 444, CS for SB 618, CS for SB 650, CS for SB 960, SB 1142, CS for CS for SB 1316 and CS for CS for SB 1430 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 23, 2011.

CS for CS for CS for SB 88, CS for SB 142, CS for SB 224, CS for CS for SB 234, SB 240, SB 298, SB 330, SB 410, SB 462, CS for SB 478, CS for CS for SB 512, SB 652, SB 702, SB 898, CS for CS for SB 1128, CS for CS for SB 1312, CS for SB 1884, CS for SB 1992 and SB 2162 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 8, 2011.

CS for SB 146, CS for CS for SB 170, SB 404, CS for SB 504, CS for SB 664, CS for SB 670, SB 722, CS for SB 926, CS for CS for SB 1196, CS for CS for SB 1346, CS for CS for SB 1366, CS for CS for CS for SB 1546, CS for SB 1676 and SB 2156 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 13, 2011.

CS for SJR 2, SM 218, CS for SJR 592, CS for SJR 958 and CS for SM 1654 have been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on June 13, 2011.

R. Philip Twogood, Secretary

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State the following bills which he approved—

CS for SB 844 on May 9, 2011.

CS for CS for CS for SB 408 on May 17, 2011.

SB 344, CS for CS for SB 450, CS for CS for SB 1292, CS for CS for SB 1314, CS for CS for CS for SB 1816, SB 2002, SB 2094, SB 2096, SB 2098, SB 2100, SB 2104, SB 2110, SB 2112, SB 2114, SB 2120, SB 2122, SB 2128, SB 2130, SB 2132, SB 2136, SB 2142, SB 2144, SB 2146, SB 2150, SB 2152, SB 2154, and SB 2160 on May 26, 2011.

CS for SB 618 and CS for CS for SB 1316 on May 31, 2011.

CS for SB 84, SB 228, CS for SB 444, CS for SB 650, CS for SB 960, SB 1142, and CS for CS for SB 1430 on June 2, 2011.

SB 2156 on June 14, 2011.

CS for CS for CS for SB 88, CS for SB 224, CS for CS for SB 234, SB 240, SB 298, SB 330, SB 410, SB 462, CS for SB 478, CS for CS for SB 512, SB 652, SB 702, SB 898, CS for SB 1884, and SB 2162 on June 17, 2011.

CS for SB 146, CS for CS for SB 170, CS for SB 504, CS for SB 670, SB 722, CS for CS for SB 1196, CS for CS for SB 1346, and CS for CS for SB 1366 on June 21, 2011.

CS for SB 142, CS for CS for SB 1128, and CS for CS for SB 1312 on June 23, 2011.

CS for SB 664 and CS for SB 1676 on June 24, 2011.

CS for SB 926 and CS for CS for CS for SB 1546 on June 27, 2011.

SB 404 on June 28, 2011.

INDEX

TO THE

JOURNAL OF THE SENATE

MARCH 8 THROUGH MAY 7, 2011

HOW TO FIND OR TRACE A BILL, RESOLUTION OR MEMORIAL

When the bill, resolution or memorial number is unknown, use the:

SUBJECT INDEX OF SENATE AND HOUSE BILLS, RESOLUTIONS AND MEMORIALS.

The subject matter of each bill is indexed and cross-indexed in an alphabetical arrangement, using topics of catchwords related closely to the subject matter. This is followed by the number of the bill, resolution or memorial.

When the bill, resolution or memorial number is known, use the:

NUMERICAL INDICES OF SENATE AND HOUSE BILLS, RESOLUTIONS AND MEMORIALS.

Each bill is listed in numerical order. Opposite each bill number is the subject, the name of introducer, the page numbers where the bill involved appears in the journal, and the final status of the bill.

Tracing all Senate and House Actions

It is possible to trace the progress of legislation from introduction to final disposition, step by step, as it is recorded on the various pages of the Senate Journal by looking at the pages referred to in the numerical index.

To follow the progress of Senate legislation passed by the Senate and sent to the House, use the indices contained in the House Journal to trace House action.

MEMBERS OF THE SENATE; BILLS, RESOLUTIONS AND MEMORIALS INTRODUCED; AND COMMITTEE ASSIGNMENTS

REGULAR SESSION
March 8 through May 7, 2011

[Source: Office of Legislative Services]

(Boldfaced bill numbers passed both houses—adopted one-house resolutions also boldfaced.)

ALEXANDER, JD—17th District

Introduced: **298**, 1276, **1292**, **1314**, 1566, 1614, **1738**

Co-Introduced: **2**, 4, 704, 726, **958**, 998, 1130, 1998, 2042, 2044, **2214**, **2216**

Local Bill—Introduced: 1982, 2206

Committees: Budget, Chair; Rules, Vice Chair; Agriculture; Banking and Insurance; Budget Subcommittee on Finance and Tax; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Education Pre-K - 12; Rules Subcommittee on Ethics and Elections; and *Joint Legislative Budget Commission, Vice Chair*

ALTMAN, THAD—24th District

Introduced: 238, 366, 430, 746, 790, 798, 1006, 1052, 1066, 1080, 1082, 1084, 1088, 1104, 1214, 1216, 1218, 1220, 1224, 1228, 1256, 1258, 1266, 1384, 1418, 1420, 1422, **1430**, 1468, 1470, 1518, 1528, 1530, 1532, 1606, 1724, 1730, 1796, 1802, 1812, 1840, 1864, 1866, 1904, 1984

Co-Introduced: **2**, 4, **234**, 236, **330**, 368, 406, **450**, 520, 524, **592**, **652**, 704, 726, 730, 826, **844**, 850, 894, 904, 1062, 1110, 1190, 1230, 1502, 1574, 1650, **2190**, **2214**, **2216**

