

## House Bill No. 1051

An act relating to the Florida Statutes; amending ss. 213.05, 213.053, 215.22, 215.471, 215.615, 216.031, 216.3505, 218.32, 218.321, 228.053, 228.0565, 230.2305, 235.186, 235.187, 235.2195, 235.2197, 240.2093, 240.334, 240.383, 240.421, 242.335, 252.82, 253.034, 255.503, 255.504, 255.518, 255.553, 259.04, 259.041, 259.101, 259.105, 282.107, 282.3091, 282.5007, 288.063, 288.0655, 288.125, 295.18, 311.07, 316.003, 318.18, 318.21, 320.04, 320.086, 322.025, 327.35, 327.73, 328.48, 328.72, 328.73, 328.735, 331.401, 337.25, 338.227, 338.2275, 348.0005, 348.565, 348.755, 349.05, 364.515, and 369.252, F.S.; and reenacting s. 230.03(2), F.S., pursuant to s. 11.242, F.S.; 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which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and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; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

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

Section 1. Section 213.05, Florida Statutes, is amended to read:

213.05 Department of Revenue; control and administration of revenue laws.—The Department of Revenue shall have only those responsibilities for ad valorem taxation specified to the department in chapter 192, taxation, general provisions; chapter 193, assessments; chapter 194, administrative and judicial review of property taxes; chapter 195, property assessment administration and finance; chapter 196, exemption; chapter 197, tax collections, sales, and liens; chapter 199, intangible personal property taxes; and chapter 200, determination of millage. The Department of Revenue shall have the responsibility of regulating, controlling, and administering all revenue laws and performing all duties as provided in s. 125.0104, the Local Option Tourist Development Act; s. 125.0108, tourist impact tax; chapter 198, estate taxes; chapter 201, excise tax on documents; chapter 203, gross receipts taxes; chapter 206, motor and other fuel taxes; chapter 211, tax on production of oil and gas and severance of solid minerals; chapter 212, tax on sales, use, and other transactions; chapter 220, income tax code; chapter 221, emergency excise tax; ss. 336.021 and 336.025, taxes on motor fuel and special fuel; s. 370.07(3), Apalachicola Bay oyster surcharge; s. 376.11, pollutant spill prevention and control; s. 403.718, waste tire fees; s. 403.7185, lead-acid battery fees; ~~s. 403.7195, waste newsprint disposal fees~~; s. 538.09, registration of secondhand dealers; s. 538.25, registration of secondary metals recyclers; s. 624.4621, group self-insurer's fund premium tax; s. 624.5091, retaliatory tax; s. 624.475, commercial self-insurance fund premium tax; ss. 624.509-624.511, insurance code: administration and general provisions; s. 624.515, State Fire Marshal regulatory assessment; s.

627.357, medical malpractice self-insurance premium tax; s. 629.5011, reciprocal insurers premium tax; and s. 681.117, motor vehicle warranty enforcement.

Reviser's note.—Amended to conform to the repeal of s. 403.7195 by s. 20, ch. 99-4, Laws of Florida.

Section 2. Subsection (1) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(1) The provisions of this section apply to s. 125.0104, county government; s. 125.0108, tourist impact tax; chapter 175, municipal firefighters' pension trust funds; chapter 185, municipal police officers' retirement trust funds; chapter 198, estate taxes; chapter 199, intangible personal property taxes; chapter 201, excise tax on documents; chapter 203, gross receipts taxes; chapter 211, tax on severance and production of minerals; chapter 212, tax on sales, use, and other transactions; chapter 220, income tax code; chapter 221, emergency excise tax; s. 252.372, emergency management, preparedness, and assistance surcharge; s. 370.07(3), Apalachicola Bay oyster surcharge; chapter 376, pollutant spill prevention and control; s. 403.718, waste tire fees; s. 403.7185, lead-acid battery fees; ~~s. 403.7195, waste newsprint disposal fees~~; s. 538.09, registration of secondhand dealers; s. 538.25, registration of secondary metals recyclers; ss. 624.501 and 624.509-624.515, insurance code; s. 681.117, motor vehicle warranty enforcement; and s. 896.102, reports of financial transactions in trade or business.

Reviser's note.—Amended to conform to the repeal of s. 403.7195 by s. 20, ch. 99-4, Laws of Florida.

Section 3. Paragraph (t) of subsection (1) of section 215.22, Florida Statutes, is amended to read:

215.22 Certain income and certain trust funds exempt.—

(1) The following income of a revenue nature or the following trust funds shall be exempt from the deduction required by s. 215.20(1):

(t) That portion of the Highway Safety Operating Trust Fund funded by the motorcycle safety education fee collected pursuant to s. 320.08(1)(c) ~~320.08(1)(d)~~.

Reviser's note.—Amended to conform to the redesignation of s. 320.08(1)(d) as s. 320.08(1)(c) by s. 6, ch. 99-385, Laws of Florida.

Section 4. Section 215.471, Florida Statutes, is amended to read:

215.471 Divestiture by the State Board of Administration.—The State Board of Administration shall divest any investment under s. 121.151 and ss. 215.44-215.53 ~~215.44-215.33~~, and is prohibited from investment in stocks, securities, or other obligations of:

(1) Any institution or company domiciled in the United States, or foreign subsidiary of a company domiciled in the United States, doing business in or with Cuba, or with agencies or instrumentalities thereof in violation of federal law.

(2) Any institution or company domiciled outside of the United States if the President of the United States has applied sanctions against the foreign country in which the institution or company is domiciled pursuant to s. 4 of the Cuban Democracy Act of 1992.

Reviser's note.—Amended to correct an apparent error and conform to usage elsewhere in the chapter. The referenced s. 215.33 does not follow s. 215.44 in numerical order. It related to a review of funds in the state treasury and transfer of funds to be completed by June 30, 1945, and was repealed by s. 17, ch. 63-572, Laws of Florida. Section 215.53 provides that transfer of powers, duties, and responsibilities of existing entities to the Board of Administration pursuant to ss. 215.44-215.53 does not affect other powers not transferred.

Section 5. Subsection (1) of section 215.615, Florida Statutes, is amended to read:

215.615 Fixed-guideway transportation systems funding.—

(1) The issuance of revenue bonds by the Division of Bond Finance, on behalf of the Department of Transportation, pursuant to s. 11, Art. VII of the State Constitution, is authorized, pursuant to the State Bond Act, to finance or refinance fixed capital expenditures for fixed-guideway transportation systems, as defined in s. 341.031, including facilities appurtenant thereto, costs of issuance, and other amounts relating to such financing or refinancing. Such revenue bonds shall be matched on a 50-50 basis with funds from sources other than revenues of the Department of Transportation, in a manner acceptable to the Department of Transportation. The Division of Bond Finance is authorized to consider innovative financing technologies which may include, but are not limited to, innovative bidding and structures of potential findings that may result in negotiated transactions.

(a) The department and any participating commuter rail authority or regional transportation authority established under chapter 343, local governments, or local governments collectively by interlocal agreement having jurisdiction of a fixed-guideway transportation system may enter into an interlocal agreement to promote the efficient and cost-effective financing or refinancing of fixed-guideway transportation system projects by revenue bonds issued pursuant to this subsection. The terms of such interlocal agreements shall include provisions for the Department of Transportation to request the issuance of the bonds on behalf of the parties; shall provide that each party to the agreement is contractually liable for an equal share of funding an amount equal to the debt service requirements of such bonds; and shall include any other terms, provisions, or covenants necessary to the making of and full performance under such interlocal agreement. Repayments made to the department under any interlocal agreement are not pledged to the repayment of bonds issued hereunder, and failure of the local

governmental authority to make such payment shall not affect the obligation of the department to pay debt service on the bonds.

(b) Revenue bonds issued pursuant to this subsection shall not constitute a general obligation of, or a pledge of the full faith and credit of, the State of Florida. Bonds issued pursuant to this section shall be payable from funds available pursuant to s. 206.46(3), subject to annual appropriation. The amount of revenues available for debt service shall never exceed a maximum of 2 percent of all state revenues deposited into the State Transportation Trust Fund.

(c) The projects to be financed or refinanced with the proceeds of the revenue bonds issued hereunder are designated as state fixed capital outlay projects for purposes of s. 11(d), Art. VII of the State Constitution, and the specific projects to be financed or refinanced shall be determined by the Department of Transportation in accordance with state law and appropriations from the State Transportation Trust Fund. Each project to be financed with the proceeds of the bonds issued pursuant to this subsection must first be approved by the Legislature by an act of general law.

(d) Any complaint for validation of bonds issued pursuant to this section shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending.

