

CHAPTER 97-95

Senate Bill No. 420

An act relating to the Florida Statutes; amending ss. 11.39(2)(c), 13.01(2), 25.388(1)(a), 27.38(3), 27.60(3), 39.4105, 39.455(1), (2), 83.51(2)(b), 112.153, 125.485, 154.304(4), 205.033(5), 206.60(1)(a), 216.0152(1), 216.023(7)(b), 231.614(2)(a), 235.15(1), and 235.199(1)(c), (d), (f), (2), Florida Statutes, and ss. 14.2015(2)(k), 14.22(5)(a), 20.255(4), 39.058(4)(e), 39.0582(4)(e), 61.13(6), 112.181(1)(a), (2)(a), 159.8081(1), and 216.0445(2), Florida Statutes (1996 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation.

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

Section 1. Paragraph (c) of subsection (2) of section 11.39, Florida Statutes, is amended to read:

11.39 Legislative Information Technology Resource Committee; membership; powers; duties.—

(2) The committee shall:

(c) Assist standing committees of the Senate and of the House of Representatives with such services as the joint committee may deem necessary, including, but not limited to, review of strategic plans for information resources management ~~agency information technology resource plans~~ as provided in s. 282.307 and evaluation of the overall impact of resource acquisitions on the productivity and services of the agencies.

Reviser's note.—Amended to conform to s. 21, ch. 87-137, Laws of Florida, which redesignated “agency information technology resource plans” as “strategic plans for information resources management.”

Section 2. Subsection (2) of section 13.01, Florida Statutes, is amended to read:

13.01 Commission on Interstate Cooperation.—

(2) The Florida Commissioners for the National Conference of Commissioners on Uniform State Laws ~~Promotion of Uniformity of Legislation in the United States~~ appointed pursuant to s. 13.10 shall be ex officio honorary nonvoting members of this commission. The commission shall elect a chair and a vice chair from among its members. The director of the office of planning and budgeting in the Executive Office of the Governor shall serve

ex officio as secretary of the Governor's committee, and an employee of the Joint Legislative Management Committee designated by the executive director of the Joint Legislative Management Committee shall serve as secretary of the Joint Legislative Committee on Interstate Cooperation.

Reviser's note.—Amended to conform to s. 1, ch. 88-70, Laws of Florida, which renamed the Commissioners for the Promotion of Uniformity of Legislation in the United States as the Commissioners for the National Conference of Commissioners on Uniform State Laws.

Section 3. Paragraph (a) of subsection (1) of section 25.388, Florida Statutes, is amended to read:

25.388 Family Courts Trust Fund.—

(1)(a) The trust fund moneys in the Family Courts Trust Fund ~~or in the Grants and Donations Trust Fund~~, if the Family Courts Trust Fund is not created by general law, administered by the Supreme Court, shall be used to implement family court plans in all judicial circuits of this state.

Reviser's note.—Amended to delete an obsolete provision. The Family Courts Trust Fund was created by s. 1, ch. 94-223, Laws of Florida.

Section 4. Subsection (3) of section 27.38, Florida Statutes, is amended to read:

27.38 Budget transfer authority.—

(3) Each state attorney shall, no later than October 1 of each fiscal year, submit a report to the legislative appropriations committees showing the amount of state funds expended during the previous fiscal year ending in June for the items enumerated in s. 27.34(2). The Justice Administrative ~~Administration~~ Commission shall prescribe the format.

Reviser's note.—Amended to conform to the commission's name as created in s. 43.16.

Section 5. Subsection (3) of section 27.60, Florida Statutes, is amended to read:

27.60 Budget transfer authority.—

(3) Each public defender shall, no later than October 1 of each fiscal year, submit a report to the legislative appropriations committees showing the amount of state funds expended during the previous fiscal year ending in June for the items enumerated in s. 27.54(3). The Justice Administrative ~~Administration~~ Commission shall prescribe the format.