Committees: Military Affairs, Space, and Domestic Security, Chair; Budget Subcommittee on Finance and Tax, Vice Chair; Budget; Budget Subcommittee on Higher Education Appropriations; Communications, Energy, and Public Utilities; Health Regulation; and Regulated Industries

BENACQUISTO, LIZBETH—27th District

Introduced: **664**, **844**, 846, 1318, 1416, 1424, 1558, 1810, 1822, **2188**

Co-Introduced: **2**, 4, 238, 378, **444**, 488, 704, 726, 1190, **2190**, **2214**, **2216**

Local Bill—Introduced: 42

Committees: Communications, Energy, and Public Utilities, Chair; Budget Subcommittee on General Government Appropriations, Vice Chair; Budget; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Education Pre-K - 12; Governmental Oversight and Accountability; Reapportionment; and Transportation

BENNETT, MICHAEL S. "MIKE"—21st District

Introduced: 136, 138, **170**, 172, 174, 176, 232, 244, 270, 276, 282, 284, 300, 302, 304, 396, **410**, 412, **450**, 520, 542, **592**, 596, 610, 628, 630, 640, 894, 896, **898**, 900, 902, 910, 912, 914, 932, 950, **960**, 966, 980, 986, 990, 1106, 1122, **1136**, 1242, 1260, 1284, 1286, 1324, 1336, 1382, 1392, 1450, 1452, 1460, 1512, **1576**, 1636, 1638, 1640, 1642, 1662, 1818, 1862, 1892, 1942, 1956

Co-Introduced: **2**, 4, 286, 472, 524, 704, 726, **844**, 874, 954, **958**, 998, 1108, 1190, **1366**, 1524, 1724, **2190**, **2214**, **2216**

Committees: Community Affairs, Chair; Banking and Insurance; Budget Subcommittee on Criminal and Civil Justice Appropriations; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Health Regulation; and Military Affairs, Space, and Domestic Security

BOGDANOFF, ELLYN SETNOR—25th District

Introduced: 372, 374, 382, 384, 386, 416, **444**, 448, **504**, 506, 508, 822, 824, 828, 866, 918, 942, 976, 1118, 1178, **1196**, 1198, 1334, 1340, 1348, 1360, 1386, 1396, 1398, 1406, 1408, 1664, 1758, 1774, 1776, 1778, 1780, 1788, 1868, 1930, 1978

Co-Introduced: **2**, 4, 704, **722**, 726, 776, **844**, **958**, 1998, 2042, 2044, **2190**, **2196**, **2214**, **2216**

Local Bill—Introduced: 12, 60, 340

Committees: Budget Subcommittee on Finance and Tax, Chair; Banking and Insurance; Budget; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Communications, Energy, and Public Utilities; Governmental Oversight and Accountability; Judiciary; *Joint Select Committee on Collective Bargaining*; and *Joint Administrative Procedures Committee, Alternating Chair*

BRAYNON, OSCAR II—33rd District

Introduced: 466, 1976, 2006, 2008, 2010, 2012, 2014, 2016, 2018, 2020, 2022, 2024, 2028, 2032, 2034, 2036, 2038, 2048, 2050, **2198**, **2200**, 2212

Co-Introduced: **146**, 286, 578, 704, 726, 1190, 1524, **2190**, **2214**, **2216**

Local Bill—Introduced: 2222

Committees: Budget Subcommittee on General Government Appropriations; Budget Subcommittee on Higher Education Appropriations; Communications, Energy, and Public Utilities; Judiciary; Reapportionment; Regulated Industries; Rules Subcommittee on Ethics and Elections; and *Joint Committee on Public Counsel Oversight*

BULLARD, LARCENIA J.—39th District

Introduced: **110**, 112, 114, 116, 118, 120, 122, 124, 126, 128, 152, 154, 256, 258, 268, 354, 356, 468, 470, 642, 724, 726, 840, 1880, 1898

Co-Introduced: 86, 132, 138, **146**, **218**, 286, 524, **844**, 1086, 1150, 1246, 1524

Committees: Agriculture, Vice Chair; Education Pre-K - 12, Vice Chair; Budget Subcommittee on General Government Appropriations; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Military Affairs, Space, and Domestic Security; Reapportionment; Rules; and Transportation

DEAN, CHARLES S. "CHARLIE", SR.—3rd District

Introduced: 32, 130, **224**, 292, 428, 888, 890, 892, 904, 906, 908, 968, 1090, 1110, 1148, 1270, 1290, 1698, **2082**

Co-Introduced: **2**, 4, 82, 626, **664**, 704, 726, 998, 1502, **2190**, **2214**, **2216**

Local Bill—Introduced: 34, 1740

Committees: Environmental Preservation and Conservation, Chair; Criminal Justice, Vice Chair; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Governmental Oversight and Accountability; Reapportionment; and Regulated Industries

DETERT, NANCY C.—23rd District

Introduced: 156, 158, 230, 582, 646, 728, 882, 962, 974, 988, 1100, 1102, 1112, 1114, 1166, 1188, 1190, 1296, **1316**, 1338, 1610, 1658, 1686, 1916, **2054**

Co-Introduced: **2**, 4, 86, 236, 286, 472, 704, 726, **844**, 1088, 1108, 1724, **2190**, **2214**, **2216**

Committees: Commerce and Tourism, Chair; Rules Subcommittee on Ethics and Elections, Vice Chair; Budget Subcommittee on Education Pre-K - 12 Appropriations; Budget Subcommittee on Higher Education Appropriations; Children, Families, and Elder Affairs; Environmental Preservation and Conservation; and Reapportionment

DIAZ DE LA PORTILLA, MIGUEL—36th District

Introduced: 456, 522, 776, 778, 786, 788, 792, 794, 796, 800, 806, 808, 812, **820**, 1618, 1690, 1692, 1750, 1768, 1792, 1804, 1806, 1808, 1814, 1834, 1836, 1906, 1910