(e) The state does hereby covenant with holders of such revenue bonds or other instruments of indebtedness issued hereunder, that it will not repeal or impair or amend these provisions in any manner that will materially and adversely affect the rights of such holders as long as bonds authorized by this subsection are outstanding.

(f) This subsection supersedes any inconsistent provisions in existing law.

Notwithstanding this subsection, the lien of revenue bonds issued pursuant to this subsection on moneys deposited into the State Transportation Trust Fund shall be subordinate to the lien on such moneys of bonds issued under ss. 215.605, 320.20, and 215.616, and any pledge of such moneys to pay operating and maintenance expenses under s. 206.46(5) ~~subsection (5)~~ and chapter 348, as may be amended.

Reviser's note.—Amended to conform to the correct location of the referenced material.

Section 6. Subsection (8) of section 216.031, Florida Statutes, is amended to read:

216.031 Budgets for operational expenditures.—A legislative budget request, reflecting the independent judgment of the head of the state agency, and of the Chief Justice of the Supreme Court, with respect to the needs of the agency and the judicial branch for operational expenditures during the

next fiscal year, shall be submitted by each head of a state agency and by the Chief Justice of the Supreme Court and shall contain the following:

(8) An information resources management schedule showing the agency's or judicial branch's total budget request for information resources management. The schedule shall be in the format provided for in the legislative budget instructions. The budget request for information resources management shall identify, if applicable, which parts of the request are in response to any information resources management issues included in the legislative budget instructions. This subsection is applicable only to those state agencies which are under the purview of ss. ~~282.303-282.310~~ 282.303-282.313 and to the judicial branch.

Either chair of a legislative appropriations committee, or the Executive Office of the Governor for state agencies, may require the agency or the Chief Justice to address major issues separate from those outlined in s. 216.023, this section, and s. 216.043 for inclusion in the requests of the agency or of the judicial branch. The issues shall be submitted to the agency no later than July 30 of each year and shall be displayed in its requests as provided in the budget instructions. The Executive Office of the Governor may request an agency, or the chair of the appropriations committees of the Senate or House of Representatives may request any agency or the judicial branch, to submit no later than September 15 of each year a budget plan with respect to targets established by the Governor or either chair. The target budget shall require each entity to establish an order of priorities for its budget issues and may include requests for multiple options for the budget issues. The target budget may also require each entity to submit a program budget or a performance-based budget in the format prescribed by the Executive Office of the Governor or either chair; provided, however, the target budget format shall be compatible with the planning and budgeting system requirements set out in s. 216.141. Such a request shall not influence the agencies' or judicial branch's independent judgment in making legislative budget requests, as required by law.

Reviser's note.—Amended to conform to the repeal of ss. 282.311 and 282.312 by s. 18, ch. 97-286, Laws of Florida; s. 282.3115 by s. 11, ch. 91-171, Laws of Florida; and s. 282.313 by s. 18, ch. 97-241, Laws of Florida.

Section 7. Section 216.3505, Florida Statutes, is amended to read:

216.3505 Refinancing of bonds.—The Division of Bond Finance of the State Board of Administration is hereby authorized to refinance any or all bonds previously issued pursuant to the provisions of s. 11(d), Art. VII of the State Constitution, and all projects that have been built or are scheduled to be built with the proceeds of bonds previously issued pursuant to the provisions of s. 11(d), Art. VII of the State Constitution are hereby approved in accordance with the provisions of s. ~~11(f)~~ 11(e), Art. VII of the State Constitution for the purposes of one or more refinancings of any or all of such bonds as may be determined by the Division of Bond Finance. The bonds authorized to be issued shall not be counted towards any statutory limit on the dollar amount of bonds which may be issued for any bond program.

Reviser's note.—Amended to conform to the redesignation of s. 11(e), Art. VII of the State Constitution, as s. 11(f) necessitated by the creation of a new s. 11(e) by Revision No. 5 (1998).

Section 8. Paragraph (d) of subsection (1) of section 218.32, Florida Statutes, is amended to read:

218.32 Annual financial reports; local governmental entities.—

(1)

(d) Each local governmental entity that is required to provide for an audit report in accordance with s. 11.45(3)(a)5. ~~11.45(3)(a)4~~ must submit the annual financial report with the audit report. A copy of the audit report and annual financial report must be submitted to the department within 45 days after the completion of the audit report but no later than 12 months after the end of the fiscal year. All other reporting entities must submit the annual financial report to the department no later than April 30 of each year.

Reviser's note.—Amended to conform to the redesignation of s. 11.45(3)(a)4. as s. 11.45(3)(a)5. by s. 3, ch. 99-333, Laws of Florida.

Section 9. Subsection (2) of section 218.321, Florida Statutes, is amended to read:

218.321 Annual financial statements; local governmental entities.—

(2) Each local governmental entity that is not required to provide for an audit report in accordance with s. 11.45(3)(a)5. ~~11.45(3)(a)4~~ must complete its financial statements no later than 12 months after the end of the fiscal year.

Reviser's note.—Amended to conform to the redesignation of s. 11.45(3)(a)4. as s. 11.45(3)(a)5. by s. 3, ch. 99-333, Laws of Florida.

Section 10. Paragraph (a) of subsection (12) of section 228.053, Florida Statutes, is amended to read:

228.053 Developmental research schools.—

(12) EXCEPTIONS TO LAW.—To encourage innovative practices and facilitate the mission of the developmental research schools, in addition to the exceptions to law specified in s. 229.592, the following exceptions shall be permitted for developmental research schools:

(a) The methods and requirements of the following statutes shall be held in abeyance: ss. 230.01; 230.02; 230.03; 230.04; 230.05; 230.061; 230.10; 230.105; 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18; 230.19; 230.201; 230.202; 230.21; 230.22; 230.2215; 230.2318; ~~230.232~~; 230.24; 230.241; 230.26; 230.28; 230.30; 230.303; 230.31; 230.32; 230.321; 230.33; 230.35; 230.39; 230.63; 230.64; 230.643; 234.01; 234.021; ~~234.112~~; 236.25; 236.261; 236.29; 236.31; 236.32; 236.35; 236.36; 236.37; 236.38; 236.39; 236.40; 236.41; 236.42; 236.43; 236.44; 236.45; 236.46; 236.47; 236.48;

236.49; 236.50; 236.51; 236.52; 236.55; 236.56; 237.051; 237.071; 237.091; 237.201; 237.40; and 316.75. With the exception of subsection (16) of s. 230.23, s. 230.23 shall be held in abeyance. Reference to school boards in s. 230.23(16) shall mean the president of the university or the president's designee.

Reviser's note.—Amended to conform to the repeal of s. 230.232 by s. 49, ch. 94-232, Laws of Florida, and s. 234.112 by s. 69, ch. 99-385, Laws of Florida.

Section 11. Paragraph (b) of subsection (7) of section 228.0565, Florida Statutes, is amended to read:

228.0565 Deregulated public schools.—

(7) EXEMPTION FROM STATUTES.—

(b) A deregulated public school may, with appropriate justification, request a waiver from the certification requirements of chapter 231. Pursuant to s. 229.592(9) ~~229.592(6)~~, the commissioner may waive requirements of chapter 231 that relate to teacher certification to facilitate innovative practices and to allow local school selection of educational methods. A deregulated public school may employ or contract with skilled selected noncertified personnel to provide instructional services or to assist instructional staff members as education paraprofessionals in the same manner as defined in chapter 231. A deregulated public school may not employ an individual to provide instructional services or to serve as an education paraprofessional if the individual's certification or licensure as an educator is suspended or revoked by this or any other state. The qualifications of teachers shall be disclosed to parents.

Reviser's note.—Amended to conform to the redesignation of s. 229.592(6) as s. 229.592(9) by s. 10, ch. 99-398, Laws of Florida.

Section 12. Subsection (2) of section 230.03, Florida Statutes, is reenacted to read:

230.03 Management, control, operation, administration, and supervision.—The district school system must be managed, controlled, operated, administered, and supervised as follows:

(2) SCHOOL BOARD.—In accordance with the provisions of s. 4(b) of Art. IX of the State Constitution, district school boards shall operate, control, and supervise all free public schools in their respective districts and may exercise any power except as expressly prohibited by the State Constitution or general law.

Reviser's note.—Section 1, ch. 97-190, Laws of Florida, purported to amend subsection (2), but did not publish the amended subsection. Absent affirmative evidence of an intent to repeal it, subsection (2) is reenacted to confirm that the omission was not intended.

