

House Bill No. 661

An act relating to the Florida Statutes; amending ss. 215.96, 216.015, 216.177, 216.181, 216.348, 218.21, 228.082, 228.195, 229.006, 229.085, 229.57, 231.262, 231.6215, 232.50, 233.0655, 233.068, 235.26, 236.1225, 240.145, 240.2995, 240.345, 240.40208, 240.5285, 240.529, 240.711, 252.32, 252.34, 252.35, 252.36, 252.38, 252.46, 252.47, 252.50, 252.52, 253.115, 253.7829, 255.101, 255.102, 255.25, 255.5535, 259.037, 259.101, 265.284, 267.171, 282.303, 283.33, 285.18, 287.042, 287.055, 287.057, 287.0943, 288.012, 288.106, 288.1066, 288.1167, 288.1169, 288.1229, 290.0065, 290.007, 320.0848, 320.20, 320.27, 323.001, 328.16, 331.304, and 348.7543, F.S.; reenacting ss. 216.292(1)(b), 228.056(10), 231.600, 259.032(12), 265.284(4), 287.055(4)(b), and 322.051(1), F.S.; and repealing ss. 236.25(5)(b)1.-3. and 288.7771(1), 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which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and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. Paragraph (a) of subsection (3) of section 215.96, Florida Statutes, is amended to read:

215.96 Coordinating council and design and coordination staff.—

(3) The coordinating council, assisted by the design and coordination staff, shall have the following duties, powers, and responsibilities pertaining to the Florida Financial Management Information System:

(a) To conduct such studies and to establish committees, workgroups, and teams to develop recommendations for rules, policies, procedures, principles, and standards to the board as necessary to assist the board in its efforts to design, implement, and perpetuate a financial management information system, including, but not limited to, the establishment of common data codes, the development of integrated financial management policies that address the information and management needs of the functional owner subsystems, and the development of a strategic plan pursuant to the requirements set forth in s. 186.022 ~~186.022(9)~~. The coordinating council shall make available a copy of the approved plan in writing or through electronic means to each of the coordinating council members, the fiscal committees of the Legislature, and any interested person.

Reviser's note.—Amended to conform to the deletion of subunits from s. 186.022 by s. 43, ch. 2000-371, Laws of Florida; the remaining language is similar to former subsection (9).

Section 2. Subsection (1) of section 216.015, Florida Statutes, is amended to read:

216.015 Capital facilities planning and budgeting process.—

(1) Sections ~~216.015-216.016~~ 216.015-216.016 may be cited as the “Capital Facilities Planning and Budgeting Act.”

Reviser’s note.—Amended to conform to the repeal of s. 216.0162 by s. 61, ch. 2000-371, Laws of Florida.

Section 3. Subsection (4) of section 216.177, Florida Statutes, is amended to read:

216.177 Appropriations acts, statement of intent, violation, notice, review and objection procedures.—

(4) Notwithstanding the 14-day notice requirements of this section, and for the 2000-2001 fiscal year only, the Department of Children and Family Services is required to provide notice of proposed transfers submitted pursuant to s. ~~20.19(5)(b) 20.19(10)(c)~~8. to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 3 working days prior to their implementation.

Reviser’s note.—Amended to conform to the substantial rewording of s. 20.19 by s. 2, ch. 2000-139, Laws of Florida.

Section 4. Subsection (5) of section 216.181, Florida Statutes, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(5) An amendment for an information resources management project or initiative that involves more than one agency, has an outcome that impacts another agency, or exceeds \$500,000 in total cost over a 1-year period, except for those projects that are a continuation of hardware or software maintenance or software licensing agreements, or that are for desktop replacement that is similar to the technology currently in use must be reviewed by the Technology Review Workgroup pursuant to s. ~~216.0446~~ 216.0466 and approved by the Executive Office of the Governor for the executive branch or by the Chief Justice for the judicial branch, and shall be subject to the notice and review procedures set forth in s. 216.177.

Reviser’s note.—Amended to correct an apparent error. Section 216.0466 does not exist; the Technology Review Workgroup is provided for in s. 216.0446.

Section 5. Paragraph (b) of subsection (1) of section 216.292, Florida Statutes, is reenacted to read:

216.292 Appropriations nontransferable; exceptions.—

(1)

(b) The Department of Children and Family Services and the Agency for Health Care Administration may transfer general revenue funds as necessary to comply with any provision of the General Appropriations Act that requires or specifically authorizes the transfer of general revenue funds between these two agencies.

Reviser's note.—Reenacted to confirm the existence of paragraph (1)(b). The paragraph was repealed by s. 9, ch. 2000-157, Laws of Florida, a reviser's bill, to conform to the July 1, 1999, repeal of the paragraph by its own terms. Section 34, ch. 2000-371, Laws of Florida, nullified the July 1, 1999, repeal language and deleted language referencing the 1998-1999 fiscal year.

Section 6. Paragraph (c) of subsection (3) of section 216.348, Florida Statutes, is amended to read:

216.348 Fixed capital outlay grants and aids appropriations to certain nonprofit entities.—If a bill appropriating a fixed capital outlay grants and aids appropriation requires compliance with this section, the following conditions shall apply, except to the extent that such bill modifies these conditions:

(3)

(c) All agreements required by this subsection shall:

1. Require the grantee to continue the operation, maintenance, repair, and administration of the property in accordance with the purposes for which the funds were originally appropriated and for the period of time expressly specified by the bill appropriating the grant. If the bill appropriating the grant does not specify a time period, the administering agency shall determine a reasonable period of time.

2. Provide that if the grantee fails, during the term of the agreement, to operate, maintain, repair, and administer the property in accordance with the purposes for which the funds were originally granted, the grantee shall return to the administering agency, no later than upon demand by the administering agency, an amount calculated as follows:

a. If the bill appropriating the grant states a specific repayment formula, that formula shall be used;

b. If the bill appropriating the grant states a specific period of time but does not specify a repayment formula, the amount to be returned shall be calculated on a pro rata basis for that period of time; or

c. If the bill appropriating the grant does not state a specific period of time or formula, the amount to be returned shall be specified by the administering agency, which shall be no less than the full amount of the grant less \$100,000 or 10 percent of the grant, whichever is more, for each full year for which the property was used for such purposes.

The administering agency shall deposit all funds returned by the grantee into the state fund from which the grant was originally made.

3. Require that the grantee adopt an accounting system, in compliance with generally accepted accounting principles, which shall provide for a complete record of the use of the grant money. In addition, the provisions of s. 215.97 ~~216.3491~~ shall apply.

4. Provide that the grantee shall indemnify, defend, and hold the administering agency harmless from and against any and all claims or demands for damages resulting from personal injury, including death or damage to property, arising out of or relating to the subject property or the use of the grant money. The agreement shall require the grantee to purchase and maintain insurance on behalf of directors, officers, and employees of the grantee against any personal liability or accountability by reason of actions taken while acting within the scope of their authority. The administering agency shall be immune from civil or criminal liability resulting from acts or omissions of the grantee and the grantee's agents, employees, or assigns.

5. Require the grantee to return any portion of the grant money received that is not necessary to the purchase of the land, or to the cost of the improvements, renovations, and personalty, for which the grant was awarded.

Reviser's note.—Amended to conform to the redesignation of s. 216.3491 as s. 215.97 by s. 58, ch. 2000-371, Laws of Florida.

Section 7. Subsections (6) and (10) of section 218.21, Florida Statutes, are amended to read:

218.21 Definitions.—As used in this part, the following words and terms shall have the meanings ascribed them in this section, except where the context clearly indicates a different meaning:

(6) "Guaranteed entitlement" means the amount of revenue which must be shared with an eligible unit of local government so that:

(a) No eligible county shall receive less funds from the Revenue Sharing Trust Fund for Counties in any fiscal year than the amount received in the aggregate from the state in fiscal year 1971-1972 under the provisions of the then-existing s. 210.20(2)(c), tax on cigarettes; the then-existing s. 323.16(4), road tax; and the then-existing s. 199.292(4), tax on intangible personal property.

(b) No eligible municipality shall receive less funds from the Revenue Sharing Trust Fund for Municipalities in any fiscal year than the aggregate amount it received from the state in fiscal year 1971-1972 under the provisions of the then-existing s. 210.20(2)(a), tax on cigarettes; the then-existing s. 323.16(3), road tax; and s. 206.605, tax on motor fuel. Any government exercising municipal powers under s. 6(f), Art. VIII of the State Constitution may not receive less than the aggregate amount it received from the Revenue Sharing Trust Fund for Municipalities in the preceding fiscal year, plus a percentage increase in such amount equal to the percentage increase of the Revenue Sharing Trust Fund for Municipalities for the preceding fiscal year.

(10) "Second guaranteed entitlement for counties" means the amount of revenue received in the aggregate by an eligible county in fiscal year 1981-

1982 under the provisions of the then-existing s. 210.20(2)(a), tax on cigarettes, and the then-existing s. 199.292(4), tax on intangible personal property, less the guaranteed entitlement. For any fiscal year, each eligible county shall be entitled to receive the second guaranteed entitlement for counties from the Revenue Sharing Trust Fund for Counties. The second guaranteed entitlement for counties shall be deemed separate and apart from the guaranteed entitlement and shall not be deemed to be a part of the guaranteed entitlement for purposes of any indenture, contract, or pledge to holders of obligations issued by any county.

Reviser's note.—Section 323.16 was repealed by s. 2, ch. 83-84, Laws of Florida. Section 199.292(4), as designated during fiscal years 1971-1972 and 1981-1982, was redesignated as s. 199.292(3) by s. 27, ch. 85-342, Laws of Florida.

Section 8. Subsection (10) of section 228.056, Florida Statutes, is reenacted to read:

228.056 Charter schools.—

(10) CAUSES FOR NONRENEWAL OR TERMINATION.—

(a) At the end of the term of a charter, the sponsor may choose not to renew the charter for any of the following grounds:

1. Failure to meet the requirements for student performance stated in the charter.
2. Failure to meet generally accepted standards of fiscal management.
3. Violation of law.
4. Other good cause shown.

(b) During the term of a charter, the sponsor may terminate the charter for any of the grounds listed in paragraph (a).

(c) At least 90 days prior to renewing or terminating a charter, the sponsor shall notify the governing body of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing body may, within 14 calendar days after receiving the notice, request an informal hearing before the sponsor. The sponsor shall conduct the informal hearing within 30 calendar days after receiving a written request. The charter school's governing body may, within 14 calendar days after receiving the sponsor's decision to terminate or refuse to renew the charter, appeal the decision pursuant to the procedure established in subsection (4).

(d) A charter may be terminated immediately if the sponsor determines that good cause has been shown or if the health, safety, or welfare of the students is threatened. The school district in which the charter school is located shall assume operation of the school under these circumstances.

(e) When a charter is not renewed or is terminated, the school shall be dissolved under the provisions of law under which the school was organized, and any unencumbered funds from the charter school shall revert to the district school board. In the event a charter school is dissolved or is otherwise terminated, all district school board property and improvements, furnishings, and equipment purchased with public funds shall automatically revert to full ownership by the district school board, subject to complete satisfaction of any lawful liens or encumbrances.

(f) If a charter is not renewed or is terminated, the governing body of the school is responsible for all debts of the charter school. The district may not assume the debt from any contract for services made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the district and the governing body of the school and that may not reasonably be assumed to have been satisfied by the district.

(g) If a charter is not renewed or is terminated, a student who attended the school may apply to, and shall be enrolled in, another public school. Normal application deadlines shall be disregarded under such circumstances.

Reviser's note.—Section 3, ch. 2000-306, Laws of Florida, purported to amend s. 228.056, but failed to publish paragraph (10)(d). In the absence of affirmative evidence that the Legislature intended to repeal paragraph (10)(d), subsection (10) is reenacted to confirm that the omission was not intended.

Section 9. Paragraph (c) of subsection (2) of section 228.082, Florida Statutes, is amended to read:

228.082 The Florida On-Line High School.—

(2) The Florida On-Line High School shall be governed by a board of trustees comprised of seven members appointed by the Governor to 4-year staggered terms, one of whom shall be the current chair of the Florida High School Advisory Board and one of whom shall be a representative of the fiscal agent, and one of whom shall be the Chief Information Officer or his designee from the State Technology Office pursuant to ch. 2000-164, Laws of Florida. The board shall be a public agency entitled to sovereign immunity pursuant to s. 768.28, and board members shall be public officers who shall bear fiduciary responsibility for the Florida On-Line High School. The board of trustees shall have the following powers and duties:

(c) The fiscal year for the Florida On-Line High School shall be the state fiscal year as provided in s. ~~216.011(1)(o)~~ 216.011(1)(n).