Co-Introduced: **2**, 4, 418, 514, **660**, 704, 726, **844**, 954, 978, 1158, 1190, 1564, 1754, **2190**, **2214**, **2216**

Committees: Rules Subcommittee on Ethics and Elections, Chair; Budget Subcommittee on General Government Appropriations; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Communications, Energy, and Public Utilities; Health Regulation; Reapportionment; and Regulated Industries

DOCKERY, PAULA—15th District

Introduced: 86, 992, **1142**, 1186, 1250, 1280, 1306, 1390

Co-Introduced: **2**, 4, 132, 134, 136, 138, **146**, 158, 204, 212, 230, **234**, 250, 262, 290, 302, 304, 334, 472, 556, **664**, 704, 726, 954, 1334, 1524, **2190**, **2214**, **2216**

Committees: Commerce and Tourism, Vice Chair; Budget Subcommittee on Education Pre-K - 12 Appropriations; Community Affairs; Criminal Justice; Rules Subcommittee on Ethics and Elections; and *Joint Committee on Public Counsel Oversight*

EVERS, GREG—2nd District

Introduced: 168, **234**, 358, 432, 472, 474, 476, 606, 608, 612, 614, 616, **618**, 1394, 1404, 1478, 1480, 1482, 1486, 1488, 1490, 1494, 1570, 1850, 1852, 1896, 1912, 1914, 1932, 1934, 1936, 1938, **2166**

Co-Introduced: **2**, 196, 248, 310, 402, **664**, 672, 704, 726, 954, **958**, 998, 1190, 1228, 1294, **2178**, **2190**, **2214**, **2216**

Local Bill—Introduced: 342

Committees: Criminal Justice, Chair; Transportation, Vice Chair; Budget Subcommittee on Criminal and Civil Justice Appropriations; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Communications, Energy, and Public Utilities; Reapportionment; and Rules Subcommittee on Ethics and Elections

FASANO, MIKE—11th District

Introduced: 30, 44, 196, 198, 200, 202, 206, 208, 210, 212, 222, 290, **294**, 332, 334, 336, 360, 368, 422, 452, 488, 494, 530, 532, 536, 554, 658, 716, 766, 804, 810, 818, 826, 832, 1050, 1094, 1230, 1238, 1262, 1432, 1472, 1484, 1564, 1722, **1816**, **1988**, **2046**, **2060**, **2196**

Co-Introduced: **2**, 4, 86, 386, 390, **400**, 406, 434, 676, 704, 726, **844**, 954, 1184, 1190, 1448, **2190**, **2214**, **2216**

Local Bill—Introduced: 38, 68, 2072, 2074

Committees: Budget Subcommittee on Criminal and Civil Justice Appropriations, Chair; Banking and Insurance; Budget; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Communications, Energy, and Public Utilities; Governmental Oversight and Accountability; Health Regulation; and *Joint Administrative Procedures Committee*

FLORES, ANITERE—38th District

Introduced: 338, 390, 418, 562, 584, 588, **660**, **702**, 730, 816, 922, 954, 978, 1342, 1344, 1350, 1388, 1476, 1492, 1536, 1538, 1616, 1620, 1622, 1666, 1672, 1674, 1748, **2080**, **2202**, **2218**

Co-Introduced: **2**, 4, 704, 726, 744, 1110, **1128**, 1138, 1192, 1448, 1518, 1524, 1724, **2190**, **2214**, **2216**

Local Bill—Introduced: 322, 324

Committees: Judiciary, Chair; Budget; Budget Subcommittee on Education Pre-K - 12 Appropriations; Commerce and Tourism; Communications, Energy, and Public Utilities; Governmental Oversight and Accountability; Reapportionment; and Rules

GAETZ, DON—4th District

Introduced: **88**, 90, 92, 94, 214, 216, **218**, 220, 248, **330**, 376, 378, 720, 1160, 1522, 1602, 1844, **1884**, **2030**, **2066**, **2178**, **2204**, **2216**

Co-Introduced: **2**, 4, **84**, 130, 136, 138, **142**, 168, 174, 176, **188**, **192**, **194**, 206, 208, 210, 212, 226, 236, 290, 302, 310, 332, 368, 386, 406, 446, 488, 518, 520, 524, 546, 556, **592**, 658, 672, 704, 726, 728, **736**, 830, **844**, 846, 850, 852, 904, 908, 952, **958**, 998, 1062, 1110, 1190, 1226, **1312**, 1466, 1524, 1590, 1594, 1664, 1706, 1722, 1782, 1872, 1972, 2088, **2190**, **2214**

Committees: Reapportionment, Chair; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, Chair; Budget; Budget Subcommittee on Health and Human Services Appropriations; Commerce and Tourism; Health Regulation; Rules; Rules Subcommittee on Ethics and Elections; and *Joint Legislative Budget Commission*

GARCIA, RENE—40th District

Introduced: 514, 516, 620, 672, 878, 880, 1138, 1154, 1156, 1158, 1212, 1326, 1362, 1448, 1454, 1456, 1458, 1754, 1882, 1920, 1922, 1924, 1950, 1952, 1954, 1962

Co-Introduced: **2**, 4, **234**, 302, 406, 524, 556, 578, 630, 704, 726, 980, 1190, 1616, 1972, **2190**, **2214**, **2216**

Committees: Health Regulation, Chair; Agriculture; Budget Subcommittee on Health and Human Services Appropriations; Governmental Oversight and Accountability; Reapportionment; Transportation; *Joint Select Committee on Collective Bargaining*; and *Joint Administrative Procedures Committee*

GARDINER, ANDY—9th District

Co-Introduced: **2**, 4, 704, 726, **2190**, **2214**, **2216**

Committees: Budget Subcommittee on Finance and Tax; Health Regulation; Reapportionment; and Rules