Section 13. Paragraph (f) of subsection (3) of section 230.2305, Florida Statutes, is amended to read:

230.2305 Prekindergarten early intervention program.—

(3) STANDARDS.—

(f) All staff must meet the following minimum requirements:

1. The minimum level of training is to be the completion of a 30-clock-hour training course planned jointly by the Department of Education and the Department of Children and Family Services to include the following areas: state and local rules that govern child care, health, safety, and nutrition; identification and report of child abuse and neglect; child growth and development; use of developmentally appropriate early childhood curricula; and avoidance of income-based, race-based, and gender-based stereotyping.

2. When individual classrooms are staffed by certified teachers, those teachers must be certified for the appropriate grade levels under s. 231.17 and State Board of Education rules. Teachers who are not certified for the appropriate grade levels must obtain proper certification within 2 years. However, the commissioner may make an exception on an individual basis when the requirements are not met because of serious illness, injury, or other extraordinary, extenuating circumstance.

3. When individual classrooms are staffed by noncertified teachers, there must be a program director or lead teacher who is eligible for certification or certified for the appropriate grade levels pursuant to s. 231.17 and State Board of Education rules in regularly scheduled direct contact with each classroom. Notwithstanding s. 231.15, such classrooms must be staffed by at least one person who has, at a minimum, a child development associate credential (CDA) or an amount of training determined by the commissioner to be equivalent to or to exceed the minimum, such as an associate in science degree in the area of early childhood education.

4. ~~Beginning October 1, 1994,~~ Principals and other school district administrative and supervisory personnel with direct responsibility for the program must demonstrate knowledge of prekindergarten education programs that increase children's chances of achieving future educational success and becoming productive members of society in a manner established by the State Board of Education by rule.

5. All personnel who are not certified under s. 231.17 must comply with screening requirements under ~~s. ss. 231.02 and 231.1713.~~

Reviser's note.—Amended to delete a provision that has served its purpose and to conform to the repeal of s. 231.1713 by s. 5, ch. 99-4, Laws of Florida.

Section 14. Subsection (1) of section 235.186, Florida Statutes, is amended to read:

235.186 Effort index grants for school district facilities.—

(1) The Legislature hereby allocates for effort index grants the sum of \$300 million from the funds appropriated from the Educational Enhancement Trust Fund by s. 46, chapter 97-384, Laws of Florida, contingent upon

the sale of school capital outlay bonds. From these funds, the Commissioner of Education shall allocate to the four school districts deemed eligible for an effort index grant by the SMART Schools Clearinghouse the sums of \$7,442,890 to the Clay County School District, \$62,755,920 to the Dade County School District, \$1,628,590 to the Hendry County School District, and \$414,950 to the Madison County School District. The remaining funds shall be allocated among the remaining district school boards that qualify for an effort index grant by meeting the local capital outlay effort criteria in paragraph (a) or paragraph (b).

(a) Between July 1, 1995, and June 30, 1999, the school district received direct proceeds from the one-half-cent sales surtax for public school capital outlay authorized by s. 212.055(6) ~~212.055(7)~~ or from the local government infrastructure sales surtax authorized by s. 212.055(2).

(b) The school district met two of the following criteria:

1. Levied the full 2 mills of nonvoted discretionary capital outlay authorized by s. 236.25(2) during 1995-1996, 1996-1997, 1997-1998, and 1998-1999.

2. Levied a cumulative voted millage for capital outlay and debt service equal to 2.5 mills for fiscal years 1995 through 1999.

3. Received proceeds of school impact fees greater than \$500 per dwelling unit which were in effect on July 1, 1998.

4. Received direct proceeds from either the one-half-cent sales surtax for public school capital outlay authorized by s. 212.055(6) ~~212.055(7)~~ or from the local government infrastructure sales surtax authorized by s. 212.055(2).

Reviser's note.—Amended to conform to the redesignation of s. 212.055(7) as s. 212.055(6) necessitated by the repeal of former s. 212.055(6) by s. 4, ch. 99-4, Laws of Florida.

Section 15. Subsection (3) of section 235.187, Florida Statutes, is amended to read:

235.187 Classrooms First Program; uses.—

(3) Each district school board that pledges moneys under paragraph (2)(b) shall notify the Department of Education of its election at a time set by the department; ~~however, the initial notification shall be by February 1, 1998.~~ The Department of Education shall review the proposal of each district school board for compliance with this section and shall forward all approved proposals to the Division of Bond Finance with a request to issue bonds on behalf of the approved school districts. The Division of Bond Finance shall pool the pledges from all school districts making the election in that year and shall issue the bonds on behalf of the districts for a period not to exceed the distributions to be received under s. 24.121(2). The bonds must be issued in accordance with s. 11(d), Art. VII of the State Constitution, and each project to be constructed with the proceeds of bonds is hereby approved as provided in s. 11(f) ~~11(e)~~, Art. VII of the State Constitution. The bonds shall be issued

pursuant to the State Bond Act to the extent not inconsistent with this section.

Reviser's note.—Amended to delete a provision that has served its purpose and to conform to the redesignation of s. 11(e), Art. VII of the State Constitution, as s. 11(f) necessitated by the creation of a new s. 11(e) by Revision No. 5 (1998).

Section 16. Subsection (4) of section 235.2195, Florida Statutes, is amended to read:

235.2195 The 1997 School Capital Outlay Bond Program.—There is hereby established the 1997 School Capital Outlay Bond Program.

(4) The facilities to be financed with the proceeds of such bonds are designated as state fixed capital outlay projects for purposes of s. 11(d), Art. VII of the State Constitution and the specific facilities to be financed shall be determined by the Department of Education in accordance with state law and appropriations from the Educational Enhancement Trust Fund. Each educational facility to be financed with the proceeds of the bonds issued pursuant to this section is hereby approved as required by s. 11(f) ~~11(e)~~, Art. VII of the State Constitution.

Reviser's note.—Amended to conform to the redesignation of s. 11(e), Art. VII of the State Constitution, as s. 11(f) necessitated by the creation of a new s. 11(e) by Revision No. 5 (1998).

Section 17. Paragraph (c) of subsection (2) of section 235.2197, Florida Statutes, is amended to read:

235.2197 Florida Frugal Schools Program.—

(2) The "Florida Frugal Schools Program" is created to recognize publicly each district school board that agrees to build frugal yet functional educational facilities and that implements "best financial management practices" when planning, constructing, and operating educational facilities. The State Board of Education shall recognize a district school board as having a Florida Frugal Schools Program if the district requests recognition and satisfies two or more of the following criteria:

(c) The district school board submits a plan to the Commissioner of Education certifying how the revenues generated by the levy of the capital outlay sales surtax authorized by s. 212.055(6) ~~212.055(7)~~ will be spent. The plan must include at least the following assurances about the use of the proceeds of the surtax and any accrued interest:

1. The district school board will use the surtax and accrued interest only for the fixed capital outlay purposes identified by s. 212.055(6)(d) ~~212.055(7)(d)~~ which will reduce school overcrowding that has been validated by the Department of Education, or for the repayment of bonded indebtedness related to such capital outlay purposes.

2. The district school board will not spend the surtax or accrued interest to pay for operational expenses or for the construction, renovation, or remodel-

eling of any administrative building or any other ancillary facility that is not directly related to the instruction, feeding, or transportation of students enrolled in the public schools.

3. The district school board's use of the surtax and accrued interest will be consistent with the best financial management practices identified and approved under s. 230.23025.

4. The district school board will apply the educational facilities contracting and construction techniques authorized by s. 235.211 or other construction management techniques to reduce the cost of educational facilities.

5. The district school board will discontinue the surtax levy when the district has provided the survey-recommended educational facilities that were determined to be necessary to relieve school overcrowding; when the district has satisfied any bonded indebtedness incurred for such educational facilities; or when the district's other sources of capital outlay funds are sufficient to provide such educational facilities, whichever occurs first.

6. The district school board will use any excess surtax collections or accrued interest to reduce the discretionary outlay millage levied under s. 236.25(2).

Reviser's note.—Amended to conform to the redesignation of s. 212.055(7) as s. 212.055(6) necessitated by the repeal of former s. 212.055(6) by s. 4, ch. 99-4, Laws of Florida.

Section 18. Subsection (1) of section 240.2093, Florida Statutes, is amended to read:

240.2093 Board of Regents; issuance of bonds pursuant to s. 11(f) ~~11(e)~~, Art. VII, State Constitution.—

(1) Pursuant to s. 11(f) ~~11(e)~~, Art. VII of the State Constitution, the Board of Regents of the State University System, supported by the building fee, the capital improvement fee, or any other revenue approved by the Legislature for facilities construction, is authorized to request the issuance of bonds or other forms of indebtedness pursuant to the State Bond Act to finance or refinance capital projects authorized by the Legislature. In order to take advantage of economic conditions, the Division of Bond Finance shall process requests by the Board of Regents to refinance capital projects under this section on a priority basis.