The Governor shall designate the initial chair of the board of trustees to serve a term of 4 years. Members of the board of trustees shall serve without compensation, but may be reimbursed for per diem and travel expenses pursuant to s. 112.061. The board of trustees shall be a body corporate with all the powers of a body corporate and such authority as is needed for the

proper operation and improvement of the Florida On-Line High School. The board of trustees is specifically authorized to adopt rules, policies, and procedures, consistent with law related to governance, personnel, budget and finance, administration, programs, curriculum and instruction, travel and purchasing, technology, students, contracts and grants, and property as necessary for optimal, efficient operation of the Florida On-Line High School. Tangible personal property owned by the board of trustees shall be subject to the provisions of chapter 273.

Reviser's note.—Amended to conform to the redesignation of s. 216.011(1)(n) as s. 216.011(1)(o) by s. 1, ch. 2000-371, Laws of Florida.

Section 10. Subsection (5) of section 228.195, Florida Statutes, is amended to read:

228.195 School food service programs.—

(5) SCHOOL BREAKFAST PROGRAMS.—

(a) Each school district shall implement school breakfast programs in all elementary schools ~~by the beginning of the 1991-1992 school year.~~ Breakfast programs shall make breakfast available to all students in kindergarten through grade 6 in each district school, unless the elementary school goes only through grade 5, in which case the requirement shall apply only through grade 5. ~~Breakfast programs shall be phased in over a 3-year period, beginning July 1, 1989, and ending June 30, 1992.~~

~~1. The first phase shall be from July 1, 1989, to June 30, 1990. During the first phase, each school district shall develop a 3-year plan for implementing breakfast programs in all elementary schools.~~

~~2. The second phase shall be from July 1, 1990, to June 30, 1991. During the second phase, each school district shall implement breakfast programs in elementary schools in which 40 percent of the student population is eligible to be served free and reduced price meals as reported for the second preceding year, to the extent specifically funded in the General Appropriations Act.~~

~~3. The third phase shall be from July 1, 1991, to June 30, 1992. During the third phase and each year thereafter, Each school district shall implement breakfast programs in all elementary schools in which students are eligible for free and reduced price lunch meals, to the extent specifically funded in the General Appropriations Act.~~

~~The Commissioner of Education may grant a 1-year extension to schools which cannot, for good cause, meet the deadlines specified in this paragraph. The commissioner may renew the extension for 1 additional year. A school district may operate a breakfast program providing for food preparation at the school site or in central locations with distribution to designated satellite schools or any combination thereof.~~

(b)1. The commissioner shall make every reasonable effort to ensure that any school designated a "severe need school" receives the highest rate of

reimbursement to which it is entitled pursuant to 42 U.S.C. s. 1773 for each free and reduced price breakfast served.

2. ~~From July 1, 1989, to June 30, 1990, the Department of Education shall award a one-time incentive grant, in the amount specified in the General Appropriations Act, to each school district for each elementary school which implements a new breakfast program between April 1, 1989, and February 28, 1990. To be eligible for an incentive grant, a school shall not have submitted a breakfast reimbursement claim within the 2 previous school years and shall have served breakfast after March 31, 1989, but prior to February 28, 1990, and thereby submitted breakfast reimbursement claims during the specified months of service, April through February. The total amount of these incentive grants shall not exceed \$200,000. The Department of Education shall calculate and distribute a school district breakfast supplement for the 1990-1991 school year and each school year thereafter. The breakfast supplement shall be calculated by multiplying the state breakfast rate as specified in the General Appropriations Act by the number of free and reduced price breakfast meals served.~~

3. ~~Beginning with the 1990-1991 fiscal year, The Legislature shall provide sufficient funds in the General Appropriations Act to reimburse participating school districts for the difference between the average federal reimbursement for free and reduced price breakfasts and the average statewide cost for breakfasts.~~

Reviser's note.—Amended to delete obsolete provisions.

Section 11. Paragraph (a) of subsection (6) of section 229.006, Florida Statutes, is amended to read:

229.006 Education Governance Reorganization Transition Task Force.—

(6) By March 1, 2003, the transition task force shall recommend to the Legislature:

(a) ~~Statutory changes necessary to accomplish the policies and guiding principles of s. 229.002, including, but not limited to, statutory changes necessitated by the repeal and review provisions of s. 3(7), ch. 2000-321, Laws of Florida subsection 3(8) of this act.~~

Reviser's note.—Amended to correct an apparent error and facilitate correct interpretation. The referenced provision does not exist, and s. 3(7), ch. 2000-321, Laws of Florida, provides for repeal and review of numerous statutory provisions relating to education.

Section 12. Subsection (2) of section 229.085, Florida Statutes, is amended to read:

229.085 Custody of educational funds.—

(2) There is created in the Department of Education the Projects, Contracts, and Grants Trust Fund. If, in executing the terms of such grants or contracts for specific projects, the employment of personnel shall be required, such personnel shall not be subject to the requirements of s.

216.262(1)(a). The personnel employed to plan and administer such projects shall be considered in time-limited employment not to exceed the duration of the grant or until completion of the project, whichever first occurs. Such employees shall not acquire retention rights under the Career Service System, ~~the provisions of s. 110.051(1) to the contrary notwithstanding.~~ Any employee holding permanent career service status in a Department of Education position who is appointed to a position under the Projects, Contracts, and Grants Trust Fund shall retain such permanent status in the career service position.

Reviser's note.—Amended to conform to the repeal of s. 110.051 by s. 42, ch. 79-190, Laws of Florida.

Section 13. Paragraph (a) of subsection (8) of section 229.57, Florida Statutes, is amended to read:

229.57 Student assessment program.—

(8) DESIGNATION OF SCHOOL PERFORMANCE GRADE CATEGORIES.—School performance grade category designations itemized in subsection (7) shall be based on the following:

(a) Timeframes.—

1. School performance grade category designations shall be based on one school year of performance.

~~2. In school years 1998-1999 and 1999-2000, a school's performance grade category designation shall be determined by the student achievement levels on the FCAT, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, and student readiness for college, in accordance with state board rule.~~

~~2.3. In the 2000-2001 school year, a school's performance grade category designation shall be based on a combination of student achievement scores as measured by the FCAT, on the degree of measured learning gains of the students, and on other appropriate performance data, including, but not limited to, dropout rate and student readiness for college.~~

~~3.4. Beginning with the 2001-2002 school year and thereafter, a school's performance grade category designation shall be based on student learning gains as measured by annual FCAT assessments in grades 3 through 10, and on other appropriate performance data, including, but not limited to, dropout rate, cohort graduation rate, and student readiness for college.~~

The Department of Education shall study the effects of mobility on the performance of highly mobile students and recommend programs to improve the performance of such students. The state board shall adopt appropriate criteria for each school performance grade category. The criteria must also give added weight to student achievement in reading. Schools designated as performance grade category "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students

who have scored among the lowest 25 percent of students in the state as well as by the overall population of students in the school.

Reviser's note.—Amended to delete provisions that have served their purpose.

Section 14. Subsection (4) of section 231.262, Florida Statutes, is amended to read:

231.262 Complaints against teachers and administrators; procedure; penalties.—

(4) The complaint and all information obtained pursuant to the investigation by the department shall be confidential and exempt from the provisions of s. 119.07(1) until the conclusion of the preliminary investigation of the complaint, until such time as the preliminary investigation ceases to be active, or until such time as otherwise provided by s. 231.263(6). However, the complaint and all material assembled during the investigation may be inspected and copied by the certificateholder under investigation, or the certificateholder's designee, after the investigation is concluded, but prior to the determination of probable cause by the commissioner. If the preliminary investigation is concluded with the finding that there is no probable cause to proceed, the complaint and information shall be open thereafter to inspection pursuant to s. 119.07(1). If the preliminary investigation is concluded with the finding that there is probable cause to proceed and a complaint is filed pursuant to subsection (5), the complaint and information shall be open thereafter to inspection pursuant to s. 119.07(1) ~~119.97(1)~~. If the preliminary investigation ceases to be active, the complaint and all such material shall be open thereafter to inspection pursuant to s. 119.07(1), except as otherwise provided pursuant to s. ~~231.263(6)~~ 231.263(6)(d). For the purpose of this subsection, a preliminary investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future.

Reviser's note.—Amended to provide contextual consistency. There is no s. 119.97(1); s. 119.07(1) relates to inspection of records. The reference to s. 231.263(6)(d) is incorrect; it does not exist.

Section 15. Section 231.600, Florida Statutes, is reenacted to read:

231.600 School Community Professional Development Act.—

(1) The Department of Education, public community colleges and universities, public school districts, and public schools in this state shall collaborate to establish a coordinated system of professional development. The purpose of the professional development system is to enable the school community to meet state and local student achievement standards and the state education goals and to succeed in school improvement as described in s. 229.591.

(2) The school community includes administrative personnel, managers, instructional personnel, support personnel, members of district school boards, members of school advisory councils, parents, business partners,

and personnel that provide health and social services to school children. School districts may identify and include additional members of the school community in the professional development activities required by this section.

(3) The activities designed to implement this section must:

(a) Increase the success of educators in guiding student learning and development so as to implement state and local educational standards, goals, and initiatives;

(b) Assist the school community in providing stimulating educational activities that encourage and motivate students to achieve at the highest levels and to become active learners; and

(c) Provide continuous support for all education professionals as well as temporary intervention for education professionals who need improvement in knowledge, skills, and performance.

(4) The Department of Education, school districts, schools, and public colleges and universities share the responsibilities described in this section. These responsibilities include the following:

(a) The department shall develop and disseminate to the school community model professional development methods and programs that have demonstrated success in meeting identified student needs. The Commissioner of Education shall use data on student achievement to identify student needs. The methods of dissemination must include a statewide performance support system, a database of exemplary professional development activities, a listing of available professional development resources, training programs, and technical assistance.

(b) Each school district shall develop a professional development system. The system shall be developed in consultation with teachers and representatives of college and university faculty, community agencies, and other interested citizen groups to establish policy and procedures to guide the operation of the district professional development program. The professional development system must:

1. Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval.

2. Require the use of student achievement data; school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional performance.

3. Provide inservice activities coupled with followup support that are appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall primarily focus on subject content and teaching methods, including technology, as related to the Sunshine State Standards, assessment and data analysis, classroom management, and school safety.

4. Include a master plan for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The master plan shall be updated annually by September 1 using criteria for continued approval as specified by rules of the State Board of Education. Written verification that the inservice plan meets all requirements of this section must be submitted annually to the commissioner by October 1.

5. Require each school principal to establish and maintain an individual professional development plan for each instructional employee assigned to the school. The individual professional development plan must:

a. Be related to specific performance data for the students to whom the teacher is assigned.

b. Define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity.

c. Include an evaluation component that determines the effectiveness of the professional development plan.

6. Include inservice activities for school administrative personnel that address updated skills necessary for effective school management and instructional leadership.

7. Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

8. Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.

9. Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

(c) Each public community college and university shall assist the department, school districts, and schools in the design, delivery, and evaluation of professional development activities. This assistance must include active participation in state and local activities required by the professional development system.

(5)(a) The Department of Education shall provide a system for the recruitment, preparation, and professional development of school administrative personnel. This system shall:

1. Identify the knowledge, competencies, and skills necessary for effective school management and instructional leadership that align with student performance standards and accountability measures.

2. Include performance evaluation methods.

3. Provide for alternate means for preparation of school administrative personnel which may include programs designed by school districts and institutions of higher education pursuant to guidelines developed by the commissioner. Such preparation programs shall be approved by the Department of Education.

4. Provide for the hiring of qualified out-of-state school administrative personnel.

5. Provide advanced educational opportunities for school-based instructional leaders.

(b) The Commissioner of Education shall appoint a task force that includes a school district superintendent, a district school board member, a principal, an assistant principal, a teacher, a dean of a college of education, and parents. The task force shall convene periodically to provide recommendations to the department in the areas of recruitment, certification, preparation, professional development, and evaluation of school administrators.

(6) Each district school board shall provide funding for the professional development system as required by s. 236.081 and the General Appropriations Act, and shall direct expenditures from other funding sources to strengthen the system and make it uniform and coherent. A school district may coordinate its professional development program with that of another district, with an educational consortium, or with a college or university, especially in preparing and educating personnel. Each district school board shall make available inservice activities to instructional personnel of nonpublic schools in the district and the state certified teachers who are not employed by the district school board on a fee basis not to exceed the cost of the activity per all participants.

(7) An organization of nonpublic schools which has no fewer than 10 member schools in this state, which publishes and files with the Department of Education copies of its standards, and the member schools of which comply with the provisions of chapter 232, relating to compulsory school attendance, may also develop a professional development system that includes a master plan for inservice activities. The system and inservice plan must be submitted to the commissioner for approval pursuant to rules of the State Board of Education.