HARIDOPOLOS, MIKE—26th District

Introduced: **2**, 4, 46, **2220**

Co-Introduced: 704, 726, 998, 1538, **2190**, **2214**, **2216**

HAYS, ALAN—20th District

Introduced: 236, 316, 446, **484**, 486, 518, 546, 548, 550, 552, 594, 622, 750, 762, 850, 852, 858, 874, 956, 1068, 1070, 1096, 1098, 1288, 1294, 1328, 1330, 1352, 1426, 1438, 1440, 1462, 1554, 1586, 1590, 1684, 1704, 1714, 1720, 1770, 1772, 1820, 1824, 1826, 1842, **2058**, **2228**

Co-Introduced: **2**, 4, **142**, **234**, 376, **408**, 704, 726, **736**, **844**, **958**, 998, 1190, 1246, 1972, **2190**, **2214**, **2216**

Committees: Budget Subcommittee on General Government Appropriations, Chair; Agriculture; Banking and Insurance; Budget; Budget Subcommittee on Higher Education Appropriations; Children, Families, and Elder Affairs; Reapportionment; and *Joint Administrative Procedures Committee*

HILL, ANTHONY C. "TONY", SR.—1st District

Introduced: 20, 166, **184**, **186**, **188**, **190**, 436, 438, 440, 442, 454, 458, 460, 948, 1054, 1058, 1062, **1074**, **1076**, 1086, **1298**, **1848**, 1974, **2052**

Co-Introduced: 86, **146**, 286, 524, 704, 726, 1190, **2190**, **2214**, **2216**

Local Bill—Introduced: 22

Committees: Children, Families, and Elder Affairs, Vice Chair; Military Affairs, Space, and Domestic Security, Vice Chair; Budget Subcommittee on General Government Appropriations; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Community Affairs; Regulated Industries; and *Joint Committee on Public Counsel Oversight*

JONES, DENNIS L., D.C.—13th District

Introduced: 18, 392, 394, 398, 490, **650**, 662, 780, **1078**, 1200, 1322, 1356, **1498**, 1544, 1708, 1710, 1712

Co-Introduced: **2**, 4, 86, 236, 286, **462**, 524, 554, 704, 726, 1524, 1724, **2066**, **2190**, **2214**, **2216**

Local Bill—Introduced: 1446

Committees: Regulated Industries, Chair; Budget Subcommittee on General Government Appropriations; Environmental Preservation and Conservation; Health Regulation; Military Affairs, Space, and Domestic Security; and Rules

JOYNER, ARTHENIA L.—18th District

Introduced: 14, 48, 132, 134, 160, **240**, 242, 246, 250, 272, 278, 352, 388, 538, **540**, 544, 648, **670**, 856, 860, 862, 928, 1226, **1442**, **1496**, **1986**, **2164**

Co-Introduced: 86, **146**, 286, 346, **400**, 524, 590, 704, 726, **782**, 1108, 1206, 1334, 1390, **2190**, **2214**, **2216**

Local Bill—Introduced: 752, 754, 756, 2070

Committees: Judiciary, Vice Chair; Budget Subcommittee on Criminal and Civil Justice Appropriations, Vice Chair; Budget; Budget Subcommittee on Higher Education Appropriations; Communications, Energy, and Public Utilities; Rules Subcommittee on Ethics and Elections; Transportation; and *Joint Legislative Auditing Committee*

LATVALA, JACK—16th District

Introduced: 362, 364, 426, 434, **462**, 464, 510, 524, **782**, 842, 884, 994, 1072, 1150, 1180, 1378, 1428, 1434, 1500, 1510, 1514, 1574, 1588, 1644, 1646, 1728, 1736, 1782, 1786, 1860, 1894, 1926, 1928, 1964, 1966, **2214**, **2226**

Co-Introduced: **2**, 4, 86, 118, 122, 214, 216, **218**, 238, 392, **400**, 468, 546, 554, **650**, 704, 726, 810, 832, **844**, 1190, **2190**, **2216**

Local Bill—Introduced: 1980

Committees: Transportation, Chair; Budget Subcommittee on General Government Appropriations; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Environmental Preservation and Conservation; Governmental Oversight and Accountability; Health Regulation; Reapportionment; and *Joint Committee on Public Counsel Oversight, Alternating Chair*

LYNN, EVELYN J.—7th District

Introduced: 78, 80, 82, **84**, 274, 930, 1048, 1060, 1064, 1548, 1552, 1624, 1626, 1628, 1630, 1632, 1634, 1732, **2004**

Co-Introduced: **2**, 4, 136, **146**, 158, **224**, **234**, 246, 276, 336, 426, 436, 626, 704, 726, **736**, 786, 818, **844**, 1050, 1090, 1124, **1128**, 1138, 1140, 1148, 1166, 1168, 1174, 1190, 1448, 1500, **2190**, **2214**, **2216**

Committees: Budget Subcommittee on Higher Education Appropriations, Chair; Budget; Budget Subcommittee on Education Pre-K - 12 Appropriations; Commerce and Tourism; Communications, Energy, and Public Utilities; Higher Education; Reapportionment; and *Joint Legislative Auditing Committee*

MARGOLIS, GWEN—35th District

Introduced: 328, 496, 498, 712, 714, 732, 836, 876, 1126, 1132, 1144, 1556, 1648, 1670, 1688, 1700, 1726, 1878, 1918

Co-Introduced: 80, 158, 246, 282, 284, 286, 346, 436, **664**, 704, 726, 818, **2190**, **2214**, **2216**

Committees: Reapportionment, Vice Chair; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, Vice Chair; Banking and Insurance; Budget; Budget Subcommittee on Finance and Tax; Communications, Energy, and Public Utilities; Criminal Justice; Governmental Oversight and Accountability; and Rules