Reviser's note.—Amended to conform to the commission's name as created in s. 43.16.

Section 6. Section 39.4105, Florida Statutes, is amended to read:

39.4105 Grandparents rights.—Notwithstanding any other provision of law, a maternal or paternal grandparent as well as a stepgrandparent is entitled to reasonable visitation with his or her grandchild who has been adjudicated a dependent child and taken from the physical custody of his or

her parent, custodian, legal guardian, or caregiver unless the court finds that such visitation is not in the best interest of the child or that such visitation would interfere with the goals of the case plan performance agreement pursuant to s. 39.451. Reasonable visitation may be unsupervised and, where appropriate and feasible, may be frequent and continuing.

(1) Grandparent visitation may take place in the home of the grandparent unless there is a compelling reason for denying such a visitation. The department's caseworker shall arrange the visitation to which a grandparent is entitled pursuant to this section. The state shall not charge a fee for any costs associated with arranging the visitation. However, the grandparent shall pay for the child's cost of transportation when the visitation is to take place in the grandparent's home. The caseworker shall document the reasons for any decision to restrict a grandparent's visitation.

(2) A grandparent entitled to visitation pursuant to this section shall not be restricted from appropriate displays of affection to the child, such as appropriately hugging or kissing his or her grandchild. Gifts, cards, and letters from the grandparent and other family members shall not be denied to a child who has been adjudicated a dependent child.

(3) Any attempt by a grandparent to facilitate a meeting between the child who has been adjudicated a dependent child and the child's parent in violation of a court order shall automatically terminate future visitation rights of the grandparent.

(4) When the child has been returned to the physical custody of his or her parent or permanent custodian, legal guardian, or caregiver, the visitation rights granted pursuant to this section shall terminate.

(5) In determining whether grandparental visitation is not in the child's best interest, consideration may be given to the finding of guilt, regardless of adjudication, or entry or plea of guilty or nolo contendere to charges under the following statutes, or similar statutes of other jurisdictions: s. 787.04, relating to removing minors from the state or concealing minors contrary to court order; s. 794.011, relating to sexual battery; s. 798.02, relating to lewd and lascivious behavior; chapter 800, relating to lewdness and indecent exposure; or chapter 827, relating to the abuse of children. Consideration may also be given to a finding of confirmed abuse under ss. 415.101-415.113 and ss. 415.502-415.514.

Reviser's note.—Amended to conform to s. 25, ch. 94-164, Laws of Florida, which redesignated the term "performance agreement" as "case plan" in s. 39.451.

Section 7. Subsections (1) and (2) of section 39.455, Florida Statutes, are amended to read:

39.455 Immunity from liability.—

(1) In no case shall employees or agents of the social service agency acting in good faith be liable for damages as a result of failing to provide services agreed to under the case plan performance agreement or permanent placement plan unless the failure to provide such services occurs as a result

of bad faith or malicious purpose or occurs in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(2) The inability or failure of the social service agency or the employees or agents of the social service agency to provide the services agreed to under the case plan performance agreement or permanent placement plan shall not render the state or the social service agency liable for damages unless such failure to provide services occurs in a manner exhibiting wanton or willful disregard of human rights, safety, or property.

Reviser's note.—Amended to conform to s. 25, ch. 94-164, Laws of Florida, which redesignated the term “performance agreement” as “case plan” in s. 39.451.

Section 8. Paragraph (b) of subsection (2) of section 83.51, Florida Statutes, is amended to read:

83.51 Landlord's obligation to maintain premises.—

(2)

(b) Unless otherwise agreed in writing, at the commencement of the tenancy of a single-family home or duplex, the landlord shall install working smoke detection devices. As used in this paragraph, the term “smoke detection device” means an electrical or battery-operated device which detects visible or invisible particles of combustion and which is listed by Underwriters Laboratories, Inc. ~~Laboratory~~, Factory Mutual Laboratories, Inc., or any other nationally recognized testing laboratory using nationally accepted testing standards.