(8) The Department of Education shall design methods by which the state and district school boards may evaluate and improve the professional development system. The evaluation must include an annual assessment of data that indicate progress or lack of progress of all students. If the review of the data indicates progress, the department shall identify the best practices that attributed to the progress. If the review of the data indicates a lack of progress, the department shall investigate the causes of the lack of progress, provide technical assistance, and require the school district to employ a different approach to professional development. The department shall report annually to the State Board of Education and the Legislature any school district that, in the determination of the department, has failed to provide an adequate professional development system. This report must

include the results of the department's investigation and of any intervention provided.

(9) The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

(10) This section does not limit or discourage a district school board from contracting with independent entities for professional development services and inservice education if the district school board believes that, through such a contract, a better product can be acquired or its goals for education improvement can be better met.

(11) For teachers, managers, and administrative personnel who have been evaluated as less than satisfactory, a district school board shall require participation in specific professional development programs as part of the improvement prescription.

Reviser's note.—Reenacted to confirm the existence of s. 231.600, which was repealed October 1, 1995, by s. 21, ch. 85-238, Laws of Florida, but prior to that date was substantially reworded by s. 1, ch. 95-236, Laws of Florida, effective June 9, 1995; further amended by s. 10, ch. 98-281, Laws of Florida; s. 60, ch. 99-398, Laws of Florida; and s. 48, ch. 2000-301, Laws of Florida.

Section 16. Subsection (1) of section 231.6215, Florida Statutes, is amended to read:

231.6215 Student Fellowship Program.—

(1) The Student Fellowship Program is created to provide 2-year scholarship loans of \$6,500 per year to students who are residents of this state and who are rising juniors at a state community college, state university, or independent postsecondary education institution that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program ~~Florida Resident Access Grant~~ or to education paraprofessional learning guides, as defined in s. 231.700(3), who are pursuing a bachelor's degree in order to become an associate teacher, as defined in s. 231.700(3).

Reviser's note.—Amended to conform to the title of the program as provided in s. 240.605.

Section 17. Section 232.50, Florida Statutes, is amended to read:

232.50 Child abuse, abandonment, and neglect policy.—Every school board shall ~~by March 1, 1985:~~

(1) Post in a prominent place in each school a notice that, pursuant to chapter 39, all employees or agents of the district school board have an affirmative duty to report all actual or suspected cases of child abuse, abandonment, or neglect, have immunity from liability if they report such cases in good faith, and have a duty to comply with child protective investigations and all other provisions of law relating to child abuse, abandonment, and neglect. The notice shall also include the statewide toll-free telephone number of the central abuse hotline.

(2) Provide that the superintendent, or the superintendent's designee, at the request of the Department of Children and Family Services, will act as a liaison to the Department of Children and Family Services and the child protection team, as defined in s. 39.01, when in a case of suspected child abuse, abandonment, or neglect or an unlawful sexual offense involving a child the case is referred to such a team; except that this subsection may in no instance be construed as relieving or restricting the Department of Children and Family Services from discharging its duty and responsibility under the law to investigate and report every suspected or actual case of child abuse, abandonment, or neglect or unlawful sexual offense involving a child.

~~Each district school board shall comply with the provisions of this section, and such board shall notify the Department of Education and the Department of Children and Family Services of its compliance by March 1, 1985.~~

Reviser's note.—Amended to delete provisions that have served their purpose.

Section 18. Section 233.0655, Florida Statutes, is amended to read:

233.0655 Patriotic programs; rules.—Each district school board is authorized to adopt rules to require, in all of the schools of the district, programs of a patriotic nature to encourage greater respect for the government of the United States and its national anthem and flag, subject always to other existing pertinent laws of the United States or of the state; provided, that when the national anthem is played, students and all civilians shall stand at attention, men removing the headdress, except when such headdress is worn for religious purposes; and provided, further, that the pledge of allegiance to the flag, "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all," shall be rendered by students standing with the right hand over the heart. The pledge of allegiance to the flag, as stated herein, shall be recited at the beginning of the day in each elementary and secondary public school in the state. Each student shall be informed by posting a notice in a conspicuous place that the student has the right not to participate in reciting the pledge. Upon written request by his or her parent or guardian, the student must be excused from reciting the pledge. When the pledge is given, civilians must show full respect to the flag by standing at attention, men removing the headdress, except when such headdress is worn for religious purposes, as provided by Pub. L. ch. 77-435 No. 623, s. 7, approved June 22, 1942, 56 Stat. 377, as amended by Pub. L. ch. 77-806 No. 829, 56 Stat. 1074, approved December 22, 1942.

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

Section 19. Paragraph (a) of subsection (2) of section 233.068, Florida Statutes, is amended to read:

233.068 Job-related vocational instruction.—

(2) OPEN-ENTRY PROGRAMS IN CAREER DEVELOPMENT AND APPLIED TECHNOLOGY.—By the 1998-1999 school year, up to 30 school

districts may establish programs in which students who have differing abilities and career plans may pursue an education that develops academic and vocational skills required by specified related occupations. Each program must:

(a) Be self-contained and provide sufficient courses for a student in each occupational training level to earn a high school diploma as provided in s. ss. 232.246 and 232.2467 and provide free transportation for students to and from their residences. A program may be called a school, but need not have a separate campus. If a program has a separate campus or is a school within a school, it may agree with another school to allow the students to participate in extracurricular activities.

Reviser's note.—Amended to conform to the repeal of s. 232.2467 by s. 68, ch. 92-136, Laws of Florida.

Section 20. Effective July 1, 2001, subsection (3) of section 235.26, Florida Statutes, as amended by s. 11, ch. 2000-141, Laws of Florida, is amended to read:

235.26 State uniform building code for public educational facilities construction.—

(3) ENFORCEMENT BY BOARD.—It is the responsibility of each district school board and community college district board of trustees to ensure that all plans and educational and ancillary plants meet the standards of the Florida Building Code and the Florida Fire Prevention Code and to provide for the enforcement of these codes in the areas of its jurisdiction. Each board shall provide for the proper supervision and inspection of the work. Each board may employ a chief building official or inspector and such other inspectors, who have been certified pursuant to chapter 468, and such personnel as are necessary to administer and enforce the provisions of this code. Boards may also utilize local building department inspectors who are certified by the department to enforce this code. Plans or facilities that fail to meet the standards of the Florida Building Code or the Florida Fire Prevention Code may not be approved. When planning for and constructing an educational, auxiliary, or ancillary facility, a district school board must use construction materials and systems that meet standards adopted pursuant to ~~subparagraphs (1)(e)3. and 4. subparagraph (2)(f)5.~~ If the planned or actual construction of a facility deviates from the adopted standards, the district school board must, at a public hearing, quantify and compare the costs of constructing the facility with the proposed deviations and in compliance with the adopted standards and the Florida Building Code. The board must explain the reason for the proposed deviations and compare how the total construction costs and projected life-cycle costs of the facility or component system of the facility would be affected by implementing the proposed deviations rather than using materials and systems that meet the adopted standards. The provisions of this subsection do apply to educational, auxiliary, and ancillary facility projects commenced on or after July 1, 1999.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation. Subparagraph (2)(f)5. was repealed by s. 11, ch. 2000-141, Laws

of Florida, and the language relating to standards now appears at subparagraphs (1)(e)3. and 4.

Section 21. Subsection (4) of section 236.1225, Florida Statutes, is amended to read:

236.1225 Gifted education exemplary program grants.—

(4) The commissioner shall review and approve, disapprove, or resubmit for modification all proposed programs for education for the gifted submitted. For those programs approved, the commissioner shall authorize distribution of funds equal to the cost of the program from funds appropriated to the Department of Education for exemplary program grants for education for the gifted as provided for by this act. These funds shall be in addition to any funds for education for the gifted provided pursuant to ss. 236.025 and 236.081 ~~s. 236.081(1)(c)~~.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation. Section 236.081(1)(c) does not refer to education for the gifted; exceptional education funding is covered in ss. 236.025 and 236.081.

Section 22. Subparagraphs 1.-3. of paragraph (b) of subsection (5) of section 236.25, Florida Statutes, are repealed.

Reviser's note.—The cited subparagraphs relate to school district spending for fiscal years 1997-1998 through 1999-2000.

Section 23. Subsection (2) of section 240.145, Florida Statutes, is amended to read:

240.145 Postsecondary Education Planning Commission.—

(2) The commission shall be composed of 11 members of the general public and one full-time student representing the postsecondary education system of the state. Each member shall be appointed by the Governor, approved by three members of the State Board of Education other than the Governor, and confirmed by the Senate. Members shall serve staggered 4-year terms, except for the full-time student member, who shall serve for 1 year; ~~however, of the initial nonstudent appointees, two shall hold 1-year terms, three shall hold 2-year terms, three shall hold 3-year terms, and three shall hold 4-year terms.~~ The student member shall be selected annually with the qualification that he or she be a registered full-time student at a postsecondary educational institution as defined in chapter 230, relating to public area technical centers; in this chapter, relating to public community colleges and universities; or in chapter 246, relating to nonpublic colleges, universities, and vocational schools. The members of the commission shall elect a chair annually. The Governor shall fill all vacancies, subject to approval and confirmation, that may at any time occur on the commission.

Reviser's note.—Amended to delete provisions that have served their purpose.

Section 24. Subsection (1) of section 240.2995, Florida Statutes, is amended to read:

240.2995 University health services support organizations.—

(1) Each state university is authorized to establish university health services support organizations which shall have the ability to enter into, for the benefit of the university academic health sciences center, ~~and~~ arrangements with other entities as providers in other integrated health care systems or similar entities. To the extent required by law or rule, university health services support organizations shall become licensed as insurance companies, pursuant to chapter 624, or be certified as health maintenance organizations, pursuant to chapter 641. University health services support organizations shall have sole responsibility for the acts, debts, liabilities, and obligations of the organization. In no case shall the state or university have any responsibility for such acts, debts, liabilities, and obligations incurred or assumed by university health services support organizations.

Reviser's note.—Amended to improve clarity.

Section 25. Paragraph (b) of subsection (2) of section 240.345, Florida Statutes, is amended to read:

240.345 Financial support of community colleges.—

(2) STUDENT FEES.—

(b) The State Board of Community Colleges shall adopt rules permitting the deferral of registration and tuition fees for those students who receive financial aid from federal or state assistance programs when such aid is delayed in being transmitted to the student through circumstances beyond the control of the student. The failure to make timely application for such aid is insufficient reason to receive such deferral.

1. A veteran or other eligible student who receives benefits under chapter 30, chapter 31, chapter 32, chapter 34, or chapter 35, 38 U.S.C., or chapter 106, 10 U.S.C., is entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of his or her benefits.

2. Each community college shall be responsible for collecting all deferred fees. If a community college has not collected a deferred fee, the student shall not earn full-time equivalent student enrollment for any course for which the student subsequently registers until the fee has been paid.

3. In adopting such rules, the State Board of Community Colleges is required to enforce the collection of or otherwise settle delinquent accounts.

4. The State Board of Education shall require that each institution within the community college system withdraw all requests for course approval from the United States Department of Veterans Affairs Veterans Administration ~~Veterans Administration~~ for education programs offered in correctional facilities which are provided through state funding at no cost to the inmate.

Reviser's note.—Amended to conform to the redesignation of the United States Veterans' Administration as the United States Department of Veterans Affairs by s. 2, Pub. L. No. 100-527.

Section 26. Subsections (1) and (2) of section 240.40208, Florida Statutes, are amended to read:

240.40208 Eligibility for the Florida Bright Futures Scholarship Program; transition.—

(1) A student who graduates from high school in 1997 or earlier and who is eligible for the Florida Undergraduate Scholar's Program pursuant to former s. 240.402 is eligible for the Florida Academic Scholars award as provided in this act. A student who graduates from high school in 1998 or 1999 is eligible for the Florida Academic Scholars award if the student meets the criteria in s. 240.40205. However, in lieu of satisfying the requirements set forth in s. 240.40205(1)(a) and (b), a student may meet the following criteria:

(a) Complete a program of at least 24 credits in advanced-level studies as prescribed by the State Board of Education, including as a minimum:

1. Four years of progressively advanced instruction in language arts, including courses in English composition and literature.

2. Four years of progressively advanced instruction in science, including laboratory courses in biology, chemistry, and physics where laboratory facilities are available.

3. Four years of progressively advanced instruction in mathematics, including courses in algebra, geometry, and calculus or trigonometry.

4. Two years of sequential foreign language.

5. One year of instruction in art and music or in either art or music.

6. Three years of instruction in social studies, including courses in American history and government, world history, and comparative political and economic systems.

7. One year of instruction in health and physical education to include assessment, improvement, and maintenance of personal fitness.

(b) Obtain at least the equivalent of an unweighted grade point average of 3.0 on a 4.0 scale for all courses taken for which high school credit may be granted.

(c) Achieve a score of 1180 on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program or an equivalent program.

(d) Complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall

include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

Students who graduate from high school after 1999 must meet the eligibility criteria pursuant to s. 240.40205.