MONTFORD, BILL—6th District

Introduced: 308, 1002, 1004, 1046, 1124, 1240, 1274, 1568, 1706, 2182, 2184, 2186

Co-Introduced: 4, 248, 704, 726, 730, **844**, 1190, **2190**, **2214**, **2216**

Committees: Budget Subcommittee on Education Pre-K - 12 Appropriations, Vice Chair; Agriculture; Budget; Budget Subcommittee on Higher Education Appropriations; Commerce and Tourism; Education Pre-K - 12; Governmental Oversight and Accountability; Reapportionment; *Joint Select Committee on Collective Bargaining*; and *Joint Administrative Procedures Committee*

NEGRON, JOE—28th District

Introduced: 288, 310, 402, **512**, 740, 744, 854, 872, 1206, 1410, 1550, 1972

Co-Introduced: **2**, 4, 86, 130, **234**, 376, 508, **664**, 672, 704, 726, **958**, 1558, **2190**, **2214**, **2216**

Local Bill—Introduced: 70

Committees: Budget Subcommittee on Health and Human Services Appropriations, Chair; Budget, Vice Chair; Banking and Insurance; Communications, Energy, and Public Utilities; Higher Education; Reapportionment; Rules; and *Joint Legislative Budget Commission*

NORMAN, JIM—12th District

Introduced: 326, **722**, 982, 984, 1120, 1208, 1210, 1222, 1232, 1244, 1246, 1248, 1702

Co-Introduced: **2**, 4, 136, **234**, 578, 704, 726, **844**, 874, 954, 1190, **2190**, **2214**, **2216**

Local Bill—Introduced: 280

Committees: Community Affairs, Vice Chair; Budget Subcommittee on Finance and Tax; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Governmental Oversight and Accountability; Health Regulation; Regulated Industries; and *Joint Legislative Auditing Committee, Alternating Chair*

OELRICH, STEVE—14th District

Introduced: 178, 414, 500, 502, 528, 556, 576, 580, 632, 654, 886, 970, 1168, 1170, 1172, 1194, 1268, 1310, 1358, 1794

Co-Introduced: **2**, 4, **84**, 236, **330**, 358, 376, **484**, 626, 704, 726, 762, 1414, 1438, 1524, 1538, **1546**, **1676**, 1744, 1770, 1886, **2190**, **2214**, **2216**

Committees: Higher Education, Chair; Environmental Preservation and Conservation, Vice Chair; Budget Subcommittee on Health and Human Services Appropriations; Budget Subcommittee on Higher Education Appropriations; Banking and Insurance; and Rules Subcommittee on Ethics and Elections

RICH, NAN H.—34th District

Introduced: **194**, 286, **344**, 346, 370, 564, 644, 656, 674, 676, 848, 1192, 1474, 1520, 1600, 1682, 1764, 1902, **2180**, **2194**, **2208**

Co-Introduced: 86, 206, 406, 704, **722**, 726, 730, 930, **2080**, **2190**, **2214**, **2216**

Local Bill—Introduced: 26, 306

Committees: Budget Subcommittee on Health and Human Services Appropriations, Vice Chair; Budget; Children, Families, and Elder Affairs; Environmental Preservation and Conservation; Reapportionment; Regulated Industries; and *Joint Legislative Budget Commission*

RICHTER, GARRETT—37th District

Introduced: **142**, 312, 314, **408**, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 814, 952, 1236, 1332, 1612, 1694, 1746, 1756, 1828

Co-Introduced: **2**, 4, 520, **592**, 704, 726, **844**, **958**, 1190, 1254, **1816**, **2190**, **2214**, **2216**

Local Bill—Introduced: 1526

Committees: Banking and Insurance, Chair; Budget; Budget Subcommittee on Health and Human Services Appropriations; Community Affairs; Judiciary; Rules; Rules Subcommittee on Ethics and Elections; and *Joint Legislative Budget Commission*

RING, JEREMY—32nd District

Introduced: 28, 96, 98, 100, 102, 104, 106, 108, 140, 252, 260, 262, 264, 266, 578, 666, 668, 718, 748, 768, 774, 920, **1128**, 1130, 1176,

1182, 1436, 1506, 1516, 1608, 1668, 1716, 1718, 1800, 1900, **2068**, **2192**
Co-Introduced: 164, 286, 524, 704, 726, **2190**, **2214**
Local Bill—Introduced: 16, 24

Committees: Governmental Oversight and Accountability, Chair; Budget Subcommittee on Education Pre-K - 12 Appropriations; Commerce and Tourism; Community Affairs; Health Regulation; and *Joint Select Committee on Collective Bargaining, Co-Chair*

SACHS, MARIA LORTS—30th District
Introduced: 704, 802, 1056, 1140, 1146, 1302, 1304, 1594, 1876, 1960, 1968, 2026, **2190**
Co-Introduced: 286, 346, 448, 520, 530, **592**, 726, 826, 894, 1062, 1190, 1318, 1660, 1706, 1708, 1710, 1712, 1726, **2214**, **2216**, **2224**

Committees: Regulated Industries, Vice Chair; Budget Subcommittee on Finance and Tax; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Communications, Energy, and Public Utilities; Higher Education; Military Affairs, Space, and Domestic Security; Reapportionment; and *Joint Legislative Auditing Committee*

SIMMONS, DAVID—22nd District
Introduced: 634, 636, 638, **652**, 996, 998, 1008, 1010, 1152, 1466, 1502, 1504, 1524, 1578
Co-Introduced: **2**, 4, **84**, 704, 726, 1190, **2190**, **2214**, **2216**

Committees: Budget Subcommittee on Education Pre-K - 12 Appropriations, Chair; Agriculture; Budget; Budget Subcommittee on Higher Education Appropriations; Judiciary; and Rules Subcommittee on Ethics and Elections