Reviser's note.—Amended to conform to the complete name of the laboratories.

Section 9. Section 112.153, Florida Statutes, is amended to read:

112.153 Local governmental group insurance plans; refunds with respect to overcharges by providers.—A participant in a group insurance plan offered by a county, municipality, school board, local governmental unit, and special taxing unit, who discovers that he or she was overcharged by a hospital, physician, clinical lab, and other health care providers, shall receive a refund of 50 percent of any amount recovered as a result of such overcharge, up to a maximum of \$1,000 per admission. All such instances of overcharge shall be reported to the Agency for Health Care Administration Cost Containment Board ~~Board~~ for action it deems appropriate.

Reviser's note.—Amended to conform to the abolishment of the Health Care Cost Containment Board and the transfer of its powers and duties to the Agency for Health Care Administration by ss. 82, 83, ch. 92-33, Laws of Florida.

Section 10. Section 125.485, Florida Statutes, is amended to read:

125.485 Utility services; nonpayment of charges by former occupant of rental unit; county action limited.—Any other provision of law to the contrary notwithstanding, no county may refuse services, or discontinue utility,

water, sewer, or wastewater reuse services, to the owner of any rental unit, or to a tenant or prospective tenant of such rental unit, for nonpayment of service charges incurred by a former occupant of the rental unit; and any such unpaid service charges incurred by a former occupant shall not be the basis for any lien against the rental property except to the extent that the present tenant or owner has benefited directly from the service provided to the former occupant. This section applies only when the former occupant of the rental unit contracted for such services with the county.

Reviser's note.—Amended to improve clarity.

Section 11. Subsection (4) of section 154.304, Florida Statutes, is amended to read:

154.304 Definitions.—For the purpose of this act:

(4) “Charity care obligation” means the minimum amount of uncompensated charity care as reported to the Agency for Health Care Administration ~~Cost Containment Board~~, based on the hospital's most recent audited actual experience, which must be provided by a participating hospital or a regional referral hospital before the hospital is eligible to be reimbursed by a county under the provisions of this act. That amount shall be the ratio of uncompensated charity care days compared to total acute care inpatient days, which shall be equal to or greater than 2 percent.

Reviser's note.—Amended to conform to the abolishment of the Health Care Cost Containment Board and the transfer of its powers and duties to the Agency for Health Care Administration by ss. 82, 83, ch. 92-33, Laws of Florida.

Section 12. Subsection (5) of section 205.033, Florida Statutes, is amended to read:

205.033 Conditions for levy; counties.—

(5) The revenues so apportioned shall be sent to the governing authority of each municipality, according to its ratio, and to the governing authority of the county, according to the ratio of the unincorporated area, within 15 days following the month of receipt. This subsection does not apply to counties that have established a new rate structure under ~~to~~ s. 205.0535.

Reviser's note.—Amended to improve clarity.

Section 13. Paragraph (a) of subsection (1) of section 206.60, Florida Statutes, is amended to read:

206.60 County tax on motor fuel.—

(1) The proceeds of the county fuel tax imposed pursuant to s. 206.41(1)(b) are appropriated for public transportation purposes in the manner following:

(a) The department, after deducting its expenses of collection, which shall include the administrative costs incurred by the department in the collection, administration, and distribution back to the counties of such tax, and after deducting the service charges provided for by s. 215.20, shall

monthly divide the proceeds of such tax in the same manner as the constitutional fuel gas tax pursuant to s. 206.47 and the formula contained in s. 9(c)(4), Art. XII of the revised State Constitution of 1968.

Reviser's note.—Amended to conform to the name of the tax referenced in s. 206.47, as amended by s. 51, ch. 95-417, Laws of Florida.