(2) A student who graduates from high school in 1997 or earlier and who is eligible for the Florida Vocational Gold Seal Endorsement Scholarship award pursuant to former s. 240.4021 is eligible for the Florida Gold Seal Vocational Scholars award as provided in this act. A student who graduates from high school in 1998 or 1999 is eligible for the Florida Gold Seal Vocational Scholars award if the student meets the criteria in s. 240.40207. However, in lieu of satisfying the grade point average requirement set forth in s. 240.40207(1)(c), a student may earn a minimum cumulative un-weighted grade point average of 3.0 on a 4.0 scale on all subjects required for a standard high school diploma. Students who graduate from high school after 1999 must meet the eligibility criteria pursuant to s. 240.40207.

Reviser's note.—Amended to conform to the repeal of ss. 240.402 and 240.4021 by s. 11, ch. 97-77, Laws of Florida.

Section 27. Subsection (4) of section 240.5285, Florida Statutes, is amended to read:

240.5285 Florida Atlantic University campuses.—

(4) The Postsecondary Education Planning Commission and the Board of Regents, as a function of each board's comprehensive master planning process, shall continue to evaluate the need for undergraduate programs in Broward County and shall assess the extent to which existing postsecondary programs are addressing those needs. ~~One section of the Board of Regents' 5-year Master Plan for 1993-1998 shall address and make recommendations concerning the establishment of a 4-year public university in Broward County. The board's plan shall include the effectiveness of branch campus operation, including operating and capital budget and a description of programmatic and administrative relationships with public and private institutions in the area. Before January 1, 1993, the Legislature shall review that section of the master plan and, by July 1, 1993, shall make recommendations for implementing that section.~~

Reviser's note.—Amended to delete obsolete language relating to the Board of Regents' 5-year Master Plan for 1993-1998.

Section 28. Paragraph (d) of subsection (5) of section 240.529, Florida Statutes, is amended to read:

240.529 Public accountability and state approval for teacher preparation programs.—

(5) PRESERVICE FIELD EXPERIENCE.—All postsecondary instructors, school district personnel and instructional personnel, and school sites

preparing instructional personnel through preservice field experience courses and internships shall meet special requirements.

(d) Postsecondary teacher preparation programs in cooperation with district school boards and approved nonpublic school associations shall select the school sites for preservice field experience activities. These sites must represent the full spectrum of school communities, including, but not limited to, schools located in urban settings. In order to be selected, school sites must demonstrate commitment to the education of public school students and to the preparation of future teachers. ~~A nonpublic school association, in order to be approved, must have a state-approved master inservice program plan in accordance with s. 236.0811.~~

Reviser's note.—Amended to conform to the repeal of s. 236.0811 by s. 62, ch. 2000-301, Laws of Florida.

Section 29. Paragraph (c) of subsection (2) of section 240.711, Florida Statutes, is amended to read:

240.711 Ringling Center for Cultural Arts.—

(2)

(c) The John and Mable Ringling Museum of Art direct-support organization, operating under the charter and bylaws and such contracts as are approved by the university, shall set policies to maintain and preserve the collections of the Art Museum; the Circus Museum; the furnishings and objects in the Ringling home, referred to as the Ca' d'Zan; and other objects of art and artifacts in the custody of the museum. Title to all such collections, art objects, and artifacts of the museums and its facilities shall remain with the Florida State University, which shall assign state registration numbers to, and conduct annual inventories of, all such properties. The direct-support organization shall develop policy for the museum, subject to the provisions of the John Ringling will and the overall direction of the president of the university; and it is invested with power and authority to nominate a museum director who is appointed by and serves at the pleasure of the president of the university and shall report to the provost of the university or his or her designee. The museum director, with the approval of the provost or his or her designee, shall appoint other employees in accordance with Florida Statutes and rules; remove the same in accordance with Florida Statutes and rules; provide for the proper keeping of accounts and records and budgeting of funds; enter into contracts for professional programs of the museum and for the support and maintenance of the museum; secure public liability insurance; and do and perform every other matter or thing requisite to the proper management, maintenance, support, and control of the museum at the highest efficiency economically possible, while taking into consideration the purposes of the museum.

Reviser's note.—Amended to improve clarity and correct sentence construction.

Section 30. Paragraph (d) of subsection (1) and subsection (2) of section 252.32, Florida Statutes, are amended to read:

252.32 Policy and purpose.—

(1) Because of the existing and continuing possibility of the occurrence of emergencies and disasters resulting from natural, technological, or man-made causes; in order to ensure that preparations of this state will be adequate to deal with, reduce vulnerability to, and recover from such emergencies and disasters; to provide for the common defense and to protect the public peace, health, and safety; and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary:

(d) To authorize the establishment of such organizations and the development and employment of such measures as are necessary and appropriate to carry out the provisions of ss. 252.31-252.90 ~~252.31-252.91~~.

(2) It is further declared to be the purpose of ss. 252.31-252.90 ~~252.31-252.91~~ and the policy of the state that all emergency management functions of the state be coordinated to the maximum extent with comparable functions of the Federal Government, including its various departments, agencies of other states and localities, and private agencies of every type, to the end that the most effective preparation and use may be made of the workforce, resources, and facilities of the nation for dealing with any emergency that may occur.

Reviser's note.—Amended to conform to the repeal of s. 252.91 by s. 39, ch. 2000-158, Laws of Florida.

Section 31. Subsection (5) of section 252.34, Florida Statutes, is amended to read:

252.34 Definitions.—As used in ss. 252.31-252.60, the term:

(5) "Local emergency management agency" means an organization created in accordance with the provisions of ss. 252.31-252.90 ~~252.31-252.91~~ to discharge the emergency management responsibilities and functions of a political subdivision.

Reviser's note.—Amended to conform to the repeal of s. 252.91 by s. 39, ch. 2000-158, Laws of Florida.

Section 32. Subsection (2) of section 252.35, Florida Statutes, is amended to read:

252.35 Emergency management powers; Division of Emergency Management.—

(2) The division is responsible for carrying out the provisions of ss. 252.31-252.90 ~~252.31-252.91~~. In performing its duties under ss. 252.31-252.90 ~~252.31-252.91~~, the division shall:

(a) Prepare a state comprehensive emergency management plan, which shall be integrated into and coordinated with the emergency management plans and programs of the Federal Government. The division must adopt the plan as a rule in accordance with chapter 120. The plan shall be implemented by a continuous, integrated comprehensive emergency management

program. The plan must contain provisions to ensure that the state is prepared for emergencies and minor, major, and catastrophic disasters, and the division shall work closely with local governments and agencies and organizations with emergency management responsibilities in preparing and maintaining the plan. The state comprehensive emergency management plan shall be operations oriented and:

1. Include an evacuation component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of evacuation activities. This component must, at a minimum: contain guidelines for lifting tolls on state highways; ensure coordination pertaining to evacuees crossing county lines; set forth procedures for directing people caught on evacuation routes to safe shelter; establish strategies for ensuring sufficient, reasonably priced fueling locations along evacuation routes; and establish policies and strategies for emergency medical evacuations.

2. Include a shelter component that includes specific regional and interregional planning provisions and promotes coordination of shelter activities between the public, private, and nonprofit sectors. This component must, at a minimum: contain strategies to ensure the availability of adequate public shelter space in each region of the state; establish strategies for refuge-of-last-resort programs; provide strategies to assist local emergency management efforts to ensure that adequate staffing plans exist for all shelters, including medical and security personnel; provide for a postdisaster communications system for public shelters; establish model shelter guidelines for operations, registration, inventory, power generation capability, information management, and staffing; and set forth policy guidance for sheltering people with special needs.

3. Include a postdisaster response and recovery component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of postdisaster response and recovery activities. This component must provide for postdisaster response and recovery strategies according to whether a disaster is minor, major, or catastrophic. The postdisaster response and recovery component must, at a minimum: establish the structure of the state's postdisaster response and recovery organization; establish procedures for activating the state's plan; set forth policies used to guide postdisaster response and recovery activities; describe the chain of command during the postdisaster response and recovery period; describe initial and continuous postdisaster response and recovery actions; identify the roles and responsibilities of each involved agency and organization; provide for a comprehensive communications plan; establish procedures for monitoring mutual aid agreements; provide for rapid impact assessment teams; ensure the availability of an effective statewide urban search and rescue program coordinated with the fire services; ensure the existence of a comprehensive statewide medical care and relief plan administered by the Department of Health; and establish systems for coordinating volunteers and accepting and distributing donated funds and goods.

4. Include additional provisions addressing aspects of preparedness, response, recovery, and mitigation as determined necessary by the division.

5. Address the need for coordinated and expeditious deployment of state resources, including the Florida National Guard. In the case of an imminent major disaster, procedures should address predeployment of the Florida National Guard, and, in the case of an imminent catastrophic disaster, procedures should address predeployment of the Florida National Guard and the United States Armed Forces.

6. Establish a system of communications and warning to ensure that the state's population and emergency management agencies are warned of developing emergency situations and can communicate emergency response decisions.

7. Establish guidelines and schedules for annual exercises that evaluate the ability of the state and its political subdivisions to respond to minor, major, and catastrophic disasters and support local emergency management agencies. Such exercises shall be coordinated with local governments and, to the extent possible, the Federal Government.

8. Assign lead and support responsibilities to state agencies and personnel for emergency support functions and other support activities.

~~The division shall prepare an interim postdisaster response and recovery component that substantially complies with the provisions of this paragraph by June 1, 1993. Each state agency assigned lead responsibility for an emergency support function by the state comprehensive emergency management plan shall also prepare a detailed operational plan needed to implement its responsibilities by June 1, 1993. The complete state comprehensive emergency management plan shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor no later than February 1, 1994, and on February 1 of every even-numbered year thereafter.~~

(b) Adopt standards and requirements for county emergency management plans. The standards and requirements must ensure that county plans are coordinated and consistent with the state comprehensive emergency management plan. If a municipality elects to establish an emergency management program, it must adopt a city emergency management plan that complies with all standards and requirements applicable to county emergency management plans.

(c) Assist political subdivisions in preparing and maintaining emergency management plans.

(d) Review periodically political subdivision emergency management plans for consistency with the state comprehensive emergency management plan and standards and requirements adopted under this section.

(e) Cooperate with the President, the heads of the Armed Forces, the various federal emergency management agencies, and the officers and agencies of other states in matters pertaining to emergency management in the state and the nation and incidents thereof and, in connection therewith, take any measures that it deems proper to carry into effect any request of the

President and the appropriate federal officers and agencies for any emergency management action, including the direction or control of:

1. Emergency management drills, tests, or exercises of whatever nature.
2. Warnings and signals for tests and drills, attacks, or other imminent emergencies or threats thereof and the mechanical devices to be used in connection with such warnings and signals.

(f) Make recommendations to the Legislature, building code organizations, and political subdivisions for zoning, building, and other land use controls; safety measures for securing mobile homes or other nonpermanent or semipermanent structures; and other preparedness, prevention, and mitigation measures designed to eliminate emergencies or reduce their impact.

(g) In accordance with the state comprehensive emergency management plan and program for emergency management, ascertain the requirements of the state and its political subdivisions for equipment and supplies of all kinds in the event of an emergency; plan for and either procure supplies, medicines, materials, and equipment or enter into memoranda of agreement or open purchase orders that will ensure their availability; and use and employ from time to time any of the property, services, and resources within the state in accordance with ss. 252.31-252.90 ~~252.31-252.91~~.

(h) Anticipate trends and promote innovations that will enhance the emergency management system.

(i) Institute statewide public awareness programs. This shall include an intensive public educational campaign on emergency preparedness issues.

(j) Prepare and distribute to appropriate state and local officials catalogs of federal, state, and private assistance programs.

(k) Coordinate federal, state, and local emergency management activities and take all other steps, including the partial or full mobilization of emergency management forces and organizations in advance of an actual emergency, to ensure the availability of adequately trained and equipped forces of emergency management personnel before, during, and after emergencies and disasters.

(l) Establish a schedule of fees that may be charged by local emergency management agencies for review of emergency management plans on behalf of external agencies and institutions. In establishing such schedule, the division shall consider facility size, review complexity, and other factors.

(m) Implement training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. This shall include a continuous training program for agencies and individuals that will be called on to perform key roles in state and local postdisaster response and recovery efforts and for local government personnel on federal and state postdisaster response and recovery strategies and procedures.

(n) Review periodically emergency operating procedures of state agencies and recommend revisions as needed to ensure consistency with the state comprehensive emergency management plan and program.

(o) Make such surveys of industries, resources, and facilities within the state, both public and private, as are necessary to carry out the purposes of ss. ~~252.31-252.90~~ 252.31-252.91.

(p) Prepare, in advance whenever possible, such executive orders, proclamations, and rules for issuance by the Governor as are necessary or appropriate for coping with emergencies and disasters.