SIPLIN, GARY—19th District
Introduced: 66, 76, **228**, 318, 320, 598, 700, 710, 770, 772, 1174, 1184, **1312**, 1542, 1562, 1572, 1598, 1604
Co-Introduced: **146**, 286, 704, 726, 998, **1074**, 1190, 1524, **2190**, **2214**, **2216**
Local Bill—Introduced: 64

Committees: Agriculture, Chair; Governmental Oversight and Accountability, Vice Chair; Higher Education, Vice Chair; Budget; Budget Subcommittee on Education Pre-K - 12 Appropriations; Budget Subcommittee on Higher Education Appropriations; Reapportionment; Regulated Industries; Rules; and *Joint Legislative Budget Commission*

SMITH, CHRISTOPHER L. "CHRIS"—29th District
Introduced: 52, 58, 144, **146**, 148, 150, 226, 784, 1234, 1252, 1368, 1370, 1374, 1376, 1380, 1400, 1402, 1534, 1540, 1734, 1762, 1798, 1870, 1872, 1874, 1908, 1940, 1958, 2176
Co-Introduced: 286, 524, 542, **664**, 704, 726, 912, 1390, 1524, 1572, 2010, **2214**
Local Bill—Introduced: 36, 50

Committees: Banking and Insurance, Vice Chair; Communications, Energy, and Public Utilities, Vice Chair; Budget Subcommittee on Criminal and Civil Justice Appropriations; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Criminal Justice; Rules; Rules Subcommittee on Ethics and Elections; and *Joint Administrative Procedures Committee*

SOBEL, ELEANOR—31st District
Introduced: 162, 164, 180, 182, **192**, 254, 348, 350, 406, 424, 526, 706, 738, 742, 758, 760, 764, 868, 1464, 1580, 1582, 1584, 1596, 1660, 2210, **2224**
Co-Introduced: 202, 214, **218**, 246, 286, 312, 314, 346, 446, 524, 546, 578, 626, 704, 726, 730, 796, 930, 1108, 1140, 1320, 1586, 1594, **2190**, **2214**, **2216**

Committees: Health Regulation, Vice Chair; Banking and Insurance; Budget; Budget Subcommittee on Health and Human Services Appropriations; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Environmental Preservation and Conservation; Reapportionment; and Rules Subcommittee on Ethics and Elections

STORMS, RONDA—10th District
Introduced: 56, 870, **926**, 934, 936, 938, 940, 1108, 1116, **1134**, 1162, 1164, 1278, 1282, 1300, 1354, 1364, **1366**, 1372, 1412, 1444, 1650, 1680, 1744, 1766, 1784, 1790, 1858, 1890, 1948
Co-Introduced: **2**, 4, **88**, 524, 704, 726, **844**, 874, 954, 1190, 1320, 1350, 1662, 1902, **2190**, **2214**
Local Bill—Introduced: 54

Committees: Children, Families, and Elder Affairs, Chair; Budget Subcommittee on Criminal and Civil Justice Appropriations; Community Affairs; Military Affairs, Space, and Domestic Security; Reapportionment; Transportation; and *Joint Committee on Public Counsel Oversight*

THRASHER, JOHN—8th District
Introduced: **478**, 624, 626, 708, 830, **916**, **924**, **944**, **946**, **1202**, **1204**, **1546**, 1592, **1676**, 1742, 1846, **1970**, **2230**, **6000**
Co-Introduced: **2**, 4, **84**, 704, 726, **844**, 998, 1190, 1524, **2190**, **2214**, **2216**

Committees: Rules, Chair; Budget Subcommittee on Higher Education Appropriations, Vice Chair; Budget; Budget Subcommittee on Criminal and Civil Justice Appropriations; Community Affairs; Judiciary; Reapportionment; Regulated Industries; and Rules Subcommittee on Ethics and Elections

WISE, STEPHEN R.—5th District
Introduced: 72, 74, 204, 296, 380, **400**, **404**, 480, 482, 492, 534, 558, 560, 566, 574, 586, 590, 734, **736**, 834, 838, 964, 972, 1000, 1092, 1254, 1264, 1272, 1308, 1320, 1414, 1508, 1560, 1652, **1654**, 1656, 1678, 1696, 1752, 1760, 1830, 1832, 1838, 1854, 1856, 1886, 1888, 1944, 1946
Co-Introduced: **2**, **84**, 704, 726, 954, 998, 1124, **2190**, **2214**, **2216**

Committees: Education Pre-K - 12, Chair; Budget; Budget Subcommittee on Education Pre-K - 12 Appropriations; Budget Subcommittee on Higher Education Appropriations; Community Affairs; Governmental Oversight and Accountability; Regulated Industries; Rules; *Joint Select Committee on Collective Bargaining*; *Joint Legislative Auditing Committee*; and *Joint Legislative Budget Commission*

JOURNAL OF THE SENATE

BILLS, RESOLUTIONS AND MEMORIALS INTRODUCED BY COMMITTEES

REGULAR SESSION
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[Source: Office of Legislative Services]

(Boldfaced bill numbers passed both houses.)