Section 14. Subsection (1) of section 216.0152, Florida Statutes, is amended to read:

216.0152 Inventory of state-owned facilities or state-occupied facilities.—

(1) The Department of Management Services shall develop and maintain an automated inventory of all facilities owned, leased, rented, or otherwise occupied or maintained by any agency of the state or by the judicial branch, except those with less than 3,000 square feet. The inventory shall include the location, occupying agency, ownership, size, condition assessment, maintenance record, age, parking and employee facilities, and other information as required by the department for determining maintenance needs and life-cycle cost evaluations of the facility. The inventory need not include a condition assessment or maintenance record of facilities not owned by a state agency or by the judicial branch. The term "facility," as used in this section, means buildings, structures, and building systems, but does not include transportation facilities of the state transportation system. The Department of Transportation shall develop and maintain an inventory of transportation facilities of the state transportation system. The Board of Regents and the Division of Community Colleges of the Department of Education shall develop and maintain an inventory, in the manner prescribed by the Department of Management Services, of all higher education facilities and shall make the data available in a format acceptable to the Department of Management ~~General~~ Services.

Reviser's note.—Amended to conform to s. 4, ch. 92-279, Laws of Florida, which renamed the Department of General Services as the Department of Management Services.

Section 15. Paragraph (b) of subsection (7) of section 216.023, Florida Statutes, is amended to read:

216.023 Legislative budget requests to be furnished by agencies.—

(7)

(b) Each agency and branch subject to the provisions of this section and s. 216.0165 shall provide as part of its budget request a point-by-point response to all funding recommendations prepared and submitted by the Director of the Office of Program Policy Analysis and Government Accountability Agency Review pursuant to s. 11.513. If the recommendations of the director contain recommendations that specifically apply to an agency or branch other than the agency or branch that is the subject of the evaluation and review, the agency that is not the subject of the evaluation and review shall provide as part of its budget request a point-by-point response to any funding recommendations which apply to such agency or branch. The point-by-point response to the director's recommended funding levels shall be

displayed numerically as major issues in the agency's legislative budget request. Each point-by-point response to the director's funding recommendations shall be specifically cross-referenced to the agency's responses to the director's recommendations required in s. 216.0165(1)(d).

Reviser's note.—Amended to conform to s. 16, ch. 94-249, Laws of Florida, which redesignated the Office of Policy Analysis and Agency Review as the Office of Program Policy Analysis and Government Accountability.

Section 16. Paragraph (a) of subsection (2) of section 231.614, Florida Statutes, is amended to read:

231.614 Inservice master plan for vocational educators; task force.—

(2)(a) The department shall coordinate the delivery of inservice education for vocational educators employed in school districts and community colleges in conjunction with the state universities, community colleges, and teacher education centers. A vocational inservice education task force shall be established for the purposes of this subsection. Such task force shall consist of 15 members who are jointly appointed by the Director of the Division of Applied Technology and Adult Vocational, Adult, and Community Education and the Director of the Division of Community Colleges. Membership on the task force shall consist of:

1. The Director of the Division of Applied Technology and Adult Vocational, Adult, and Community Education, or the director's designee.
2. The Director of the Division of Community Colleges, or the director's designee.
3. A vocational educator employed in a school district.
4. A vocational educator employed in a community college.
5. An adult educator employed in a school district.
6. An adult educator employed in a community college.
7. A teacher education center director.
8. A community college employee responsible for staff development.
9. A state university career education teacher educator.
10. A state university adult education teacher educator.
11. Five representatives of business and industry.

Reviser's note.—Amended to conform to s. 13, ch. 94-232, Laws of Florida, which amended s. 20.15 to redesignate the Division of Vocational, Adult, and Community Education as the Division of Applied Technology and Adult Education.