Reviser's note.—Amended to conform to the redesignation of s. 11(e), Art. VII of the State Constitution, as s. 11(f) necessitated by the creation of a new s. 11(e) by Revision No. 5 (1998).

Section 19. Paragraph (b) of subsection (10) of section 240.334, Florida Statutes, is amended to read:

240.334 Technology transfer centers at community colleges.—

(10) The State Board of Community Colleges may award grants to community colleges, or consortia of public and private colleges and universities

and other public and private entities, for the purpose of supporting the objectives of this section. Grants awarded pursuant to this subsection shall be in accordance with rules of the State Board of Community Colleges. Such rules shall include the following provisions:

(b) Grants to centers funded with state revenues appropriated specifically for technology transfer activities shall be reviewed and approved by the State Board of Community Colleges using proposal solicitation, evaluation, and selection procedures established by the board in consultation with Enterprise Florida, Inc ~~the Florida High Technology and Industry Council~~. Such procedures may include designation of specific areas or applications of technology as priorities for the receipt of funding; and

Reviser's note.—Amended to conform to the abolition of the Florida High Technology and Industry Council and the assumption of its obligations by the Department of Commerce according to s. 12, ch. 93-187, Laws of Florida, and the repeal of s. 20.17, creating the Department of Commerce and the reorganization of the functions formerly performed by it, by ch. 96-320, Laws of Florida.

Section 20. Subsections (1) and (9) of section 240.383, Florida Statutes, are amended to read:

240.383 State Community College System Facility Enhancement Challenge Grant Program.—

(1) The Legislature recognizes that the Florida State Community College System does not have sufficient physical facilities to meet the current demands of its instructional and community programs. It further recognizes that, to strengthen and enhance the Florida Community College System, it is necessary to provide facilities in addition to those currently available from existing revenue sources. It further recognizes that there are sources of private support that, if matched with state support, can assist in constructing much needed facilities and strengthen the commitment of citizens and organizations in promoting excellence throughout the state community colleges. Therefore, it is the intent of the Legislature to establish a program to provide the opportunity for each community college through its direct-support organization to receive and match challenge grants for instructional and community-related capital facilities within the community college.

(9) In order for a project to be eligible under this program, it must be survey recommended under the provisions of s. 235.15 and included in the Florida State Community College System 5-year capital improvement plan, and it must receive prior approval from the State Board of Community Colleges.

Reviser's note.—Amended to conform to the redesignation of the State Community College System as the Florida Community College System by s. 15, ch. 98-58, Laws of Florida.

Section 21. Paragraph (b) of subsection (1) of section 240.421, Florida Statutes, is amended to read:

240.421 Florida Council of Student Financial Aid Advisors.—

(1) There is created the Florida Council of Student Financial Aid Advisors for the purpose of advising the State Board of Education, the Legislature, the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission on policy matters related to student financial aid.

(b) The Commissioner of Education in appointing the members specified in subparagraphs ~~(a)3.-5.~~ 3.-5. shall consider any recommendations submitted by the Florida Association of Student Financial Aid Administrators.

Reviser's note.—Amended to conform to the correct citation to the referenced material.

Section 22. Paragraph (c) of subsection (2) of section 242.335, Florida Statutes, is amended to read:

242.335 Personnel screening; Florida School for the Deaf and the Blind.—

(2) As a prerequisite for initial and continuing employment at the Florida School for the Deaf and the Blind:

(c) The Florida School for the Deaf and the Blind shall review the record of the applicant or employee with respect to the crimes contained in s. 435.04 ~~subsection (3)~~ and shall notify the applicant or employee of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the applicant or employee, upon request of the Florida School for the Deaf and the Blind, to obtain and supply within 30 days the missing disposition information to the Florida School for the Deaf and the Blind. Failure to supply missing information within 30 days or to show reasonable efforts to obtain such information shall result in automatic disqualification of an applicant and automatic termination of an employee.

Reviser's note.—Amended to conform to the deletion of the list of crimes from subsection (3) by s. 34, ch. 95-228, Laws of Florida, and the enactment of s. 435.04, containing a list of crimes relating to level 2 screening standards, by s. 47, ch. 95-228.

Section 23. Subsection (7) of section 252.82, Florida Statutes, is amended to read:

252.82 Definitions.—As used in this part:

(7) "Trust fund" means the Operating Trust Fund of the department established in s. 290.034.

Reviser's note.—Amended to conform to the repeal of s. 290.034 by s. 14, ch. 99-4, Laws of Florida.

Section 24. Paragraph (b) of subsection (6) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.—

(6) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, may be surplused. Notwithstanding s. 253.111, for those lands designated as acquired for conservation purposes, the board shall make a determination that the lands are no longer needed for conservation purposes and may dispose of them by a two-thirds vote. For all other lands, the board shall make a determination that the lands are no longer needed and may dispose of them by majority vote.

(b) For any lands purchased by the state on or after July 1, 1999, a determination shall be made by the board prior to acquisition as to those parcels that shall be designated as having been acquired for conservation purposes. No lands acquired for use by the Department of Corrections, the Department of Management Services for use as state offices, the Department of Transportation, except those specifically managed for conservation or recreation purposes, or the State University System or the Florida State Community College System shall be designated as having been purchased for conservation purposes.

Reviser's note.—Amended to conform to the redesignation of the State Community College System as the Florida Community College System by s. 15, ch. 98-58, Laws of Florida.

Section 25. Subsection (3) of section 255.503, Florida Statutes, is amended to read:

255.503 Powers of the Department of Management Services.—The Department of Management Services shall have all the authority necessary to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the authority to:

(3) Acquire facilities pursuant to s. 11(f) ~~14(e)~~, Art. VII of the State Constitution and own, operate, and finance such facilities in accordance with this act through the issuance of obligations by the division under this act; to utilize rentals or charges from such facilities, as well as any appropriated state or other public funds; and to pledge revenue from such facilities to finance the acquisition of facilities pursuant to the provisions of this act.

Reviser's note.—Amended to conform to the redesignation of s. 11(e), Art. VII of the State Constitution, as s. 11(f) necessitated by the creation of a new s. 11(e) by Revision No. 5 (1998).

Section 26. Subsection (1) of section 255.504, Florida Statutes, is amended to read:

255.504 Use of facilities.—

(1) Any facility which is acquired and approved pursuant to s. 11(f) ~~14(e)~~, Art. VII of the State Constitution and financed under this act, and any facility in the pool shall be occupied to the extent that space is available, by agencies as authorized by the Department of Management Services.

Reviser's note.—Amended to conform to the redesignation of s. 11(e), Art. VII of the State Constitution, as s. 11(f) necessitated by the creation of a new s. 11(e) by Revision No. 5 (1998).

Section 27. Paragraph (a) of subsection (1) of section 255.518, Florida Statutes, is amended to read:

255.518 Obligations; purpose, terms, approval, limitations.—

(1)(a) The issuance of obligations shall provide sufficient funds to achieve the purposes of this act; pay interest on obligations except as provided in paragraph (b); pay expenses incident to the issuance and sale of any obligations issued pursuant to this act, including costs of validating, printing, and delivering the obligations, printing the official statement, publishing notices of sale of the obligations, and related administrative expenses; pay building acquisition and construction costs; and pay all other capital expenditures of the Department of Management Services and the division incident to and necessary to carry out the purposes and powers granted by this act, subject to the provisions of s. ~~11(f)~~ 11(e), Art. VII of the State Constitution and the applicable provisions of the State Bond Act. Such obligations shall be payable solely from the pool pledged revenues identified to such obligation. Proceeds of obligations may not be used to pay building acquisition or construction costs for any facility until the Legislature has appropriated funds from other sources estimated to be necessary for all costs relating to the initial planning, preliminary design and programming, and land acquisition for such facility and until such planning, design, and land acquisition activities have been completed. Obligation proceeds for building construction, renovation, or acquisition shall be requested for appropriation in any fiscal year by the Department of Management Services only if the department estimates that such construction, renovation, or acquisition can be initiated during such fiscal year.

Reviser's note.—Amended to conform to the redesignation of s. 11(e), Art. VII of the State Constitution, as s. 11(f) necessitated by the creation of a new s. 11(e) by Revision No. 5 (1998).