(q) Cooperate with the Federal Government and any public or private agency or entity in achieving any purpose of ss. ~~252.31-252.90~~ 252.31-252.91 and in implementing programs for mitigation, preparation, response, and recovery.

(r) Assist political subdivisions with the creation and training of urban search and rescue teams and promote the development and maintenance of a state urban search and rescue program.

(s) Delegate, as necessary and appropriate, authority vested in it under ss. ~~252.31-252.90~~ 252.31-252.91 and provide for the subdelegation of such authority.

(t) Report biennially to the President of the Senate, the Speaker of the House of Representatives, and the Governor, no later than February 1 of every odd-numbered year, the status of the emergency management capabilities of the state and its political subdivisions.

(u) In accordance with chapter 120, create, implement, administer, adopt, amend, and rescind rules, programs, and plans needed to carry out the provisions of ss. ~~252.31-252.90~~ 252.31-252.91 with due consideration for, and in cooperating with, the plans and programs of the Federal Government. In addition, the division may adopt rules in accordance with chapter 120 to administer and distribute federal financial predisaster and postdisaster assistance for prevention, mitigation, preparedness, response, and recovery.

(v) Do other things necessary, incidental, or appropriate for the implementation of ss. ~~252.31-252.90~~ 252.31-252.91.

Reviser's note.—Amended to conform to the repeal of s. 252.91 by s. 39, ch. 2000-158, Laws of Florida, and to delete provisions that have served their purpose.

Section 33. Paragraph (b) of subsection (3) and subsections (6), (7), and (9) of section 252.36, Florida Statutes, are amended to read:

252.36 Emergency management powers of the Governor.—

(3) An executive order or proclamation of a state of emergency shall:

(b) Be authority for the deployment and use of any forces to which the plan or plans apply and for the use or distribution of any supplies, equip-

ment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to ss. ~~252.31-252.90~~ ~~252.31-252.91~~ or any other provision of law relating to emergencies.

(6) The Governor shall take such action and give such direction to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of ss. ~~252.31-252.90~~ ~~252.31-252.91~~ and with the orders and rules made pursuant thereto.

(7) The Governor shall employ such measures and give such directions to the Department of Health and the Agency for Health Care Administration as may be reasonably necessary for the purpose of securing compliance with the provisions of ss. ~~252.31-252.90~~ ~~252.31-252.91~~ or with the findings or recommendations of such agency of health by reason of conditions arising from emergencies or threats of emergency.

(9) The Governor and the division shall establish agencies and offices and appoint executive, professional, technical, clerical, and other personnel as may be necessary to carry out the provisions of ss. ~~252.31-252.90~~ ~~252.31-252.91~~.

Reviser's note.—Amended to conform to the repeal of s. 252.91 by s. 39, ch. 2000-158, Laws of Florida.

Section 34. Paragraphs (a), (b), and (c) of subsection (1) and paragraph (a) of subsection (3) of section 252.38, Florida Statutes, are amended to read:

252.38 Emergency management powers of political subdivisions.—Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state.

(1) COUNTIES.—

(a) In order to provide effective and orderly governmental control and coordination of emergency operations in emergencies within the scope of ss. ~~252.31-252.90~~ ~~252.31-252.91~~, each county within this state shall be within the jurisdiction of, and served by, the division. Except as otherwise provided in ss. ~~252.31-252.90~~ ~~252.31-252.91~~, each local emergency management agency shall have jurisdiction over and serve an entire county. Unless part of an interjurisdictional emergency management agreement entered into pursuant to paragraph (3)(b) which is recognized by the Governor by executive order or rule, each county must establish and maintain such an emergency management agency and shall develop a county emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program. Counties that are part of an interjurisdictional emergency management agreement entered into pursuant to paragraph (3)(b) which is recognized by the Governor by executive order or rule shall cooperatively develop an emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program.

(b) Each county emergency management agency created and established pursuant to ss. ~~252.31-252.90~~ ~~252.31-252.91~~ shall have a director. The direc-

tor must meet the minimum training and education qualifications established in a job description approved by the county. The director shall be appointed by the board of county commissioners or the chief administrative officer of the county, as described in chapter 125 or the county charter, if applicable, to serve at the pleasure of the appointing authority, in conformance with applicable resolutions, ordinances, and laws. A county constitutional officer, or an employee of a county constitutional officer, may be appointed as director following prior notification to the division. Each board of county commissioners shall promptly inform the division of the appointment of the director and other personnel. Each director has direct responsibility for the organization, administration, and operation of the county emergency management agency. The director shall coordinate emergency management activities, services, and programs within the county and shall serve as liaison to the division and other local emergency management agencies and organizations.

(c) Each county emergency management agency shall perform emergency management functions within the territorial limits of the county within which it is organized and, in addition, shall conduct such activities outside its territorial limits as are required pursuant to ss. 252.31-252.90 ~~252.31-252.91~~ and in accordance with state and county emergency management plans and mutual aid agreements. Counties shall serve as liaison for and coordinator of municipalities' requests for state and federal assistance during postdisaster emergency operations.

(3) EMERGENCY MANAGEMENT POWERS; POLITICAL SUBDIVISIONS.—

(a) In carrying out the provisions of ss. 252.31-252.90 ~~252.31-252.91~~, each political subdivision shall have the power and authority:

1. To appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies.

2. To appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers.

3. To establish, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.

4. To assign and make available for duty the offices and agencies of the political subdivision, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary emergency man-

agement forces of the political subdivision for employment within or outside the political limits of the subdivision.

5. To request state assistance or invoke emergency-related mutual-aid assistance by declaring a state of local emergency in the event of an emergency affecting only one political subdivision. The duration of each state of emergency declared locally is limited to 7 days; it may be extended, as necessary, in 7-day increments. Further, the political subdivision has the power and authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

- a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
- b. Entering into contracts.
- c. Incurring obligations.
- d. Employment of permanent and temporary workers.
- e. Utilization of volunteer workers.
- f. Rental of equipment.
- g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
- h. Appropriation and expenditure of public funds.

Reviser's note.—Amended to conform to the repeal of s. 252.91 by s. 39, ch. 2000-158, Laws of Florida.

Section 35. Section 252.46, Florida Statutes, is amended to read:

252.46 Orders and rules.—

(1) In accordance with the provisions of chapter 120, the political subdivisions of the state and other agencies designated or appointed by the Governor or in the state comprehensive emergency management plan are authorized and empowered to make, amend, and rescind such orders and rules as are necessary for emergency management purposes and to supplement the carrying out of the provisions of ss. ~~252.31-252.90~~ ~~252.31-252.91~~, but which are not inconsistent with any orders or rules adopted by the division or by any state agency exercising a power delegated to it by the Governor or the division.

(2) All orders and rules adopted by the division or any political subdivision or other agency authorized by ss. ~~252.31-252.90~~ ~~252.31-252.91~~ to make orders and rules have full force and effect of law after adoption in accordance with the provisions of chapter 120 in the event of issuance by the division or any state agency or, if promulgated by a political subdivision of the state or agency thereof, when filed in the office of the clerk or recorder of the political subdivision or agency promulgating the same. All existing laws, ordinances, and rules inconsistent with the provisions of ss. ~~252.31-252.90~~

~~252.31-252.91~~, or any order or rule issued under the authority of ss. ~~252.31-252.90~~ ~~252.31-252.91~~, shall be suspended during the period of time and to the extent that such conflict exists.

(3) In order to attain uniformity so far as practicable throughout the country in measures taken to aid emergency management, all action taken under ss. ~~252.31-252.90~~ ~~252.31-252.91~~ and all orders and rules made pursuant to such sections shall be taken or made with due consideration of the orders, rules, actions, recommendations, and requests of federal authorities relevant thereto and, to the extent permitted by law, shall be consistent with such orders, rules, actions, recommendations, and requests.

Reviser's note.—Amended to conform to the repeal of s. 252.91 by s. 39, ch. 2000-158, Laws of Florida.

Section 36. Section 252.47, Florida Statutes, is amended to read:

252.47 Enforcement.—The law enforcement authorities of the state and the political subdivisions thereof shall enforce the orders and rules issued pursuant to ss. ~~252.31-252.90~~ ~~252.31-252.91~~.

Reviser's note.—Amended to conform to the repeal of s. 252.91 by s. 39, ch. 2000-158, Laws of Florida.

Section 37. Section 252.50, Florida Statutes, is amended to read:

252.50 Penalties.—Any person violating any provision of ss. ~~252.31-252.90~~ ~~252.31-252.91~~ or any rule or order made pursuant to ss. ~~252.31-252.90~~ ~~252.31-252.91~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Reviser's note.—Amended to conform to the repeal of s. 252.91 by s. 39, ch. 2000-158, Laws of Florida.

Section 38. Section 252.52, Florida Statutes, is amended to read:

252.52 Liberality of construction.—Sections ~~252.31-252.90~~ ~~252.31-252.91~~ shall be construed liberally in order to effectuate their purposes.

Reviser's note.—Amended to conform to the repeal of s. 252.91 by s. 39, ch. 2000-158, Laws of Florida.

Section 39. Paragraph (h) of subsection (5) of section 253.115, Florida Statutes, is amended to read:

253.115 Public notice and hearings.—

(5) The notice and publication requirements of this section do not apply to:

(h) The conveyance of lands pursuant to the provisions of former s. 373.4592(4)(b); or

Reviser's note.—Amended to conform to the repeal of s. 373.4592(4)(b) by s. 2, ch. 94-115, Laws of Florida.

Section 40. Paragraph (a) of subsection (1) of section 253.7829, Florida Statutes, is amended to read:

253.7829 Management plan for retention or disposition of former Cross Florida Barge Canal lands; authority to manage lands until disposition.—

(1) It is declared to be in the public interest that the department shall do and is hereby authorized to do any and all things and incur and pay from the canal authority assets, for the public purposes described herein, any and all expenses necessary, convenient, and proper to:

(a) Develop a management plan for the retention or disposition of lands acquired for the Cross Florida Barge Canal ~~to be submitted to the Governor and Cabinet no later than 2 years after the date of enactment of the Cross Florida Barge Canal deauthorization act,~~ which plan shall reflect a consideration of alternatives for disposition as provided in this section of all lands in fee or less than fee owned by the Board of Trustees of the Internal Improvement Trust Fund, including those lands previously owned by the canal authority and the United States Army Corps of Engineers, and lands to be transferred to the state by the United States Army Corps of Engineers. The management plan shall establish a plan for delineating the specific boundaries of the Cross Florida Greenways State Recreation and Conservation Area. The Legislature intends that such boundaries include, at a minimum, a 300-yard-wide corridor, except where the original corridor is a lesser width or except in areas where bridges and roads cross the canal corridor, on former canal lands within the original canal corridor extending from the St. Johns River to the Gulf of Mexico, including all of the Oklawaha River Valley and Rodman Reservoir, and all canal works in all areas whether completed and in use or not, but excluding all parts of Lake Rousseau. Such boundaries may include other former canal lands according to the following criteria:

1. The proximity of the lands to former canal corridor lands.
2. The environmental sensitivity or importance of the lands or its characteristics as a unique or significant wildlife habitat.
3. The proximity of the lands to existing state or federal land which is maintained, at least in part, as natural wildlife habitat, so that the addition of the parcel would function as a wildlife corridor, or as additional habitat.
4. The potential of the lands to be developed as outdoor recreation lands.

Commercially valuable parcels, including those parcels near road crossings, within the canal corridor which do not meet the criteria of subparagraphs 1.-4. and other former canal lands which are not included within the boundaries of the Cross Florida Greenways State Recreation and Conservation Area under the criteria of subparagraphs 1.-4., may be disposed of as surplus lands pursuant to s. 253.783(2)(a)-(d). Such alternatives for disposition will include retention by the state or any agency thereof for the specific public purposes outlined in this paragraph or by the counties or adjacent municipalities for recreational or conservation purposes, and a declaration of lands

not to be retained as surplus lands to be disposed of pursuant to s. 253.783(2)(a)-(d). The management plan shall also address any remedial measures necessary to correct any environmental or economic damage caused by works constructed as a part of or as a result of the Cross Florida Barge Canal.

Reviser's note.—Amended to delete obsolete language referencing plan submission to the Governor and Cabinet.

Section 41. Subsection (1) of section 255.101, Florida Statutes, is amended to read:

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

(1) All county officials, boards of county commissioners, school boards, city councils, city commissioners, and all other public officers of state boards or commissions which are charged with the letting of contracts for public works and for the construction of public bridges, buildings, and other structures shall operate in accordance with s. 287.093, except that all contracts for the construction of state facilities should comply with provisions in s. 287.09451 ~~287.0945~~, and rules adopted pursuant thereto, for the utilization of minority business enterprises. When construction is financed in whole or in part from federal funds and where federal provisions for utilization of minority business enterprises apply, this section shall not apply.