Section 17. Subsection (1) of section 235.15, Florida Statutes, is amended to read:

235.15 Educational plant survey; PECO project funding.—

(1) At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. Before educational plant survey of a school district or community college that delivers career or adult education programs, the Division of Applied Technology and Adult Vocational, Adult, and Community Education shall establish documentation of the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the education plant survey. Information used by the Division of Applied Technology and Adult Vocational, Adult, and Community Education to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college. Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the commissioner. The survey report shall include at least an inventory of existing educational and ancillary plants; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan; campus master plan update and detail for community colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the State Board of Education. This report may be amended, if conditions warrant, at the request of the board or commissioner. Relocatables shall be included in the school district inventory of facilities and must be rated at 100 percent of actual student capacity for purposes of the inventory. For future needs determination, relocatables shall not be counted. However, an adjustment shall be made for deficiencies in core space because of the use of portables. When required by the State Constitution, the department shall review the surveys and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education.

Reviser's note.—Amended to conform to s. 13, ch. 94-232, Laws of Florida, which amended s. 20.15 to redesignate the Division of Vocational, Adult, and Community Education as the Division of Applied Technology and Adult Education.

Section 18. Paragraphs (c), (d), and (f) of subsection (1) and subsection (2) of section 235.199, Florida Statutes, are amended to read:

235.199 Cooperative funding of vocational educational facilities.—

(1) Each district school board operating a designated area technical center may submit, prior to August 1 of each year, a request to the commissioner for funds from the Public Education Capital Outlay and Debt Service Trust Fund to plan, construct, and equip a career educational facility identified as

being critical to the economic development and the workforce needs of the school district. Prior to submitting a request, each school district shall:

(c) Certify to the Division of Applied Technology and Adult Vocational, Adult, and Community Education that the project has been survey recommended.

(d) Certify to the Division of Applied Technology and Adult Vocational, Adult, and Community Education that final phase III construction documents comply with applicable building codes and life safety codes.

(f) If a construction contract has not been signed 90 days after the advertising of bids, certify to the Division of Applied Technology and Adult Vocational, Adult, and Community Education and the department the cause for delay. Upon request, an additional 90 days may be granted by the commissioner.

(2) The Division of Applied Technology and Adult Vocational, Adult, and Community Education shall establish the need for additional career education programs and the continuation of existing programs before facility construction or renovation related to career education can be included in the educational plant survey. Information used by the Division of Applied Technology and Adult Vocational, Adult, and Community Education to establish facility needs shall include, but not be limited to, labor market needs analysis and information submitted by the school districts.

Reviser's note.—Amended to conform to s. 13, ch. 94-232, Laws of Florida, which amended s. 20.15 to redesignate the Division of Vocational, Adult, and Community Education as the Division of Applied Technology and Adult Education.

Section 19. Paragraph (k) of subsection (2) of section 14.2015, Florida Statutes (1996 Supplement), is amended to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(2) The purpose of the Office of Tourism, Trade, and Economic Development is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to provide economic opportunities for all Floridians. To accomplish such purposes, the Office of Tourism, Trade, and Economic Development shall:

(k) Prepare and submit as a separate budget entity a unified budget request for tourism, trade, and economic development in accordance with chapter 216 for, and in conjunction with, Enterprise Florida, Inc., and its boards, the Florida Commission on Tourism and its direct-support organization, the Florida Black Business Investment Board, and the direct-support organizations created to promote the entertainment and sports industries.

Reviser's note.—Amended to conform to the title of the board as created in s. 288.707.

Section 20. Paragraph (a) of subsection (5) of section 14.22, Florida Statutes (1996 Supplement), is amended to read:

14.22 Florida Governor's Council on Physical Fitness and Amateur Sports; Sunshine State Games; national and international amateur athletic competitions and Olympic development centers; direct-support organizations; Olympics and Pan American Games Task Force.—

(5)(a) The council shall establish on December 1, 1996, a 17-member Florida Olympics and Pan American Games Task Force, 5 members of which shall be from among the membership of the council. To the greatest extent possible, the remaining 12 members shall be appointed to represent Florida's diverse, multiethnic, and multicultural ~~populace~~ populous. Of these 12 members, 6 shall be appointed on December 1, 1996, by the President of the Senate, and 6 shall be appointed on December 1, 1996, by the Speaker of the House of Representatives. These 12 members shall be appointed to serve terms of 4 years expiring on July 1 of the appropriate year. The task force shall be established for the purpose of studying the feasibility of and making recommendations to the council on preparing this state to submit bids for and to host the Summer Olympics and the Pan American Games.