Section 28. Section 255.553, Florida Statutes, is amended to read:

255.553 Survey required.—Each state agency shall survey or cause to be surveyed for the presence of asbestos-containing materials each public building for which it is responsible. ~~Except as provided in s. 255.554,~~ The survey shall be conducted by an asbestos consultant licensed under chapter 469 and shall be conducted in accordance with AHERA initial inspection procedures; Environmental Protection Agency guidelines; National Emission Standards for Hazardous Air Pollutants; Occupational Safety and Health Administration regulations; and any subsequent recommendations made by the Asbestos Oversight Program Team established under s. 255.565. The survey shall:

- (1) Determine all materials which may contain asbestos;
- (2) Identify the location and quantify the types of asbestos-containing materials;

(3) Assess the hazard of the existing asbestos-containing materials as they relate to any situation where a person may come into contact with asbestos;

(4) Prioritize the areas which need immediate asbestos abatement action according to the hazard assessment; and

(5) Estimate the cost of recommended abatement alternatives.

The asbestos program administrator shall review the asbestos surveys and consult with the affected agency to determine on a priority basis the need for instituting abatement procedures, and the asbestos program administrator shall institute abatement procedures on a priority basis as directed by the secretary of the Department of Labor and Employment Security.

Reviser's note.—Amended to conform to the repeal of s. 255.554 by s. 10, ch. 99-5, Laws of Florida.

Section 29. Subsection (1) of section 259.04, Florida Statutes, is amended to read:

259.04 Board; powers and duties.—

(1) For projects and acquisitions selected for purchase pursuant to ss. ~~259.034~~, 259.035, 259.101, and 259.105:

(a) The board is given the responsibility, authority, and power to develop and execute a comprehensive, statewide 5-year plan to conserve, restore, and protect environmentally endangered lands, ecosystems, lands necessary for outdoor recreational needs, and other lands as identified in ss. 259.032, 259.101, and 259.105. This plan shall be kept current through continual reevaluation and revision. The advisory council or its successor shall assist the board in the development, reevaluation, and revision of the plan.

(b) The board may enter into contracts with the government of the United States or any agency or instrumentality thereof; the state or any county, municipality, district authority, or political subdivision; or any private corporation, partnership, association, or person providing for or relating to the conservation or protection of certain lands in accomplishing the purposes of this chapter.

(c) Within 45 days after the advisory council or its successor submits the lists of projects to the board, the board shall approve, in whole or in part, the lists of projects in the order of priority in which such projects are presented. To the greatest extent practicable, projects on the lists shall be acquired in their approved order of priority.

(d) The board is authorized to acquire, by purchase, gift, or devise or otherwise, the fee title or any lesser interest of lands, water areas, and related resources for environmentally endangered lands.

Reviser's note.—Amended to facilitate correct interpretation; s. 259.034 does not exist.

Section 30. Paragraph (b) of subsection (11) of section 259.041, Florida Statutes, is amended to read:

259.041 Acquisition of state-owned lands for preservation, conservation, and recreation purposes.—

(11)

(b) All project applications shall identify, within their acquisition plans, those projects which require a full fee simple interest to achieve the public policy goals, together with the reasons full title is determined to be necessary. The state agencies and the water management districts may use alternatives to fee simple acquisition to bring the remaining projects in their acquisition plans under public protection. For the purposes of this subsection, the term “alternatives to fee simple acquisition” includes, but is not limited to: purchase of development rights; obtaining conservation easements; obtaining flowage easements; purchase of timber rights, mineral rights, or hunting rights; purchase of agricultural interests or silvicultural interests; entering into land protection agreements as defined in s. ~~380.0677(4)~~ ~~380.0677(5)~~; fee simple acquisitions with reservations; creating life estates; or any other acquisition technique which achieves the public policy goals listed in paragraph (a). It is presumed that a private landowner retains the full range of uses for all the rights or interests in the landowner’s land which are not specifically acquired by the public agency. The lands upon which hunting rights are specifically acquired pursuant to this paragraph shall be available for hunting in accordance with the management plan or hunting regulations adopted by the Florida Fish and Wildlife Conservation Commission, unless the hunting rights are purchased specifically to protect activities on adjacent lands.

Reviser’s note.—Amended to conform to the redesignation of s. 380.0677(5) as s. 380.0677(4) necessitated by the repeal of former s. 380.0677(2) by s. 51, ch. 99-247, Laws of Florida.

Section 31. Subsection (3) and paragraph (c) of subsection (9) of section 259.101, Florida Statutes, are amended to read:

259.101 Florida Preservation 2000 Act.—

(3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs of issuance, the costs of funding reserve accounts, and other costs with respect to the bonds, the proceeds of bonds issued pursuant to this act shall be deposited into the Florida Preservation 2000 Trust Fund created by s. 375.045. Ten percent of the proceeds of any bonds deposited into the Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the Department of Environmental Protection for the purchase by the South Florida Water Management District of lands in Dade, Broward, and Palm Beach Counties identified in s. 7, chapter 95-349, Laws of Florida. This distribution shall apply for any bond issue for the 1995-1996 fiscal year. For the 1997-1998 fiscal year only, \$20 million per year from the proceeds of any bonds deposited into the Florida Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the St. Johns Water Management District for the purchase of lands

necessary to restore Lake Apopka. The remaining proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(a) Fifty percent to the Department of Environmental Protection for the purchase of public lands as described in s. 259.032. Of this 50 percent, at least one-fifth shall be used for the acquisition of coastal lands.

(b) Thirty percent to the Department of Environmental Protection for the purchase of water management lands pursuant to s. 373.59, to be distributed among the water management districts as provided in that section. Funds received by each district may also be used for acquisition of lands necessary to implement surface water improvement and management plans approved in accordance with s. 373.456 or for acquisition of lands necessary to implement the Everglades Construction Project authorized by s. 373.4592.

(c) Ten percent to the Department of Community Affairs to provide land acquisition grants and loans to local governments through the Florida Communities Trust pursuant to part III of chapter 380. From funds allocated to the trust, \$3 million annually shall be used by the Green Swamp Land Authority specifically for the purchase through land protection agreements, as defined in s. ~~380.0677(4)~~ 380.0677(5), of lands, or severable interests or rights in lands, in the Green Swamp Area of Critical State Concern. From funds allocated to the trust, \$3 million annually shall be used by the Monroe County Comprehensive Plan Land Authority specifically for the purchase of any real property interest in either those lands subject to the Rate of Growth Ordinances adopted by local governments in Monroe County or those lands within the boundary of an approved Conservation and Recreation Lands project located within the Florida Keys or Key West Areas of Critical State Concern; however, title to lands acquired within the boundary of an approved Conservation and Recreation Lands project may, in accordance with an approved joint acquisition agreement, vest in the Board of Trustees of the Internal Improvement Trust Fund. Of the remaining funds allocated to the trust after the above transfers occur, one-half shall be matched by local governments on a dollar-for-dollar basis. To the extent allowed by federal requirements for the use of bond proceeds, the trust shall expend Preservation 2000 funds to carry out the purposes of part III of chapter 380.

(d) Two and nine-tenths percent to the Department of Environmental Protection for the purchase of inholdings and additions to state parks. For the purposes of this paragraph, "state park" means all real property in the state under the jurisdiction of the Division of Recreation and Parks of the department, or which may come under its jurisdiction.

(e) Two and nine-tenths percent to the Division of Forestry of the Department of Agriculture and Consumer Services to fund the acquisition of state forest inholdings and additions pursuant to s. 589.07.

(f) Two and nine-tenths percent to the ~~Game and Fresh Water Fish and Wildlife Conservation~~ Game and Fresh Water Fish and Wildlife Conservation Commission to fund the acquisition of inholdings and additions to lands managed by the commission which are important to the conservation of fish and wildlife.

(g) One and three-tenths percent to the Department of Environmental Protection for the Florida Greenways and Trails Program, to acquire greenways and trails or greenways and trails systems pursuant to chapter 260, including, but not limited to, abandoned railroad rights-of-way and the Florida National Scenic Trail.

Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for the purposes described in this subsection. Bond proceeds allocated pursuant to paragraph (c) may be used to purchase lands on the priority lists developed pursuant to s. 259.035. Title to lands purchased pursuant to paragraphs (a), (d), (e), (f), and (g) shall be vested in the Board of Trustees of the Internal Improvement Trust Fund, except that title to lands, or rights or interests therein, acquired by either the Southwest Florida Water Management District or the St. Johns River Water Management District in furtherance of the Green Swamp Land Authority's mission pursuant to s. ~~380.0677(2)~~ 380.0677(3), shall be vested in the district where the acquisition project is located. Title to lands purchased pursuant to paragraph (c) may be vested in the Board of Trustees of the Internal Improvement Trust Fund, except that title to lands, or rights or interests therein, acquired by either the Southwest Florida Water Management District or the St. Johns River Water Management District in furtherance of the Green Swamp Land Authority's mission pursuant to s. ~~380.0677(2)~~ 380.0677(3), shall be vested in the district where the acquisition project is located. This subsection is repealed effective October 1, 2000. Prior to repeal, the Legislature shall review the provisions scheduled for repeal and shall determine whether to reenact or modify the provisions or to take no action.