AGRICULTURE
Introduced: 1246, **1312**, 2076
Committee Substitute: 606, 858, 1174, 1246, 1284, 1290, **1312**, 1514, 2076

BANKING AND INSURANCE
Introduced: **408**, **1316**, 1590, **1816**
Committee Substitute: 100, 178, **408**, 648, 1152, 1286, **1316**, 1332, 1414, 1426, 1522, 1568, 1590, 1694, 1714, 1754, **1816**, 1836, 1922, 1930

BUDGET
Introduced: **2**, **512**, **592**, **736**, **844**, **1128**, **1292**, **1312**, **1314**, 1466, **1546**, **1816**, **1992**, **2000**, **2002**, **2094**, **2096**, **2098**, **2100**, 2102, **2104**, **2106**, 2108, **2110**, **2112**, **2114**, **2116**, **2118**, **2120**, **2122**, 2124, 2126, **2128**, **2130**, **2132**, 2134, **2136**, **2142**, **2144**, **2146**, 2148, **2150**, **2152**, **2154**, **2156**, **2160**, **2162**
Committee Substitute: **2**, 4, 140, 196, 248, 274, **512**, 530, 556, **592**, **736**, 768, **844**, 880, **1128**, 1180, 1182, 1198, 1252, 1286, **1292**, **1312**, **1314**, 1382, 1414, 1466, 1502, **1546**, 1568, **1816**, 1850, 1886, 1972, 1974, **1992**, 1996, 1998

BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
Introduced: **170**, **1012**, **1014**, **1016**, **1018**, **1020**, **1022**, **1024**
Committee Substitute: **170**, 490, 1390

BUDGET SUBCOMMITTEE ON EDUCATION PRE-K - 12 APPROPRIATIONS
Introduced: **1026**, **1028**
Committee Substitute: 1254, 1696

BUDGET SUBCOMMITTEE ON FINANCE AND TAX
Introduced: **478**, **958**, **1816**, 1998, 2042, 2044
Committee Substitute: 376, 382, **478**, 582, **958**, 1594, **1816**, 1998

BUDGET SUBCOMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS
Introduced: **408**, **1030**, **1032**, **1034**, **1036**, **1038**, **1040**, **1316**
Committee Substitute: 236, **408**, 1290, **1316**, 1588, 1836, 1916, 2076

BUDGET SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES APPROPRIATIONS
Committee Substitute: 398, 1972

BUDGET SUBCOMMITTEE ON HIGHER EDUCATION APPROPRIATIONS
Committee Substitute: 430, 1732

BUDGET SUBCOMMITTEE ON TRANSPORTATION, TOURISM, AND ECONOMIC DEVELOPMENT APPROPRIATIONS
Introduced: **1042**, **1044**
Committee Substitute: 248, 1318

CHILDREN, FAMILIES, AND ELDER AFFAIRS
Introduced: **504**, **1346**, **1366**, 1902, **1992**, 1994, 2062, 2064
Committee Substitute: 226, 364, 380, **504**, 516, 578, 930, 1088, 1140, 1158, 1194, 1340, **1346**, **1366**, 1372, 1412, 1456, 1622, 1902, **1992**, 1994, 2062

COMMERCE AND TOURISM
Introduced: **142**, **926**, **1196**, **1346**, **1884**
Committee Substitute: **142**, 150, 178, 296, 364, 366, 466, 622, 728, 768, 854, **926**, 952, 976, 994, **1196**, 1284, 1318, **1346**, 1384, 1460, 1470, 1506, 1524, 1528, 1548, 1610, 1626, 1772, 1878, **1884**, 1916, 2050

COMMUNICATIONS, ENERGY, AND PUBLIC UTILITIES
Introduced: 2078
Committee Substitute: 734, 888, 950, 1198, 1460, 1524, 1572, 2078

COMMUNITY AFFAIRS
Introduced: **88**, 396, **444**
Committee Substitute: **88**, 196, 214, 248, 292, 296, 384, 386, 396, 402, 434, **444**, 480, 506, 530, 580, 582, 594, 632, 658, 796, 828, 830, 890, 934, 1120, 1122, 1432, 1448, 1512, 1528, 1634, 1698, 1766, 1904, 1954, 1962

CRIMINAL JUSTICE
Introduced: 138, **146**, **234**, **400**, 600, 602, 604, **618**, 818, 1086, 1206
Committee Substitute: 138, **146**, 204, **234**, 336, **400**, 402, 416, 432, 438, 488, 556, 600, **618**, 746, 786, 792, 794, 818, 846, 890, 920, 956, 1086, 1168, 1206, 1226, 1300, 1328, 1334, 1402, 1588, 1808, 1890, 2010

EDUCATION PRE-K - 12
Introduced: 90, **736**, **1430**, **1546**, 1996, 2172
Committee Substitute: 90, 508, 578, 730, **736**, 778, 1124, 1254, 1320, 1388, **1430**, **1546**, 1656, 1696, 1844, 1996, 2036

ENVIRONMENTAL PRESERVATION AND CONSERVATION
Introduced: **512**, **960**
Committee Substitute: 236, 332, 392, **512**, 770, 796, 934, 950, **960**, 968, 1122, 1174, 1290, 1514, 1698, 1904

GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY
Introduced: **88**, **224**, **1128**, 1150, **1292**, **1314**, **1738**, **1970**, 2090, 2174
Committee Substitute: 86, **88**, 102, 106, **224**, 276, 374, 386, 516, 520, 572, 600, 666, 668, 866, 882, **1128**, 1130, 1150, 1192, **1292**, **1314**, 1382, 1456, 1598, 1616, **1738**, **1970**, 2090

HEALTH REGULATION
Introduced: 420, 818, 864, 1086, **1366**, 1990, 2168
Committee Substitute: 94, 204, 244, 246, 312, 314, 398, 406, 414, 432, 490, 546, 584, 818, 1086, 1228, **1366**, 1386, 1396, 1410, 1454, 1458, 1480, 1522, 1698, 1736, 1744, 1748, 1838, 1972

HIGHER EDUCATION
Introduced: **84**, **1546**, **1654**
Committee Substitute: **84**, 260, 430, 632, 654, 720, 952, 1194, **1546**, 1616, **1654**, 1732