Reviser's note.—Amended to conform to the repeal of s. 287.0945 by s. 27, ch. 96-320, Laws of Florida, and the creation of s. 287.09451, relating to the same subject matter, by s. 28, ch. 96-320.

Section 42. Subsection (4) of section 255.102, Florida Statutes, is amended to read:

255.102 Contractor utilization of minority business enterprises.—

(4) Notwithstanding the provisions of s. 287.09451 ~~287.0945~~ to the contrary, agencies shall monitor good faith efforts of contractors in competitively awarded building and construction projects, in accordance with rules established pursuant to this section. It is the responsibility of the contractor to exercise good faith efforts in accordance with rules established pursuant to this section, and to provide documentation necessary to assess efforts to include minority business participation.

Reviser's note.—Amended to conform to the repeal of s. 287.0945 by s. 27, ch. 96-320, Laws of Florida, and the creation of s. 287.09451, relating to the same subject matter, by s. 28, ch. 96-320.

Section 43. Paragraph (b) of subsection (2), paragraph (b) of subsection (3), and subsection (10) of section 255.25, Florida Statutes, are amended to read:

255.25 Approval required prior to construction or lease of buildings.—

(2)

(b) The approval of the Department of Management Services, except for technical sufficiency, need not be obtained for the lease of less than 5,000 square feet of space within a privately owned building, provided the agency head or the agency head's designated representative has certified compliance with applicable leasing criteria as may be provided pursuant to s. ~~255.249(4)(k)~~ ~~255.249(2)(k)~~ and has determined such lease to be in the best interest of the state. Such a lease which is for a term extending beyond the end of a fiscal year is subject to the provisions of ss. 216.311, 255.2502, and 255.2503.

(3)

(b) The Department of Management Services may approve extensions of an existing lease of 5,000 square feet or more of space if such extensions are determined to be in the best interests of the state, but in no case shall the total of such extensions exceed 11 months. If at the end of the 11th month an agency still needs space, it shall be procured by competitive bid in accordance with s. ~~255.249(4)(b)~~ ~~255.249(2)(b)~~.

(10) The Department of Management Services may approve emergency acquisition of space without competitive bids if existing state-owned or state-leased space is destroyed or rendered uninhabitable by an act of God, fire, malicious destruction, or structural failure, or by legal action, if the chief administrator of the state agency or the chief administrator's designated representative certifies in writing that no other agency-controlled space is available to meet this emergency need, but in no case shall the lease for such space exceed 11 months. If the lessor elects not to replace or renovate the destroyed or uninhabitable facility, the agency shall procure the needed space by competitive bid in accordance with s. ~~255.249(4)(b)~~ ~~255.249(2)(b)~~. If the lessor elects to replace or renovate the destroyed or uninhabitable facility and the construction or renovations will not be complete at the end of the 11-month lease, the agency may modify the lease to extend it on a month-to-month basis for an additional 6 months to allow completion of such construction or renovations.

Reviser's note.—Amended to conform to the redesignation of subsections within s. 255.249 by s. 2, ch. 2000-172, Laws of Florida.

Section 44. Subsection (1) of section 255.5535, Florida Statutes, is amended to read:

255.5535 Exemptions from asbestos survey requirements.—Notwithstanding the requirements of s. 255.553, a state agency is not required to perform an asbestos survey:

(1) For prefabricated or small structures that do not have floors or utilities, such as storage sheds and wood barns; however, this exemption shall only apply if a person who has successfully completed an asbestos training course in inspecting buildings for asbestos as described in s. ~~469.005(2)(b)~~ ~~455.305(1)(b)~~, inspects the structure and determines that no asbestos is present and that it meets the requirements of this subsection; or

Reviser's note.—Amended to conform to the repeal of s. 455.305(1)(b) by s. 55, ch. 94-119, Laws of Florida, and the enactment of identical language in s. 469.005(2)(b) by s. 53, ch. 94-119.

Section 45. Subsection (12) of section 259.032, Florida Statutes, is reenacted to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(12)(a) Beginning July 1, 1999, the Legislature shall make available sufficient funds annually from the Conservation and Recreation Lands Trust Fund to the department for payment in lieu of taxes to qualifying counties and local governments as defined in paragraph (b) for all actual tax losses incurred as a result of board of trustees acquisitions for state agencies under the Florida Forever program or the Florida Preservation 2000 program during any year. Reserved funds not used for payments in lieu of taxes in any year shall revert to the fund to be used for land acquisition in accordance with the provisions of this section.

(b) Payment in lieu of taxes shall be available:

1. To all counties that have a population of 150,000 or fewer. Population levels shall be determined pursuant to s. 11.031.

2. To all local governments located in eligible counties.

3. To Glades County, where a privately owned and operated prison leased to the state has recently been opened and where privately owned and operated juvenile justice facilities leased to the state have recently been constructed and opened, a payment in lieu of taxes, in an amount that offsets the loss of property tax revenue, which funds have already been appropriated and allocated from the Department of Correction's budget for the purpose of reimbursing amounts equal to lost ad valorem taxes.

Counties and local governments that did not receive payments in lieu of taxes for lands purchased pursuant to s. 259.101 during fiscal year 1999-2000, if such counties and local governments would have received payments pursuant to this subsection as that section existed on June 30, 1999, shall receive retroactive payments for such tax losses.

(c) If insufficient funds are available in any year to make full payments to all qualifying counties and local governments, such counties and local governments shall receive a pro rata share of the moneys available.

(d) The payment amount shall be based on the average amount of actual taxes paid on the property for the 3 years preceding acquisition. Applications for payment in lieu of taxes shall be made no later than January 31 of the year following acquisition. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition. If property which was subject to ad valorem taxation was acquired by a tax-exempt entity for ultimate conveyance to the state under this chapter, payment in lieu of taxes shall be made for such property based upon the average amount of taxes paid on the property for

the 3 years prior to its being removed from the tax rolls. The department shall certify to the Department of Revenue those properties that may be eligible under this provision. Once eligibility has been established, that county or local government shall receive 10 consecutive annual payments for each tax loss, and no further eligibility determination shall be made during that period.

(e) Payment in lieu of taxes pursuant to this subsection shall be made annually to qualifying counties and local governments after certification by the Department of Revenue that the amounts applied for are reasonably appropriate, based on the amount of actual taxes paid on the eligible property, and after the Department of Environmental Protection has provided supporting documents to the Comptroller and has requested that payment be made in accordance with the requirements of this section.

(f) If the board of trustees conveys to a local government title to any land owned by the board, any payments in lieu of taxes on the land made to the local government shall be discontinued as of the date of the conveyance.

For the purposes of this subsection, "local government" includes municipalities, the county school board, mosquito control districts, and any other local government entity which levies ad valorem taxes, with the exception of a water management district.

Reviser's note.—Section 7, ch. 2000-170, Laws of Florida, purported to amend s. 259.032(12)(b), but failed to republish the flush left language at the end of subsection (12). In the absence of affirmative evidence that the Legislature intended to repeal the language, subsection (12) is reenacted to confirm that the omission was not intended.

Section 46. Subsection (4) of section 259.037, Florida Statutes, is repealed, and subsections (1) and (3) of that section are amended to read:

259.037 Land Management Uniform Accounting Council.—

(1) The Land Management Uniform Accounting Council is created within the Department of Environmental Protection and shall consist of the director of the Division of State Lands, the director of the Division of Recreation and Parks, the director of the Office of Coastal and Aquatic Managed Areas, and the director of the Office of Greenways and Trails of the Department of Environmental Protection; the director of the Division of Forestry of the Department of Agriculture and Consumer Services; the executive director of the Fish and Wildlife Conservation Commission; and the director of the Division of Historical Resources of the Department of State, or their respective designees. Each state agency represented on the council shall have one vote. The chair of the council shall rotate annually in the foregoing order of state agencies. The agency of the representative serving as chair of the council shall provide staff support for the council. The Division of State Lands shall serve as the recipient of and repository for the council's documents. The council shall meet ~~initially by May 20, 2000, and thereafter~~ at the request of the chair.

(3) ~~The council shall, by June 20, 2000, review current land management practices and group closely related land management activities and needs into categories.~~ All land management activities and costs must be assigned to a specific category, and any single activity or cost may not be assigned to more than one category. Administrative costs, such as planning or training, shall be segregated from other management activities. Specific management activities and costs must initially be grouped, at a minimum, within the following categories:

- (a) Resource management.
- (b) Administration.
- (c) New facility construction.
- (d) Facility maintenance.

Upon adoption of the initial list of land management categories by the council, agencies assigned to manage conservation or recreation lands shall, on July 1, 2000, begin to account for land management costs in accordance with the category to which an expenditure is assigned.

Reviser's note.—Subsection (1) is amended to delete language relating to the initial meeting of the Land Management Uniform Accounting Council by May 20, 2000. Subsection (3) is amended to delete language relating to a review to be completed by June 20, 2000. Subsection (4) is repealed to delete material requiring submittal of a list of land management categories by January 1, 2001.

Section 47. Subsection (3) of section 259.101, Florida Statutes, is amended to read:

259.101 Florida Preservation 2000 Act.—

(3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—~~Less the costs of issuance, the costs of funding reserve accounts, and other costs with respect to the bonds, the proceeds of bonds issued pursuant to this act shall be deposited into the Florida Preservation 2000 Trust Fund created by s. 375.045. 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. In fiscal year 2000-2001, for each Florida Preservation 2000 program described in paragraphs (a)-(g), that portion of each program's total remaining cash balance which, as of June 30, 2000, is in excess of that program's total remaining appropriation balances shall be~~

redistributed by the department and deposited into the Save Our Everglades Trust Fund for land acquisition. For purposes of calculating the total remaining cash balances for this redistribution, the Florida Preservation 2000 Series 2000 bond proceeds, including interest thereon, and the fiscal year 1999-2000 General Appropriations Act amounts shall be deducted from the remaining cash and appropriation balances, respectively. 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 Division of State Lands within the Department of Environmental Protection to implement the Green Swamp Land Protection Initiative specifically for the purchase of conservation easements, as defined in s. 380.0677(4), 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 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. Title to lands purchased pursuant to paragraph (c) may be vested in the Board of Trustees of the Internal Improvement Trust Fund. The board of trustees shall hold title to land protection agreements and conservation easements that were or will be acquired pursuant to s. 380.0677, and the Southwest Florida Water Management District and the St. Johns River Water Management District shall monitor such agreements and easements within their respective districts until the state assumes this responsibility.

Reviser's note.—Repeals provisions requiring certain distributions of bond issue proceeds for the 1995-1996 and the 1997-1998 fiscal years.

Section 48. Subsection (4) of section 265.284, Florida Statutes, is reenacted, and paragraph (c) of subsection (5) of that section is amended to read:

265.284 Chief cultural officer; director of division; powers and duties.—

(4) There is created the Florida Fine Arts Trust Fund to be administered by the Department of State for the purposes set forth by law. The Florida Fine Arts Trust Fund shall receive distributions as provided in s. 320.08058.

(5) The division is further authorized to:

(c) Conduct and support cultural programs and cultural exchanges in conjunction with the ~~Department of Commerce and other~~ appropriate state agencies, including the acceptance of funding, technical assistance, and other forms of support for such purposes.

Reviser's note.—Subsection (4) is reenacted to confirm the citation in the subsection to s. 320.08058 by s. 5, ch. 95-282, Laws of Florida. Paragraph (5)(c) is amended to delete the reference to the Department of Commerce.

Section 20.17, which created the department, was repealed by s. 3, ch. 96-320, Laws of Florida.

Section 49. Section 267.171, Florida Statutes, is amended to read:

267.171 St. Augustine; contract for preservation of historic properties.—The Department of State shall contract with the City of St. Augustine for the management of the various state-owned properties presently managed by the Historic St. Augustine Preservation Board of Trustees. The contract shall provide that the City of St. Augustine may use all proceeds derived from the management of state-owned properties for the purpose of maintaining the state-owned buildings and advancing historic preservation in the City of St. Augustine. Additionally, the department may appropriate all remaining funds in the Historic St. Augustine Preservation Board Operating Trust Fund to the City of St. Augustine for maintenance of the state-owned buildings and advancing historic preservation in the City of St. Augustine. The Department of State may transfer ownership of and responsibility for ~~to~~ any artifacts, documents, equipment, and other forms of tangible personal property to the City of St. Augustine to assist the city in the transition of the management of state-owned properties. The Department of State is authorized to use the unexpended balance of up to \$500,000 in general revenue funds, as provided in the 1997-1998 General Appropriations Act for the St. Augustine Preservation Board, to enter into contracts with the City of St. Augustine to continue the operations and maintenance of historic properties.

Reviser's note.—Amended to improve clarity and sentence construction.