(9)

(c) ~~Beginning in fiscal year 1996-1997,~~ The department and each water management district shall implement initiatives to use alternatives to fee simple acquisition and to educate private landowners about such alternatives. These initiatives shall include at least two acquisitions a year by the department and each water management district utilizing alternatives to fee simple.

Reviser's note.—Paragraph (3)(c) and the flush left paragraph at the end of subsection (3) are amended to conform to the redesignation of subunits of s. 380.0677 necessitated by the repeal of former s. 380.0677(2) by s. 51, ch. 99-247, Laws of Florida. Paragraph (3)(f) is amended to conform to the transfer of the Game and Fresh Water Fish Commission to the Fish and Wildlife Conservation Commission by s. 2, ch. 99-245, Laws of Florida. Paragraph (9)(c) is amended to delete language that has served its purpose.

Section 32. Paragraph (k) of subsection (9) of section 259.105, Florida Statutes, is amended to read:

259.105 The Florida Forever Act.—

(9) The Acquisition and Restoration Council shall develop a rule to competitively evaluate, select, and rank projects eligible for Florida Forever

funds pursuant to paragraph (3)(b). In developing this rule the Acquisition and Restoration Council shall give weight to the following criteria:

(k) The project may be acquired, in whole or in part, using alternatives to fee simple, including but not limited to, purchase of development rights, hunting rights, agricultural or silvicultural rights, or mineral rights; obtaining conservation easements or flowage easements; or use of land protection agreements as defined in s. ~~380.0677(4)~~ 380.0677(5).

Reviser's note.—Amended to conform to the redesignation of s. 380.0677(5) as s. 380.0677(4) necessitated by the repeal of former s. 380.0677(2) by s. 51, ch. 99-247, Laws of Florida.

Section 33. Subsections (1) and (2) of section 282.107, Florida Statutes, are amended to read:

282.107 SUNCOM Network; criteria for usage.—

(1) The Department of Management Services ~~division~~ shall periodically review the qualifications of subscribers using the state SUNCOM Network and shall terminate services provided to any facility not qualified pursuant to ss. 282.101-282.111 or rules adopted hereunder. In the event of nonpayment of invoices by subscribers whose SUNCOM Network invoices are paid from sources other than legislative appropriations, such nonpayment represents good and sufficient reason to terminate service.

(2) The Department of Management Services ~~division~~ shall adopt rules setting forth its procedures for withdrawing and restoring authorization to use the state SUNCOM Network. Such rules shall provide a minimum of 30 days' notice to affected parties prior to termination of voice communications service.

Reviser's note.—Amended to conform to the deletion of the Division of Communications of the Department of Management Services by s. 3, ch. 97-296, Laws of Florida.

Section 34. Paragraph (d) of subsection (3) and subsection (4) of section 282.3091, Florida Statutes, are amended to read:

282.3091 State Technology Council; creation.—

(3) The council shall be composed of nine members as follows:

(d) The secretary of the Department of Management Services, who shall serve ~~service~~ as chair of the council.

Members may appoint designees to serve on their behalf; however, such designees must be in a position that reports directly to the member.

(4) Members of the council who are appointed shall serve 2-year terms beginning January 1 through December 31, ~~except that their initial term shall be July 1, 1997, through December 31, 1998~~. A member may be removed by the appointing officer for cause or if such member is absent from

three consecutive meetings. Any member appointed to fill a vacancy shall serve for the unexpired term of his or her predecessor.

Reviser's note.—Paragraph (3)(d) is amended to improve clarity and facilitate correct interpretation. Subsection (4) is amended to delete a provision that has served its purpose.

Section 35. Paragraph (b) of subsection (2) of section 282.5007, Florida Statutes, is amended to read:

282.5007 Alternative dispute resolution procedures.—

(2) MEDIATION.—

(b) A party may serve its last best offer made in mediation upon another party as an offer of judgment under s. ~~768.79~~ 678.79, and may make use of all the rights and remedies provided by this section.

Reviser's note.—Amended to facilitate correct interpretation. Section 678.79 does not exist; s. 768.79 relates to offers of judgment.

Section 36. Subsection (4) of section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(4) The Office of Tourism, Trade, and Economic Development may adopt criteria by which transportation projects are to be specified and identified. In approving transportation projects for funding, the Office of Tourism, Trade, and Economic Development shall consider factors including, but not limited to, the cost per job created or retained considering the amount of transportation funds requested; the average hourly rate of wages for jobs created; the reliance on the program as an inducement for the project's location decision; the amount of capital investment to be made by the business; the demonstrated local commitment; the location of the project in an enterprise zone designated pursuant to s. 290.0055; ~~the location of the project in a community development corporation service area as defined in s. 290.035(2);~~ the location of the project in a spaceport territory as defined in s. 331.304; the unemployment rate of the surrounding area; the poverty rate of the community; and the adoption of an economic element as part of its local comprehensive plan in accordance with s. 163.3177(7)(j). The Office of Tourism, Trade, and Economic Development may contact any agency it deems appropriate for additional input regarding the approval of projects.

Reviser's note.—Amended to conform to the repeal of s. 290.035 by s. 14, ch. 99-4, Laws of Florida.

Section 37. Paragraph (e) of subsection (2) and subsection (4) of section 288.0655, Florida Statutes, are amended to read:

288.0655 Rural Infrastructure Fund.—

(2)

(e) To enable local governments to access the resources available pursuant to s. 403.973(18) ~~403.973(16)~~, the office may award grants for surveys, feasibility studies, and other activities related to the identification and pre-clearance review of land which is suitable for pre-clearance review. Authorized grants under this paragraph shall not exceed \$75,000 each, except in the case of a project in a rural area of critical economic concern, in which case the grant shall not exceed \$300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of critical economic concern must be matched at a level of 33 percent with local funds. In evaluating applications under this paragraph, the office shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(4) By September 1, 1999, the office shall, in consultation with the organizations listed in subsection (3), and other organizations, develop guidelines and criteria governing submission of applications for funding, review and evaluation of such applications, and approval of funding under this section. The office shall consider factors including, but not limited to, the project's potential for enhanced job creation or increased capital investment, the demonstration of local public and private commitment, the location of the project in an enterprise zone, the location of the project in a community development corporation service area ~~as defined in s. 290.035(2)~~, the location of the project in a county designated under s. 212.097, the unemployment rate of the surrounding area, and the poverty rate of the community.

Reviser's note.—Paragraph (2)(e) is amended to conform to the redesignation of s. 403.973(16) as s. 403.973(18) by s. 9, ch. 99-244, Laws of Florida. Subsection (4) is amended to conform to the repeal of s. 290.035 by s. 14, ch. 99-4, Laws of Florida.

Section 38. Section 288.125, Florida Statutes, is amended to read:

288.125 Definitions.—For the purposes of ss. 288.1251-288.1253 ~~288.1251 through 288.1258~~, the term "entertainment industry" means those persons or entities engaged in the operation of motion picture or television studios or recording studios; those persons or entities engaged in the preproduction, production, or postproduction of motion pictures, made-for-TV motion pictures, television series, commercial advertising, music videos, or sound recordings; and those persons or entities providing products or services directly related to the preproduction, production, or postproduction of motion pictures, made-for-TV motion pictures, television series, commercial advertising, music videos, or sound recordings, including, but not limited to, the broadcast industry.

Reviser's note.—Amended to facilitate correct interpretation; s. 288.1258 does not exist.

Section 39. Section 295.18, Florida Statutes, is amended to read:

295.18 Florida World War II Veterans Memorial Matching Trust Fund; creation.—The Florida World War II Veterans Memorial Matching Trust Fund is hereby created, to be administered by the Department of Veterans'

Affairs. Funds shall be credited to the trust fund as provided in chapter 99-160, Laws of Florida SB 714 or similar legislation, to be used for the purposes set forth therein.

Reviser's note.—Amended to substitute a reference to ch. 99-160, Laws of Florida, for a reference to 1999 Senate Bill 714, which became ch. 99-160.