Reviser's note.—Amended to facilitate correct interpretation.

Section 21. Subsection (4) of section 20.255, Florida Statutes (1996 Supplement), is amended to read:

20.255 Department of Environmental Protection.—There is created a Department of Environmental Protection.

(4) The secretary of the Department of Environmental Protection is vested with the authority to take agency action under laws in effect on or before the effective date of this act, including those actions which were within the purview of the Governor and Cabinet. However, the existing functions of the Governor and Cabinet, sitting as at the Siting Board as set forth in part II of chapter 403, reviewing stricter than federal standards of the Environmental Regulatory Commission as set forth in s. 403.804, siting a multipurpose hazardous waste facility as set forth in part IV of chapter 403, or certifying an industrial project as set forth in part IV of chapter 288, shall not be transferred to the Secretary of Environmental Protection, and nothing herein shall be construed to change any such function of the Governor and Cabinet.

Reviser's note.—Amended to facilitate correct interpretation.

Section 22. Paragraph (e) of subsection (4) of section 39.058, Florida Statutes (1996 Supplement), is amended to read:

39.058 Serious or habitual juvenile offender.—

(4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.—

(e) The results of any serologic blood or urine test on a serious or habitual juvenile offender shall become a part of that child's permanent medical file. Upon transfer of the child to any other designated treatment facility, such file shall be transferred in an envelope marked confidential. The results of

any test designed to identify the human immunodeficiency virus, or its antigen or antibody, shall be accessible only to persons designated by rule of the department. The provisions of such rule shall be consistent with the guidelines established by the Centers for Disease Control and Prevention.

Reviser's note.—Amended to conform to Pub. L. No. 102-531, which renamed the Centers for Disease Control as the Centers for Disease Control and Prevention.

Section 23. Paragraph (e) of subsection (4) of section 39.0582, Florida Statutes (1996 Supplement), is amended to read:

39.0582 Intensive residential treatment program for offenders less than 13 years of age.—

(4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.—

(e) The results of any serologic blood or urine test on a child who is eligible for an intensive residential treatment program for offenders less than 13 years of age shall become a part of that child's permanent medical file. Upon transfer of the child to any other designated treatment facility, such file shall be transferred in an envelope marked confidential. The results of any test designed to identify the human immunodeficiency virus, or its antigen or antibody, shall be accessible only to persons designated by rule of the department. The provisions of such rule shall be consistent with the guidelines established by the Centers for Disease Control and Prevention.

Reviser's note.—Amended to conform to Pub. L. No. 102-531, which renamed the Centers for Disease Control as the Centers for Disease Control and Prevention.

Section 24. Subsection (6) of section 61.13, Florida Statutes (1996 Supplement), is amended to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.—

(6) In any proceeding under this section, the court may not deny shared parental responsibility, custody, or visitation rights to a parent or grandparent solely because that parent or grandparent is or is believed to be infected with human immunodeficiency virus; but the court may condition such rights upon the parent's or grandparent's agreement to observe measures approved by the Centers for Disease Control and Prevention of the United States Public Health Service or by the Department of Health and Rehabilitative Services for preventing the spread of human immunodeficiency virus to the child.

Reviser's note.—Amended to conform to Pub. L. No. 102-531, which renamed the Centers for Disease Control as the Centers for Disease Control and Prevention.