Section 50. Effective October 1, 2001, section 267.171, Florida Statutes, as amended by section 2 of chapter 2000-208, Laws of Florida, is amended to read:

267.171 St. Augustine; contract for preservation of historic properties.—The Department of State shall contract with the City of St. Augustine for the management of the various state-owned properties presently managed by the Historic St. Augustine Preservation Board of Trustees. The contract shall provide that the City of St. Augustine may use all proceeds derived from the management of state-owned properties for the purpose of maintaining the state-owned buildings and advancing historic preservation in the City of St. Augustine. The Department of State may transfer ownership of and responsibility for ~~to~~ any artifacts, documents, equipment, and other forms of tangible personal property to the City of St. Augustine to assist the city in the transition of the management of state-owned properties.

Reviser's note.—Amended to improve clarity and sentence construction.

Section 51. Subsections (1) and (9) of section 282.303, Florida Statutes, are amended to read:

282.303 Definitions.—For the purposes of ss. 282.303-282.322, the term:

(1) "Agency" means those entities described in s. 216.011(1)(qq) ~~216.011(1)(mm)~~.

(9) “State Annual Report on Enterprise Resource Planning and Management” means the report prepared by the State Technology Office as defined in s. ~~282.102~~ 282.3093.

Reviser’s note.—Subsection (1) is amended to conform to the redesignation of subunits in s. 216.011 by s. 1, ch. 2000-371, Laws of Florida. Subsection (9) is amended to conform to the repeal of s. 282.3093 by s. 29, ch. 2000-164, Laws of Florida, and the revision to s. 282.102 by s. 5, ch. 2000-164.

Section 52. Subsections (1) and (3) of section 283.33, Florida Statutes, are amended to read:

283.33 Printing of publications; lowest bidder awards.—

(1) Publications may be printed and prepared in-house, by another agency or the Legislature, or purchased on bid, whichever is more economical and practicable as determined by the agency. An agency may contract for binding separately when more economical or practicable, whether or not the remainder of the printing is done in-house. A bidder may subcontract for binding and still be considered a qualified bidder or offeror, notwithstanding s. ~~287.012(13)~~ 287.012(10).

(3) Except as otherwise provided for in this part, a contract for printing of a publication shall be subject to ~~the provisions of s. 287.062~~ and, when applicable, the definitions in s. 287.012, and shall be considered a commodity for that purpose.

Reviser’s note.—Subsection (1) is amended to conform to the redesignation of subunits of s. 287.012 by s. 11, ch. 90-268, Laws of Florida; s. 15, ch. 92-98, Laws of Florida; s. 107, ch. 92-142, Laws of Florida; and s. 8, ch. 96-236, Laws of Florida. Subsection (3) is amended to conform to the repeal of s. 287.062 by s. 33, ch. 90-268.

Section 53. Subsection (3) of section 285.18, Florida Statutes, is amended to read:

285.18 Tribal council as governing body; powers and duties.—

(3) The law enforcement agencies of the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida shall have the authority of “criminal justice agencies” as defined in s. ~~943.045(10)(e)~~ 943.045(10)(c) and shall have the specific authority to negotiate agreements with the Florida Department of Law Enforcement, the United States Department of Justice, and other federal law enforcement agencies for access to criminal history records for the purpose of conducting ongoing criminal investigations and for the following governmental purposes:

(a) Background investigations, which are required for employment by a tribal education program, tribal Head Start program, or tribal day care program as may be required by state or federal law.

(b) Background investigations, which are required for employment by tribal law enforcement agencies.

(c) Background investigations, which are required for employment by a tribal government.

(d) Background investigations with respect to all employees, primary management officials, and all persons having a financial interest in a class II Indian tribal gaming enterprise to ensure eligibility as provided in the Indian Gaming Regulatory Act, 25 U.S.C. ss. 2701 et al.

With regard to those investigations authorized in paragraphs (a), (c), and (d), each such individual shall file a complete set of his or her fingerprints that have been taken by an authorized law enforcement officer, which set of fingerprints shall be submitted to the Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for federal processing. The cost of processing shall be borne by the applicant.

Reviser's note.—Amended to conform to the redesignation of s. 943.045(10)(c) as s. 943.045(10)(d) by s. 88, ch. 94-209, Laws of Florida, and the further redesignation of s. 943.045(10)(d) as s. 943.045(10)(e) by s. 162, ch. 98-403, Laws of Florida.

Section 54. Paragraph (c) of subsection (4) of section 287.042, Florida Statutes, is amended to read:

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

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

(c) Development of procedures for the receipt and opening of bids or proposals by an agency. Such procedures shall provide the Office of Supplier Diversity an opportunity to monitor and ensure that the contract award is consistent with the original request for proposal or invitation to bid, in accordance with s. ~~287.0945(4)~~ 287.0945(6), and subject to the review of bid responses within standard timelines.

Reviser's note.—Amended to conform to the repeal of s. 287.0945 by s. 27, ch. 96-320, Laws of Florida, and the creation of s. 287.09451, which relates to the same subject matter, by s. 28, ch. 96-320. Material formerly found in s. 287.0945(6) now appears in s. 287.09451(4).

Section 55. Subsection (9) of section 287.055, Florida Statutes, is repealed, paragraph (d) of subsection (3) of that section is amended, and paragraph (b) of subsection (4) of that section, as amended by s. 23, ch. 85-104, Laws of Florida, is reenacted to read:

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

(3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.—

(d) Each agency shall evaluate professional services, including capabilities, adequacy of personnel, past record, experience, whether the firm is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985, and other factors determined by the agency to be applicable to its particular requirements. When securing professional services, an agency must endeavor to meet the minority business enterprise procurement goals under s. 287.09451 ~~287.0945~~.

(4) COMPETITIVE SELECTION.—

(b) The agency shall select in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services. In determining whether a firm is qualified, the agency shall consider such factors as the ability of professional personnel; whether a firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to each firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. The agency may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations under subsection (5).

Reviser's note.—Paragraph (3)(d) is amended to conform to the repeal of s. 287.0945 by s. 27, ch. 96-320, Laws of Florida, and the creation of s. 287.09451, which relates to the same subject matter, by s. 28, ch. 96-320. Paragraph (4)(b) is reenacted to confirm the continued existence of amendments to that paragraph by s. 23, ch. 85-104, Laws of Florida, despite the October 1, 1995, repeal of s. 23, ch. 85-104, by s. 32, ch. 85-104. Subsection (9), which relates to validity of contracts in existence on July 1, 1973, has served its purpose.

Section 56. Subsection (6) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

(6)(a) In order to strive to meet the minority business enterprise procurement goals set forth in s. 287.09451 ~~287.0945~~, an agency may reserve any contract for competitive sealed bidding only among certified minority business enterprises. Agencies shall review all their contracts each fiscal year and shall determine which contracts may be reserved for bidding only among certified minority business enterprises. This reservation may only be used when it is determined, by reasonable and objective means, before the invitation to bid that there are capable, qualified certified minority business enterprises available to bid on a contract to provide for effective competition. The Office of Supplier Diversity shall consult with any agency in reaching such determination when deemed appropriate.

(b) Before a contract may be reserved for bidding only by certified minority business enterprises, the agency head must find that such a reservation is in the best interests of the state. All determinations shall be subject to s.

287.09451(5) ~~287.0945(7)~~. Once a decision has been made to reserve a contract, but before sealed bids are requested, the agency shall estimate what it expects the amount of the contract to be, based on the nature of the services or commodities involved and their value under prevailing market conditions. If all the sealed bids received are over this estimate, the agency may reject the bids and request new ones from certified minority business enterprises, or the agency may reject the bids and reopen the bidding to all eligible qualified bidders.

(c) All agencies shall consider the use of price preferences of up to 10 percent, weighted preference formulas, or other preferences for contractors as determined appropriate pursuant to guidelines established in accordance with s. 287.09451(4) ~~287.0945(6)~~ to increase the participation of minority business enterprises.

(d) All agencies shall avoid any undue concentration of contracts or purchases in categories of commodities or contractual services in order to meet the minority business enterprise purchasing goals in s. 287.09451 ~~287.0945~~.

Reviser's note.—Amended to conform to the repeal of s. 287.0945 by s. 27, ch. 96-320, Laws of Florida, and the creation of s. 287.09451, which relates to the same subject matter, by s. 28, ch. 96-320.

Section 57. Paragraph (e) of subsection (3), paragraph (a) of subsection (6), and subsection (12) of section 287.0943, Florida Statutes, are amended to read:

287.0943 Certification of minority business enterprises.—

(3)

(e) Any participating program receiving three or more challenges to its certification decisions pursuant to subsection (4) ~~subsection (3)~~ from other organizations that are executors to the statewide and interlocal agreement, shall be subject to a review by the office, as provided in paragraphs (a) and (b), of the organization's capacity to perform under such agreement and in accordance with the core criteria established by the task force. The office shall submit a report to the secretary of the Department of Management Services regarding the results of the review.

(6)(a) The office shall maintain up-to-date records of all certified minority business enterprises, as defined in s. 288.703, and of applications for certification that were denied and shall make this list available to all agencies. The office shall, for statistical purposes, collect and track subgroupings of gender and nationality status for each certified minority business enterprise. Agency spending shall also be tracked for these subgroups. The records may include information about minority business enterprises that provide legal services, auditing services, and health services. Agencies shall use this list in efforts to meet the minority business enterprise procurement goals set forth in s. 287.09451 ~~289.09451~~.

(12) Any executor of the statewide and interlocal agreement may revoke the certification or recertification of a firm doing business as a certified

minority business enterprise if the minority business enterprise does not meet the requirements of the jurisdiction or certifying entity that certified or recertified the firm as a certified minority business enterprise, or the requirements of ~~subsection (2)~~ ~~subsection (1)~~, s. 288.703, and any rule of the office or the Department of Management Services or if the business acquired certification or recertification by means of falsely representing any entity as a minority business enterprise for purposes of qualifying for certification or recertification.

Reviser's note.—Paragraph (3)(e) and subsection (12) were amended to conform to the redesignation of subunits by s. 2, ch. 2000-286, Laws of Florida. Paragraph (6)(a) was amended to correct an apparent error. Section 289.09451 does not exist; s. 287.09451 relates to minority business enterprise procurement goals.

Section 58. Paragraph (d) of subsection (2) of section 288.012, Florida Statutes, is amended to read:

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

(2) Each foreign office shall have in place an operational plan approved by the participating boards or other governing authority, a copy of which shall be provided to the Office of Tourism, Trade, and Economic Development. These operating plans shall be reviewed and updated each fiscal year and shall include, at a minimum, the following:

(d) Identification of new and emerging market opportunities for Florida businesses. Each foreign office shall provide the Florida Trade Data Center with a compilation of foreign buyers and importers in industry sector priority areas on an annual basis. In return, the Florida Trade Data Center shall make available to each foreign office, and to Enterprise Florida, Inc., the Florida Commission on Tourism, the Florida Ports Council, the Department of State, the Department of Citrus, and the Department of Agriculture and Consumer Services, trade industry, commodity, and opportunity information. This information shall be provided to such offices and entities either free of charge or on a fee basis with fees set only to recover the costs of providing the information.

Reviser's note.—Amended to conform to the correct title of the department as created in s. 20.14.

Section 59. Paragraph (i) of subsection (1) of section 288.106, Florida Statutes, is amended to read:

288.106 Tax refund program for qualified target industry businesses.—

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

(i) “Jobs” means full-time equivalent positions, as such terms are consistent with terms used by the Department of Labor and Employment Security and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation, resulting directly from a project in this state. This number shall not include temporary construction jobs involved with the construction of facilities for the project or any jobs which have previously been included in any application for tax refunds under s. 288.1045 ~~288.104~~ or this section.

Reviser’s note.—Amended to conform to the repeal of s. 288.104, which provided for the qualified defense contractor tax refund program, by s. 8, ch. 96-348, Laws of Florida, and the creation of s. 288.1045, which provides for the qualified defense contractor tax refund program, by s. 1, ch. 96-348.

Section 60. Subsections (1), (2), and (3) of section 288.1066, Florida Statutes, are amended to read:

288.1066 Confidentiality of records.—

(1) The following information when received by ~~the Department of Commerce;~~ the Office of Tourism, Trade, and Economic Development; Enterprise Florida, Inc.; or county or municipal governmental entities and their employees pursuant to the qualified defense contractor tax refund program as required by s. 288.1045 is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period not to exceed the duration of the tax refund agreement or 10 years, whichever is earlier:

(a) The applicant’s federal employer identification number and Florida sales tax registration number.

(b) The percentage of the applicant’s gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

(c) The amount of:

1. Taxes on sales, use, and other transactions paid pursuant to chapter 212;
2. Corporate income taxes paid pursuant to chapter 220;
3. Intangible personal property taxes paid pursuant to chapter 199;
4. Emergency excise taxes paid pursuant to chapter 221; and
5. Ad valorem taxes paid

during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

(d) Any trade secret information as defined in s. 812.081 contained within any statement concerning the applicant's need for tax refunds or concerning the proposed uses of such refunds by the applicant.