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MISCELLANEOUS SUBJECT INDEX

REGULAR SESSION 2011

VETOED BILLS

Bill No.	Subject	Introducer	Date Vetoed
CS for SB 1738	State Financial Information	Governmental Oversight and Accountability; Alexander	5/26/11
CS for SB 1992	Background Screening	Budget; Children, Families, and Elder Affairs	6/23/11
SB 2000	Appropriations/Line items	Budget	5/26/11
SB 2106	Florida Energy and Climate Commission	Budget	5/26/11
SB 2116	State Judicial System	Budget	5/26/11
SB 2118	Criminal Justice	Budget	5/26/11
CS for CS for HB 689	Driver Education and Testing	Economic Affairs Committee; Transportation and Highway Safety Subcommittee; Berman; Bullard; Schwartz; Taylor	6/27/11
HB 767	Local Government	Rooney; Costello	6/27/11
CS for HB 913	Public Records	Government Operations Subcommittee; Horner; Jones	6/24/11
CS for HB 4045	Assisted Living Facilities	Health and Human Services Committee; Hudson; Campbell	6/27/11
HB 5305	Correctional Medical Authority	Health Care Appropriations Subcommittee; Hudson	5/26/11

Subject Index of Senate and House Bills, Resolutions and Memorials

REGULAR SESSION
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[Source: Office of Legislative Services]

This index embraces all measures introduced in both the Senate and House. The house of origin is identified by the letter preceding each bill: S-Senate, H-House. House bills shown in this index include those never received by the Senate, and their inclusion here is only for the convenience of the user interested in all bills introduced in the Legislature on a particular subject.

(Boldfaced bill numbers passed both houses—adopted one-house resolutions also boldfaced.)

SENATE BILLS, RESOLUTIONS AND MEMORIALS BY NUMBER
WITH SUBJECT, INTRODUCER AND DISPOSITION

REGULAR SESSION
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(To Obtain the Number of a Bill, see Subject Index)

Abbreviations

BA — Bill Action
Ch. — Chapter Number, Bill Passed
CO — Co-Introducers
CR — Committee Report
CS — Committee Substitute
FR — First Reading
MO — Motion
RC — Reference Change
Boldfaced Page Numbers — Passage of Bill

Types of Bills

SB/HB — Senate/House Bill
SCR/HCR — Senate/House Concurrent Resolution
SJR/HJR — Senate/House Joint Resolution
SM/HM — Senate/House Memorial
SR — Senate Resolution

Final Disposition

Adopted
CSP — Companion or Similar Bill Passed
DCC — Died in Conference Committee
DCH — Died on House Calendar
DCS — Died on Senate Calendar
DHC — Died in House Committee
DM — Died in Messages
DNI — Died, Not Introduced
DSC — Died in Senate Committee
FPH — Failed to Pass House
FPS — Failed to Pass Senate
LTH — Laid on Table in House
LTS — Laid on Table in Senate
Passed
UHC — Unfavorable Report, House Committee
USC — Unfavorable Report, Senate Committee
Vetoed
WNI — Withdrawn, Not Introduced
WS — Withdrawn from the Senate

SJR

2 Health Care Services (Budget and others) (BA)12, (FR)15, (CS) 109, (CR)116, (CR)117, (CR)119, (BA)158, **159**, 851 Passed

SCR

4 Balanced Federal Budget (Budget and others) (CR)471, (FR) 472, (CS)473, (BA)558, (CO)**559**, (CR)568, (CO)580 DM

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6 Not Used
8 Not Used
10 Not Used
12 Relief/Pandrea/North Broward Hospital District (Bogdanoff) (FR)15 DSC
14 Relief/Darling and Smith/State of Florida (Joyner) (FR)16 DSC
16 Relief/Harris & Williams/N. Broward Hospital Dist. (Ring) (FR)16, (CR)236, (RC)253, (CR)308, (MO)1092, (BA)1118 LTS/CSP-HB 609
18 Relief/Estrada/USF Board of Trustees (Jones) (FR)16, (CR)471, (RC)472, (CR)541 DCS
20 Relief/Estate of Dr. Sherrill Lynn Aversa/DOT (Hill) (FR)16 DSC
22 Relief/Estate of Cesar Solomon/JTA (Hill) (FR)16, (CR)236, (RC)253, (CR)308, (BA)1012, (MO)1012 LTS/CSP-HB 629
24 Relief/Kamel & Dimitri/Palm Beach Co. School Board (Ring) (FR)16 DSC
26 Relief/Femminella/Palm Beach Co. Sheriff's Office (Rich) (FR) 16, (MO)269 WS
28 Relief/L.T., a Minor/DCFS (Ring) (FR)16 DSC
30 Relief/Stephenson/Department of Transportation (Fasano) (FR)16 DSC
32 Relief/Yvonne Morton/Department of Health (Dean) (FR)16 DSC
34 Relief/Angela Isham/City of Ft. Lauderdale (Rules and Dean) (FR)16, (CR)236, (RC)253, (CR)324, (CS)338, (MO)830, (BA) 832 LTS/CSP-HB 185
36 WNI
38 Relief/Marcus Button/Pasco County School Board (Fasano) (FR)17 DSC
40 WNI
42 Relief/Eric Brody/Broward County Sheriff's Office (Rules and Benacquisto) (FR)17, (CR)461, (RC)461, (CR)568, (CS)570, (BA)968, (BA)972, **974**, 1849 DCH

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44 Relief/Victims Florida Reform School for Boys/DJJ (Fasano) (FR)17 DSC
46 Relief/William Dillon/State of Florida (Rules and Haridopolos) (FR)17, (CR)236, (RC)253, (CR)324, (CS)338, (MO)830, (BA) **833**, (CS)1849 DM
48 Relief/Laura D. Strazza/DOACS (Joyner) (FR)17 DSC
50 Relief/Wohlgemuth/Pasco County Sheriff's Office (Smith) (FR) 17 DSC
52 WNI
54 Relief/Melvin and Alma Colindres/City of Miami (Rules and Storms) (FR)17, (CR)469, (RC)472, (CR)568, (CS)570, (BA)968, (BA)974, **975** DCH
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60 Relief/Acosta/Miami-Dade County (Bogdanoff) (FR)17 DSC
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