Section 40. Paragraph (a) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)(a) Program funds shall be used to fund approved projects on a 50-50 matching basis with any of the deepwater ports, as listed in s. 403.021(9)(b), which is governed by a public body or any other deepwater port which is governed by a public body and which complies with the water quality provisions of s. 403.061, the comprehensive master plan requirements of s. 163.3178(2)(k), the local financial management and reporting provisions of part III of chapter 218, and the auditing provisions of s. 11.45(3)(a)5. ~~11.45(3)(a)4~~. Program funds also may be used by the Seaport Transportation and Economic Development Council to develop with the Florida Trade Data Center such trade data information products which will assist Florida's seaports and international trade.

Reviser's note.—Amended to conform to the redesignation of s. 11.45(3)(a)4. as s. 11.45(3)(a)5. by s. 3, ch. 99-333, Laws of Florida.

Section 41. Subsection (2) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(2) BICYCLE.—Every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor ~~not~~ capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. No person under the age of 16 may operate or ride upon a motorized bicycle.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 42. Paragraph (b) of subsection (2) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(2) Thirty dollars for all nonmoving traffic violations and:

(b) For all violations of ss. 320.0605 ~~320.0605(1)~~, 320.07(1), 322.065, and 322.15(1). Any person who is cited for a violation of s. 320.07(1) shall be charged a delinquent fee pursuant to s. 320.07(4).

1. If a person who is cited for a violation of s. 320.0605 or s. 320.07 can show proof of having a valid registration at the time of arrest, the clerk of the court may dismiss the case and may assess a \$5 dismissal fee. A person who finds it impossible or impractical to obtain a valid registration certificate must submit an affidavit detailing the reasons for the impossibility or impracticality. The reasons may include, but are not limited to, the fact that the vehicle was sold, stolen, or destroyed; that the state in which the vehicle is registered does not issue a certificate of registration; or that the vehicle is owned by another person.

2. If a person who is cited for a violation of s. 322.03, s. 322.065, or s. 322.15 can show a driver's license issued to him or her and valid at the time of arrest, the clerk of the court may dismiss the case and may assess a \$5 dismissal fee.

3. If a person who is cited for a violation of s. 316.646 can show proof of security as required by s. 627.733, issued to the person and valid at the time of arrest, the clerk of the court may dismiss the case and may assess a \$5 dismissal fee. A person who finds it impossible or impractical to obtain proof of security must submit an affidavit detailing the reasons for the impracticality. The reasons may include, but are not limited to, the fact that the vehicle has since been sold, stolen, or destroyed; that the owner or registrant of the vehicle is not required by s. 627.733 to maintain personal injury protection insurance; or that the vehicle is owned by another person.

Reviser's note.—Amended to conform to the deletion of subunits from s. 320.0605 by s. 50, ch. 96-350, Laws of Florida.

Section 43. Paragraph (d) of subsection (2) of section 318.21, Florida Statutes, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(d) Eight and two-tenths percent shall be deposited in the Brain and Spinal Cord Injury Rehabilitation Trust Fund for the purposes set forth in s. 381.79 ~~413.613~~.

Reviser's note.—Amended to conform to the transfer of s. 413.613 to s. 381.79 by s. 23, ch. 99-240, Laws of Florida.

Section 44. Paragraph (b) of subsection (1) of section 320.04, Florida Statutes, is amended to read:

## 320.04 Registration service charge.—

(1)

(b) In addition to the fees provided in paragraph (a), any tax collector may impose an additional service charge of not more than 50 cents on any transaction specified in paragraph (a) or on any transaction specified in s. 319.32(2)(a) or s. 328.48 (1982 Supplement to the Florida Statutes 1981) when such transaction occurs at any tax collector's branch office.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation; the referenced section was created in 1999.

Section 45. Subsection (1) and paragraph (a) of subsection (2) of section 320.086, Florida Statutes, are amended to read:

320.086 Ancient or antique motor vehicles; "horseless carriage," antique, or historical license plates.—

(1) The owner of a motor vehicle for private use manufactured in 1945 or earlier, equipped with an engine manufactured in 1945 or earlier or manufactured to the specifications of the original engine, and operated on the streets and highways of this state shall, upon application in the manner and at the time prescribed by the department and upon payment of the license tax for an ancient motor vehicle prescribed by s. 320.08(1)(d), (2)(a), or (3)(e) ~~320.08(1)(e), (2)(a), or (3)(e)~~, be issued a special license plate for such motor vehicle. The license plate shall be permanent and valid for use without renewal so long as the vehicle is in existence. In addition to the payment of all other fees required by law, the applicant shall pay such fee for the issuance of the special license plate as may be prescribed by the department commensurate with the cost of its manufacture. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Horseless Carriage No. 1," and the plates shall be of a distinguishing color.

(2)(a) The owner of a motor vehicle for private use manufactured after 1945 and of the age of 30 years or more after the date of manufacture, equipped with an engine of the age of 30 years or more after the date of manufacture, and operated on the streets and highways of this state may, upon application in the manner and at the time prescribed by the department and upon payment of the license tax prescribed by s. 320.08(1)(d), (2)(a), or (3)(e) ~~320.08(1)(e), (2)(a), or (3)(e)~~, be issued a special license plate for such motor vehicle. In addition to the payment of all other fees required by law, the applicant shall pay the fee for the issuance of the special license plate prescribed by the department, commensurate with the cost of its manufacture. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Antique No. 1," and the plates shall be of a distinguishing color. The owner of the motor vehicle may, upon application and payment of the license tax prescribed by s. 320.08, be issued a regular Florida license plate or specialty license plate in lieu of the special "Antique" license plate.

Reviser's note.—Amended to conform to the redesignation of s. 320.08(1)(e) as s. 320.08(1)(d) by s. 6, ch. 99-385, Laws of Florida.

Section 46. Section 322.025, Florida Statutes, is amended to read:

322.025 Driver improvement.—The department may implement programs to improve the driving ability of the drivers of this state. Such programs may include, but shall not be limited to, safety awareness campaigns, driver training, and licensing improvement. Motorcycle driver improvement programs implemented pursuant to this section or s. 322.0255 shall be funded by the motorcycle safety education fee collected pursuant to s. ~~320.08(1)(c)~~ ~~320.08(1)(d)~~, which shall be deposited in the Highway Safety Operating Trust Fund of the department and appropriated for that purpose.

Reviser's note.—Amended to conform to the redesignation of s. 320.08(1)(d) as s. 320.08(1)(c) by s. 6, ch. 99-385, Laws of Florida.

Section 47. Subsection (9) of section 327.35, Florida Statutes, is amended to read:

327.35 Boating under the influence; penalties; “designated drivers”.—

(9) Notwithstanding any other provision of this section, for any person convicted of a violation of subsection (1), in addition to the fines set forth in subsections (2) and (4), an additional fine of \$60 shall be assessed and collected in the same manner as the fines set forth in subsections (2) and (4). All fines collected under this subsection shall be paid monthly into the Brain and Spinal Cord Injury Rehabilitation Trust Fund and used for the purposes set forth in s. ~~381.79~~ ~~413.613~~, after 5 percent is deducted therefrom by the clerk of the court for administrative costs.

Reviser's note.—Amended to conform to the transfer of s. 413.613 to s. 381.79 by s. 23, ch. 99-240, Laws of Florida.

Section 48. Paragraph (k) of subsection (1) of section 327.73, Florida Statutes, is amended to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(k) Violations relating to restricted areas and speed limits:

1. Established by the commission ~~department~~ pursuant to s. 327.46.
2. Established by local governmental authorities pursuant to s. 327.22 or s. 327.60.
3. Speed limits established pursuant to s. 370.12(2).

Any person cited for a violation of any such provision shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any

such infraction is \$50, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation shall, in addition to the charge relating to the violation of the boating laws of this state, be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

Reviser's note.—Amended to conform to the change in s. 327.46 of references to the Department of Environmental Protection to the Fish and Wildlife Conservation Commission by s. 27, ch. 99-245, Laws of Florida.

Section 49. Subsection (3) of section 328.48, Florida Statutes, is amended to read:

328.48 Vessel registration, application, certificate, number, decal, duplicate certificate.—

(3) The Department of Highway Safety and Motor Vehicles shall issue certificates of registration and numbers for city, county, and state-owned vessels, charging only the service fees required in s. 328.72(7) and (8) ~~327.25(7) and (8)~~, provided the vessels are used for purposes other than recreation.

Reviser's note.—Amended to conform to the transfer of s. 327.25(7) and (8) to s. 328.72(7) and (8) by s. 25, ch. 99-289, Laws of Florida.