(2) The following information when received by ~~the Department of Commerce~~; the Office of Tourism, Trade, and Economic Development; Enterprise Florida, Inc.; or county or municipal governmental entities and their employees pursuant to the qualified target industry tax refund program as required by s. 288.106 is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period not to exceed the duration of the tax refund agreement or 10 years, whichever is earlier:

(a) The applicant's federal employer identification number and Florida sales tax registration number.

(b) Any trade secret information as defined in s. 812.081 contained within any description of the type of business activity or product covered by the project.

(c) The anticipated wages of those jobs projected to be created by the project.

(d) The amount of:

1. Taxes on sales, use, and other transactions paid pursuant to chapter 212;
2. Corporate income taxes paid pursuant to chapter 220;
3. Intangible personal property taxes paid pursuant to chapter 199;
4. Emergency excise taxes paid pursuant to chapter 221; and
5. Ad valorem taxes paid

during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

(e) Any trade secret information as defined in s. 812.081 contained within any statement concerning the role that the tax refunds requested will play in the decision of the applicant to locate or expand in this state.

(f) An estimate of the proportion of the sales resulting from the project that will be made outside this state.

(3) Nothing contained in this section shall prevent ~~the Department of Commerce~~; the Office of Tourism, Trade, and Economic Development; Enterprise Florida, Inc.; or any county or municipal governmental entity receiving the information described in this section from publishing statistics in the aggregate and so classified as to prevent the identification of a single qualified applicant.

Reviser's note.—Amended to conform to the repeal of s. 20.17, which created the Department of Commerce, by ch. 96-320, Laws of Florida.

Section 61. Subsection (1) of section 288.1167, Florida Statutes, is amended to read:

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

(1) Funds and facilities with respect to food and beverage and related concessions shall be awarded to minority business enterprises as defined in s. 288.703 on the same terms and conditions as the general food and beverage concessionaire and in accordance with the minority business enterprise procurement goals set forth in s. 287.09451 ~~287.0945~~;

Reviser's note.—Amended to conform to the repeal of s. 287.0945 by s. 27, ch. 96-320, Laws of Florida, and the creation of s. 287.09451, which relates to the same subject matter, by s. 28, ch. 96-320.

Section 62. Subsection (6) of section 288.1169, Florida Statutes, is amended to read:

288.1169 International Game Fish Association World Center facility; department duties.—

(6) The Department of Commerce must recertify every 10 years that the facility is open, that the International Game Fish Association World Center continues to be the only international administrative headquarters, fishing museum, and Hall of Fame in the United States recognized by the International Game Fish Association, and that the project is meeting the minimum projections for attendance or sales tax revenues as required at the time of original certification. If the facility is not recertified during this 10-year review as meeting the minimum projections, then funding will be abated until certification criteria are met. If the project fails to generate \$1 million of annual revenues pursuant to paragraph (2)(e), the distribution of revenues pursuant to s. 212.20(6)(e)7.d. ~~212.20(6)(e)6.e.~~ shall be reduced to an amount equal to \$83,333 multiplied by a fraction, the numerator of which is the actual revenues generated and the denominator of which is \$1 million. Such reduction shall remain in effect until revenues generated by the project in a 12-month period equal or exceed \$1 million.

Reviser's note.—Amended to conform to the redesignation of subunits of s. 212.20 incident to the compiling of the Florida Statutes 2000.

Section 63. Subsection (7) and paragraph (g) of subsection (8) of section 288.1229, Florida Statutes, are amended to read:

288.1229 Promotion and development of sports-related industries and amateur athletics; direct-support organization; powers and duties.—

(7) In exercising the power provided in this section, the Office of Tourism, Trade, and Economic Development may authorize and contract with the

direct-support organization existing on June 30, 1996, and authorized by the former Florida Department of Commerce to promote sports-related industries. An appointed member of the board of directors of such direct-support organization as of June 30, 1996, may serve the remainder of his or her unexpired term.

(8) To promote amateur sports and physical fitness, the direct-support organization shall:

(g) Continue the successful amateur sports programs previously conducted by the Florida Governor's Council on Physical Fitness and Amateur Sports created under former s. 14.22.

Reviser's note.—Subsection (7) is amended to conform to the repeal of s. 20.17, which created the Department of Commerce, by s. 3, ch. 96-320, Laws of Florida. Paragraph (8)(g) is amended to conform to the repeal of s. 14.22 by s. 10, ch. 99-251, Laws of Florida.

Section 64. Subsection (1) of section 288.7771, Florida Statutes, is repealed.

Reviser's note.—The repealed provision required the annual report of the Florida Export Finance Corporation to include the evaluation required by s. 288.7772(1), which was repealed by s. 44, ch. 2000-158, Laws of Florida.

Section 65. Paragraph (a) of subsection (4) of section 290.0065, Florida Statutes, is amended to read:

290.0065 State designation of enterprise zones.—

(4)(a) Notwithstanding s. 290.0055, any area existing as a state enterprise zone as of the effective date of this section and originally approved through a joint application from a county and municipality, or through an application from a county as defined in s. 125.011(1), shall be redesignated as a state enterprise zone upon the creation of an enterprise zone development agency pursuant to s. 290.0056 and the completion of a strategic plan pursuant to s. 290.0057. Any area redesignated pursuant to this subsection, other than an area located in a county defined in s. 125.011(1), may be relocated or modified by the appropriate governmental bodies. Such relocation or modification shall be identified in the strategic plan and shall meet the requirements for designation as established by former s. 290.005. Any relocation or modification shall be submitted on or before June 1, 1996.

Reviser's note.—Amended to conform to the repeal of s. 290.005 by s. 20, ch. 94-136, Laws of Florida.

Section 66. Subsection (8) of section 290.007, Florida Statutes, is amended to read:

290.007 State incentives available in enterprise zones.—The following incentives are provided by the state to encourage the revitalization of enterprise zones:

(8) Notwithstanding any law to the contrary, the Public Service Commission may allow public utilities and telecommunications companies to grant discounts of up to 50 percent on tariffed rates for services to small businesses located in an enterprise zone designated pursuant to s. 290.0065. Such discounts may be granted for a period not to exceed 5 years. For purposes of this subsection, “public utility” has the same meaning as in s. 366.02(1) and “telecommunications company” has the same meaning as in s. 364.02(12) ~~364.02(7)~~.

Reviser’s note.—Amended to conform to the redesignation of s. 364.02(7) as s. 364.02(12) by s. 6, ch. 95-403, Laws of Florida.

Section 67. Subsection (7) of section 320.0848, Florida Statutes, is amended to read:

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

(7) Any person who fraudulently obtains or unlawfully displays a disabled parking permit that belongs to another person while occupying a disabled parking space or an access aisle as defined in s. 553.5041 ~~316.1955~~ while the owner of the permit is not being transported in the vehicle or who uses an unauthorized replica of such a disabled parking permit with the intent to deceive is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Reviser’s note.—Amended to conform to the deletion of the references to disabled parking spaces and access aisles from s. 316.1955 by s. 16, ch. 2000-141, Laws of Florida, and the definition of those terms in s. 553.5041, created by s. 66, ch. 2000-141.

Section 68. Subsection (2) of section 320.20, Florida Statutes, is amended to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, must be distributed monthly, as collected, as follows:

(2) Twenty-five million dollars per year of such revenues must be deposited in the State Transportation Trust Fund, with priority use assigned to completion of the interstate highway system. However, any excess funds may be utilized for general transportation purposes, consistent with the Department of Transportation’s legislatively approved objectives. ~~Prior to such utilization, the department’s comptroller shall certify that adequate funds are available to assure expeditious completion of the interstate highway system and to award all such contracts by 1990.~~

Reviser’s note.—Amended to delete obsolete language requiring contracts to be awarded by 1990.

Section 69. Subsection (5) of section 320.27, Florida Statutes, is amended to read:

320.27 Motor vehicle dealers.—

(5) SUPPLEMENTAL LICENSE.—Any person licensed hereunder shall obtain a supplemental license for each permanent additional place or places of business not contiguous to the premises for which the original license is issued, on a form to be furnished by the department, and upon payment of a fee of \$50 for each such additional location. Upon making renewal applications for such supplemental licenses, such applicant shall pay \$50 for each additional location. A supplemental license authorizing off-premises sales shall be issued, at no charge to the dealer, for a period not to exceed 10 consecutive calendar days. To obtain such a temporary supplemental license for off-premises sales, the applicant must be a licensed dealer; must notify the applicable local department office of the specific dates and location for which such license is requested, display a sign at the licensed location clearly identifying the dealer, and provide staff to work at the temporary location for the duration of the off-premises sale; must meet any local government permitting requirements; and must have permission of the property owner to sell at that location. In the case of an off-premises sale by a motor vehicle dealer licensed under subparagraph (1)(c)1. for the sale of new motor vehicles, the applicant must also include documentation notifying the applicable licensee licensed under s. 320.61 of the intent to engage in an off-premises sale 5 working days prior to the date of the off-premises sale. The licensee shall either approve or disapprove of the off-premises sale within ~~with~~ 2 working days after receiving notice; otherwise, it will be deemed approved. This section does not apply to a nonselling motor vehicle show or public display of new motor vehicles.

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

Section 70. Subsection (1) of section 322.051, Florida Statutes, is reenacted to read:

322.051 Identification cards.—

(1) Any person who is 12 years of age or older, or any person who has a disability, regardless of age, who applies for a disabled parking permit under s. 320.0848, may be issued an identification card by the department upon completion of an application and payment of an application fee.

(a) Each such application shall include the following information regarding the applicant:

1. Full name (first, middle or maiden, and last), gender, social security card number, residence and mailing address, and a brief description.

2. Proof of birth date satisfactory to the department.

3. Proof of identity satisfactory to the department. Such proof must include one of the following unless a driver's license record or identification card record has already been established: a certified copy of a United States birth certificate, a valid United States passport, an alien registration receipt card (green card), an employment authorization card issued by the United

States Department of Justice, or proof of nonimmigrant classification provided by the United States Department of Justice, for an original identification card.

(b) An application for an identification card must be signed and verified by the applicant in a format designated by the department before a person authorized to administer oaths. The fee for an identification card is \$3, including payment for the color photograph or digital image of the applicant.

Reviser's note.—Section 35, ch. 2000-313, Laws of Florida, purported to amend paragraph (1)(a), but failed to republish the introductory paragraph of this subsection. In the absence of affirmative evidence that the Legislature intended to repeal the language, subsection (1) is reenacted to confirm that the omission was not intended.

Section 71. Paragraph (b) of subsection (4) of section 323.001, Florida Statutes, is amended to read:

323.001 Wrecker operator storage facilities; vehicle holds.—

(4) The requirements for a written hold apply when the following conditions are present:

(b) The officer has probable cause to believe the vehicle should be seized and forfeited under s. 372.312 ~~370.442~~;

Reviser's note.—Amended to correct an apparent error; s. 370.442 does not exist. Section 372.312 provides for forfeiture proceedings relating to violations of chapter 372. An earlier version of 2000 H.B. 1071 had proposed a transfer of s. 372.312 to s. 370.442. The proposed transfer was eliminated when 2000 H.B. 1071 was added to 2000 C.S. for S.B. 186 without deleting the cross-reference change made in s. 323.001.

Section 72. Subsection (3) of section 328.16, Florida Statutes, is amended to read:

328.16 Issuance in duplicate; delivery; liens and encumbrances.—

(3) Except as provided in s. ~~328.15(11)~~ 328.15(12), the certificate of title shall be retained by the first lienholder. The first lienholder is entitled to retain the certificate until the first lien is satisfied.

Reviser's note.—Amended to conform to the repeal of former s. 328.15(10) by s. 39, ch. 2000-313, Laws of Florida.

Section 73. Subsection (1) of section 331.304, Florida Statutes, is amended to read:

331.304 Spaceport territory.—The following property shall constitute spaceport territory:

(1) Certain real property located in Brevard County that is included within the 1998 boundaries of Patrick Air Force Base, Cape Canaveral Air Force Station, or John F. Kennedy Space Center.

Reviser's note.—Amended to conform to the full title of the Cape Canaveral Air Force Station and to improve clarity.

Section 74. Section 348.7543, Florida Statutes, is amended to read:

348.7543 Improvements, bond financing authority for.—Pursuant to s. 11(f) ~~11(e)~~, Art. VII of the State Constitution, the Legislature hereby approves for bond financing by the Orlando-Orange County Expressway Authority improvements to toll collection facilities, interchanges to the legislatively approved expressway system, and any other facility appurtenant, necessary, or incidental to the approved system. Subject to terms and conditions of applicable revenue bond resolutions and covenants, such financing may be in whole or in part by revenue bonds currently issued, issued in the future, or by a combination of such bonds.

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).

Approved by the Governor May 25, 2001.

Filed in Office Secretary of State May 25, 2001.