Section 25. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 112.181, Florida Statutes (1996 Supplement), are amended to read:

112.181 Firefighters, paramedics, emergency medical technicians, law enforcement officers, correctional officers; special provisions relative to certain communicable diseases.—

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

(a) “Body fluids” means blood and body fluids containing visible blood and other body fluids to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as established by the Centers for Disease Control and Prevention, apply. For purposes of potential transmission of meningococcal meningitis or tuberculosis, the term “body fluids” includes respiratory, salivary, and sinus fluids, including droplets, sputum, and saliva, mucous, and other fluids through which infectious airborne organisms can be transmitted between persons.

(2) PRESUMPTION; ELIGIBILITY CONDITIONS.—Any emergency rescue or public safety worker who suffers a condition or impairment of health that is caused by hepatitis, meningococcal meningitis, or tuberculosis, that requires medical treatment, and that results in total or partial disability or death shall be presumed to have a disability suffered in the line of duty, unless the contrary is shown by competent evidence; however, in order to be entitled to the presumption, the emergency rescue or public safety worker must, by written affidavit as provided in s. 92.50, verify by written declaration that, to the best of his knowledge and belief:

(a) In the case of a medical condition caused by or derived from hepatitis, he or she has not:

1. Been exposed, through transfer of bodily fluids, to any person known to have sickness or medical conditions derived from hepatitis, outside the scope of his or her employment;

2. Had a transfusion of blood or blood components, other than a transfusion arising out of an accident or injury happening in connection with his or her present employment, or received any blood products for the treatment of a coagulation disorder since last undergoing medical tests for hepatitis, which tests failed to indicate the presence of hepatitis;

3. Engaged in unsafe sexual practices or other high-risk behavior, as identified by the Centers for Disease Control and Prevention or the Surgeon General of the United States, or had sexual relations with a person known to him or her to have engaged in such unsafe sexual practices or other high-risk behavior; or

4. Used intravenous drugs not prescribed by a physician.

Reviser’s note.—Amended to conform to Pub. L. No. 102-531, which renamed the Centers for Disease Control as the Centers for Disease Control and Prevention.

Section 26. Subsection (1) of section 159.8081, Florida Statutes (1996 Supplement), is amended to read:

159.8081 Manufacturing facility bond pool.—

(1) There is established the manufacturing facility bond pool. The manufacturing facility bond pool shall be available solely to provide written confirmations for private activity bonds to finance manufacturing facility projects. Allocations from this pool shall be awarded statewide, except as provided in this section, pursuant to the procedures specified in s. 159.805, except that the provisions of s. 159.805(2) and (3) do not apply. In issuing written confirmations of allocations for manufacturing facility projects, the division shall use the manufacturing facility bond pool. If allocation is not available from the manufacturing facility bond pool, the division shall issue written confirmations of allocations for manufacturing facility projects pursuant to s. 159.806 or s. 159.807, in that order. For the purpose of determining priority within a regional allocation pool or the state allocation pool, notices of intent to issue bonds for manufacturing facility projects to be issued from a regional allocation pool or the state allocation pool shall be considered to have been received by the division at the time it is determined by the division that the manufacturing facility bond pool is unavailable to issue confirmation for such manufacturing facility project.

Reviser's note.—Amended to improve clarity.

Section 27. Subsection (2) of section 216.0445, Florida Statutes (1996 Supplement), is amended to read:

216.0445 Budget evaluation by the Information Resource Commission.—

(2) The executive director ~~administrator~~ of the Information Resource Commission shall make recommendations to the Executive Office of the Governor and the appropriations committees of the Legislature on projects that should be considered for special monitoring under s. 282.322. In making such recommendations, the executive director ~~administrator~~ shall consider, at a minimum, the scale of the project, the risks associated with its development and implementation, the proposed schedule for implementing the project, and the estimated project costs. Such recommendations shall be made concurrently with the commission's legislative budget recommendations pursuant to subsection (1).

Reviser's note.—Amended to conform to s. 4, ch. 94-226, Laws of Florida, which amended s. 282.304 to change the title of this office from "executive administrator" to "executive director."

Became a law without the Governor's approval May 24, 1997.

Filed in Office Secretary of State May 23, 1997.