Section 50. Paragraph (c) of subsection (2) of section 328.72, Florida Statutes, is amended to read:

328.72 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(2) ANTIQUE VESSEL REGISTRATION FEE.—

(c) The Department of Highway Safety and Motor Vehicles may issue a decal identifying the vessel as an antique vessel. The decal shall be displayed as provided in ss. 328.48 ~~327.14~~ and 328.54 ~~327.14~~.

Reviser's note.—Amended to conform to the transfers of s. 327.11 to s. 328.48 by s. 11, ch. 99-289, Laws of Florida, and s. 327.14 to s. 328.54 by s. 14, ch. 99-289.

Section 51. Subsection (3) of section 328.73, Florida Statutes, is amended to read:

328.73 Registration; duties of tax collectors.—

(3) A fee of 50 cents shall be charged in addition to the fees required under s. 328.72 ~~327.25~~ on every vessel decal registration sold to cover the cost of the Florida Real Time Vehicle Information System. The fees collected under this section shall be deposited into the Highway Safety Operating

Trust Fund and shall be used to fund that system and may be used to fund the general operations of the department.

Reviser's note.—Amended to conform to the redesignation of s. 327.25 as s. 328.72 by s. 25, ch. 99-289, Laws of Florida.

Section 52. Subsection (2) of section 328.735, Florida Statutes, is amended to read:

328.735 Advanced registration renewal; procedures.—

(2) Upon the filing of the application and payment of the appropriate vessel registration fee and service charges required by s. ~~328.72~~ 327.25 and any additional fees required by law, the department or its agents shall issue to the owner of the vessel a decal and registration. When the decal is affixed to the vessel, the registration is renewed for the appropriate registration period.

Reviser's note.—Amended to conform to the redesignation of s. 327.25 as s. 328.72 by s. 25, ch. 99-289, Laws of Florida.

Section 53. Section 331.401, Florida Statutes, is amended to read:

331.401 Short title.—Sections ~~331.401-331.419~~ 331.401-331.421 may be cited as the “Florida Commercial Space Financing Corporation Act.”

Reviser's note.—Amended to facilitate correct interpretation; s. 331.421 does not exist, and the last section in the act is s. 331.419.

Section 54. Paragraph (g) of subsection (5) of section 337.25, Florida Statutes, is amended to read:

337.25 Acquisition, lease, and disposal of real and personal property.—

(5) The department may convey a leasehold interest for commercial or other purposes, in the name of the state, to any land, building, or other property, real or personal, which was acquired under the provisions of subsection (1).

(g) No lease executed under this subsection may be utilized by the lessee to establish the 4 ~~5~~ years' standing required by s. 73.071(3)(b) if the business had not been established for 4 ~~5~~ years on the date title passed to the department.

Reviser's note.—Amended to conform to the amendment to s. 73.071(3)(b) by s. 58, ch. 99-385, Laws of Florida, which changed the period of time a business would need to be in operation for certain purposes from 5 years to 4 years.

Section 55. Subsection (3) of section 338.227, Florida Statutes, is amended to read:

338.227 Turnpike revenue bonds.—

(3) The Division of Bond Finance is authorized to issue revenue bonds on behalf of the department to finance or refinance the cost of turnpike projects approved in s. 338.2275, by the Legislature in accordance with s. 11(f) ~~11(e)~~, Art. VII of the State Constitution.

Reviser's note.—Amended to conform to the redesignation of s. 11(e), Art. VII of the State Constitution, as s. 11(f) necessitated by the creation of a new s. 11(e) by Revision No. 5 (1998).

Section 56. Subsection (1) of section 338.2275, Florida Statutes, is amended to read:

338.2275 Approved turnpike projects.—

(1) Legislative approval of the department's tentative work program that contains the turnpike project constitutes approval to issue bonds as required by s. 11(f) ~~11(e)~~, Art. VII of the State Constitution. Turnpike projects approved to be included in future tentative work programs include, but are not limited to, projects contained in the 1997-1998 tentative work program and potential expansion projects listed in the January 25, 1997, report submitted to the Florida Transportation Commission titled "Florida's Turnpike Building on the Past - Preparing for the Future." A maximum of \$3 billion of bonds may be issued to fund approved turnpike projects.

Reviser's note.—Amended to conform to the redesignation of s. 11(e), Art. VII of the State Constitution, as s. 11(f) necessitated by the creation of a new s. 11(e) by Revision No. 5 (1998).

Section 57. Paragraph (f) of subsection (2) of section 348.0005, Florida Statutes, is amended to read:

348.0005 Bonds.—

(2)

(f) Notwithstanding any of the provisions of this part, in any county as defined in s. 125.011(1), each project, building, or facility which has been or will be financed by the issuance of bonds or other evidence of indebtedness and that does not pledge the full faith and credit of the state under this part and any refinancing thereof is approved for purposes of s. 11(f) ~~11(e)~~, Art. VII of the State Constitution.

Reviser's note.—Amended to conform to the redesignation of s. 11(e), Art. VII of the State Constitution, as s. 11(f) necessitated by the creation of a new s. 11(e) by Revision No. 5 (1998).

Section 58. Section 348.565, Florida Statutes, is amended to read:

348.565 Revenue bonds for specified projects.—The existing facilities that constitute the Tampa-Hillsborough County Expressway System are hereby approved to be refinanced by the issuance of revenue bonds by the Division of Bond Finance of the State Board of Administration pursuant to s. 11(f) ~~11(e)~~, Art. VII of the State Constitution. In addition, the following

projects of the Tampa-Hillsborough County Expressway Authority are approved to be financed or refinanced by the issuance of revenue bonds pursuant to s. 11(f) ~~11(e)~~, Art. VII of the State Constitution:

- (1) Brandon area feeder roads;
- (2) Capital improvements to the expressway system, including safety and operational improvements and toll collection equipment; and
- (3) Lee Roy Selmon Crosstown Expressway System widening.

Reviser's note.—Amended to conform to the redesignation of s. 11(e), Art. VII of the State Constitution, as s. 11(f) necessitated by the creation of a new s. 11(e) by Revision No. 5 (1998).

Section 59. Subsection (5) of section 348.755, Florida Statutes, is amended to read:

348.755 Bonds of the authority.—

(5) Notwithstanding any of the provisions of this part, each project, building, or facility which has been financed by the issuance of bonds or other evidence of indebtedness under this part and any refinancing thereof is hereby approved as provided for in s. 11(f) ~~11(e)~~, Art. VII of the State Constitution.

Reviser's note.—Amended to conform to the redesignation of s. 11(e), Art. VII of the State Constitution, as s. 11(f) necessitated by the creation of a new s. 11(e) by Revision No. 5 (1998).

Section 60. Subsection (5) of section 349.05, Florida Statutes, is amended to read:

349.05 Bonds of the authority.—

(5) Notwithstanding any of the provisions of this chapter, each project, building, or facility which has been financed by the issuance of bonds or other evidences of indebtedness under this chapter and any refinancing thereof is hereby approved as provided for in s. 11(f) ~~11(e)~~, Art. VII of the State Constitution.

Reviser's note.—Amended to conform to the redesignation of s. 11(e), Art. VII of the State Constitution, as s. 11(f) necessitated by the creation of a new s. 11(e) by Revision No. 5 (1998).

Section 61. Subsection (1) of section 364.515, Florida Statutes, is amended to read:

364.515 Infrastructure investment.—

(1) ~~Notwithstanding ss. 364.509-364.514,~~ Advanced telecommunications services shall be provided to eligible facilities in accordance with the provisions of this section.

Reviser's note.—Amended to conform to the repeal of ss. 364.509-364.514 by s. 10, ch. 99-354, Laws of Florida.

Section 62. Effective July 1, 2001, subsection (4) of section 369.252, Florida Statutes, as amended by section 30 of chapter 99-247, Laws of Florida, is amended to read:

369.252 Invasive exotic plant control on public lands.—The department shall establish a program to:

(4) Use funds in the Invasive Plant Control Trust Fund as authorized by the Legislature for carrying out activities under this section on public lands. Twenty percent of the amount credited to the Invasive Aquatic Plant Control Trust Fund pursuant to s. 201.15(6) shall be used for the purpose of controlling nonnative, upland, invasive plant species on public lands.

Reviser's note.—Amended to conform to the redesignation of the Aquatic Plant Control Trust Fund as the Invasive Plant Control Trust Fund by s. 3, ch. 99-205, Laws of Florida, and s. 1, ch. 99-312, Laws of Florida.

Approved by the Governor May 25, 2000.

Filed in Office Secretary of State May 25, 2000.